

**STAKEHOLDER VIEWS ON THE BROWNFIELDS
PROGRAM REAUTHORIZATION**

HEARING

BEFORE THE

**COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

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SEPTEMBER 28, 2022
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Printed for the use of the Committee on Environment and Public Works



Available via the World Wide Web: <http://www.govinfo.gov>

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U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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STAKEHOLDER VIEWS ON THE BROWNFIELDS PROGRAM REAUTHORIZATION

WEDNESDAY, SEPTEMBER 28, 2022

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee, met, pursuant to notice, at 10:03 a.m. in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (chairman of the committee) presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Padilla, Sullivan, Ernst.

OPENING STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM THE STATE OF DELAWARE

Senator CARPER. I call this hearing to order. Good morning one and all, Senator Capito, good to see you. To our staffs, thank you for helping us put this important hearing together.

Today we are going to discuss the Environmental Protection Agency's Brownfields Program as we begin to work on the program's reauthorization. For nearly three decades now, the Brownfields program has proven to be an important source of help for communities forced to contend with the long-term impacts of hazardous waste and other types of contamination. The program provides Federal assistance for communities to clean up contaminated lands, to revitalize the areas and rededicate the land to productive centers of civic and economic activity.

We most recently reauthorized appropriations for this program with strong bipartisan support about 5 years ago, I think it was 2018. So it is time now to review the State of the Brownfields Program, and to examine what works well, to identify potential ways to update the program so it can best meet the evolving challenges that communities face. I like to say, everything I do I know I can do better. That includes our oversight of this program and the way this program operates throughout the Country.

Fortunately, we have four distinguished witnesses joining, actually three this morning, and a fourth remotely. We have three distinguished witnesses joining us in person, and another remotely. They each possess decades of hands-on experience working with communities, working with State and local governments, private developers on brownfield sites across our Country.

Mr. Goldstein is joining us remotely. Mr. Carico, Mr. Buschur, and Mr. Pouncey are here. Thank you all for joining us today. Senator Capito will in a minute introduce George Carico, a fellow from West Virginia. We have already had a chance to chat.

We look forward to hearing from each of you. Before we do, I will deliver the history of this important program. The EPA's Brownfields and Land Revitalization Program began in 1995 with the purpose of cleaning up thousands of lower-risk pollution sites across our Country known as brownfields. The program provided seed money and technical assistance to State and local authorities working with private developers to revitalize these brownfields, transform them. In other words, the program took the adversity of pollution and turned it into an opportunity for economic development and growth.

Since that time, the program has grown both in scope and in impact. In 2002, Congress codified the program into law, authorizing EPA to assist with assessments, remediation, with job training, and site planning. In our most recent reauthorization of the program in 2018, we also broadened the types of assistance that could be provided and expanded eligibility for the program.

The benefits of this program have proven themselves time and time again. According to EPA, the Brownfields Program has assisted in the assessment of over 35,000 contaminated properties and cleanups of over 2,300 sites across our Nation, probably in every State. The agency also reports that every dollar of Federal assistance leverages over \$20 of non-Federal money for revitalization. This has contributed to the creation of over 180,000 jobs since 1995. That is a lot of jobs for a little State like Delaware, and even for a big State like West Virginia.

We have seen the positive impacts of the program first-hand in Delaware. Since the program began, the First State has received millions in grants, helping to revitalize areas such as our riverfront along the Christina River in Wilmington, Delaware. Once a ship-building site turned toxic site, it is a site right close to our train station. If we go back to World War II, about 60, 70 years ago, 10,000 people worked along the Christina River close to the train station, for about a mile either way. Ten thousand people, mostly women, building the ships that helped win the war in World War II.

When the war was over, we ended up with a toxic site. The question was what to do about it. What we have done about it is replaced it with something called the Wilmington Riverfront. It is a thriving place to live and work and we have a lot to thank with respect to the Brownfields Program and this wonderful outcome. Many Americans may remember that also as a place that President-Elect Biden proclaimed a victory after the election 2 years ago.

So as we consider brownfields reauthorization, this committee should examine whether specific opportunities exist to further strengthen this program. I believe this reexamination should include building upon the program's existing capacity and resources, however, to help local authorities with area-wide and regional planning of brownfields remediation. Increased support for planning will ensure that communities are better able to maximize the benefits of projects.

As our Nation continues to grapple with the adverse impacts of climate change and extreme weather, I am reminded of that today in thinking of our neighbors and friends in Florida, who are getting

a terrible punishing from the hurricane that is working its way up the coast.

But the Brownfields program should also encourage sustainable revitalization projects. By doing so, we can support community efforts to become more resilient to climate change while reducing greenhouse gas emissions.

In addition, the program should incorporate environmental justice principles and practices to ensure that the people and communities negatively affected by local land pollution can fully participate in the benefits of brownfield revitalization. Finally, as we consider ways to improve the Brownfields Program, we should ensure that the program not only assists communities with financial and technical burdens of revitalizing contaminated lands, but also encourages stakeholders to fully engage with residents during the planning and execution of projects.

Let me close by reiterating that now is the right time to explore and revisit improvements to this vital program. Last year, we provided EPA with a threefold increase in funding for the Brownfields Program under the Bipartisan Infrastructure Law, which this committee, Senator Capito knows, we literally helped to write in this room. We need to ensure that the program can use these additional resources to the greatest effect in assisting our cities, our towns, our communities, and our tribes.

I look forward to our discussion today and the work that lies ahead of all of us. Again, we welcome all of our witnesses in person and remotely.

Let me turn now to Senator Capito for her remarks. Thank you.

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Thank you, Chairman Carper. I want to thank you for holding the hearing to talk about EPA's Brownfields Program. I want to thank all the witnesses for being here with us today.

It is a rare occasion when an EPA program enjoys strong bipartisan support along this committee's dais, as we know. Since first being authorized in 2002, the Brownfields Program has become a resounding success story for our economy and the environment. Since we are on the east coast and developed a lot earlier, we have a lot of these older sites in both of our States.

Brownfields are pieces of property where redevelopment is complicated by the presence of hazardous contamination. A large variety of contaminated properties are potential brownfields sites. Common examples are abandoned factories, landfills, and former gas stations, dry cleaners. We had an issue with a dry cleaner actually in our State.

These underdeveloped properties line the streets of what once were bustling industrial, commercial, and agricultural areas across our Nation, discouraging investment in job creation, reducing local tax revenues and harming property values. Rather than viewing these properties as a stain on our community, the Brownfields Program recognizes the vast untapped economic potential these contaminated sites can have, after they have been successfully remediated.

Since the program's inception, \$36 billion in brownfields grants funding has been allocated to local communities, creating about 192,000 jobs. In addition, EPA's Brownfields Program is one of the most effectively leveraged financing tool across the entire Federal Government, providing a return of more than \$20 for every \$1 contributed by the EPA.

Brownfields grants serve as a valuable financing tool for local communities and private investors by providing reliable funding and facilitating long-term re-use planning. The grants help incentivize private sector participation by reducing financial risks, and shielding developers from potential liability under CERCLA.

In order to be successful, the Brownfields Program relies upon the establishment of effective public-private partnerships where all parties have a vested interest in the long-term restoration of a contaminated site. These partnerships help our local communities enjoy the benefits of economic development for decades to come.

While we all recognize the successes of brownfields, we must acknowledge, as the Chairman did, that improvements are needed. This is particularly important if we are to maximize that return on the \$1.5 billion investment the program received from the IIJA. For example, Congress appropriately intended brownfields grants to be awarded on a competitive basis. However, rigorous and complex application requirements remain a continued source of confusion within the program. Applicants typically have only 60 days to compete and submit an application from the date EPA announces another year's round of grant solicitations.

The short timeframes and complicated requirements often lead to situations where rural communities are unable to compete with their larger, urban counterparts due to a lack of resources. Unlike larger cities and urban centers, local municipalities typically are operating on a shoestring budget and lack the good fortune of having multiple full-time grant writers on their staff. This makes it an uphill battle for our rural communities when they try to compete. As Mr. Carico told me earlier, you lose points quickly. He says he has had projects that have been 92s that have not made it. So you can see how competitive it is.

Discrepancies in staff resources and experience impede rural communities from competing on a level playing field, ultimately leaving many promising rural brownfield development opportunities unrealized in disadvantaged areas that really need them most. Until you can clean that and remediate, you are not going to get any development around it.

EPA deserves credit for recognizing that there is a problem. One way the agency has attempted to address the issue is through the establishment of the Technical Assistance to Brownfield Communities program, otherwise known as TAB. There are six recipients of TAB funding, and I understand the Morgantown office in West Virginia is a TAB-funded place, referred to as TAB providers, with each being assigned to a specific region in the Country.

TAB providers serve as an independent resource, assisting applicants with expert technical assistance and guidance to help them better navigate the brownfield application process. They serve an important role in facilitating more grant applications in small and rural communities that lack their own grant-writing capacity.

So we are privileged to have with us today someone who has worked with the TAB program and also has worked in West Virginia for many, many years, and that is George Carico. George serves as the Director of the West Virginia Regional Brownfields Assistance Center at Marshall University. He has devoted his entire career to the brownfields arena, helping to bring much-needed funding to our State and the region.

Mr. Carico, I want to recommend you for the high praise the West Virginia Brownfields Assistance Centers often receive from the broader brownfields stakeholder community. Thank you. Your forward-looking and innovative approach to maximizing rural participation in brownfields grant opportunities should be a model for other rural areas in the Country. I look forward a to hearing about the work you have undertaken in rural areas to facilitate economic redevelopment and community vibrancy.

We are also joined by Gerald Pouncey, thank you, Chairman of the Morris, Manning and Martin Law Firm, with decades of experience in the acquisition and redevelopment of hundreds of brownfield properties. Mr. Pouncey will provide this committee with a much-needed perspective from the developer side.

Mr. Pouncey's past work was praised by EPA as a best practice in brownfield redevelopment. He continues to receive numerous accolades, having been honored as the environmental lawyer of the year in 2017, and is one of Atlanta's 500 most influential leaders. Thank you for coming today.

I look forward to hearing about how private sector participation in the Brownfield Program is so important to long-term success. I want to thank everybody for being here. It is an important hearing.

Chairman Carper, I will yield back to you.

Senator CARPER. Thanks you very much, Senator Capito.

I want to add, a lot of people, they watch what goes on in Washington and they think we never agree on anything. You are welcome to a committee today where we actually work across the aisle remarkably well. The Bipartisan Infrastructure Law that the President signed into law 10 months ago, the most far-reaching, transformative infrastructure legislation in the history of the Country, we reported it out, the roads, highways, bridges portion unanimously. We reported out the water and wastewater, flood part unanimously. We reported it out, and that really became the foundation on which the Bipartisan Infrastructure Law was built.

More recently, we passed out unanimously WRDA, water resources development legislation for the Senate. We have done similar things with recycling legislation this year. More often than not, we find the middle and work toward getting stuff done. I am a practical politician, recovering Governor, and Senator Capito is very much a practical politician. We are both West Virginians at heart.

So it is a pleasure to work with her, her team, and we are delighted that you are all with us today.

In terms of introductions, Senator Capito has already that for a couple of our witnesses. I would add to that Mr. Goldstein, who is an environmental law attorney and leader in brownfield development joining us from Florida. He is the founding chairman of the Florida Brownfields Association. I know Mr. Goldstein wanted to

join us in person, but Hurricane Ian has prevented his travel. We are glad he can join us over WebEx, which I understand he is literally doing from the middle of the hurricane.

My parents lived the last 30 years of their lives in Clearwater. I think they are under the gun there today. So we are thinking of them and the neighbors up and down the Gulf Coast.

Mr. Brad Buschur, Brad, nice of you to join us. He is the Project Director for the Groundwork Lawrence, in Lawrence, Massachusetts, where I understand you have led a number of brownfield redevelopment within that particular area.

Mr. Pouncey, we have had comments already from Senator Capito. The chairman, I said to him before, we are both chairmen. You can never have too many of them.

[Laughter.]

Senator CARPER. He is Chairman of the Morris, Manning and Martin Law Firm in Atlanta, Georgia, which along with Mr. Goldstein's firm is a member of the National Brownfields Coalition. I understand you are the principal author of Georgia's new brownfields legislation as well. So it will be interesting to hear the insights you will provide.

Finally, our friend from West Virginia, Mr. Carico, who is the Director of West Virginia Brownfields Assistance Center at Marshall University, Thundering Herd, and We Are Marshall, which assists communities across West Virginia on brownfields redevelopment. I told him before we started, Senator Capito, that my sister is a proud graduate of Marshall and a bunch of my cousins as well. About every 10, 20 years, they just knock somebody off in college football. Michigan State about 15 years ago, and earlier this year, Notre Dame. My sister and cousins are hard to live with when that happens. But I will get through it, and so will they.

Our thanks to each of you for joining us. Mr. Goldstein, we are going to lead off with you. Again, thank you for connecting with us in this very difficult and trying time in Florida. Please proceed.

Thank you.

**STATEMENT OF MICHAEL R. GOLDSTEIN, ESQ., THE
GOLDSTEIN ENVIRONMENTAL LAW FIRM**

Mr. GOLDSTEIN. Thank you. Good morning, Chairman Carper, Ranking Member Capito, and members of the committee.

My name is Michael Goldstein. I am the Managing Partner of The Goldstein Environmental Law Firm, a principal of Goldstein Kite Environmental, the past president of the Florida Brownfields Foundation, and chair of the National Brownfields Coalition's Public Policy, Redevelopment Incentives, and Regulatory Partnerships Committee.

The Coalition, jointly managed by Smart Growth America and the Center for Creative Land Recycling, is a non-partisan alliance advocating for equitable remediation and redevelopment of brownfields nationwide. It is an honor to participate, thank you for this opportunity.

My remarks today are informed by three decades of experience assisting businesses, local governments and community stakeholders remediate, redevelopment and re-use contaminated sites. Other witnesses today will no doubt speak to the magnificent

Brownfields Grant Program administered by EPA, which has transformed how environmentally challenged and marginalized communities think about pollution, where they live, work, pray, and play.

EPA's Brownfields Program and the funding that Congress has increasingly made available beginning in the mid-1990's has given the voiceless a voice and the powerless agency. This program is constantly evolving, innovating and reinventing. In terms of a regulatory strategy, it is as close to perfect as one could possibly want.

Of course, the program is animated by the people who implement it. So I also want to take a moment to acknowledge and celebrate EPA staff in the Brownfields Program and the Superfund Redevelopment Program. If there are harder-working, more committed professionals in the environmental arena that make a difference in the millions of Americans every single day, I haven't met them yet.

Turning to our substantive recommendations, the Coalition encourages this committee to double down on the boldness of the Federal Brownfields Program by adding to the resources that are currently available, not just enhancing those on the books. We need to add more tools to the toolbox by one, innovating legislatively with respect to financial resources, and two, providing additional mandates to certain Federal agencies to increase the regulatory firepower that communities and stakeholders can tap into.

On the financial side, we recommend three new discrete funding opportunities. First, as part of a reauthorization bill, renew the Federal Brownfield Tax Deduction. Before it expired in 2011, this incentive allowed a party who voluntarily cleaned up contaminated property to deduct its cleanup costs in the year incurred. A report prepared by the Coalition showed that Section 198 of the Tax Code reduced remediation costs by one-third to one-half. Before sunseting, it was used more than 625 times in more than 40 States.

Second, we strongly recommend the creation of a Brownfields Loan Guarantee Program. This program would combine the aspects of the DOE Loan Guarantee program with the New Markets Tax Credit Program to leverage many billions of private sector dollars for early stage bridge financing of redevelopment projects that are considered too risky for conventional lenders. In my professional experience, there are countless projects that fail in the concept stage because they are caught in an unwinnable position. They are not loan-worthy until the environmental risks are cleared, but the environmental risks can't be cleared until loan funding becomes available.

