

Brownfield Basics

November 2020

Tish Corbett

US EPA Region III

Brownfield Project
Manager/MD State Liaison

Brownfields Basics

Some housekeeping items:

- All participants will be muted during the webinar.
- Submit questions via Q & A box and make sure the setting is to “All”.
- This webinar is being recorded and will be posted on www.njit.edu/tab.



EPA Region III Territory

Before



After



Miller's Court
Baltimore, MD

Before



After



Canton Crossing
Baltimore, MD

Before



After

(Rendering)



National Aquarium's Center for
Aquatic Life and Conservation (CALC)
Baltimore, MD

What is a Brownfield?

- ▶ Real property, the expansion, redevelopment, or reuse of which may be complicated by the presence *or potential presence* of a hazardous substance, pollutant, or contaminant.

EPA Brownfields Funding Types

Types of Grant Funding

- ▶ Assessment
- ▶ Revolving Loan Fund
- ▶ Cleanup
- ▶ Multi-purpose
- ▶ Environmental Workforce Development and Job Training Grants
- ▶ Targeted Brownfield Assessments

Assessment Grant Competition

- ▶ Provide funding to **plan, inventory, and assess brownfields** contaminated with hazardous substances, pollutants, contaminants and petroleum products, conduct community involvement, and cleanup/redevelopment planning.
- ▶ Who is eligible?
 - State, local, and tribal governments
 - General purpose units of local governments
 - Regional councils or redevelopment agencies
 - Non-Profits

Assessment Grant Competition

- ▶ Community Wide Assessments
 - ▶ \$300,000 maximum total grant for Hazardous/Petroleum funding
- ▶ Site-Specific Assessments
 - ▶ \$200,000 total funding maximum for Hazardous/Petroleum funding per site
 - ▶ Waiver up to \$350,000
 - ▶ Contamination
 - ▶ Size
 - ▶ Ownership status

Assessment Grant Competition

- ▶ Coalition Assessment
 - ▶ \$600,000 total funding for Hazardous/Petroleum funding per site
 - ▶ Partner with communities that have limited capacity to manage their own brownfields cooperative agreement

Assessment Grant Competition

- ▶ Planning Activities
 - ▶ Site Reuse Assessment
 - ▶ Market Evaluation
 - ▶ Market Analysis
 - ▶ Infrastructure Evaluation
 - ▶ Land Use Assessment
 - ▶ Site Design/Reuse Vision
 - ▶ Redevelopment Planning
 - ▶ Expression of Interest Process
 - ▶ Development of an Area-Wide Plan

Cleanup Grant Competition

- ▶ Provide funding for **remediation** of brownfields contaminated with hazardous substances, pollutants, contaminants and petroleum products.
- ▶ Who is eligible?
Applicants must own the property at time of proposal submission
 - State, local, and tribal governments
 - General purpose units of local governments
 - Regional councils or redevelopment agencies
 - Non-profit organizations

Cleanup Grant Competition



\$500,000 maximum per grant proposal



One proposal per applicant



One site or multiple sites allowed per proposal



Request only the funds required to remediate



Floodplain projects should describe projected and appropriate reuse as well as partner involvement



Cost share waiver

Non-Profits

Tribes

Local governments < 50k population

Revolving Loan Fund (RLF) Grants

- ▶ Provide funding to capitalize a revolving loan fund that provides loans and subgrants to carry out **cleanup of brownfield sites** contaminated with hazardous substances, pollutants, contaminants and petroleum products.
- ▶ Who is eligible?
 - State, local, and tribal governments
 - General purpose units of local governments
 - Regional councils or redevelopment agencies
- ▶ Funding:
 - Up to \$800,000
 - Requires a **20% cost share**
 - Award **~10 RLFs** biennially
 - Provide supplemental funding annually to existing high performing RLFs

RLF Grant Competition



RLF Applicants may not request a waiver of the 20% cost share requirement.



Subgrants will be limited to \$350,000 (previously \$200,000)



50% or more for loans, remainder for eligible costs and subgrants



Distribution

Project Description/Revitalization Plan 25%
Community Need/Engagement 20%
Tasks, Costs, Measuring Success 40%
Programmatic Capability 15%

Environmental Workforce Development and Job Training (EWDJT) Program

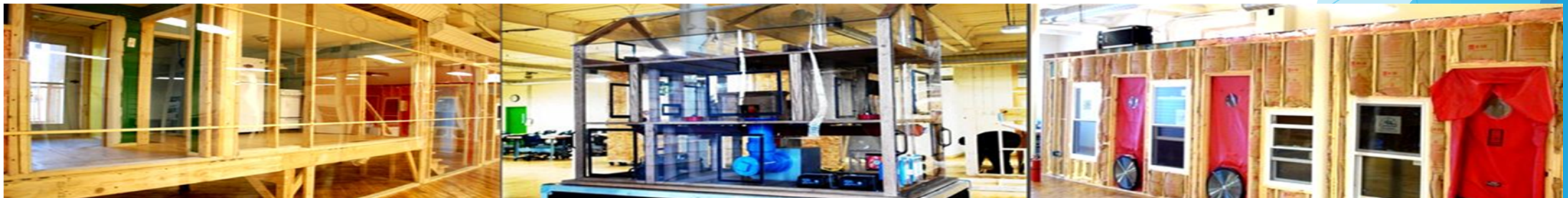
FY20 JT- Received 8 proposals, 3 were awarded out of 26 nationally.

