

Brownfields Policy and Research

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Brownfields Policy and Research Round-up

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CONGRESS AND BROWNFIELDS – FEDERAL ISSUES

1. Brownfields Appropriations

EPA. The House Appropriations Committee and the Senate Interior and Environment Subcommittee have each passed modest increases for the EPA Brownfields Program. The Brownfields Assessment and Cleanup Program is pegged at \$100 million (a 3.1 percent increase over 2009) in the House and \$101 million in the Senate. Both sides budgeted \$49.5 million for Brownfields Assistance to the States.

HUD. There has not been an Appropriations Committee action on the HUD Brownfields Economic Development Initiative (BEDI) or HUD 108, both of which were both “zeroed” in the Obama budget. The National Brownfields Coalition has requested \$25 million for BEDI and \$7 million for HUD 108 in letters to the [House](#) and [Senate](#) Appropriations Sub-committees

2. **Public Agency Liability Work Group Formed.** One of the National Brownfields Coalition’s proposals, as part of reform measures to re-authorize the EPA Brownfields Program, is to clarify and expand liability protections for public agencies that acquire contaminated properties. NEMW is working with the International Municipal Lawyers Association (IMLA), the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, and about twenty major cities on this proposal. IMLA set up a list-serve for the group at: <http://lists.imla.org/mailman/listinfo/brownfields>, and interested parties are encouraged to join. A National Association of Local Government Environmental Professionals report – “[Superfund Liability: a Continuing Obstacle to Brownfields Redevelopment](#)” - outlines the issues relative to current federal liability protections for public agencies.

3. EDA and Brownfields – Funding Increased; Green Jobs and Sustainability Reinforced:

- EDA Funding Increased and Flip-Flopped. Last month this newsletter reported that the Obama budget proposed flipping EDA’s priorities, making the Economic Adjustment Program the centerpiece and reducing funds for the Public Works Program. The House Appropriations Committee reversed that and added funds back into the Public Works Program (\$158.3 million) while also increasing overall EDA funding by \$9 million over the President’s budget and \$20 million over FY 2009. See the National Association of Development Organization’s (NADO) [Legislative Newsletter](#).
- EDA, Green Jobs, and Climate Change. Also from the [NADO](#) newsletter, the House Appropriations Committee directed that “no less than \$25 million” of the Public Works funds be spent in the EDA “Global Climate Change Mitigation Fund.” In so doing, the Committee directed EDA to “expand the program beyond Leadership in Energy and Environmental Design (LEED) certification. This can include renewable energy; energy efficiency; reuse, restoration and recycling; green buildings; the development of green products; the greening of an existing function, process or activity; and the creation or renovation of a green building.”
- Using EDA Funds on Brownfields Sites. With funding on the rise, brownfields practitioners may want to consider ways to advance brownfields projects through EDA funding – see the [EDA brownfields website](#). Another useful resource is the 2005 GAO report on [EDA funding for brownfields and remediation activities](#). EDA’s [Information Dissemination Campaign](#), developed in partnership with the American Planning Association, includes information resources and an Economic Development Toolkit. EDA’s brownfields specialist is Ken Kukovich, 202-482-4965, kkukovich@eda.doc.gov.

ENERGY, BROWNFIELDS, AND SUSTAINABILITY

4. Smart Growth, Brownfields, and Greenhouse Gas Reduction

- New Study Supports Greenhouse Gas (GHG) Reductions through Smart Growth. The Center for Clean Air Policy (CCAP) released a new study: “[Cost-Effective GHG Reductions](#)

- [through Smart Growth & Improved Transportation Choices: An economic case for strategic investment of cap-and-trade revenues.](#)” CCAP concludes that comprehensive application of smart growth best practices and improved transportation choices could significantly reduce transportation emissions at a net cost savings to society. The report makes a case for incorporating smart growth projects and programs into cap-and-trade schemes.
- [New Mapping Tool Ties Urban Living to Climate Change.](#) Adding further evidence to the case for the connection between smart growth and climate, the [Center for Neighborhood Technology](#) released a new [Mapping Tool that measures the relationship between urban living and climate change.](#)
 - [Benefits of Mixing Brown and Green.](#) A presentation by GZA GeoEnvironmental given recently as a Lorman Education Seminar on LEED and Brownfields outlines the potential benefits (and ways to measure those benefits) [“When you Mix Brown and Green”](#)
 - [NEMW studies](#) reinforce the reduction in vehicle miles traveled (and consequent GHG benefits) due to the smart growth locations of [Brownfields](#) and [Historic Preservation](#) projects.
5. **Renewable and Clean Energy on Brownfields Sites.** At the recent New Jersey Institute of Technology [Northeast Sustainable Communities Workshop](#), presentations outlined some of the opportunities to produce energy on brownfields sites:
- A Plainfield, CN [bio-mass/wood-burning renewable energy project](#) generates 37.5 MW and reduces greenhouse gas emissions by 135,000 tons of CO₂ equivalent per year
 - A [Pace University Energy and Climate Center](#) presentation outlined the potential for [Clean Distributed Power on Brownfields Sites](#)
6. **Michigan - Green Jobs and Renewable Energy on Brownfields.** Policy makers are increasingly calling attention to the potential to replace lost manufacturing jobs with new green and renewable energy jobs. But can the new green jobs be matched up with closed manufacturing plants and other brownfields sites? This [University of Michigan Land Policy Institute](#) analysis answers affirmatively. The study finds vast potential to redevelop brownfields for renewable energy, producing “5,855 Mw of plate capacity... equivalent to what it would take to power 1.8 million homes, or almost 50 percent of Michigan homes. Estimated positive economic impacts include the creation of over 17,500 construction, maintenance and operation jobs and more than \$15 billion in new investment dollars.”
7. **NEMW – Green Infrastructure Field Hearing in Philadelphia.** NEMW held a congressional field hearing on [Green Infrastructure and the Role of Public Policy](#) in Philadelphia on May 18, 2009.