Third, Brownfields Reauthorization is an elegant and timely vehicle to combat the affordable housing crisis in this Country. So we are recommending a significant expansion of the way in which affordable housing is funded at the Federal level. To that end, we would like to see an increase of a 4 percent and 9 percent low-income housing tax credit under Section 42 of the IRS Code to 6 percent and 12 percent for affordable housing built on brownfield sites, a stepped-up basis under Section 42 of the Tax Code of between 130 percent to 150 percent for affordable housing built on brownfield sites, and a huge game changer: a new, one-time LIHTC in the amount of 80 percent of the cost of land acquisition to develop affordable housing built on brownfields.

On the agency resources side, Mr. Chairman, we believe there is a much more active role that at least three agencies under this committee's jurisdiction can play in support of brownfields revitalization: the Federal Highway Administration, the Army Corps of Engineers, and the Economic Development Administration. Each of these agencies is deeply resourced, experienced, and credentialed, but to date has been functionally absent in the Federal brownfields arena.

First, through reauthorization, Congress should direct FHA to provide technical and financial assistance including grant funding for brownfield redevelopment projects that are transit-oriented, that invest in environmental justice neighborhoods, that provide multiple transit options, and that reduce the distance, the cost, and the impact on climate of connecting people from home to school or work and all points in between.

Second, the Army Corps likely has the largest working storehouse of environmental data and information regarding the remediation technologies in the Country. Access to this information should be readily available to stakeholders everywhere.

Relatedly, the Corps could and should publish guidance documents regarding lessons learned, involving cleanup of common contaminants at brownfield sites, as well as emerging contaminants like PFAS. The Corps' rich experience with coastal communities creates tremendous opportunities for disseminating climate change-focused brownfields strategies. Also relatedly, we would like to see a brownfields grant program administered through the Corps that emphasizes climate change, sea level rise, acute public health risks, and environmental justice.

Finally, Mr. Chair, through reauthorization, Congress should expand on EDA's mandate to promote sustainable job growth and the building of durable regional economies in two ways. First by directing that EDA convene a national public-private summit on brownfields economic policy and priorities, and second, by directing the creation of a standalone brownfield grant program that pulls from EDA's existing funding appropriations and repackages them to be utilized for a combination of cleanup, public health, job creation and job training activities with an emphasis on climate stewardship, energy security, and creative, affordable, and transit-oriented housing.

The National Brownfields Coalition thanks the committee for its consideration of these remarks and I look forward to responding to any questions.

[The prepared statement of Mr. Goldstein follows.]



September 28, 2022

Good morning, Chairman Carper, Ranking Member Capito, and Members of the Committee. My name is Michael Goldstein. I'm the Managing Partner of The Goldstein Environmental Law Firm, a principal in the environmental redevelopment venture, Goldstein Kite Environmental, founder of The Goldstein Brownfields Foundation, a charter member and the first president of the Florida Brownfields Association, former Chairman of the Miami-Dade County Brownfields Task Force, Steering Committee Member the National Brownfields Coalition, and Chair of its Public Policy, Redevelopment Incentives, and Regulatory Partnerships Committee. The National Brownfields Coalition is a non-partisan alliance of public interest organizations, academics, as well as public and private sector professionals who raise awareness about, as well as develop and advocate for policies and practices that support the equitable remediation and redevelopment of brownfields nationwide. The Coalition is jointly managed by Smart Growth America and the Center for Creative Land Recycling. We advocate for protecting public and environmental health sustainably and equitably, by removing or containing contaminants in the estimated 400,000 to 600,000 brownfields sites across our great country. By working across sectors and fields, practitioners and advocates are able to better confront environmental contaminants and return these lands to productive use.

It is a singular privilege and honor to be here to provide a stakeholder's view on the Brownfields Program Reauthorization the U.S. Senate Committee on Environment and Public Works.

My remarks today are presented in my capacity as a representative of the National Brownfields Coalition and informed by three decades of experience assisting businesses, local government, and community stakeholders remediate, redevelop, and reuse contaminated sites. Much of this work - difficult, challenging work - occurs in communities of color disproportionately burdened by human health risk, financial disinvestment, failing infrastructure, inequitable access to medical facilities and fresh produce providers, and the crush of economic gentrification and climate gentrification.

Other witnesses today will no doubt speak to the magnificent Brownfields grant program administered by U.S. EPA, which has transformed how environmentally challenged and marginalized communities think about pollution and economic disinvestment where they live, work, pray, and play and where families put down roots and then take wing generation after generation after generation. EPA's Brownfield Program - and the funding that Congress has increasingly made available going back to

the early 1990s on a non-partisan, non-political basis – has given the voiceless a voice and the powerless agency. This program is forever evolving, innovating, and reinventing. In terms of a regulatory strategy, it's as close to perfect as one could possibly want. Of course, the program is animated by the people who staff it and manage it, so I also want to take a moment to acknowledge and celebrate the EPA staff in the Brownfields Program and the Superfund Redevelopment Program. If there are harder working, more committed professionals in the environmental arena who connect on a human level and make a difference in the lives of millions of Americans every single day, I haven't met them yet.

Turning to the substantive recommendations of the National Brownfields Coalition, we would encourage this committee to double down on the boldness of the Federal Brownfields Program by adding to the resources that are currently available under the brownfields program, not just enhancing those on the books. We need to add more tools to the toolbox by (i) innovating legislatively with respect to financial resources and (ii) providing additional mandates to certain federal agencies to increase the regulatory firepower that communities and stakeholders can tap into.

On the financial side, we would like to recommend that this Committee consider three very specific funding mechanisms that would expand and accelerate environmental restoration, environmental equity and justice, public health protection, and economic revitalization.

First, Brownfields Reauthorization should renew the Federal Brownfield Tax Deduction. Before it expired, the federal Brownfield Tax Incentive allowed a party who voluntarily investigated and remediated contaminated property to deduct its cleanup costs in the year incurred on their federal income tax return. By expensing rather than capitalizing remediation costs and spreading out the deduction over ten years, the deduction was a powerful incentive for private investment in the economic revitalization of brownfields. In the past, developers used the cash savings from this incentive to invest in their next brownfield project, exactly the behavior needed to accelerate cleanup of the nation's contaminated sites. A report prepared by the National Brownfields Coalition showed this deduction dramatically reduced the remediation costs—the largest single expense of taking on a brownfield—by one-third to one-half. The incentive was part of the tax code (IRS §198) from 1997 through 2011 and was approved by bipartisan Congressional majorities six times. This incentive applied very broadly and was not complicated to use. The deduction was available for cleanup of all contaminated property, except for property proposed or placed on the National Priority List. It was used more than 625 times in more than 40 states and was gaining momentum. We recommend that if and when reauthorized, it be available for any contaminated site – Brownfield, Superfund, RCRA, or cleaned up under a similar state program – provided that it result in economic revitalization, public health protection, job creation, climate stewardship, and/or equity and justice.

Second, we are recommending the creation of a Brownfields Loan Guarantee Program as part of Brownfields Reauthorization. This program would combine the more practical aspects of the DOE Loan Guarantee Program with the blanket regional coverage of the New Markets Tax Credit Program to leverage many billions of private sector dollars to fund pools of money for early stage, bridge financing of redevelopment projects that are considered too risky for conventional lenders. In my professional experience, there are countless projects that fail in the concept stage because they are



caught in an unwinnable position – they are not loan-worthy until the environmental risks are cleared but the environmental risks can't be cleared until loan funding becomes available. The proposed Brownfield Loan Guarantee program would supplement and expand on the Brownfields grant and Revolving Loan Fund program by being more quickly and widely available than the existing brownfield financial tools, which are available on a grant basis once-a-year and come with considerable grant administration process and cost. Loan guarantees could be prioritized for certain types of projects, including those that are located in Opportunity Zones or Distressed Census Tracts; qualify as “brownfields” under the federal definition or any state program; involve reuse of sites subject to cleanup under Superfund or RCRA; involve reuse of certain high priority/high risk sites such as landfills or impacted by PFAS; and can demonstrate substantial social merit, such as those that will provide affordable or workforce housing anywhere, access to health care in health care deprived areas, and access to healthy food in healthy food deprived areas or that redress economic, environmental, or public health inequities suffered by communities of color.

Third, we think that Brownfields Reauthorization is an elegant, realistic, and timely vehicle to combat the crisis in this country of families being locked out of affordable housing by high interest rates, higher rents, and ever-increasing construction costs. Specifically, we recommend a significant expansion of the way in which affordable housing is funded at the federal level - additional Low Income Housing Tax Credits for developers who build at the neediest of the Average Median Income levels on sites requiring cleanup. To that end we would like to see:

- an increase the 4% and 9% Low Income Housing Tax Credit (“LIHTC”) under § 42 of the IRS Code to 6% and 12% for affordable housing built on brownfield sites requiring actual remediation;
- a Stepped Up Basis under § 42 of the IRS Code of between 130% to 150% for affordable housing built on brownfield sites requiring actual remediation depending on their location outside of or within Difficult Development Area and Geographic Areas of Opportunity zones;
- and a new, one-time LIHTC in the amount of 80% of cost of the land acquisition to develop affordable housing built on a brownfield site requiring remediation of water resources and/or enhancement of water infrastructure

On the agency resources side, we believe there is a much more active and muscular role that at least three agencies under this Committee’s jurisdiction can play in support of environmental restoration, environmental equity and justice, public health protection, and economic revitalization – the Federal Highway Administration, the Army Corps of Engineers, and the Economic Development Administration. Each of these agencies is deeply resourced, deeply experienced, and deeply credentialed to provide the level support but to date have been functionally absent in the Federal Brownfields arena.



- The Federal Highway Administration should provide technical and financial assistance - including grant funding for design, engineering, remediation funding, and infrastructure improvements - for brownfield redevelopment projects that are transit oriented, that invest in environmental justice neighborhoods, that provide multiple transit options, that compress the distance, the cost, and the impact on climate of connecting people from places where they raise their families and lay heads to places of work, education, recreation, and prayer. We believe these grants should be prioritized where historical highway planning and siting decisionmaking has splintered communities – physically, spiritually, and economically.
- The Army Corps of Engineers likely has more institutional knowledge and the largest working storehouse of environmental data and information regarding the efficacy of cost-effectiveness of contamination assessment and remediation technologies in the United States. As it stands now, there is no transparency to this data and the successes enjoyed and failures suffered by the Corps are not benefitting anyone by sitting on government shelves and in government serves. Access to this information should be democratized and made readily available and readily searchable to stakeholders across the country. Relatedly, the Corps could and should publish guidance documents regarding lessons learned involving cleanup of certain common contaminants at brownfield sites, including emerging contaminants like PFAS, where that type of coaching can greatly benefit both novice and veteran stakeholders managing environmental redevelopment projects. It would also make sense for the Corps to hold technical workshops across the country – one in each EPA region at least – where direct contact and collaboration with stakeholders would likely lead to improved outcomes at the local level. The Corps' heavy, longstanding involvement and investment with coastal communities and designing and implementing remediation strategies in a coastal community context creates tremendous opportunities for disseminating climate change focused brownfield strategies to stakeholders with little experience but great needs due to their presence on the front lines of sea rise. Finally, the Corps is in a unique position based on its experience and positioning across the country to evaluate meritorious environmental redevelopment projects that are confronted with exceedingly high barriers to restoration as a result of the nature and magnitude of contamination. We would like to see a brownfields grant program administered through the Corps for this purpose, one that emphasizes climate change, sea level rise, acute public health risks, and environmental justice.
- EDA, which has a Congressional mandate to promote sustainable job growth and the building of durable regional economies, has been noticeably absent and sorely missed in the brownfields arena. As a result of a US Government Accountability Report in 2011, US Office of Management and budget selected EDA as the federal agency best suited to serve as lead integrator of federal economic development resources. The basis for this determination consisted of the inclusive, adaptive nature of EDA's locally-based, regionally driven planning process, its nationwide network of Economic Development Districts, its prior experience leveraging and integrating other federal program resources in support of various competitive



interagency funding initiatives, and the flexible nature of EDA's primary grant programs, including Public Works and Economic Adjustment Assistance. EDA should be tasked with leveraging these historic strengths for at least two purposes: (i) convene a national summit on brownfields economic policy and priorities. The summit should include representatives from no less than the 15 federal agencies listed in the 2021 Brownfields Federal Programs Guide along with state, local, tribal, NGO, Environmental Justice, and private sector stakeholders. The purpose of the summit would be to discuss funding opportunities that work, evaluate those that don't, illuminate potentially powerful programs that are currently invisible, and crowd source new programs that would give more help to those communities in desperate need. We would also like to see EDA develop a standalone Brownfield grant program that pulls from its existing funding appropriations and repackages and reorients them where they can be utilized for a combination of cleanup, public health, equity and justice for marginalized communities, massive job creation, and job training in the green economy with emphasis on climate stewardship, energy security, and creating affordable and transit-oriented housing.

The National Brownfields Coalition thanks the Committee for its consideration of these remarks and I look forward to responding to any questions.

Michael Goldstein

Michael R. Goldstein, National Brownfields Coalition
Chair, Public Policy, Redevelopment Incentives, and Regulatory Partnerships Committee



Senator CARPER. Thank you so much for that thoughtful testimony. I would say to the witnesses who are here, one of the things I look for in hearings, as Senator Capito knows, is where is there consensus among the witnesses. Mr. Goldstein has laid out quite a list there. I am interested in seeing what you agree with, and maybe a couple of areas where you don't. That would be helpful.

OK, thanks, Mr. Goldstein. We wish everyone down there in Florida our very best. We are here to help.

Mr. Buschur, you are up. We are delighted that you are able to be here in person. Please proceed.

**STATEMENT OF BRAD BUSCHUR, PROJECT DIRECTOR,
GROUNDWORK LAWRENCE**

Mr. BUSCHUR. Chairman Carper, Ranking Member Capito, and members of the committee, thank you for giving me the opportunity to testify today on the Environmental Protection Agency's Brownfields Program. I represent Groundwork Lawrence, where I am a project director responsible for leading the organization's environmental improvement programs.

Groundwork Lawrence is a community-based organization working to create a high quality built and natural environment by renovating existing parks, creating new recreational opportunities, and stewarding Lawrence's three rivers. We transform vacant and contaminated properties into parks and green spaces to support healthy active lifestyles.

We are part of a network of independent locally based Groundwork Trusts in 25 cities and 18 states. Trusts are established with support from the National Park Service, the Environmental Protection Agency, and local stakeholders. Groundwork Trusts deploy a collaborative, community-wide and people-centered approach in the development of greenspaces and the restoration of the environment in the city, ensuring all stakeholders are invested in the project.

I am speaking to you today, on behalf of Groundwork Lawrence, about the organization's work in the city of Lawrence, Massachusetts. Located 30 miles north of Boston, Lawrence is a planned industrial city founded in the early 1840's. Central to the city's rise as a center of textile and paper production is the construction of the Great Stone Dam along the Merrimack River, which diverted water to the north and south canals to provide power to the mills along its banks.

Lawrence quickly became known as the immigrant city. By 1910, 90 percent of the city's 80,000 residents were either first-or second-generation Americans, and the city had become the largest manufacturer of worsted woolen textiles in the world. However, by the end of World War II, deindustrialization was in full force as mill owners moved their capital and employment out of Lawrence to lower cost regions.

The challenges associated with Lawrence's deindustrialization are significant. Abandoned mills are impacted by polyaromatic hydrocarbons, petroleum, chlorinated solvents, arsenic, lead, PCBs, and cadmium. A wave of arson and abandonment in the 1980's left vacant housing lots potentially contaminated by lead and asbestos.