JT FY 21 RFP will be released early June

Up to \$200,000 for nonprofit and other organizations to recruit, train, and place predominantly low-income and minority, un-employed and under-employed people living in areas affected by solid/hazardous waste.

Residents learn the skills needed to secure full-time, sustainable employment in environmental fields such as:

- hazardous and solid waste management
- assessment and cleanup activities
- lead paint, asbestos and mold remediation
- energy audits and renewable energy
 - emergency response
- integrated pest management
- storm water management



What Are TBAs

Targeted Brownfield Assessments

- TBAs performed by USEPA Region 3 at the request of an eligible entity to assess a single site that may be contaminated.
- TBAs subject to a Regional review process which includes a brief application
- Submission of letter requesting assistance through a TBA answering Region 3 criteria
- Signed access form by EPA and the TBA recipient/owner
- TBAs are NOT subject to a National competition but rather evaluated by Region 3 personnel
- Not a grant
- No monetary cap
- No proposal submittal needed



The North 16th Street site in Philadelphia, PA under construction for Habitat for Humanity




Hinton Ice House in Hinton, WV which will be part of the Rail Yard District



Drums found at Former Mingo Lime and Lumber site in Williamson, WV

▶ Mine-Scarred Lands

- ▶ Mine-scarred lands are eligible for brownfields grants funding. EPA's view is that "mine-scarred lands" are those lands, associated waters, and surrounding watersheds where extraction, beneficiation, or processing of ores and minerals (including coal) has occurred.
- ▶ Mine-scarred lands include abandoned coal mines and lands scarred by strip mining.
- ▶ Examples of coal mine-scarred lands may include, but are not limited to:
 - ▶ • abandoned surface coal mine areas;
 - ▶ • abandoned deep coal mines;
 - ▶ • abandoned coal processing areas;
 - ▶ • abandoned coal refuse areas;
 - ▶ • acid or alkaline mine drainage; and
 - ▶ • associated waters affected by abandoned coal mine (or acid mine) drainage or runoff, including stream beds and adjacent watersheds.

- 
- ▶ Examples of non-coal hard rock mine-scarred lands may include, but are not limited to:
 - ▶ • abandoned surface and deep mines;
 - ▶ • abandoned waste rock or spent ore piles;
 - ▶ • abandoned roads constructed wholly or partially of waste rock or spent ore;
 - ▶ • abandoned tailings, disposal ponds, or piles;
 - ▶ • abandoned ore concentration mills;
 - ▶ • abandoned smelters;
 - ▶ • abandoned cyanide heap leach piles;
 - ▶ • abandoned dams constructed wholly or partially of waste rock, tailings, or spent ore;
 - ▶ • abandoned dumps or dump areas used for the disposal of waste rock or spent ore;
 - ▶ • acid or alkaline rock drainage; and
 - ▶ • waters affected by abandoned metal mine drainage or runoff, including stream beds and adjacent watersheds.

MARYLAND

Brownfields Information

At-A-Glance



Since 1997 the total dollars awarded in MD: \$ 15,384,060

Brownfields Grant Types	Number of Grants	Total Funds
Assessment	12	\$2,720,000
Area Wide Planning	0	\$0
Cleanup	6	\$1,200,000
Job Training	9	\$1,900,000
Revolving Loan Funding	5	\$2,850,000

Results of Funding

Total number of communities funded:	12
Total number of community grants awarded:	32
Total number of grant assessments completed:	73
Total number of Targeted Brownfield Assessments (TBA) *:	4
Total number of grant cleanups completed:	7

Total amount of Brownfields 128(a) grant dollars to MDE to support their programs since 2002: \$6,714,060

*Targeted Brownfield Assessments are assessments conducted using either EPA contract resources or funds given to the state to conduct assessments.

Dollars Leveraged	\$366,183,363
Jobs Leveraged	5,602
Acres/Properties Ready for Reuse	71.61/17

Outreach Activities and Events



Debriefing -unsuccessful applicants not awarded. Encourage them to reapply.



Brownfields 101/Brownfields Basics - for communities that are unfamiliar with Brownfields as a concept .