RECOVERY ACT IMPLEMENTATION

8. **Recovery Zone Economic Development Bonds and Facility Bonds.** A Recovery Act tax provision to stimulate economic development in distressed areas is being implemented by the Treasury Department. A potential aid to brownfields redevelopment, the Recovery Zone Facility Bonds can be used for tax exempt financing of business investment in distressed areas through an expanded definition of investments eligible for [Qualified Tax Exempt Private Activity Bonds](#). See the Treasury Department announcement in this issue of [Bond Buyer](#) and an expanded description in this [Nixon-Peabody Recovery Zone Summary](#) posted on the [CDFA](#) website.
9. **IDBs Can Finance Some Warehouse Development Projects.** Another Recovery Act provision that is gaining broader circulation is the potential use of IDBs to finance warehouse projects. According to the [California Treasurer's report](#), the Recovery Act broadened IDBs in several ways:
- 1. Elimination of the ancillary facilities limitations for all IDBs issued before 2011. This means IDB proceeds may be used to finance any assets that are functionally related and subordinate to a manufacturing, research or production facility, [e.g., a warehouse]

- provided that such assets are located on the same site as the core facility.
2. Small-issue manufacturing has been expanded to include projects involving not only the manufacture or production of tangible personal property, but also the creation or production of intangible property, such as patents, trademarks, formulas and designs.
 3. Exemption from individual and corporate alternative minimum tax (AMT) for investors who purchase IDBs.
10. **Stimulus Money Put To Work At Superfund Sites.** [National Public Radio](#) ran a Morning Edition story on the [Use of Stimulus Funding at Superfund sites](#), exploring the cleanups at Camden and Gloucester City, N.J. sites.
11. **ICF Guide to Stimulus Funding for Brownfields** – ICF International has published a [Guide to Recovery Act Funding for Brownfields](#)

STATE BROWNFIELDS ACTIONS

12. **Louisiana Fails to Renew Brownfields Tax Credit.** On June 16 the Louisiana House of Delegates voted unanimously, 99 – 0, for a bill would have repealed the July 1, 2009 sunset for the popular Brownfields Investor Tax Credit program (HB 360). However, in the waning hours of the legislative session, the bill failed to be acted on in the Senate and the tax credit will cease on the sunset date. New Orleans is hosting the National Brownfields Conference in November. NEMW has updated the [State Brownfields Tax Credits Chart](#).
13. **Maryland Implementing Disclosure Requirements for Hazardous Substances.** Maryland is now implementing a [disclosure law](#) passed in 2008 session of the Maryland General Assembly. The new law requires that the Department of the Environment be notified of any site assessment sampling that indicates contamination above certain thresholds.
14. **ASTSWMO issues “Revitalization Indicators” Report.** The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) released a report covering how states are tracking brownfields cleanup and redevelopment projects. The [Compendium of State Land Revitalization Indicators](#) report finds that twenty states are collecting impact data to measure brownfields redevelopment activities

FEDERAL AGENCY INITIATIVES

15. **HUD, DOT, and EPA Announce Interagency Partnership for Sustainable Communities.** The Environmental Protection Agency (EPA), the Department of Transportation (DOT), and the Department of Housing and Urban Development (HUD) recently announced a new “Sustainable Communities Partnership” to help American families gain better access to affordable housing, and attain more transportation options at lower costs. Earlier this year, HUD and DOT announced an unprecedented agreement to implement joint housing and transportation initiatives. With EPA joining the partnership, the three agencies will work together to ensure that the goals of these housing and transportation initiatives are met, while simultaneously protecting the environment, promoting equitable development, and helping to address the challenges of climate change. The [Partnership Agreement](#) and [Livability Principles](#) documents are available on the Northeast-Midwest Institute’s website.
16. **EPA Brownfields Sustainability Pilots.** From the [EPA Brownfields-Sustainability Pilots website](#): EPA is providing communities with technical assistance to help them achieve greener assessment, cleanup, and redevelopment at their brownfields. Assistance will support activities such as the reuse and recycling of construction and demolition materials, green building and infrastructure design, energy efficiency, water conservation, renewable energy development, and native landscaping. These pilots will also demonstrate best practices that can be used by other communities across the country. For more information contact EPA regional offices or Latisha Petteway, (202) 564-4355 / petteway.latisha@epa.gov

17. **EPA Guide for Inventorying Petroleum Brownfields.** EPA has published a new [Guide to Inventorying Petroleum Brownfield Sites](#) to “help states, tribes, EPA Brownfields Assessment grant recipients, and others develop an inventory of relatively low-risk, petroleum-contaminated brownfield properties is posted on the EPA [Petroleum Brownfields website](#)

CONFERENCE NEWS

18. **National Brownfields Conference.** The [Brownfields2009 Conference](#) will be held November 16-18 in New Orleans.
19. **New Partners for Smart Growth Conference.** The annual [New Partners for Smart Growth Conference](#) will be held in Seattle, February 4-6, 2010.

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