Multiple trash incinerators formerly located in Lawrence have all been shuttered, but they left behind soils contaminated with

dioxins from burning plastics and medical waste. The city's densely populated neighborhoods frequently abut industrial and commercial areas, exposing residents to contaminants by direct contact or inhalation of vapors via migration from soil into indoor air.

Many of Lawrence's contaminated properties are small and interspersed throughout residential areas and present potential risks to human health for the homes and businesses surrounding them. The Massachusetts Department of Environmental Protection lists 332 identified sites with environmental constraints spread across Lawrence's seven square miles.

Today the city is an economic and cultural center of the Merrimack Valley with over 90,000 residents, 80 percent of whom are Latino. The city has benefited from hundreds of millions of dollars of private investment in the redevelopment of its historic mills that now provide market rate and affordable homes for residents.

Unlike many older urban areas, the city has a young and growing population, fueled by the influx of Caribbean immigrants who bring new energy, businesses, and dreams. In a city notorious for ethnic tensions, there is growing momentum behind the city's broad-based community revitalization efforts, a hard-working and entrepreneurial community, a high-functioning nonprofit sector, and renewed community vitality with the election of Mayor Brian DePena who recently led a tour of the city's brownfield redevelopment targets.

Since 1996, the city of Lawrence has received \$3.65 million in EPA Brownfields Program funding. The city has successfully utilized these grants to bring forth substantial economic benefits including leveraging \$12 million in State and Federal funds and \$51 million in private funding to assess, cleanup, and redevelop complex industrial properties and the creation of more than 200 construction jobs as well as an additional 200 permanent jobs. This is related to the Union Crossing project.

Lawrence currently has two active brownfield cleanup grants to support redevelopment of the largest remaining parcels in the city. The most challenging project is the Tombarello Site, a 14-acre former recycling facility abutting residential properties and a school with extensive PCB contamination.

The other project is the Merrimac Paper Site, comprised of 27 interconnected dilapidated buildings encompassing over 1.3 million square feet. Built in 1866, the site has become a perennial fire hazard placing first responders and public health at risk.

Both properties have benefited from actions taken by the EPA Brownfields Program prior to the city taking ownership. EPA's Region I Emergency Planning and Response Branch undertook significant remedial actions to address imminent public health risks created by private property owners.

Groundwork Lawrence has been fortunate to support the city's efforts to reclaim brownfields to provide residents with access to recreational opportunities within neighborhoods where the poverty rate, income levels, and sensitive populations are drastically higher than the rest of the State. Central to this work is the creation of the Spicket River Greenway. Over 12 years, Groundwork and the city created six new riverfront parks and connected them with a 3.5 mile long shared-use path providing residents with close-to-

home high-quality parks. EPA Brownfield Program funding supported remediation of four of the new parks by providing \$600,000 of the over \$10 million required to create these projects.

Additionally, the Land and Water Conservation Fund and the Community Development Block Grant programs are vital to supporting the creation of these spaces.

As this committee undertakes reauthorization of the Brownfields Program, Groundwork Lawrence recommends evaluating three areas of the program. The statutory limit placed on EPA's cleanup grants is \$500,000 per parcel which is a significant amount of money, but offsite disposal and transportation costs have increased dramatically over the past 5 years.

Another item future legislation should address is making building demolition an eligible cleanup expense. Uncontrolled demolition of buildings through fire or neglect is often the source of environmental contamination placing public health and the environment at risk.

Most importantly, future legislation should require strong community engagement to ensure all impacted residents have a strong voice in the redevelopment process of brownfields.

Thank you, and I look forward to your questions.

[The prepared statement of Mr. Buschur follows:]



Statement of Brad Buschur
Project Director, Groundwork Lawrence

Before the U.S. Senate
Committee on Environment and Public Works

Hearing on "Environmental Protection Agency's Brownfields Program"

Chairman Carper, Ranking Member Capito, and members of the committee:

Thank you for giving me the opportunity to testify today on the Environmental Protection Agency's Brownfields Program. I represent Groundwork Lawrence, where I am a Project Director responsible for leading the organization's environmental improvement programs. Groundwork Lawrence is a community-based organization working to create a high quality built and natural environment by renovating existing parks, creating new recreational opportunities, and stewarding Lawrence's three rivers. We transform vacant and contaminated land into parks and green spaces to support healthy active lifestyles. We are part of a network of independent locally based Groundwork Trusts in twenty-one cities and eighteen states. Trusts are established with support from the National Park Service, the Environmental Protection Agency, and local stakeholders. Groundwork Trusts deploy a collaborative, community-wide and people-centered approach in the development of greenspaces and the restoration of the environment in the city, ensuring all stakeholders are invested in the project.

I am speaking to you today, on behalf of Groundwork Lawrence, about the organization's work in the City of Lawrence, Massachusetts. Located thirty miles north of Boston, Lawrence is

a planned industrial city founded in the early 1840s. Central to the city's rise as a center of textile and paper production is the construction of the Great Stone Dam along the Merrimack River which diverted water to the north and south canals to provide power to the mills along its banks. Lawrence quickly became known as the immigrant city—by 1910, ninety percent of the city's 80,000 residents were either first- or second-generation Americans, and the city had become the largest manufacturer of worsted woolen textiles in the world. However, by the end of World War II, deindustrialization was in full force as mill owners moved their capital and employment out of Lawrence to lower cost regions.

The challenges associated with Lawrence's deindustrialization are significant. Abandoned mills are impacted by polyaromatic hydrocarbons, petroleum, chlorinated solvents, arsenic, lead, PCBs, and cadmium. A wave of arson and abandonment in the 1980s left vacant housing lots potentially contaminated by lead and asbestos. Multiple trash incinerators formerly located in Lawrence have all been shuttered, but they left behind soils contaminated with dioxins from burning plastics and medical waste. The city's densely populated neighborhoods frequently abut industrial and commercial areas, exposing residents to contaminants by direct contact or by inhalation of vapors via migration from soil into indoor air. Many of Lawrence's contaminated properties are small and interspersed throughout residential areas and present potential risks to human health for the homes and businesses surrounding them. The Massachusetts Department of Environmental Protection lists 332 identified sites with environmental constraints spread across Lawrence's seven square miles.

Today the city is an economic and cultural center of the Merrimack Valley with over 90,000 residents, 80% of whom are Latino. The city has benefited from hundreds of millions of dollars of private investment in the redevelopment of its historic mills that now provide market rate and

affordable homes for residents. Unlike many older urban centers, the city has a young and growing population, fueled by the influx of Caribbean immigrants who bring new energy, businesses, and dreams. In a city notorious for ethnic tensions, there is growing momentum behind the city's broad-based community revitalization efforts, a hard-working and entrepreneurial community, a high-functioning nonprofit sector, and renewed community vitality with the election of Mayor Brian DePeña who recently led a tour of five brownfields the city is targeting for remediation and re-use planning.

Since 1996, the City of Lawrence has received \$3.65M in EPA Brownfield Program funding. The city has successfully utilized these grants to bring forth substantial economic benefits including leveraging \$12 million in State and Federal funds and \$51 million in private funding to assess, cleanup, and redevelop complex industrial properties and the creation of more than two hundred construction jobs as well as an additional two hundred permanent jobs related to the Union Crossing project. Lawrence currently has two active Brownfield cleanup grants to support redevelopment of the largest remaining parcels in the city. The most challenging project is the Tombarello Site, a fourteen-acre former electronics recycling facility abutting residential properties and a school with extensive PCB contamination. The other project is the Merrimac Paper Site, comprised of twenty-seven interconnected dilapidated buildings encompassing over 1.3 million square feet. Built in 1866, the site has become a perennial fire hazard placing first responders and public health at risk. Both properties have benefited from actions taken by the EPA Brownfields Program prior to the city taking ownership through tax taking. EPA's Region I Emergency Planning and Response Branch undertook significant remedial actions to address imminent public health risks created by private property owners.

Groundwork Lawrence has been fortunate to support the city's efforts to reclaim brownfields to provide residents with access to recreational opportunities within neighborhoods where the poverty rate, income levels, and sensitive populations are drastically higher than the rest of the state. Central to this work is the creation of the Spicket River Greenway. Over twelve years, Groundwork and the city created six new riverfront parks and connected them with a 3.5 mile long shared-use path providing residents with close-to-home high-quality parks. EPA Brownfield Program funding supported remediation of four of the new parks by providing \$600,000 of the \$10,667,291 required to create these projects. Additionally, the Land & Water Conservation Fund and the Community Development Block Grant programs were vital federal programs supporting the creation of these spaces.

As this committee undertakes reauthorization of the Brownfields Program, Groundwork Lawrence recommends evaluating three areas of the program. The statutory limit placed on EPA's cleanup grants is \$500,000 per parcel which is a significant amount of money, but offsite disposal and transportation costs have increased dramatically over the past five years. Another item future legislation should address is making building demolition an eligible cleanup expense. Uncontrolled demolition of buildings through fire or neglect is often the source of environmental contamination placing public health and the environment at risk. Most importantly, future legislation should require strong community engagement to ensure all impacted residents have a strong voice in the redevelopment process of brownfields. Thank you, and I look forward to your questions.

Senate Committee on Environment and Public Works
Hearing Entitled, “Stakeholder Views on the Brownfields Program Reauthorization”
October 25, 2022
Responses to Questions for the Record
Submitted by Brad Buschur

Chairman Carper:

1. Beyond the written and oral hearing testimony that you have already provided the committee, do you have additional advice regarding policies or legislative provisions that the Committee should consider in devising legislation that reauthorizes the EPA Brownfields program?

Thank you for the opportunity to provide additional comments on the reauthorization of the EPA Brownfields program. Outlined below are several items the committee should take into consideration as reauthorization of the Brownfields program moves forward.

- Environmental Protection Agency (EPA) staff administering the Brownfields program are an important resource for the committee to reach out to learn more about the grant programs they offer. Over the years Brownfield program solicitations have evolved in several beneficial ways and the agency has expanded efforts to provide technical assistance to support grant application development.
- Caution should be given to the potential unintended impacts of offsite disposal of contaminated materials. The risk to public health is greatest during the excavation and transport of these materials and the long-term monitoring/enforcement of disposal sites is a burden many rural communities are not prepared to administer.

Senator Kelly:

1. Brownfield Grants provide communities with the funds to do brownfields assessment and cleanup, helping communities solve environmental issues as well as addressing safety issues. However, these grants are competitive and oftentimes are awarded to larger cities with more resources.
 - a. How can we ensure that small, disadvantaged, and rural communities have a fair chance of competing for these types of funds?
- There are several ways to ensure small, disadvantaged, and rural communities can compete for funding from the Brownfield program. Legislation expanding the EPA’s Technical Assistance for Brownfields (TAB) program is one way to build capacity at the local level. Another opportunity is creating partnerships with organizations with expertise in brownfield land reuse (spearheading vision, land acquisition, and financing) to provide project focused support to build local capacity. Groundwork

USA is an example of an organization doing this type of work in urban as well as rural communities (Paris, Texas and West Appalachia / Norton, Virginia). The challenge for rural communities is a lack of financial resources for leveraging as well as the lack of human resources to administer complex projects. Supporting coalition building among towns with shared regional goals may be one way to overcome this challenge.

- b. How can we ensure that Brownfields Grant Program strikes the appropriate balance between performing sampling and research, and supporting broader efforts to cleanup Brownfields and support community restoration?
- The EPA has developed a mix of funding solicitations to balance broad program objectives. These solicitations have varied over the years, but I find the current mix to be of note because they provide applicants with greater flexibility. For example, the agency currently has a Multipurpose Grant opportunity that seeks to align local needs with the objectives of the Brownfield program. Applicants can conduct a range of eligible activities (planning, community engagement, assessment, and cleanup) while working at a range of scales (neighborhood, district, city, and region).

Senator CARPER. Mr. Buschur, thank you very much.
Now, we are going to turn to Mr. Pouncey. Please proceed. Welcome.

**STATEMENT OF GERALD POUNCEY, CHAIRMAN, MORRIS,
MANNING, AND MARTIN, LLP**

Mr. POUNCEY. Mr. Chairman, Senator Capito, members of the committee, thank you for inviting me to testify today.

This is a very personal issue to me. I grew up in a textile mill village in central Alabama, where my family and I worked either in the mills or the surrounding manufacturing facilities around those mills. Both of those mills are now closed and abandoned. So I am very sensitive, Senator Capito, to some of the questions and issues you raised about how we redevelop in some of these rural or not-so-urban areas which suffer from the same concerns about brownfields that you suffer from in the metropolitan areas that Mr. Buschur mentioned.

In discussing brownfields, it is important to understand the consequences of the failure to clean up these sites. In large measure, these properties have either been, as in the case with the mills that I mentioned, completely abandoned, or in some instances, they are severely underutilized, meaning they are operating on a skeletal crew, to avoid intentionally certain EPA permitting requires kicking in once they are closed.

They become significant safety hazards, particularly to young children, as an attractive nuisance. They represent a threat to the communities in that condition. They serve as a magnet for crime in many instances. They also constitute an environmental risk to the surrounding communities simply because of deteriorating buildings very often containing a number of hazardous substances, asbestos is one that comes to mind immediately, and the contamination that exists in the soil or the stormwater.

What I don't think we have focused on, and I am going to take a little bit of a departure from the first two witnesses' comments, is the challenges that we have to redevelop these sites, particularly from a private perspective. These brownfield sites require a significant upfront investment in capital and in cost. Very often, the testing that you do to determine if the site is even viable for redevelopment can cost five to ten times what you would do if you are developing a greenfield.

Similarly, you are making that investment with no certainty that you are going to realize on the ultimate redevelopment. Very often, those test results may say that the redevelopment is not viable because of the level of impacts that exist at that site.

So we need to recognize that challenge for a private developer coming in and making this investment, that he is putting a significant amount of his working capital at risk with no certainty, in fact with some real odds to realize on that risk. I will come back to that in a few minutes in terms of the financial incentives that we have created.

The second difficulty, and I say this both as leading a lot of brownfields redevelopment efforts across the Country but also personally doing some redevelopment in these areas as well, is there is an inherent delay in cleaning these sites up before you start the

redevelopment. And there is an inherent additional cost that must occur with respect to that cleanup after you purchase the property. So it is not just the investment you make before you buy it, it is the investment you make after you buy it for purposes of cleanup. I will come back to that in a minute as well.

So the question becomes, how do we create the incentive that encourages the private sector, either on its own or jointly with the public sector, to redevelop these sites. I would offer that one of the most effective ways to do this is to move these sites to State brownfield programs that exist in all of your States and in many of the States of the committee members. I will give you one example of the effectiveness of those State brownfield programs.

Mr. Chairman, you mentioned that I was the author of the Georgia Brownfield Law, which we actually began implementation of that law in 2004. Since that law was implemented just in the State of Georgia, over 1,300 properties have gone into that brownfield program. Almost 800 properties have achieved cleanup under that program. That is a private incentivized program for cleanup. It has been effective not just in the metropolitan areas of Georgia; it has been effective in the rural areas of Georgia.

The reason, like most programs, it provides two things that are critical. No. 1, it provides a financial incentive to conduct that cleanup. You are able to recover your cleanup costs back from your property taxes. So if I spend a million dollars on cleanup, and my property, because of the redevelopment, has increased in value, I am able to recover from that increase in value my cleanup cost. We are also able to monetize that, which means that if I sell the property later, my buyer will also then benefit from that offset in taxes that I can recover that sum from my buyer. That is a major incentive which has, quite frankly, underwritten a lot of these deals that otherwise would not have occurred.