Grant writing workshops - for communities ready to apply for EPA Brownfields funding



Brownfields 201 - resources for redevelopment beyond EPA grants. Mostly used at state conferences.



Brownfields specialty topics - for communities with EPA grants that want to make implementation of their projects more effective.



Annual conferences and all grantees meeting

Please feel free to call or email me with any questions.



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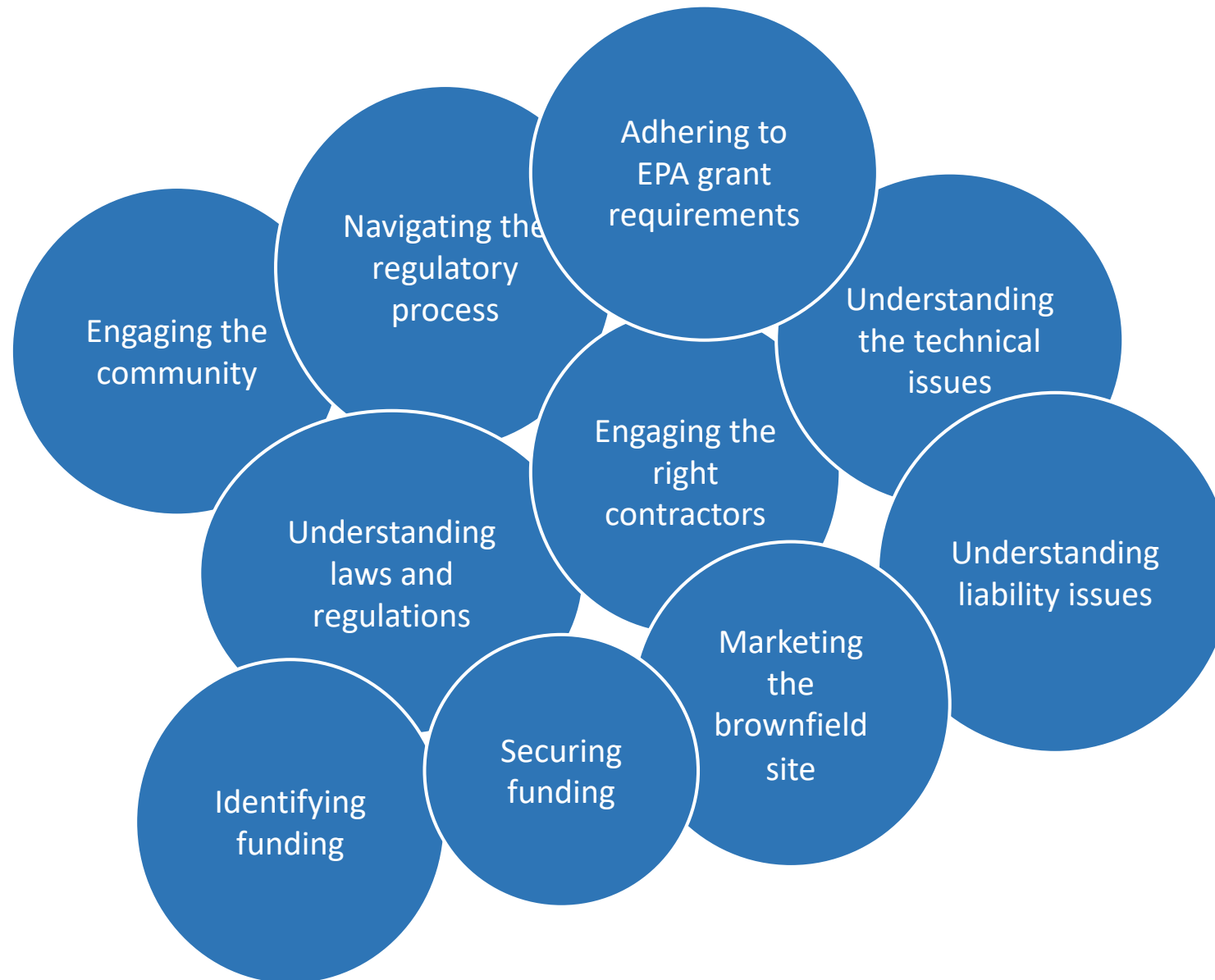
New Jersey Institute of Technology Technical Assistance to Brownfield Communities Program (NJIT TAB)



**Melissa Dulinski
Project Manager**

November 19, 2020

HELP!!!



NJIT Technical Assistance to Brownfield Communities (TAB)

Since 2008, NJIT has served as EPA's designated technical assistance provider in EPA Region 3.

NJIT TAB serves as an independent resources to state, regional, county, tribal, and local governments, and nonprofits attempting to learn about, identify, assess, cleanup and redevelop brownfields.

