

EPA Brownfields Redevelopment **Removing Barriers to Brownfields Redevelopment** **(Elizabeth River, VA Region)**

Overview:

NJIT TAB coordinated and conducted a workshop that addressed removing barriers to brownfields redevelopment for a number of communities and a non-profit organization from the region surrounding the Elizabeth River in Northeastern Virginia including the Cities of Portsmouth, Virginia Beach, Chesapeake, Norfolk, and Suffolk as well as Isle of Wight County and the Elizabeth River Project, a non-profit organization dedicated to the restoration and conservation of the Elizabeth River. This workshop was coordinated with the Virginia DEQ whose staff provided insight into some of the activities and issues occurring in the region. The workshop consisted of presentations from NJIT-TAB; Hampton Roads Planning District Commission; USEPA Region 3; and VA DEQ. The content of these presentations included origins and history of brownfields, positive factors that contribute to successful brownfields redevelopment, brownfields success stories, planning along the Elizabeth River, reuse planning and brownfields inventories, USEPA brownfields program overview, VADEQ's voluntary remediation program overview, and preparing a compelling grant application. Copies of these presentations can be found at <http://www.njit.edu/tab/downloads/index.php>.

Some transferrable topics that emerged during workshop discussions are provided below:

- Most of the more seriously contaminated hazardous waste sites in the nation have been addressed through the Superfund Program and the majority of remaining sites can be characterized as having low level contamination.
- It is critical to have clarification of institutional and engineering controls in regards to the community outreach element of brownfields redevelopment. The community needs to be informed up front to assure they understand the options and the trade offs associated with a sites redevelopment.
- The level of cleanup associated with a site will depend on its proposed use.
- It is critical to include all stakeholders including citizens and environmental activists in the early stages of outreach.
- There is a national trend towards riverside residential redevelopment. Redevelopment along the Elizabeth River would require partnering with a number of entities including the U.S. Navy, HRPDC, and restoration advisory boards to name a few.
- VA DEQ has an informal brownfields inventory which includes sites that have gone through the VRP as well as other sites which have requested to be included in the inventory, however VA DEQ relies on localities to conduct inventories and provide

- assistance in development of this inventory along with assistance from the Virginia Economic Development Partnership.
- Brownfields inventories prepared by communities should reflect the community's needs and desired end uses for the data (i.e., residential corridor, commercial corridor, etc.).
 - There are concerns regarding the publication of brownfields inventories due to the risk of stigmatizing such sites by calling them brownfields. The City of Portsmouth limits categorizing parcels as brownfields to public owned properties to avoid the potential liability issues associated with listing private properties.
 - There is a need to identify uncleaned sites in the state of Virginia.
 - There are a number of sites in the Elizabeth River area whose redevelopment would serve economic as well as environmental goals.
 - VA DEQ provides bona fide prospectus purchaser (BFPP) status when requested to limit liability of a redeveloper in order to facilitate redevelopment of the property.
 - Redevelopment of brownfields is eligible for LEEDS credit and the State of Virginia will provide LEEDS certification for brownfields redevelopment provided the site meets the state's definition of a brownfield.
 - If a community obtains a property through tax foreclosure they are eligible for liability protection.
 - The Virginia VRP has a fee of 1% of the total cleanup costs or \$5,000 whichever is the lesser of the two.
 - Virginia has no stewardship program for institutional controls reporting for their VRP but has performed verification of use for properties in the past.
 - Site remediation as part of the VRP does not require USEPA grants or direct involvement of the USEPA.
 - VRP eligibility status can be obtained without having a USEPA Grant.
 - USEPA Grant Applications require a letter of support from state regulatory agency.
 - A USEPA grant applicant for a site-specific assessment grant or a cleanup grant may not change the project site in the time between submission of the proposal and the preparation of the grant application (completed federal forms and development of the work plan). If the site changes, then the grant funding must be returned to USEPA.
 - If there are questions about applicant eligibility and site eligibility, please contact the appropriate USEPA Regional Office for a determination.