The second protection it provides, which is common with a lot of the State programs that I have discussed, is a liability protection. Senator Capito, you mentioned that earlier. That is, if I am a buyer who had no responsibility for the contamination, I didn't even own the property when the contamination occurred, and I am agreeing to come in and conduct a State or federally approved cleanup, if I don't have certain liability protections that attach to me in doing that, I have no incentive to come in and perform that cleanup. Most of the States have recognized that and introduced these liability protection provisions, some broader than others, that give you protection, and quite candidly, and perhaps even more importantly, give your lenders protection, so that I am able to get the financing necessary to fund those projects.

That also is important when we are dealing with rural redevelopment or small-town redevelopment, as well as urban redevelopment, is being able to get the financing resources.

The other item that I would note, and I will pause for a moment because in anticipation of my testimony over the last 2 weeks, I have spoken with the heads of several brownfield programs across the south, individuals with whom I deal on a weekly basis. I have asked them what is the biggest issue for them in terms of their ability to even more successfully implement these brownfield programs. For them, honestly, it is funding for the grant programs.

The States, we talk about where we can invest this money, in assessments, in cleanup, and I am about to come back to your clean-up issue as well.

Senator CARPER. I do mean to say, your time is expired. But I am not going to cut you off. But we have other witnesses, and we have to ask you to wrap up.

Mr. POUNCEY. Thank you, Mr. Chairman. I will tie this up really quickly. The predominant comment by all these brownfield programs has been, we need the funding to keep these programs active. Some of them are fee-based. But the fees don't cover all the costs of the program. That is the predominant concern that I hear among those brownfield programs.

Finally, I would note an item that my co-witness mentioned earlier, that is, there has been a lot of money spent in these grant programs on assessment. But the real price, the real cost is on the cleanup side. So raising the limit on the funds associated with cleanup is absolutely imperative in terms of allowing these programs to move forward. If there is one thing I can point to, and I think that is a great comment, but that is a burden when you get to the front door but you can't get in the front door because you don't have the funds to do the cleanup.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Pouncey follows:]

By way of intro for the last 30 plus years I have lead efforts across the country in redeveloping Brownfield sites including some of the largest Brownfield redevelopments that have taken place.

In discussing Brownfields it is important to understand the consequences of failure to cleanup these properties and return them to use. In large measure, these properties have been either completely abandoned or severely underutilized where only a skeletal operation remains to avoid certain EPA permitting requirements. Brownfield properties are often large in size (many of the properties in which I have been involved have exceeded 100 acres) and can be adjacent to or in the middle of existing communities. These properties, in that condition often present safety concerns, especially for children. They also can serve as a magnet for criminal activity. By their very nature they also present environmental risks to surrounding communities due to building materials which may be deteriorating and exposed environmental conditions in soil or storm-water.

The challenges to redeveloping these facilities are almost always underestimated. Very often they require significant initial capital outlay by a prospective developer for testing and/or records review which would not be required if the developer were instead focusing his or her efforts on a Greenfield site. These upfront costs before acquisition can often be 5 to 10 times the cost of redeveloping a Greenfield and these capital investments are "at risk" due to the fact that the test results may ultimately demonstrate that redevelopment is not viable. In addition, the developer recognizes that if he does close on the property the costs of cleanup and delays of redevelopment due to necessary cleanup activities will be significant and add an additional cost uncertainty to the transaction.

The dilemma is how do we encourage redevelopment of these properties (including real estate which may not have significant immediate value, such as less populated areas). In this regard I cannot overstate the importance of moving these sites from federal EPA oversight to state programs. Most states now have voluntary cleanup or Brownfield programs. These programs very often contain certain liability protections which benefit a buyer purchasing the property but also future buyers and their lenders. This is critical when you note that the buyer in a Brownfield scenario had no responsibility for the contamination nor did that buyer own the property at the time the contamination occurred.

These state programs many times provide financial incentives which would otherwise not be available and which help offset some of the extra costs described earlier associated with Brownfield redevelopment. Very often a Brownfield developer is able to deduct its cleanup costs from its increase in property taxes or receive other property tax or ad valorem tax relief.

These state programs tend to move on a faster track and often are fee based meaning the developer must pay a fee to get into the program and must reimburse the state for the cost of oversight by the state in conducting its Brownfield review. Almost all developers with whom I have worked support such a fee system because of the increase of staff at the Brownfield level and the ability therefore to accelerate the timeframe in which these properties can be reviewed and cleaned up. In my discussions with the heads of a number of state Brownfield programs they have emphasized the importance of the grants in keeping those programs alive and functioning, even in fee based

programs where the fees offset some of those costs. These programs have enjoyed immense success over the last two decades. For example, in Georgia over 1300 properties have been entered into the Brownfield program since 2004 and over 700 properties have completed cleanup and achieved final closure under Brownfield.

I would also emphasize the importance of other financial incentives including opportunity zones, new market tax credits other programs which partially reimburse the developer for the significant additional cost associated with redeveloping Brownfield properties versus a Greenfield.

I would like to close by discussing for a moment the Brownfield Grant Program currently approved in the bi-partisan infrastructure legislation. It is important to note that these grants are awarded primarily to municipalities and non-profits. This is important because a huge percentage of Brownfield redevelopment is conducted by the private sector since most municipalities do not have the wherewithal even with grants to fund that redevelopment. The instances in which I have seen grants be implemented with the most successful results is where a local municipality or its economic development authority joint venture with a private developer and then they collectively determine what testing is necessary to allow the developer to determine cost of and accomplish the cleanup and thereafter construct its project. Too often we see instances where a municipality conducts broad based sampling which is not focused on sampling necessary to further a specific Brownfield opportunity. Often these efforts result in nothing more than a report which is placed in the drawer of a desk.

Even more important in the Brownfield Grant Program is the revised allocation of funds for cleanup. The biggest hurdle in redevelopment of Brownfield sites is almost always the cost of cleanup. The Brownfield grant program now accepting applications has increased cleanup limits to in some instances \$1 million dollars and in some instances \$2 million dollars. I believe this increase will serve a vital role in allowing, if done in conjunction with private developers, Brownfield redevelopment to occur in areas where it otherwise could not take place.

Respectfully submitted,

Gerald Pouncey



FROM: Gerald Pouncey
RE: Responses to Senate Committee on Environment and Public Works
DATE: October 26, 2022

Senate Committee on Environment and Public Works
Hearing Entitled, “Stakeholder Views on the Brownfields Program Reauthorization”
September 28, 2022

Responses to Questions for the Record for Gerald Pouncey

Question from Chairman Carper:

Beyond the written and oral hearing testimony that you have already provided the committee, do you have additional advice regarding policies or legislative provisions that the Committee should consider in devising legislation that reauthorizes the EPA Brownfields program?

As I previously mentioned in my testimony, we have seen the greatest success when Brownfield Program oversight is shifted to the individual state programs. One impediment to that delegation to states is a requirement in CERCLA Section 121(c) (42 U.S.C. § 9621(c); see also 40 C.F.R. § 300.430(f)(4)(ii)) that 5-year reviews by EPA must occur so long as “any hazardous substances, pollutants, or contaminants remain[] at the site” following remediation. As a result, federal (EPA) oversight and involvement continues on these sites for many, many years even though they may have been appropriately closed under state Brownfield programs through a combination of cleanup and land use restrictions, such as agreeing not to use groundwater underneath the property for drinking water. A statutory change to this language allowing for 5-year reviews to cease upon state closure through an appropriate Brownfield program would increase opportunities for Brownfield redevelopment/cleanup.

From a regulatory standpoint, continued focus by EPA on shifting properties to state programs and a continued focus on removing sites (either wholly or partially) from the National Priorities List also increases the number of properties that are eligible for state Brownfield programs and therefore for privately-funded Brownfield redevelopment and reuse. Currently non-responsible parties with sites within RCRA post-closure care or Superfund sites are often held to the same standards as responsible parties. However, there are many sites that are ripe for redevelopment based on residual contamination that have to jump through significant and costly regulatory hurdles (such as through the use of Technical Impracticability Waivers for

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Superfund Sites or becoming RCRA Permittees) that make redevelopment too costly and take too long. There are many communities that would benefit from certain properties being redeveloped that are currently affected by these hurdles.

We also suggest providing dedicated staffing and creating a standardized and streamlined process for non-responsible parties to enter into site-specific agreements that define the specific responsibilities of such parties in the cleanup process.

Congress should also consider reauthorizing the Brownfields tax incentive. The Brownfields Tax Incentive was passed as part of the Taxpayer Relief Act of 1997 (Public Law 105-34), and codified through Section 198(a) of the Internal Revenue Code. The incentive allows a taxpayer to fully deduct the costs of environmental cleanups in the year the costs were incurred rather than spreading them over a period of years. Its purpose is to spur the cleanup and redevelopment of brownfields. In December 2006, the Brownfields Tax Incentive was extended to cover eligible expenses through December 31, 2009 and expanded to allow the deduction of expenses for the cleanup of petroleum products (e.g., crude oil, crude oil condensates, and natural gasoline), which had previously been ineligible. Since December 31, 2009, however, the Brownfields tax incentive has been unavailable. Reinstating the benefit would provide a significant economic incentive for the redevelopment of Brownfields.

Questions from Senator Kelly:

Brownfield Grants provide communities with the funds to do brownfields assessment and cleanup, helping communities solve environmental issues as well as addressing safety issues. However, these grants are competitive and oftentimes are awarded to larger cities with more resources.

a. How can we ensure that small, disadvantaged, and rural communities have a fair chance of competing for these types of funds?

We would suggest some percentage of Brownfield grant programs be specifically allocated to low-income/rural/small community areas for Brownfield opportunities. These communities often are disadvantaged because they lack the resources to prepare grants and often are not aware that such grant programs are available. Allocating a portion of these grant funds to such areas ensures that some funds will be available and serve these specific communities. There should also be an education component that accompanies these grants to assist the communities in uses of the funds in matters that would further Brownfield opportunities for cleanup and development/redevelopment. These programs could be separate and distinct from the technical assistance to communities option and focus more on ensuring the investigation and resulting cleanup is performed in a way to maximize available resources.

One major impediment to brownfield redevelopment, particularly in rural or small communities, has been the cap on grants for remediation costs. The cap is typically \$500,000, although in some limited specific circumstances this may increase to \$2 million. Under the

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current grant program EPA has stated that only a limited number of Brownfields cleanup grants would be above \$500,000. Almost all remediation efforts will exceed the \$500,000 cap and often will require low seven figure investment of dollars. Increasing cap limits or expanding the grants where a higher limit is available would incentivize and provide the opportunity for actual cleanup of these sites as opposed simply performing testing through assessment program with no resulting cleanup.

- b. How can we ensure that Brownfields Grant Program strikes the appropriate balance between performing sampling and research, and supporting broader efforts to cleanup Brownfields and support community restoration?***

We suggest providing for flexible funding of assessment and remediation to allow continued work, rather than seeking a new grant at each stage of the project (including a phased funding approach that would allow direct access to additional funds for additional assessment/evaluation and/or cleanup).

Senator CARPER. Thank you very, very much for that testimony, all of it.

Mr. Carico, you are on. Welcome.

STATEMENT OF GEORGE CARICO, DIRECTOR, WEST VIRGINIA BROWNFIELDS ASSISTANCE CENTER, MARSHALL UNIVERSITY

Mr. CARICO. Thank you, Senator Carper, and Senator Capito. I really appreciate the opportunity to be here.

I am George Carico. I am Director of the West Virginia Brownfields Assistance Center at Marshall University. I am here today to offer our experience on the value and importance of redeveloping brownfield properties and show our support for continuation of the Brownfields Program and offer some input on how this valuable program can be strengthened.

Our Brownfields Assistance Center works in conjunction with the Brownfields Center at West Virginia University. These centers were established in 2005 by State legislation to assist communities and organizations across West Virginia in redeveloping brownfield properties for new and productive use. We have seen first-hand the importance of EPA brownfields funding, how these investments have resulted in strengthening of local and regional economies while adding new community vibrancy and resiliency to our cities and towns.

Reutilizing brownfield properties for new commercial and industrial businesses, residential use, government, and recreational use has been quite prosperous for several communities, and it is our goal to see more successes, especially in our smaller communities and rural areas. West Virginia is just like most States, we have thousands of brownfield properties, found in all sizes and conditions. These properties can be quite challenging to redevelop, primarily due to the environmental hazards they contain, or are perceived to contain. Properly assessing and, if needed, remediating environmental hazards is vital to transforming these properties into new, productive use while ensuring the future safety of human health and the environment. EPA brownfields funding is providing this vital component.

Since 2005, our Centers have seen a wide variety of successful brownfield projects. EPA states they have invested approximately \$41 million in brownfield funding in West Virginia, resulting in an estimated \$1.6 billion in leveraged funds, and creating about 5,400 jobs in our State. While I can provide dozens of examples, I will quickly focus on three different but important projects to illustrate this success.

The first one is the Shepherdstown Library. Shepherdstown is one of the oldest towns in West Virginia, and they were in dire need of a new library building, as the old building was way too small and they had inadequate parking, lots of issues there. The most suitable location that could provide enough space was identified at the edge of their town. Decades ago, that was the former town dump. The site was fully assessed, and corrective actions were conducted. In July of this year, the town celebrated its new library.

Second example is the Huntington Fire Station. This brownfield site consisted of a former gas station and a dry cleaner facility.

Brownfield funds were utilized to assess the property, identify the hazardous contaminants in the soil and groundwaters. The site was entered into the West Virginia voluntary remediation program. Just recently, a certificate of completion as issued. Now a new and strategically located fire station is under construction.

The last example I will give you is the Beech Bottom Industrial Park. A steel mill operated here for decades along the Ohio River. After closing and sitting vacant for many, many years, brownfield funding was used to assess and remediate the site. In August of this year, it was announced that an electric pontoon boat manufacturing company will be the first tenant on part of the property, providing 100 new jobs and investing \$5 million into the facility there.

These are again just a few examples of projects where EPA's brownfields investments have played a critical role. If this funding were not available, most of these projects would not have happened. This funding gets environmentally impacted properties ready for new use, clearing the way for other funding streams to be utilized that will result in successful projects.

While we have a lot of success stories, we have many, many more sites that still need attention, especially in our smaller communities and our rural areas, where the number of brownfield properties may be less but are equally as important. Due to limited capacity and resources, it is much more difficult for these smaller communities to compete against the larger cities and urban areas. Successfully applying for brownfield grant funding and meeting all the requirements can be a daunting challenge for these communities. They are often at a disadvantage to successfully compete.

In closing, I will say this. The EPA has numerous programs that are of tremendous value and importance to the U.S. We, like many others, we consider the Brownfield Program to be their crown jewel. Some changes to the competitive process should be considered to make it easier for smaller communities to compete. But the Brownfields Program is definitely a true champion.

I thank you, and look forward to your questions.

[The prepared statement of Mr. Carico follows:]

Senate EPW Committee

Sept. 28, 2022

"Stakeholder Views on the USEPA Brownfields Program"

George Carico, Director
WV Brownfields Assistance Center at Marshall University
*A Program of Marshall University's Center for Environmental,
Geotechnical and Applied Sciences*
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Thank you for the opportunity to be here today. I'm George Carico, Director of the WV Brownfields Assistance Center at Marshall University, located in Huntington, WV. I'm here today to offer our experience in the value and importance of redeveloping brownfield properties and show our support for continuation of the Brownfields Program and offer some input on how this valuable program can be strengthened. Our Brownfields Assistance Center works in conjunction with the Brownfields Center at West Virginia University. These two Centers were established in 2005 by State legislation to assist communities and organizations across WV in redeveloping brownfield properties for new and productive use. We've seen first-hand the importance of EPA Brownfields funding, how these investments have resulted in strengthening of local and regional economies while adding new community vibrancy and resiliency in our cities and towns. Reutilizing brownfield properties for new commercial and industrial businesses, residential, government use, and recreational use has been quite prosperous for several communities in WV, and it's our goal to see more successes, especially in our smaller communities and rural areas.