➤ **Assistance is *free*!**



NJIT Technical Assistance to Brownfield Communities (TAB)

NJIT TAB Team



**We are planners, engineers,
environmental scientists, and social scientists
who have helped 100s of communities!**

NJIT Technical Assistance to Brownfield Communities (TAB)

NJIT TAB provides assistance throughout the *entire* brownfields redevelopment process.

Assistance is provided through...

- ❖ Resource Center
- ❖ Educational and Engagement Forums
- ❖ One-on-one Technical Assistance



Sean Vroom, NJIT TAB team member conducts a tour of the HighLine for the Groundwork Hudson Valley community advisory committee.



Gary White, NJIT TAB team member conducts a 'green storm water infrastructure on brownfields' bootcamp.

NJIT Technical Assistance to Brownfield Communities (TAB)

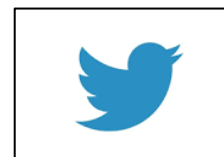
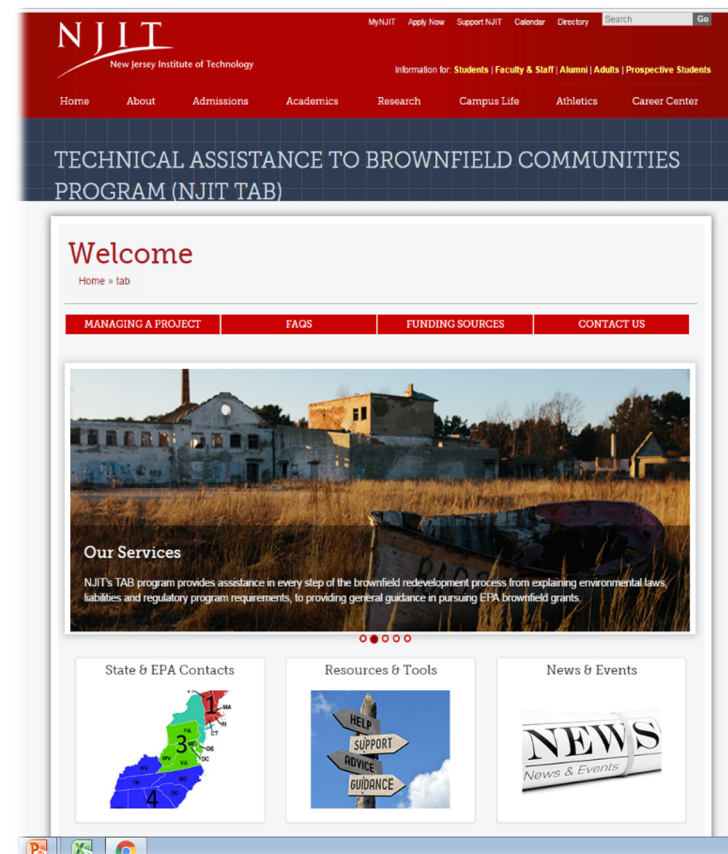
NJIT TAB Resource Center

www.njit.edu/tab

- ❖ Info on all aspects of assessing and cleaning up a brownfield site
- ❖ News and upcoming events

Resources and Tools

- ❖ Federal and state funding sources
- ❖ EPA and state contacts
- ❖ Previously recorded webinars
- ❖ Downloads of workshop and seminar presentations
- ❖ Success stories
- ❖ Frequently Asked Questions
- ❖ How-to videos
- ❖ Successful grant applications



@NjitTab



NJIT TAB Hotline
973-642-4165

tab@njit.edu



NJIT Technical Assistance to Brownfield Communities (TAB)

NJIT TAB Educational and Engagement Forums

Conferences: pre-conference workshops, learning labs, panel sessions, office hours

Workshops: 2 to 4 hour interactive sessions on brownfield related topics

Seminars: deeper dive into specific brownfield related topics

Brownfield Boot Camps: 4 to 7 hour more intensive, deep dive into specific brownfield related topics

Webinars: various brownfield related topics

All-Grantee Meetings: work with state agencies and EPA

COVID-appropriate virtual events



Colette Santasieri, NJIT TAB team member welcomes attendees at Brightfields 2018.



One-on-One Technical Assistance

Brownfields Redevelopment Process



The type and depth of NJIT TAB's assistance is tailored to the needs of the community – from a quick call to more involvement.