WV is like most States, with thousands of brownfield properties, found in all sizes and conditions. These properties can be quite challenging to redevelop, primarily due to the environmental hazards they contain, or are perceived to be present. Properly assessing and, if needed, remediating environmental hazards is vital to transforming these properties into new, productive use while ensuring the future safety of human health and the environment. EPA Brownfields funding is providing this vital component.

Since 2005, our WV Brownfields Assistance Centers have seen a wide variety of successful brownfield projects. EPA states they have invested approximately \$41M in brownfield funding in WV, resulting in an estimated \$1.6B in leveraged funds, and creating about 5,400 jobs. I estimate more than 300 properties have been impacted by these funds. I believe actual project examples are the best way to show how successful the Brownfields Program has become. While I can provide numerous examples, I'll provide a few different but equally important projects to illustrate this success.

1. Shepherdstown Library – Shepherdstown, one of the oldest Towns in WV, was in dire need of a new library, as the old library building was far too small and there was inadequate parking. The most suitable location that could provide enough space for the new building and associated parking was identified at the edge of town that decades ago was the former town dump. The site was fully assessed, and corrective actions conducted. In July of this year the Town celebrated the opening of its new library.
2. Huntington Fire Station – this brownfield site consisted of a former gas station and dry cleaner facility. Brownfield funds were utilized to assess the property and identify hazardous contaminants in the soils and groundwater. The site was entered into the WV Voluntary Remediation Program, and recently a Certificate of Completion was issued. Now, a new and strategically located fire station is under construction.
3. Beech Bottom Industrial Park – A steel mill operated here for decades along the Ohio River. After closure and sitting vacant for many years, brownfields funding was used to assess and remediate the site. In August of this year, it was announced that an electric pontoon boat manufacturing company will be the first tenant on part of the property, providing 100 new jobs and investing \$5M into the facility.
4. Golden Girls Group Home – A vacant property with an unknown history was identified in the Town of Ceredo for locating the Golden Girls Group Home, a safe place for young women that come from horrendous family situations to live, seek counseling, and obtain educational assistance and pursue employment. A Phase I Environmental Site Assessment was conducted, at an estimated cost of only \$4,000, which determined the site had no recognized environmental conditions. This jump-started the process for this facility to be constructed, with funding coming from various companies, individuals, and private foundations. The facility is now in operation.
5. Grand Patrician Resort – The Morris Memorial Hospital was built in the 1930's to treat polio victims and was later used for a medical treatment facility and for senior citizen housing. The Town of Milton obtained the 180-acre property and extensive environmental assessment work was conducted using EPA Targeted Brownfields Assessment funds. The site was later selected for the Grand Patrician Resort, which will include an upscale hotel, conference center, and multi-sports recreational complex, a \$30M investment. The facility is currently under construction, with the first recreational phase of the Resort recently opening.

These are just a few of many examples of projects in our State where EPA Brownfields investments have played a critical role. If this funding were not available, most of these projects would not have happened. This funding gets environmentally impacted properties ready for new use, clearing the way for other funding streams to be utilized that result in successful projects.

While we have a lot of success stories, we have many more brownfield sites that still need attention, especially in our smaller communities and rural areas where the number of brownfield properties may be less but are equally important. Due to limited capacity and resources, it's much more difficult for these smaller communities to compete against the larger cities and more urban areas. Successfully applying for Brownfield grant funding and meeting all the requirements can be a daunting challenge for these communities, and they're often at a disadvantage to successfully compete. Some simply don't believe they can handle such a complex grant program, and don't apply for funding.

In closing, the EPA has numerous programs that are of tremendous importance to the country, but we, like many others, consider their Brownfields Program to be their crown jewel. Some changes to the competitive process should be considered to make it easier for smaller and more rural communities to compete against the larger cities and urban areas, but the EPA Brownfields Program is definitely a true champion.

Thank You

Senate Committee on Environment and Public Works
Hearing Entitled, “Stakeholder Views on the Brownfields Program Reauthorization”
September 28, 2022
Questions for the Record for George Carico

Chairman Carper:

1. Beyond the written and oral hearing testimony that you have already provided the committee, do you have additional advice regarding policies or legislative provisions that the Committee should consider in devising legislation that reauthorizes the EPA Brownfields program?

Response: I have two suggestions for consideration in devising legislation that reauthorizes the EPA Brownfields Program:

1. **A Separate Competition for Smaller Communities** – Our smaller, rural communities don’t have the capacity and resources available when compared to larger populations. As a result, they simply cannot compete at the same level for the highly competitive EPA Brownfields funding. I suggest creating a separate competition for smaller communities so they’re competing against similar sized populations. Realizing that smaller communities normally have fewer brownfield properties, the maximum amount of assessment grant funding can likely be reduced. As an example, rather than the current \$500,000 maximum amount for Community-Wide Assessment grant applications, reduce the amount to \$200,000 for smaller communities. A similar reduction could also be done for Coalition Assessment grant that include only small communities. Cleanup grant funding amounts would need to stay the same (3 Tiers, up to \$500,000, up to \$1 Million, and up to \$2 Million), based on actual site remediation needs.

In making this suggestion I realize that across the U.S. there is a significant difference of opinion regarding the definition of a “small” community. Here in WV, a community of less than ~5,000 people is generally considered “small”. In more populated regions of the U.S., and recognized by some federal agencies, a population of less than 50,000 people is considered “small”. According to 40 CFR 35.2005, any municipality with a population of 3,500 or less is recognized as a “small” community. For comparison, the U.S. Department of Agriculture defines a “rural town” as a place with fewer than 2,500 people. While considerations would need to be made regarding the definition of a “small” community, creating a separate competition would result in an increased return on EPA Brownfields investment funding across a much wider representation of the U.S.

2. **Make Demolition Costs an Eligible Cleanup Expense** – I have seen projects where EPA Brownfields Assessment and Cleanup grant funds were used to fully remediate a property for new development, but the project stalled for a time due to the lack of available demolition funding. Under the current guidelines, cleanup grant funding can only be used for actual contamination remediation (contamination in soils, groundwater, building and structure materials, etc.). Funds cannot be used for non-

environmental uses, including general demolition. It should also be noted that the majority of other federal agencies have not normally funded general demolition activities to any substantial level.

I suggest including some percentage of cleanup grant funding as an allowable expense. Currently EPA allows for up to 5% Administration Costs as eligible expenses for assessment and cleanup grants. I suggest a similar set-aside allowance for general demolition to be included in cleanup grants, maybe in the range of up to 20% of the total funding request and evaluated on a site-by-site basis of need.

Here in West Virginia, a small demolition pilot fund (initially started with \$10 Million) has been set up in the WV Department of Environmental Protection. While this program is in its infancy stages, legislation is currently being generated for annual funding to be included in the State budget in the future. While this is a great start to assist with demolition funding needs, it provides only a small percentage of what's needed. EPA Brownfields Cleanup grants could set aside a portion of cleanup grant funding for demolition, helping to close this critical funding gap and accelerate the site redevelopment process.

Senator Kelly:

1. Brownfield Grants provide communities with the funds to do brownfields assessment and cleanup, helping communities solve environmental issues as well as addressing safety issues. However, these grants are competitive and oftentimes are awarded to larger cities with more resources.
 - a. How can we ensure that small, disadvantaged, and rural communities have a fair chance of competing for these types of funds?

Response - Because our smaller, disadvantaged, and rural communities don't have the capacity, partners, and resources available compared to larger populations when applying for EPA Brownfields funding, it's exceedingly difficult for them to contend at the same level for the highly competitive EPA Brownfields funding. I suggest creating a separate competition for smaller communities so they're competing against similar sized populations, and not against larger populations with significantly more capacity, partners, and resources.

Realizing that smaller communities, based solely on their geographic size, normally have fewer brownfield properties, the maximum amount of Community-Wide Assessment grant funding could likely be reduced. One suggestion would be, rather than the current \$500,000 maximum amount for Community-Wide Assessment grant applications, reduce the amount to \$200,000 for smaller communities. For Coalition Assessment Grants involving only small communities, reducing the maximum allowable request from \$1,000,000 to \$500,000 would be a reasonable compromise. These measures would extend EPA Brownfield funding into more communities across the U.S., resulting in an

increased return on investment within the EPA Brownfields Program. I would also note that cleanup grant funding amounts would need to stay the same (currently set at 3 Tiers - up to \$500,000, up to \$1 Million, and up to \$2 Million), as each cleanup grant is based on actual site remediation needs.

- b. How can we ensure that Brownfields Grant Program strikes the appropriate balance between performing sampling and research, and supporting broader efforts to cleanup Brownfields and support community restoration?

Response – The EPA Brownfields Program is designed for various entities to work together to properly assess properties for environmental contaminants, then clean up these sites to safe standards that protect human health and the environment, creating opportunity for property reuse. Assessment and Cleanup of contaminated properties with significant opportunity for new and sustainable development should always be the top priority for utilizing Brownfield funding.

The percentage of funding utilized for actual assessment or cleanup activities should always be the largest component of a grant. Utilizing smaller percentages of funding for community involvement including outreach, education, and related restoration support, is currently an eligible use of funding, and should be continued in future legislative reauthorization language for the EPA Brownfields program.

Senator Sullivan:

1. This summer, Hallie Bissett, Executive Director of the Alaska Native Village Corporation Association, testified during a field hearing for the Committee on Indian Affairs that although CERCLA was amended by Congress to lift the legal liability for contamination that was caused by the Federal Government on lands conveyed pursuant to the Alaska Native Claims Settlement Act (ANCSA), it has “agencies and others pointing fingers at each other for liability and clean-up.” What are some common sources of confusion or inefficiency that stem from the interagency coordination process?

Response – I have been involved in West Virginia since 2005 in the brownfields arena, and I personally have not had any significant difficulties with other Federal or State agencies regarding environmental liability and/or cleanup issues. I’m simply not familiar with the problems being referred to regarding other agencies, so I’m unable to provide any useful comments.

- a. How could Congress best prioritize these lands for clean-up, beyond dedicating funding to them?

Response – All eligible Brownfield properties should be prioritized based on their redevelopment potential. When EPA Brownfield funding is used to assess and/or cleanup a property, followed by the property not being redeveloped, this is an obvious waste of brownfields funding. There are numerous brownfield properties spread across the U.S. that are in dire need of assessment and cleanup so redevelopment can occur that will spur future community growth and vibrancy.

Spending limited funding on brownfield properties that do not have significant and sustainable redevelopment potential takes funding away from brownfield properties with these qualities and attributes. The main focus of utilizing EPA Brownfield funding should always be based on the need for environmental assessment and subsequent cleanup, on properties that have realistic and sustainable redevelopment potential.

2. One issue we have in Alaska is that EPA Brownfields grants require applicants own both the subsurface and surface estate. Under ANCSA, regional Alaska Native Corporations generally own the subsurface and village Alaska Native Corporations own the surface estate. Alaska Native Corporations are therefore ineligible to qualify for these grants. How do you think can EPA reassess their landownership requirements?

Response – I must first admit I'm not familiar with EPA Brownfields grants requiring applicants to own both the surface and subsurface in order to be eligible for grant funding. Here in WV, we deal with surface owners who do not own the mineral rights on their property, but that doesn't make the surface owner ineligible for EPA Brownfields grants. I can only offer what EPA Brownfields guidance states regarding property ownership, that Applicants must have sole ownership of the site, and that ownership is fee simple title as evidenced by a recorded deed. Since I'm not familiar with the circumstances being referred to in Alaska, I'm not in a position to offer any guidance. I will add that, in my opinion, if the subsurface owner and the surface owner are not the responsible party for the contamination on the property, then the property should be considered eligible for EPA Brownfields funding.

Senator CARPER. We have been looking forward to your testimony. Let me just say, you have met and exceeded, all of you, our hopes. I want to again commend our staffs for finding you and convincing you to come and join us.

I already telegraphed my pitch and indicated one of the things I am looking for is finding consensus. We work well in this committee in finding consensus on major issues. I mentioned some of those earlier.

I am going to start off by asking each of you to briefly respond to this. We will start with you, Mr. Buschur. I am interested in two areas, two ideas where you think there is consensus among the four of you that are important, that you think we should really pursue. Of all the things you have heard said, where are a couple of really great areas we should pursue? Because there is a lot of consensus.

Mr. BUSCHUR. I spend a lot of my time building parks. There is never enough money to do everything that the community wants. As illustrated by my testimony, EPA cleanup moneys provides a very small sliver of the overall amount of funding provided to construct these spaces. Communities are then obligated to maintain that engineered barrier to make sure the space is safe for residents.

So the statutory limit increase is important. I would also go further to say that sites that remain fallow but have received funding from the EPA should also, previous funding for cleanup should also be eligible for additional cleanup funds. The statutory limit used to be \$200,000. So I think there is consensus on increasing the statutory limit.

The second area where I think, we didn't hear it from the individuals today, but I know listening sessions in Region 1 really highlighted the need for building demolition to be an eligible cleanup expense. It is pretty wild that a mill building has to burn and the contaminants have to end up in the soils to be eligible for cleanup.

Senator CARPER. Thanks. Mr. Pouncey, just quickly, two areas where there is good consensus that we ought to drill down on.

Mr. POUNCEY. Mr. Chairman, I agree, raising the limit on the remediation cost component is a big issue for purposes of these grants. As I mentioned earlier, very often you have the assessed money, so you get to the front door but you can't walk in because you can't afford the cleanup. I would consider that to be a significant item, along with, as part of that, including demolition costs.

The second item with which I would agree, and I think Mr. Goldstein may have mentioned it, that is reintroducing, enacting or extending the Brownfield Tax Credit which allows you at the Federal level to expense your costs in the year they are incurred from a remediation standpoint.

Senator CARPER. OK, thank you. Same question, Mr. Carico. What great ideas do you think there is a lot of consensus around?

Mr. CARICO. First, I completely agree with the cleanup aspects. I will add, though, one good thing, this round of current funding that has come up, there are actually three layers to the cleanup grant process, or three levels of funding: \$500,000, \$1 million, and \$2 million. The higher grant numbers, the funding numbers are a

reduced number of grants. There probably need to be more in that higher level. But it is good to see that that is advancing, because it is costing a lot more to remediate sites.

Second, I want to give a big amen to the demo side. Finding demolition money is always a very, very difficult one.

The third one I would add is, the complexity of the application process for small communities with their limited capacity and their resources, it is very daunting and challenging for them. It is very hard to compete against the larger cities and urban areas. So putting in some items that could help them to where they can compete on a little bit more level playing field would be a great benefit for everybody, I think.

Senator CARPER. Thanks for those. Mr. Goldstein, are you still with us?

Mr. GOLDSTEIN. Absolutely. Following along very, very closely, Mr. Chairman. Thank you so much.

My first item where I see consensus starts with an observation that Ranking Member Capito made, and that is with respect to reforming the grant administrative process. It is overly burdensome and if we could streamline that, that would, I think, increase the competitiveness of not only rural communities but environmental justice communities who are also under-resourced, even though they are in urban areas. That is No. 1.

And amen to the amen that we just heard on including demolition costs in the grant process. But the second main areas of consensus I see is with my brother, Gerald Pouncey, and that is finding a way to have EPA relinquish jurisdiction in sites with primary Federal enforcement, so we can get those sites into State brownfield programs where they can enjoy State-based liability protection incentives and economic incentives.

In many States, including my State, Florida, the two are mutually exclusive. If a site is under Federal enforcement, it is ineligible to participate in a State brownfield program. So I think there is a lot of bang for the buck in looking at, exploring that relinquishing of Federal enforcement jurisdiction.