NJIT Technical Assistance to Brownfield Communities (TAB)



One-on-One Technical Assistance

Identify funding sources

Explain laws and regulations

Research brownfield-related issues

Review draft grant applications

Develop Assets and Needs Studies

Develop redevelopment strategy

Design and conduct of community visioning workshops

Participate in the consultant solicitation process

Interpret technical and scientific reports and data

Explain the regulatory programs

Create project prioritization processes

Explain clean-up technologies

NJIT Technical Assistance to Brownfield Communities (TAB)



Melissa Dulinski
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Maryland
Department of
the Environment

Maryland's Brownfields Program Land Restoration Program

The Voluntary Cleanup Program

&

Controlled Hazardous Substance Enforcement Division



Hazardous Substance Cleanup Programs

LAND RESTORATION PROGRAM (LRP)

- **Controlled Hazardous Substances (CHS) Enforcement Division**
 - Established to carry out the CHS Response Plan (COMAR 26.14) and the CHS Act (§§7-201 – 266 of the Environment Article)
- **Voluntary Cleanup Program (VCP)**
 - Established in 1997 to encourage redevelopment of brownfield sites (§§7-501 – 516 of the Environment Article)



CHS Enforcement Program Technical Review Service

The CHS Program:

- Can review/comment on environmental documents for interested parties who submit a written request and agree to the Program's cost recovery terms.
- This service can include documents as varied as environmental investigation and remediation reports, work plans, proposed investigation/remediation strategies, and proposed soil management plans.
- Once it has completed its review, the Division provides the findings to the requester in a letter format, the content of which can range from a simple "No Further Action" determination to detailed comments, investigation/remediation requirements, and/or land use restriction requirements to be recorded on the property deed in an Environmental Covenant.
- <https://mde.maryland.gov/programs/LAND/MarylandBrownfieldVCP/Pages/CHSEnforcementDivision.aspx>



CHS Technical Review Service Relative Limitations

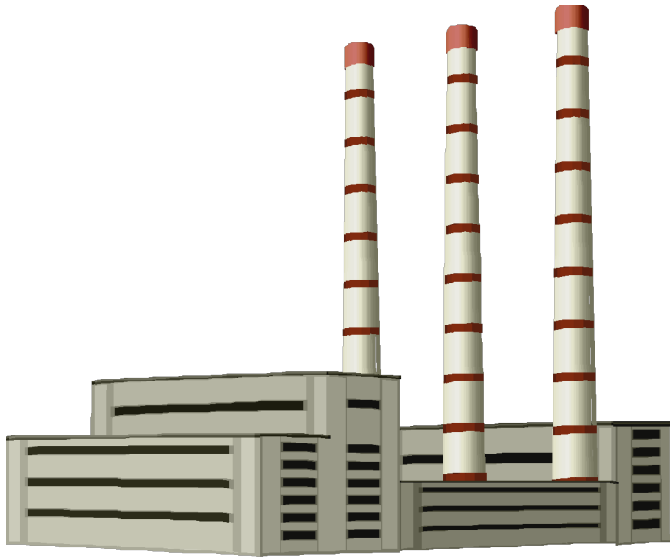
- Not an option when petroleum contamination is the sole culprit.
- A technical review and opinion providing comfort, not liability relief.
- Not a gateway to the tax incentives and liability protections available through the Voluntary Cleanup Program.



VCP Eligible Properties

Almost any property can enter the VCP

- Sites excluded from participation include:



- Sites with Controlled Hazardous Substance (CHS) permits
- National Priority List (NPL) sites
- Sites under active enforcement, unless the applicant is an inculpable person
- Sites initially contaminated after October 1, 1997 (Responsible Person)



VCP Incentives

- Liability Protections
 - Completing the VCP provides surety to buyers, sellers, developers and lenders that environmental issues are addressed
 - Inculpable parties (IP) are not liable for existing contamination at an eligible VCP property migrating off-site
 - Future property owners may receive liability protection
- Financial Incentives
 - Brownfields Tax Credits for IP