Senator CARPER. Thank you for those.

Senator Ernst, Senator Capito has graciously offered to step aside and let you go ahead and ask your questions. Thank you for being a faithful attender of these hearings.

Senator ERNST. Thank you. I appreciate that. I had a tough battle here with the chair when I got in, but I won.

[Laughter.]

Senator CARPER. Let the record show Ernst 1, chair zero.

Senator ERNST. I won this one.

Thanks to all of our witnesses for being here today. We really do appreciate the discussion.

The city of Des Moines has recently gained ownership of what is known as the former Dico site, which has been on the EPA's National Priority List since 1983. So Des Moines has actually taken a number of steps forward in collaboration with the EPA and the Iowa Department of Natural Resources in an attempt to redevelop this property.

The goal is to house a professional soccer stadium and bring economic development opportunities to the community. However,

there is always a however, sites on the National Priority List are not eligible for brownfields funds.

Mr. Pouncey, in your experience, how many sites have you worked with that are no longer owned by that original pollution source, such as the Dico site in Des Moines?

Mr. POUNCEY. Many. Many. And I would offer to the entire committee, one of the things we have met with EPA regarding is the effort to get these sites off the National Priority List so that they can be eligible for State programs that allow for the items which I mentioned earlier, which is tax relief, potentially, which is liability protection for the buyer that is coming in to buy that site and redevelop that site.

We have also introduced the concept of partial deletion, which means even though all the site may not be removed, at least the lion's share of the site can be removed from the NPL. So that portion would be eligible for the State program and can proceed to the State program.

Senator ERNST. That is wonderful. I think you just answered my second question. I was going to ask if you believed it would be appropriate for sites who have transferred that ownership then to be eligible for those brownfields funds. So absolutely, I think we have work to do there. We are blocking a lot of really great economic development by not engaging with those properties. I really do appreciate that.

Mr. Carico, given your experience, what steps do you think would be most impactful in streamlining both the brownfields grant application and the implementation process?

Mr. CARICO. Streamlining the process, that would be a wonderful step in the right direction. It is extremely cumbersome to put these applications together. We work with communities, as an example, we have been doing webinars with communities this past summer, telling them about the grant process and helping them understand this is not an easy task that you are about to encounter, trying to take them through step by step what is required in the overall application process.

By being able to streamline that a little bit, there is so much information that is required, it gets down into things like health statistics, cancer rates, lung disease, all these different things. As EPA says, they want you to tell a good story with your application. You have to fit the contaminants that are in your community that you are looking to deal with against those health concerns.

A lot of times, especially in our more rural communities, it is hard to get that data that can be presented. So we are already at a disadvantage. Then you lose points for that, because you can't score well in that particular category.

We should make sure we keep more of the focus on assessing that property, figuring out what is there, what needs to be cleaned up, and then figuring out the strategy to do just that, then apply the cleanup grant funding to go do just that. Simplifying that a little bit is going to help all of us down the road, especially with our smaller communities.

Senator ERNST. That is great to hear. Thank you so much. I do think that is important as well. Let's get on it.

Thank you very much, Ranking Member Capito and Chairman Carper, thank you.

Senator CARPER. Thank you.

Senator Cardin has joined us from Maryland, and we have been joined by the Senator from Alaska, Senator Sullivan, and by Sheldon Whitehouse. Welcome. Ben, you are recognized.

Senator CARDIN. First of all, let me thank the Chairman and Ranking Member for conducting this hearing. The brownfields legislation has been critically important. I represent the State of Maryland. So let me talk about Tradepoint Atlantic, which is one of the largest brownfield sites in the Country. For those who are not familiar, it was the Sparrows Point steel yards from the 1800's to 2012. At one time it was the largest steel producing facility in the United States.

When it shuttered in 2012, there was close to \$70 million of immediate work that had to be done to clean up the environment. Today, as a result of the brownfields legislation, this property has been reprogrammed. We now have Amazon, Home Depot, Under Armour, BMW, Volkswagen, we have the DOE Offshore Wind Initiative, as well as large railyards connecting two Class 1 railroads, CSX and Norfolk Southern. So it is a hub for economic growth for the future, transitioning from a steel yard production facility to its modern needs. So I am a strong advocate for brownfields and for the legislation that we are talking about today.

I would like to focus on one aspect of it, as to how we could do perhaps even a stronger job. We know that most brownfields are located in challenging communities. These are older communities by definition, and have had older types of facilities.

So how do we focus the legislation to be more effective in regard to environmental justice and helping the underserved communities? I welcome your thoughts as to how, as we look at reauthorization, how would we want to provide additional incentives so that we can reach those communities? Sometimes these brownfields sites might be kind of small, other times they may be large. They may be located in urban centers, they may be located in rural communities.

But how do we deal with the unusual commitments to communities that don't have the same resources that other communities may have in their brownfields sites? Who is the first person willing to help here?

Mr. CARICO. Yes, sir, I am happy to try to answer that. I am in West Virginia. We have a little different setup there. We actually have two Brownfield Assistance Centers. Our State legislation put those into effect back in 2005. So it is actually our job to go out and work with local communities to help them to understand the daunting challenges of going after these grant funds. It is literally hand-holding 101, a step-by-step getting them to understand what the environmental contaminants are all about, how do you address them, all the different issues that are there.

So we are doing that in our State, and we have had a lot of success with it.

Senator CARDIN. Are we helping you do that?

Mr. CARICO. No, sir.

Senator CARDIN. How can the Federal Government help you do this?

Mr. CARICO. You have the TAB providers, the Technical Assistance providers that EPA has throughout the Country. I think there are six of them. My counterpart at West Virginia University is one of those TAB providers. So they work in EPA Region 3, for example, to do that same thing, to start interacting there.

There probably needs to be a lot more work done there if you are going to get out to those more rural, smaller communities. I have to tell you, it takes a whole lot of one-on-one meetings in order to really get them on board.

Senator CARDIN. I agree with you. So you are saying, we could help, the Federal Government, in providing the resources for technical assistance for communities that have challenges working through the application process for grants and eligibility. Can we make the grants a little bit simpler and more focused to make it easier for these communities?

Mr. CARICO. That would make us all happier, I can assure you. Again, for our smaller communities, they are really kind of a step behind just because it is very difficult to be able to pull all the needed requirements into those applications. If you don't score well in just one little subsection of an application, you probably won't get funded. As was mentioned earlier, we have had projects that scored 92 points out of 100. In school, that is an "A" paper, but these were not funded because they didn't score high enough.

Senator CARDIN. I know my time is just about out, but I think Mr. Goldstein might want to add something to this.

Mr. GOLDSTEIN. I am out here in the brownfields, ether, but I am listening carefully and eagerly. Senator, thank you for your question. There are two specific strategies that the Federal Government can employ to address your important concern. One is to overly induce the private sector. Here in the State of Florida, the legislature has put its thumb on the scale for affordable housing on brownfields sites, and for access to health care on brownfields sites. In my earlier testimony, I suggested ways in which the Federal Government could provide heightened subsidies to affordable housing developers through the Low Income Housing Tax Credit Program for developers that invest in communities that need critical affordable housing.

I also provided testimony regarding a brownfield loan guarantee which in my experience would likely move billions of dollars off the sidelines in private capital into rural and environmental justice communities, provided that you incentivize those loan guarantees in that fashion. So that is on the one end, using a broader basket of financial tools to overly induce the private sector, and just make it a bad business decision to ignore rural communities and environmental justice communities.

The other leg of the approach, the second leg of that approach would be to super-empower those EJ communities and rural communities by providing them direct and unique access to other Federal agencies with massive resources that currently aren't in the Federal Brownfields arena, like the Army Corps of Engineers, like the Federal Highway Administration, like the Economic Develop-

ment Administration and other agencies that this committee doesn't have jurisdiction over, like HUD.

But those are two very discrete and meaningful and material approaches that could help you execute on that important issue of concern you identified: how do we help those communities where the current marketplace hasn't organically produced an incentive for private sector investment.

Senator CARDIN. Thank you very much. I appreciate it.

Senator CAPITO.

[Presiding.] Thank you. Chairman Carper had to go a Homeland Security meeting, so he handed me the gavel, which I love.

I am going to do my questioning, and start with you, Mr. Carico. Thank you for coming from the beautiful State of West Virginia.

I think we have pretty much made the case here by everybody that rural areas, whether they are EJ communities or not characterized as such, need more capacity, need more help, and need maybe a different lens through which to look.

So I am going to ask you a little bit more specific question. I understand that you are allowed to have administrative costs of 5 percent, is that correct? Is that an accurate figure? Should there be more, less? Does that reflect well on meeting the needs administratively?

Mr. CARICO. First of all, some years ago not too many years ago, you could not have any administrative costs. So first, it was great to see when EPA added that 5 percent administrative cost fee. That was really good for everybody.

From what I can tell, and this is just my opinion on the matter and the folks that I work with, for our larger cities and our larger urban areas, I think the 5 percent fee is actually fairly sufficient for them. They have staff, they have other resources, et cetera, that they can draw from.

For our smaller communities, where they don't have that many resources or they don't have the capacity, et cetera, possibly a little bump-up to that 5 percent allowance would definitely be of help to them. I would also add this as a caution, if I could. The vast majority of the funding should always focus on assisting those sites, figuring out what the contaminants are, and all those things that are needed, followed by the cleanup. The primary funding should always be focused on that, with a secondary focus on your site redevelopment and planning gaps.

Again, the 5 percent is great. Maybe bumping it up a little for our smaller communities would probably help them out a little bit more, but may not be too big an issue for some of the larger communities.

Senator CAPITO. All right, thank you.

Mr. Pouncey, your testimony really brings into focus the partnership aspect of this. You talked about the State of Georgia and what you are doing there. You have all talked about States that are active here. Then also the private developers aspect of this.

So as you are looking at that, and I know you mentioned some tax issues that would be helpful, opening up to demolition. We need to do demolition not just on brownfield sites, but on urban areas and rural areas that just have these dilapidated, uncared-for properties that are havens for ill use, unsafe and unhealthy.

If you are looking at how would you improve and strengthen those partnerships to make sure that we are maximizing all the benefits, and I am curious to know as well, because I did work on the Opportunity Zone legislation with Senator Scott, are you using that, can you use that in this whole universe of brownfield redevelopment? Has that been useful?

Mr. POUNCEY. Senator, I will address those in reverse order. Yes, the Opportunity Zones play a huge role in our redevelopment activities. I think a number of the changes that are proposed are worthwhile changes. We have seen census tracts in areas that have grown out of poverty and may no longer be appropriate for treatment as Opportunity Zones. But certainly, they provide a real incentive for patient capital to come in and restore and help redevelop some of these neighborhoods.

On the public-private partnership, and perhaps let me speak to the grant issue first. Respectfully, we have seen many instances in which the grants funded testing but that testing really was for no specific purpose toward cleanup. As a result, at the end of the day, nor for redevelopment of the community or improvement of the community, so at the end of the day, it becomes a report that goes into someone's desk and sits there.

I would propose, and we have championed in some instances, the local communities who are applying for or receiving these grants, partnering with the private sector as well. So there is a real opportunity, because so many times the cleanup occurs as part of the redevelopment itself. The dirt that is moved, the yellow line that is out there moving this dirt is going to be there whether it is construction or whether it is cleanup. It is just where the material is taken afterwards.

So I do think there is real benefit in the local communities that are applying for or receiving these grants partnering with the private sector, with interested entities or developers that can come in and say to them, here's the testing we need to come in and do this development, which very often includes both a public and the private component to it. I would suggest that is one way to more effectively use or ensure the effective use of these funds, is having that public-private partnership at the outset before the assessment begins.

Senator CARPER. Thank you. Senator Whitehouse?

Senator WHITEHOUSE. Thank you very much, Chairman. Welcome to all the witnesses.

I think we can probably all agree that Superfund sites burning or flooding is a very bad outcome. I see heads nodding. For that reason, wildfire and flood risk is important in dealing with our existing and emerging Superfund site population, if you will. GAO did a report entitled EPA Should Take Additional Actions to Manage Risks from Climate Change, in which GAO found that EPA had omitted, omitted, climate change from its agency strategy and further, that many Superfund sites would be at increased risk of flooding and wildfires, and that obviously, if you have omitted that from your risk calculation, you have kind of missed the pitch.

My question to you, and I guess I will start with our voice from the ether, if I may, Mr. Goldstein, is what did we lose in the denial years when EPA wouldn't count climate change into the Superfund

risk factor? And have we caught up for whatever went wrong in those years? How prepared are we now in terms of a proper scientifically based accurate assessment of which Superfund sites face new risks from flooding and from wildfire?

Mr. GOLDSTEIN. I think that the industry and the agencies, both at the Federal level and at the State level, are catching up very quickly. There is and has been over the last I would say five or 6 years a very significant effort to understand the remedies that are appropriate to implement for contamination in coastal zone areas that are acutely subject to sea rise and whether those remedies should continue to include encapsulation of waste onsite or source removal.

This is an ongoing discussion that has technical implications, regulatory implications, legal implications, economic implications and equity implications. Not all cleanups are created equal, and not all cleanups are financially sourced reliable in the same way.

This goes back to some of the testimony that we have heard in this hearing, and some of the testimony I provided, regarding the ability of the Federal Government to achieve better outcomes and better results in the age of climate change by putting our thumb on the scale with respect to certain outcomes and approaches to clean up where here specifically, the legislature could, Congress could prioritize source removal in coastal communities, the removal of all impacted contaminated soil or sediments, so that when waters rise from below or fall from above, the caps that are in place, which may no longer be an effective remedy, are not an issue, because the source of contamination has been eliminated.

Senator WHITEHOUSE. Thank you. I have a minute left, so if I may, let me ask the other witnesses to offer whatever thoughts they may have in response to those questions as responses for the record, put them in writing. It wouldn't be right for a Rhode Island Senator not to say a kind word about the Rhode Island role in establishing brownfields led by a chairman, once, of the Environment and Public Works Committee, John Chaffee, whose picture is right in that room as one of the former chairmen of this committee. And then reauthorized by his son, Lincoln Chaffee, years later when he assumed his father's seat.

So we take a certain amount of pride in the Brownfields Program around Rhode Island, because it has good Rhode Island fingerprints all over it.

Another Rhode Island credential that relates to this is that the Rhode Island Coastal Resources Management Council at the University of Rhode Island has worked to improve the mapping of flood risk along the Rhode Island coast. We discovered that the FEMA mapping was absolutely horrible, it was terrible. If you followed the FEMA mapping, it led to internal inconsistencies within its own program. It produced results for worse storms that were lower than what was measured for actual less bad storms.

How is it possible to even come up with a flood risk map that shows for X level of storms it is actually going to be better than we actually experienced for a lesser level of storm? It doesn't even make sense. The sloppiness of the FEMA process, the inconsistencies within the FEMA process, and the flinch that they had about looking at sea level rise because, oh, my God, you might have

to touch on climate change, and oh, my God, we can't talk about that. It just created a disaster.

The State really stepped up and has done absolutely first-quality mapping. I encourage anybody who is in that predicament now to take a look at what Rhode Island did. It is called the Storm Tools App and Resource, is really pretty remarkable. Unfortunately, it tends to be coastal, but I am sure that in West Virginia some of those rain burst storm floods have a similar outcome on folks.

I just wanted to say those thank yous to Rhode Island. Much appreciated.

Senator CAPITO. I will thank Rhode Island as well, and I can speak to the 2016 flood where the maps in Rainelle showed that there would be no flooding, and they were flooded six to eight feet in these houses. If you talked to people in the community, they would say, oh, sure, sure they flooded, they would get water in their yard every spring. So they knew. But the maps showed no. These folks hadn't bought any flood insurance. So it didn't have a very happy outcome for many of them.