VCP Fees

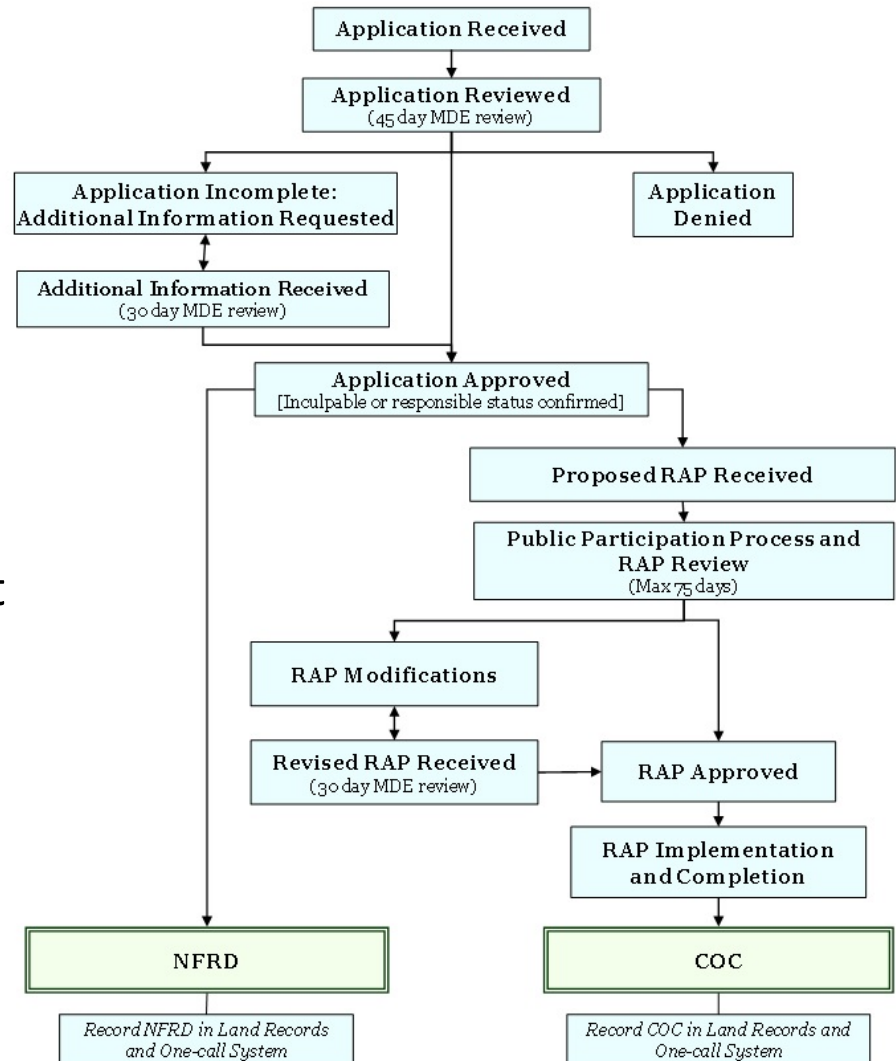
Activity/Description	Fee Amount
Initial Application Fee: Non-refundable fee for the first VCP application for the property.	\$6,000
Subsequent Application Fee: Subsequent application regarding the same property or contiguous or adjacent properties that are part of the same Planned Unit Development (PUD) or similar development plan.	\$2,000
Inculpable Person Determination: Applicant requesting expedited determination as Inculpable Person.	\$2,000
Institutional Controls Fee: Issuance of NFRD or COC conditioned on certain uses or on the maintenance of certain conditions.	\$2,000
Changes/Revisions: Request by participant to alter the record of determination in the land records for an eligible property with certain conditions.	\$2,000



Overview Voluntary Cleanup Program (VCP) Process

VCP Application Process

- Application Form & Fee
- Determination of Inculpable Party (IP) status
- 30-Day Notice to the Public
- Requires only Phase I Environmental Site Assessment (ESA) to Enter the VCP
- Phase II ESA Required, Unless MDE Determines No “Recognized Environmental Conditions of Concern” at the Site





VCP Application Specifics

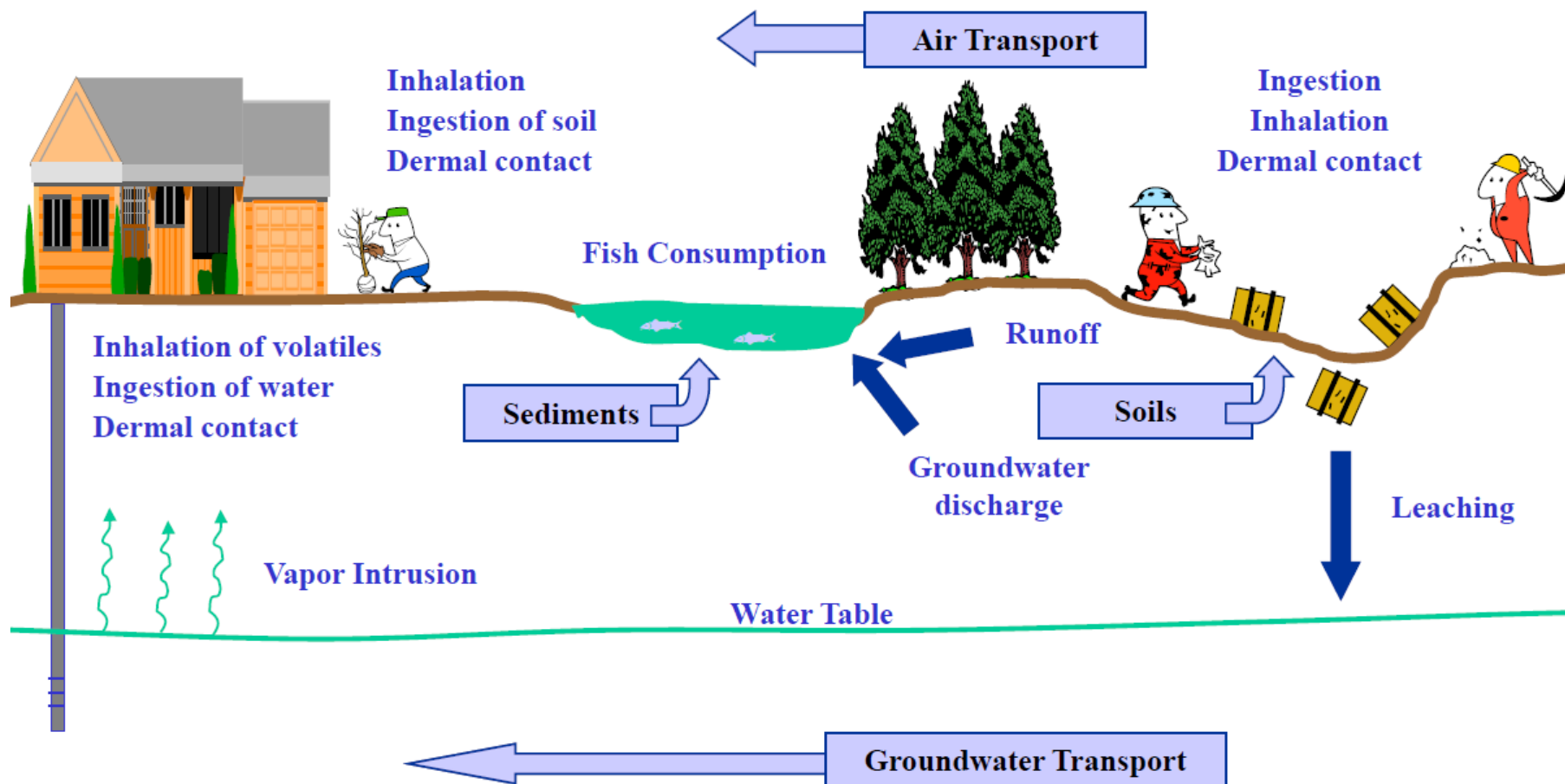
A VCP Application must include:

- VCP Application Form and Applicable Fee
- Request for Inculpable Party (IP) status, if applicable
- Phase I ESA that meets ASTM 1527-13
- Phase II ESA or Work Plan
- Designate Future Land Use Category

After Submitting an Application the Applicant Posts a Public Notice Sign at the Eligible Property for the 30-day public comment period.



Sampling Data For Risk Assessment





VCP Application Review

As part of the application review the assigned Project Manager will review all available information provided in the application, check with other MDE programs for potential open enforcement actions and conduct a site visit. Based on the review additional sampling may be required.

After all the necessary data is collected, the LRP staff will evaluate the risk for users of the property in regards to the land use category and lifetime human health exposure risks.

If there are no unacceptable risks at the site or risks that can be managed by land use controls the property will be accepted into the VCP and a No Further Requirements (NFRD) Determination and Environmental Covenant will be issued to be recorded on the property deed

If additional cleanup or other mitigation is required to address the risk the property owner may proceed with preparing a Response Action Plan (RAP). Once the RAP is approved and implemented successfully a Certification of Completion (COC) and Environmental Covenant will be issued to be recorded on the property deed.



Eligible Land Uses Under VCP

VCP Land Uses

- Residential (Tier 1)
 - Examples include single and multi-family dwellings, hospitals and health care facilities, education facilities, day care facilities
- Commercial (Tier 2)
 - Examples include shopping centers, office spaces, vehicle service stations, hotels, restaurants and religious institutions
- Industrial (Tier 3)
 - Examples include manufacturing facilities, maritime facilities, oil refineries, metal working shops



Eligible Land Uses Under VCP

VCP Land Uses

- Public Recreational Area (Tier 4)
 - Low Frequency, Moderate Frequency, High Frequency
 - Frequency subcategory is dependant on days in calendar year
 - Examples include athletic fields, golf courses, picnic areas, schools, day care facilities



Residential Land Use Policy For VCP and CHS

This fact sheet provides information regarding Maryland Department of the Environment's (MDE) revised policy for residential redevelopments that may require land use controls (LUCs).


This policy applies to sites under the oversight of the Land Restoration Program, including through the Voluntary Cleanup Program (VCP) and Controlled Hazardous Substances Technical Review Service, and other Land and Materials Administration programs as applicable.

The August 2020 Factsheet is available at:

https://mde.maryland.gov/programs/LAND/MarylandBrownfieldVCP/Pages/errp_factsheets.aspx



LRP Mapping Site



MDE - LRP Map

Details Contents Add Data Reports

The Land Restoration Program (LRP) of the Maryland Department of the Environment provides financial incentive for the redevelopment of brownfields, which are sites that either qualify for the Voluntary Cleanup Program or are contaminated by oil. Redevelopment of these sites will help revitalize industrial and commercial areas. LRP also administers the Superfund program for the State of Maryland that assesses suspected hazardous waste sites, including federal facilities, to control and remove environmental and public health threats through site cleanups and remedial actions. As a public service, LRP distributes their GIS data identifying these site locations in several different file formats. They include OGC Compliant Web Map Services, OGC Compliant Web Feature Services, ArcGIS Web Map Services, and Keyhole markup Language (KML) format.