So here is a question I want to ask everybody. We have talked about successful brownfields applications and projects that you have worked on. Have you ever had a project where you looked at it for a brownfield and you deemed that it would be not worth the effort, or something that was premature? We will start with you, Mr. Carico, then we will go back to the whole group.

Mr. CARICO. Yes, ma'am. The short answer is yes. Many times we interact with the community. I will give you an example, in the little community of Mullens, had a little project there. All they needed, when all was said and done, was about \$30,000 to do some asbestos abatement.

The EPA Brownfields Program is not the route to go to try to get that funding. It is just way too much effort for that one single project. We do often sit down with, especially in our smaller, more rural communities, and after meeting with them and going through all the details, we tell them, you are not ready to try to get into this brownfields arena. Maybe then we try to help them with one particular site.

They have a little site, it is their highest-ranking site they want to do something about. We try to work with them on that one site. That kind of gets their appetite wet and gets them to learn the process a little bit, and then prepares them to where they can move forward into the brownfields arena.

I will let these other fellows comment as well.

Senator CAPITO. Yes, Mr. Pouncey.

Mr. POUNCEY. Senator, there are two categories of sites that we have had to walk away from. One are sites that are on the National Priority List because it just takes so long to get those sites off the list.

Senator CAPITO. That is the Superfund?

Mr. POUNCEY. It is. We had one where we spent close to 15 years to ultimately get it off the National Priority List and went through four series of purchasers, because of the lack of patience. They just couldn't wait that amount of time to get it off. So that is why I think it is so important to develop innovative ways to get these sites off the Superfund list.

The second is less subject to how you correct it, but it is simply where we are approached by a developer for a particular type of use and it turns out the site just wasn't appropriate for that use. That may be, if you are looking at a single family or multi-family residential development, and the cleanup is such that it is really only going to support an industrial use, or a warehouse/last mile use or something like that.

Senator CAPITO. Thank you. Mr. Buschur?

Mr. BUSCHUR. We have two types of sites in Lawrence. We have scatter sites, smaller properties, smaller industrial properties in residential areas, then we have large properties with great proximity to transit, to highways, riverfront properties as well. The ones that are along the waterfront close to transit, they are going to find a private partner to complete that redevelopment and to really show that leverage that the EPA Brownfields Program is so known for.

But when you get to the scatter sites in residential areas, the smaller industrial sites less than an acre with triple deckers or high density housing right adjacent to them, the end use is not very visible, and the partners with the brownfields expertise required to reposition these and get them back on the tax rolls, they are not really out there. So you are really relying quite frequently on somebody like a Groundwork to come in and do a park, or a community-based organization, community development corporation, that is going to take down the site and hopefully create some housing.

But at the end of the day, it all requires a private partner who is willing to take on the risk associated with this redevelopment. If the market is moving fast, you are likely to have more traction. When the real estate market is slow, things tend to slow down.

Senator CAPITO. Right. Mr. Goldstein?

Mr. GOLDSTEIN. On our end, we from time-to-time experience many of the factors that the previous witnesses mentioned. Florida has been blessed with a very active economy. So that hasn't been a significant driver in terms of having to walk away from brownfield sites.

On our end, what we find most as being too significant a hurdle to overcome is where the public health risk is acute, where there has been actual injury to public health and claims may be asserted or may be assertable in the future with respect to public health that could be absorbed by a prospective purchaser. That makes redevelopment very difficult.

Senator CAPITO. I think Mr. Pouncey addressed that in his opening statement on liability issues.

So if you have a site that you have decided, or it has been decided that you are not going to go forward on, is it remediated or does it just sit there with the contaminants? What happens to those sites. Do they sit there until somebody comes along later and tries to redevelop?

Mr. BUSCHUR. Until the leadership, until the political leadership is there, I want my staff, who has limited staff time, to go out and tackle this site. Within Lawrence, these are sites that are off the tax rolls, the cities take them for taxes.

Senator CAPITO. It could be an old gas station or something like that.

Mr. BUSCHUR. Yes, we have a dry-cleaning site that is now a park. But we have former manufacturing facilities nestled between a river, a school, and residential areas that just aren't right for redevelopment, and the city is trying to figure out what to do with them. As Mr. Pouncey noted, you really need a private partner to make this happen. You can't just make it parking.

Senator CAPITO. Thanks.

Mr. GOLDSTEIN. Senator, if I may?

Senator CARPER.

[Presiding.] Go ahead, please.

Mr. GOLDSTEIN. Your question is a great one, because that is where we originally came into the Brownfields Program in the first instance in the 1990's. There were dozens and dozens of obstacles to clean up and redevelopment that were too high to surmount. Steadily, over the decades, EPA and State partners have been lowering those obstacles. There are not many that remain, but those that remain can be significant. We have just addressed many of those.

That is why I return again to the suggestion that I made a few times where obstacles remain too significant for the marketplace to respond under existing conditions, the Federal Government should come in and change the conversation by super-inducing the private sector to absorb risk through the use of loan guarantees or expand grants or expanded access to liability protection.

Mr. POUNCEY. Senator, if I may, one comment on that. I think it is a number that is very reflective of this issue. We have had a superfund program in Georgia since 1992. Over the life of that program, which now is 30 years, we have had about 700 properties put on our State superfund list. Of those I think we are approaching 250 or so that have been cleaned up, of the 700, over a 30-year period.

You compare that to the Brownfield Program, which is a private incentivized program, where we have had 1,300 properties go into the program in just a little over half the time and 750 or so of those properties are now cleaned up. So you compare that enforcement component versus the private incentive component, and you see the dramatic effect is has on the opportunity for cleanup.

Senator CAPITO. That is a good point.

Mr. Chairman, I am going to have to say goodbye, I have another obligation. Thank you.

Senator CAPITO. Thanks so much. Thanks for running the show.

Senator Sullivan was here, but he had to leave. I don't know if any of our other Republican colleagues will be able to join us this morning. But we have been joined by Senator Padilla. He is recognized for any questions or comments. Thank you, Senator Padilla.

Senator PADILLA. Thank you, Mr. Chair. I want to thank you for holding this hearing on the need to reauthorize the EPA's Brownfields Program. The Brownfields Program has a long history of supporting safe and responsible redevelopment. Since its inception, it has made nearly 10,000 properties ready for re-use, many of which are in my home State of California, many of which are in my hometown of Los Angeles, and many of which are literally in

my backyard, in the neighborhood I grew up in, Pacoima, California. I have seen and worked in these issues as a State legislator, putting State government resources to leverage Federal resources in redevelopment. I am familiar with these efforts, once upon a time as a city council member, trying to navigate some of these cleanup efforts and effort to redevelop into productive use and economic benefit, often in underserved communities.

Mr. Buschur, I appreciated your written testimony for touching on the challenges of de-industrialization. The example I want to focus on today is actually not in my back yard but in the city and county of San Francisco. The shipping industry was the lifeblood of San Francisco's Bayview-Hunter's Point neighborhood for decades. The concentration of industrial sites has resulted in more than 150 brownfields in Bayview-Hunter's Point, many of which are not further threatened by sea level rise. So you see a convergence of challenges here.

The actual shipyard itself is now a Federal Superfund site and one of America's most polluted places. Just last week, San Francisco broke ground on a project that will connect disadvantaged communities and Bayview-Hunter's Point to the kind of outdoor recreation opportunities that other shoreline neighborhoods in San Francisco have long enjoyed. Working with the EPA and a diverse group of community partners, San Francisco is redeveloping a 13-mile corridor of green space with trails and parks along the waterfront.

Redevelopment of this site would not have been possible without first cleaning up the contaminated soil and debris and structures on the property, efforts which were supported by EPA's Brownfields Program. Now in a few short years, thanks to this program, the community members in Bayview-Hunter's Point will be able to enjoy shoreline trails on what was once an abandoned and blighted former industrial site.

This project was successful thanks to the engagement and support from various State and local entities. While the project received almost \$350,000 from the EPA Brownfields Program, the city also leveraged separate EPA funds as well as other sources of funding.

But not every environmental justice community has the same access to technical assistance to be able to complete projects. There are surely other Federal agencies that can and should be brought into the brownfields redevelopment projects.

My question is for Mr. Goldstein. How should we think about a whole-of-government approach to funding brownfield redevelopment projects and improving interagency coordination?

Mr. GOLDSTEIN. That is a great question, Senator. I am glad you asked it. You are absolutely right, there are other agencies that should be part of this conversation and should be providing resources. I identified three that are under this committee's jurisdiction in my testimony earlier this morning: the Federal Highway Administration, the Army Corps of Engineers, which has massive resources to bring to the table and can absolutely partner and collaborate with environmental justice communities in an immediate and very material way, and the Economic Development Administration.

The EPA has put out a wonderful guidance document which they have been doing every several years called the Federal Brownfields Program, which identifies aspirational brownfield agendas within 24 different Federal agencies and departments. But if you look at what is actually happening in the brownfields universe, really EPA is the only agency that has any meaningful involvement.

So what I would suggest is a corollary to a friendly amendment to the testimony I gave earlier. Have EDA convene a national brownfields summit. Bring representatives from each of those 24 agencies and departments to the table, along with private and public sector stakeholders, State, local, tribal, NGO's, environmental justice, et cetera, and collectively identify what resources, human resources and financial resources, each of these agencies that are already part of the Federal brownfields constellation can bring to the table.

Specific to reauthorization, which is what this hearing is about, again, we recommend new funding of resources be allocated specifically to the Corps, specifically to EDA, and specifically to FHWA for these purposes. Let's put our thumb on the scale to prioritize funding for EJ communities and rural communities.

Senator PADILLA. Thank you.

Mr. Chairman, I know my time is up, but I would like to ask one quick followup question for Mr. Goldstein. Another reason this project was so successful is because San Francisco accounted for potential climate change and sea level rise impacts by using EPA's Brownfields Cleanup Alternatives checklist. For example, they chose soil excavation as the preferred cleanup method, as opposed to remediation, because it would reduce the risk of re-mobilizing soil contaminants as sea levels continued to rise.

How can the EPA ensure that climate change and potential sea level rise are adequately considered during brownfield redevelopment efforts? If I could ask for a brief response and we will continue the conversation after the hearing.

Mr. GOLDSTEIN. Absolutely, Senator Padilla, thank you. I am glad you asked that question because it gives me an opportunity to supplement my response to Senator Whitehouse on this very same issue.

EPA is laser-focused on climate change and brownfields. They have released several guidance documents that are encyclopedic in the way in which they approach this particular challenge including focusing, as you pointed out, source removal in coastal areas as a remedy. Why is that important? It is important because if you leave contaminated soil in place and it is subject to flooding, the waters rise and soak through that contaminated material. Like a sponge that may contain hot chocolate that is wiped up from a kitchen counter, that material is going to leak out of the soil or the sponge and further exacerbate contamination in communities.

So remedies at the regulatory level should be focused on source removal as the first component of a climate change strategy for brownfields.

Senator PADILLA. Thank you very much, Mr. Chairman. I will submit questions for the record relative to the recommendations and suggestion of codifying some of our environmental justice and

equity directives into the Brownfields Program. Thank you very much.

Senator CARPER. Thanks so much for joining us and for your participation and questions.

I have a couple more questions I want to ask before we break for the day. I was out of the room for a while, we all serve on a bunch of different committees. One my committees, the Homeland Security was voting on a bunch of nominations and legislation. I had to go, they needed somebody to show up and I am always happy to do that. So I missed a little bit of what was going on, but not too much.

I am told, Mr. Pouncey, that you mentioned addressing developer liability as a way to better incentivize redevelopment.

Mr. POUNCEY. Yes, sir.

Senator CARPER. And I think Mr. Goldstein, I am told by my staff, you may have started to touch on this, some approaches in this regard in your earlier comments.

Let me ask each of you to describe for us ways that this might be accomplished while still incentivizing health protection. Again, Mr. Pouncey, you mentioned addressing developer liability as a way to better incentivize redevelopment. The question would be to ask each of you to describe ways that this might be accomplishing while still incentivizing health protection.

Mr. Buschur, would you like to go first?

Mr. BUSCHUR. Liability associated with ownership of brownfield sites is a barrier for all actors, whether they are trying to create parks or trying to redevelop sites. Within Lawrence, the State administers the brownfield program except for contaminants covered by TSCA. Covenants not to sue have been used through the State AG's office to absolve future owners of brownfields, particularly in certain park projects. I think it has been a barrier for us to act on certain park projects as well, to take ownership of properties when they are presented with us and they fit within our long-term vision for the city.

Senator CARPER. All right, thank you.

Mr. Pouncey, you may have raised this. Go ahead with any further comments you have, please share them.

Mr. POUNCEY. Yes, Senator. I do think that as part of the reauthorization there may be want to be some consideration to looking at a number of the States that have enacted liability protection and see if that can be applied to the Federal side as well for those brownfield buyers. I would note that there is still the requirement that you perform the cleanup that is agreed upon. That is the way to ensure the health and safety of those who might be impacted by liability relief.

But I would also remind us the Superfund took a very remarkable approach when it was first drafted, and it has done tremendous things for this Country. But it did impose the liability upon an owner of property, whether they had caused contamination, whether they had owned it when it occurred or not.

So I do think that is a disincentive in many instances for buyers as they have an opportunity to acquire this property versus a greenfield very often that is used to invest the resources somewhere else, which prevents that property from actually being

cleaned up. So I do think liability protection is a tool that should be considered as part of the reauthorization.

Senator CARPER. All right, thank you.

Mr. Carico, same question. Could you describe for us ways that this might be accomplished while still incentivizing health protection?

Mr. CARICO. I want to completely agree with these gentlemen here. One thing in West Virginia I would add, we have our State voluntary remediation program. That program does provide that liability protection. That is oftentimes the only way you can really get a site to be cleaned up, ready to go, and everybody on the private side agrees with you. They see it, they realize that all the effort has been made, and that to me is one of the best routes to always keep in mind.

I will agree with these gentlemen that the liability aspects many, many times, the site ends up just sitting there because of that big challenge, trying to handle that. It is a big hurdle that is for sure.

Senator CARPER. Thank you.

Mr. Goldstein, I think when I was out of the room attending my other hearing, you may have started to touch on some approaches in this regard. Mr. Goldstein, if you would like to jump in here and share with us what I may have missed, anything else you want to add on this front, go ahead.

Mr. GOLDSTEIN. Thank you, Mr. Chairman. I will try and be brief.

We had some discussion earlier in the testimony about the tension between the Superfund program at the Federal level and many State brownfield programs across the Country in that the liability protections offered under both programs were mutually exclusive. It was impossible in many States to take advantage of either liability protection incentive if you are not in that same program.

So the specific incentive I would offer that I think would be very meaningful would be a very narrow and discrete amendment to the Superfund statute to CERCLA that provides that any party that enters into a State-based brownfield voluntary cleanup agreement automatically has contribution defense and other defenses against third party claims under Federal Superfund law. That way you get the best of both worlds and you wouldn't necessarily have to worry about EPA relinquishing its enforcement discretion.

That is a very discrete and I think meaningful approach that could immediately be taken by Congress to expand the scope of liability protection available to developers who may be able to address their State-based legal exposure but not their Federal legal exposure to third parties. This butters two pieces of bread with one knife.

Senator CARPER. Did you say butters two pieces of bread with one knife?

Mr. GOLDSTEIN. Yes. That is exactly right.

Senator CARPER. That is one of the highlights of this hearing. This has been a great hearing. That is one of my favorite aspects. Go right ahead.