For more information regarding this site, please contact the

[Land Restoration Program of MDE](#)
- or -
call (410)537-3493

Data Currently Available
[GIS Shapefiles](#)
[KML Files](#)
[Using Services](#)

How to use the application:

Find an address:
Enter an address into the 'Find a place' box on this page to zoom to the closest match.

-or-

In or out icons or a scroll mouse may be used for zooming your view down to a street or neighborhood level.

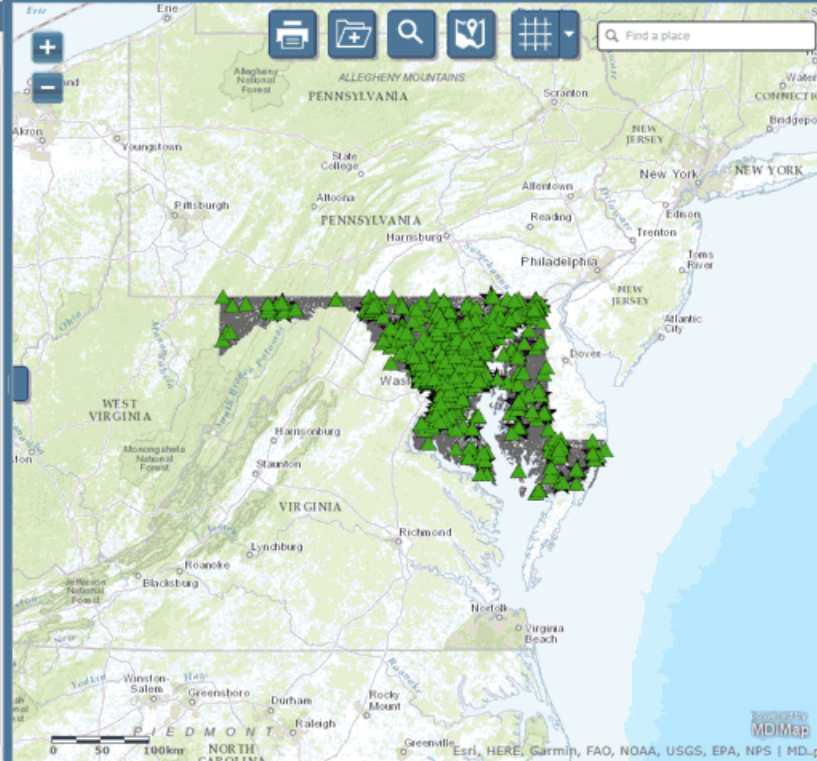
-or-

Click on the 'Search' tool bar where you can search for Sites, Determinations, or Applicants.

- ▲ LRP Sites
- ★ Determinations
- Determination Areas

Land Restoration Program - Home | MDE

Find a place



0 50 100km

Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS | MDMap

For Further Information:

Visit the MDE Website

<https://mde.maryland.gov>

At MDE home page Select Land from Menu

Under Land select Land Restoration Program.

The Land Restoration Program Home Page has links to both the Voluntary Cleanup Program and Controlled Hazardous Substance Enforcement Division.

Follow Link to Controlled Hazardous Substance Enforcement Division scroll down to Technical Review Service

or contact Brian Dietz (bdietz@maryland.gov) or Barbara Brown(barbara.brown1@maryland.gov)

Brownfield Assistance for Hagerstown and Western MD



How can Planning help your community cash in on your brownfields?

Information and Tools



Brownfield Inventory



Resources



Grant Applications



Let Planning be your Brownfield Assistant



We can act as a liaison with MDE, NJIT TAB, and EPA

We will research other assistance opportunities from federal, MD, NGOs, private foundations

We will take notes, research statistics, and write your grant proposal



Request for Brownfield Assistance form

With a Little Help from My Friends: Partnering for Success

EPA: The federal guru

Local Non-Profits: The buddy system

NJIT TAB: The techie

Developers: The catalyst

MDE: The state/district gurus

Community: The pulse

Commerce: The finance folks

MDP: The intermediary



Program Achievements

2018–Present—Developed(ing) relationships with local governments, state agencies, EPA, NJIT TAB, community organizations and non-profits

September 2019—Co-hosted our first brownfield bootcamp at the Eastern Shore Conservation Center in Easton

December 2019—Submitted our first EPA brownfield grant application

March 2020—Launched [webpage](#), including brownfield success stories

May 2020–Present—Hosting virtual brownfield presentations during COVID-19 to continue promoting this important topic

2021 Maryland Brownfield Conference

Do you want to serve on an advisory committee to inform the conference planning process?

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