Mr. GOLDSTEIN. Then I would also reinforce the point that Mr. Pouncey made, and that is to ensure continued protection of human

health and keep developers on task with respect to the cleanup. This is a quid pro quo environment we are operating in. All of the incentives, especially the liability protection incentives, remain viable insofar as a developer complies with their cleanup and public health obligations. If they fail to do so, the incentives are lost, including the liability protection incentive.

Senator CARPER. I have three or four other questions, and I am going to ask you to respond to them just very briefly, if you could. Then we will call it a morning.

The first one deals with local engagement. Brownfield cleanups involve government at all levels, Federal and State and local. Feds provide the cleanup money, the seed money, through grant funding and State governments dictate the cleanup standards for the most part. Local governments made land use decisions and have ultimately control over what brownfield redevelopment is ultimately going to look like.

This is critical, because remediated land has the potential to provide, as you know, huge benefits to impacted communities. We have seen it in our own communities, very close to where I live, and I am sure you have seen it in your own.

A question for the panel, but especially for Mr. Buschur and Mr. Carico, and if other colleagues would like to comment, you are welcome to do that too. We will start off with Mr. Buschur and Mr. Carico.

Why is local involvement so important for brownfield redevelopment, and how can we improve our outreach to local governments and individual communities impacted by brownfield redevelopment? Mr. Buschur?

Mr. BUSCHUR. Residents just want to be heard, and they want to know what is going on. They want to be kept in the loop. It is so important to keep them in the loop. I think we have all been to a public meeting that has kind of gone off the rails when residents have not been properly communicated with.

I will just give a quick plug to Avenues for Engagement, and that is the Groundwork Trust Network. We reach over 6 million people living in environmental justice communities across the Country, over 75 percent of whom are people of color. We support the cities' efforts to prepare and draft the cleanup and the assessment proposals by providing the statistics that others have referenced is so hard to access.

Expansion of the Groundwork Network, which was created with support from the National Park Service and EPA, as well as local stakeholders, will go a long way to achieving the engagement goals within urban areas, but I would also say rural areas as well. Let's not overlook the smaller and mid-size cities. We are in Mobile, Alabama, we are in Atlanta, we are in Erie, Pennsylvania. The network is strong and can bring a lot of expertise to local decision-makers.

Senator CARPER. All right, thank you. Mr. Carico?

Mr. CARICO. Yes, first, great comments there. The big thing we have found on the local community with that local engagement piece is they want to be told the real story. The rumor mill goes around and around and around, and a lot of times they are mis-

informed about a particular property as to what it can and can't be used for, and then what is going on with it.

Providing that local engagement piece, that gives them the opportunity where they can be heard and they can provide their input on what is going on on that property, how the future of development of it is going to affect them. Then when you do run into issues at the local level, that platform can then be addressed.

This Brownfield Program, the way it is set up with that local engagement and community engagement piece, it provides that framework where that can be conducted. It is a great way to get the story out, get everybody involved, and come together with some consensus on how everything is progressing forward. That would be my comment.

Senator CARPER. Thanks, Mr. Carico.

Mr. Pouncey, if you want to add to that, feel free, and Mr. Goldstein, if you want to add to those comments, feel free, but you don't have to.

Mr. POUNCEY. I think the comments by both those individuals on my right and left are spot on. A fundamental part of all our redevelopment is engagement with those local communities. That is a fundamental part of the zoning process. I do not see very many developers that are successful if they don't understand that fundamentally.

Senator CARPER. Yes, people like to be asked. Mr. Goldstein, before I ask my other questions, do you want to add anything on this one?

Mr. GOLDSTEIN. No, sir.

Senator CARPER. All right. One down, 14 to go.

[Laughter.]

Senator CARPER. Maybe not that many.

All right. We know this deals with brownfields remediation planning, and this would be for the entire panel, but we know that thoughtful planning is a vitally important part of land remediation and the program has been reformed to include more support for the planning portions of brownfields redevelopment.

For the whole panel, what can we do in Congress to further strengthen Federal support for brownfields planning so that communities not only engage in site-by-site planning, but can dedicate time and resources to develop regional area-wide plans to land revitalization, so that authorities can develop more comprehensive land use goals and plans for their communities? That is a pretty long question. I would be happy to repeat that if anybody wants me to.

Mr. Buschur, would you like to take a shot at that?

Mr. BUSCHUR. Sure. I have been fortunate to participate in an EPA area-wide planning project that looked at, it was probably around 10 acres, north and south of the city's main commercial corridors. That set the stage for the city to create a new urban renewal plan and hopefully in 2023 we will begin construction on the rail trail that bisects that planning area.

These funds were really vital to starting to have the conversation not only with property owners about thinking what they could do for the entire district with their individual small parcels, but also starting the underlying zoning and making sure that the right

overlay district is there, reflecting the community's interest and the overall goals of the city.

Then just building support for the conversion of the corridor to an alternative transportation corridor. It was a really good project. Hopefully, the reauthorization will continue supporting it.

Senator CARPER. All right, thank you. Again, just a brief comment if you have it, Mr. Pouncey. Long question. I am looking for a short answer.

Mr. POUNCEY. I am always careful to have EPA get involved in land use planning. I think that is obviously much more effective at the local and regional level where they are on the ground. But I do think that there are areas where grants can be incentivized in certain forms, transit being one, a great example of that. There are a number of other categories like that where there is an ability to incentivize investment through grants, receiving extra points or receiving some level of priority if they meet with those categories. Transit, once again, being the obvious example.

Senator CARPER. Thanks for that example. Mr. Carico?

Mr. CARICO. I will just add a quick comment to that. With the brownfield funding, you can use some of that funding for conducting planning activities. I have seen that work both, we have had communities that already had some things in place but there was some additional work done, maybe it was a feasibility study or market analysis or a structural analysis or whatever, and it turned out that their original plans were really not the best plans.

So those things got changed a little bit. So I see very positive results that have come from that. But again, that has to be done at that local level. Having our brownfield funding to help with that is a big key. That is part of the whole cleanup plan, is that key right there as well.

Senator CARPER. All right, thank you.

Two more questions, if I could. It has been well documented that low-income communities and racial minorities are disproportionately exposed to environmental harm. We are seeing that in my own State, frankly, not far from where my wife and I live. There are concerns that development of brownfields can do unintended harm by displacing the people who live there. For example, with remediation, there can be an influx of zoning, planning, and privately funded new development that can in turn cause rents to rise above what community members can afford.

Again for the entire panel, this question. How can we incentivize private entities that invest in brownfield development to be sure that remediated sites benefit the communities where they are located and create sustainable, long-term infrastructure improvement for community residents? If I could, I am going to ask Mr. Goldstein to lead off on that one, please.

Mr. GOLDSTEIN. Sure, I would be happy to, Mr. Chairman. This is the unfortunate secret in our world, in the brownfields redevelopment world, the unintended consequences of environmental redevelopment and revitalization, gentrification. The opposite of gentrification is anchoring in place.

So how do we help communities that have long been in the neighborhood remain in that neighborhood? We do that by qualifying the private sector incentives with responsibilities and obliga-

tions to partner with local residents and local organizations. We require them to take on local partners. We require them to provide mentoring programs, job creation programs, job training programs. We require them to establish micro-lending programs, to invest in cultural amenities and gathering places and the like.

All of this could be included in what one might call generically an anti-gentrification plan which could be a condition to the award of any Federal brownfield grant.

Senator CARPER. All right, thank you.

Mr. Carico, same question.

Mr. CARICO. I really don't have any additional comments to make on that.

Senator CARPER. All right, thank you.

Mr. Pouncey?

Mr. POUNCEY. It is an issue. We see it, we have seen it dealt with at the local level. I can point to a number of developments that I have been involved in in Charleston, South Carolina, where there has been a tremendous amount of public involvement and comment to ensure that the local communities are not just informed but also involved and participate.

I don't know the Federal role in that. Where I have seen it most effectively considered has been at the local level.

Senator CARPER. Good, thank you.

Mr. Buschur?

Mr. BUSCHUR. Green gentrification is a concern for Groundwork and the work we do within the city. Displacement is an issue within Lawrence. There is a significant housing crisis, there is a significant affordability crisis.

I was intrigued by some of the concepts Mr. Goldstein put forward earlier that called for enhanced low-income housing tax credits associated with brownfield development to actually make it more appealing to private sector developers to come in, instead of doing full 100 percent market rate housing, that perhaps there are other incentives that can be provided from the Federal Government to make sure that a certain share of those units created fall to those who are most unable to afford housing within that city.

Senator CARPER. All right, thank you, sir.

One last question. This would also be a question for the entire panel. The question goes something like this. Earlier, we discussed detailed policy issues. I want to ask each of you to share with us briefly your experiences on what the brownfields program has meant to communities you have worked with. Can you give us some idea of an experience or two, briefly, that you have gone through and how the program has transformed not just land but the lives of people living in affected communities? Something from your own experience.

Mr. Carico, would you like to share with us a memory or two?

Mr. CARICO. I could actually talk for quite a while on that subject. I shared a couple examples in my comments earlier. One that is very interesting and close to me is a little project in Ceredo, West Virginia.

Senator CARPER. Tell people where Ceredo is.

Mr. CARICO. It is in Wayne County, near the tip with Kentucky and Ohio. You can see both from there.

There is a group called the Golden Girls Group Home.

Senator CARPER. I yearn to live there someday.

[Laughter.]

Senator CARPER. In the distant, distant future. Don't tell my wife.

Mr. CARICO. It is a great name, but it is a home that was built for young ladies that have come from horrific home conditions. It is a place for them to get a second chance, a new start.

They get safe housing, they get counseling. They get help with educational assistance and work to find jobs. It is a wonderful program.

They first approached me back some years ago about a particular piece of property and said, we hope to build our facility there. I did some research on it. I am an environmental geologist by trade, so I have a background in that. I did a little look and said, there are some issues with this project. Rather than getting into the brownfields side of it, I said, do you all have any other properties. They said, yes, we have a second location that just came up, and we think it could even be the better location.

So really quick, I did a little look into that. I said, it is a vacant property that nobody seems to know anything about. I said, let's find out for sure.

We had Wayne County EDA, they had a brownfields grant, and I was working with them. I said, let's do a phase 1 environmental site assessment on the property just to see what the history of this site is, to make sure there are no recognized environmental conditions.

They did a phase 1. At that time, I suspect that cost was no more than about \$4,000. There were no recognized environmental issues on that property. That jump-started it and cleared the way for, I have no idea how many private investors that came in, the local hospitals, the local businesses, they all said, OK, we see you have done your homework and we want to be involved with this.

Now, the facility has been built, all these young ladies go there, they have a place to stay. Those stories like that really make your day, quite frankly. And it all got started because we did a little background work just to make sure they weren't getting ready, as we say in West Virginia, to buy a pig in a poke, getting ready to take on something that had environmental challenges that they would not be able to handle.

Senator CARPER. That is a great story.

Mr. CARICO. I could tell you more, but I will stop there.

Senator CARPER. That is great.

Mr. Pouncey?

Mr. POUNCEY. Senator, there is one particular project that comes to mind. Back in the 1960's, when the interstates were being built, when what we call our downtown connector in Atlanta was built, it split the east side and the west side.

Senator CARPER. It sounds familiar. There are a lot of places like that around the Country.

Mr. POUNCEY. All of the growth occurred on the east side. The only thing on the west side was a little school called Georgia Tech, and an area, an old 100-acre steel mill called the Atlantic Steel

Mill. It was operating on a skeletal crew, so it avoided some of the EPA closure requirements. It was still considered to be “operating.”

Well, in the late 1990’s, we put together a group that ultimately redeveloped that steel mill that had lain in its underutilized capacity for close to 20 years. What it did is it sparked so many things on the west side of Atlanta, ultimately resulting a bridge that now connects the east side and the west side of Atlanta up in that area that we call 17th Street. It created grocery stores in areas that had no grocery stores. It created affordable restaurants in areas where there was no place to eat. It resulted in additional schools being built. It resulted in significant infrastructure improvement.

All of that was started, the seed was planted was the Atlantic Station redevelopment. Fortunately, we did receive EPA’s Brownfield Redevelopment of the year back in 2000.

Senator CARPER. That is great. Wonderful story, thank you.

Mr. BUSCHUR. Similar to the rest of the individuals up here, I have several stories. One that comes to mind is the Manchester Street Park site, which is a former rail yard right on Stevens Pond in the Arlington and Malden Mills District of Lawrence. When we did the park, when the city and Groundwork did the park, all the mills were quite dilapidated. Now there are hundreds of units of housing around the pond and near the park. The rail trail is going to be built that abuts it, and that connects to 30 miles of additional trails. It is the beginning of the end of the Spicket River Greenway.

This park serves as that hub for the hundreds of families that now call that mill section home.

Senator CARPER. OK, thank you.

How about one more story, Mr. Goldstein, from you, please?

Mr. GOLDSTEIN. There is a story that is being written right now, a project that is underway involving a 100-year-old site, which is pretty old for Miami. Miami is not that much older than 100 years. It is in the neighborhood called Overtown. It is in the southwest quadrant of Overtown, historic African American community that had been split in two by I-95 many years ago. This particular site is bordered by Booker T. Washington High School, which is the second oldest African American high school in south Florida, and adjacent to the Metrorail station that connects to the county’s largest job engine.

This particular site had sat idle for over 30 years as a result of a pretty horrific spill of chlorinated solvents from a janitorial supply company. Using the Federal Brownfields Program and the State brownfields program, one of our clients came in, acquired the site, cleaned it up, brought up a best-in-class affordable housing developer who was able to close because of the affordable housing incentives offered by the Federal Government.

The fact that the site is in an Opportunity Zone, the fact that there is State brownfields liability protection, and they are now going to invest \$250 million in this site to build 612 units of affordable housing and put in a fresh food grocer in what is currently a food desert. So you now have the connectivity between transit, schools, housing, and the county’s largest job engine, which is the health district.

This is more than just environmental science, this is poetry.

Senator CARPER. Thank you for that poetry.

I wanted to ask Bill Clinton a question, he had come and spoken at our annual Democratic Senate retreat over at the Library of Congress. He spoke before lunch, and he killed it. He is just so good; he was delivering the stories that he told. I said to him, as we were going through chow line, I said, "Mr. President, I have heard you speak many times, but I have never asked you why you are so effective as a speaker."

He said, "Tom, what I do is I tend to tell stories," he said, "I tell a series of stories that put together can explain more complex concepts. People understand stories. You draw them in, they get it." He said, "I like to use some self-deprecating humor." He said, "When I do that, I am usually fairly effective."

I find that when I do those things, I am fairly effective as well. I think maybe the most effective part of a terrific hearing has been just what you closed with. Those are wonderful stories that we can all get our heads and our hearts around. We want to thank you for those, and for being here with us.

Mr. Goldstein, to you and your neighbors down there in Florida, we send prayers for all of you, hoping that you come through this OK. There will be a lot of interest in providing Federal assistance and from others around the Country who are not government, but want to do it just because they want to be a good neighbor.

Before we adjourn, a little bit of housekeeping. We have heard from Senators some of them want to ask more questions for the record, some of them couldn't join us and want to ask some questions for the record. We will ask our colleagues to submit the written questions for the record through the close of business on Wednesday, October 12th, and we will compile those questions, we will send them out to each of you and ask you to reply by Wednesday, October 26th of this year.

I want to again thank our staffs, on the majority side and the minority side, for helping us put together a really good hearing on this important issue. It has been an important issue for a long time. Every member of this panel, Democrat, Republican, could tell a story, a bunch of stories that really would mirror what we have heard from each of you in your close.

We want to thank our staffs for making possible this great hearing, for those who were able to participate on our panel, and our members of the committee, thank them for joining us, especially Senator Capito.

All right. This hearing is adjourned. Thank you all so much. God bless.

[Whereupon, at 12:09 p.m., the hearing was adjourned.]

