



## **NJIT TAB – Removing Barriers to Brownfields Redevelopment Meeting Summary**

**Location:** Portsmouth, VA

**Date/Time:** August 20, 2009/8:30 AM to 3:30 PM

### **In Attendance:**

Nancy Linkous, Isle of Wight Co.  
Fred Brusso, City of Portsmouth  
Dave Koubsky, Elizabeth River Project  
Gerry Smelt, City of Suffolk  
Durwood Willis, Virginia DEQ  
Meade Anderson, Virginia DEQ  
Eric Walberg, Hampton Roads Planning District Commission  
Lysandra Shaw, Portsmouth Redevelopment and Housing Authority  
Charles McKenna, City of VA Beach – Planning  
Theo McClammy, City of Chesapeake  
Kimberly Pierce, City of Norfolk  
Tom Stolle, EPA Region 3  
Michele Christina, NJIT TAB-BRS  
Leah Yasenchak, NJIT TAB-BRS  
Alfred Price, NJIT TAB-BRS  
James Mack, NJIT TAB  
Sean Vroom, NJIT TAB

### **Introduction:**

Recognizing the important potential role that the USEPA's Brownfields Redevelopment Grant Programs can play in regional natural resource rehabilitation and reclamation efforts, EPA Region 3 directed NJIT TAB to conduct a workshop that would address removing barriers to brownfields redevelopment that centered on the available USEPA grants that communities and nonprofits might take advantage of when pursuing brownfields redevelopment. The focus of this effort was to be the Elizabeth River in Northeastern Virginia and in particular the surrounding communities of Portsmouth, Virginia Beach, Chesapeake, and Norfolk as well as the Elizabeth River Project, a non-profit organization dedicated to the restoration and conservation of the Elizabeth River. This effort was coordinated with the Virginia DEQ whose staff provided insight into some of the activities and issues occurring in the region. NJIT TAB developed, coordinated and prepared the agenda and workshop notification pamphlet and distributed them to the appropriate parties. NJIT TAB coordinated and conducted a "Removing Barriers to Brownfields Redevelopment" Workshop on August 20, 2009. Attendance included, in addition to the five focus communities and non-profit, the City of Suffolk and Isle of White County totaling nine attendees (see above In Attendance).

The workshop was facilitated by Michele Christina, NJIT-TAB/BRS and consisted of introductions followed by presentations from Alfred Price, NJIT-TAB/BRS; James Mack, NJIT TAB; Eric Walberg, Hampton Roads Planning District Commission; Leah Yasenchak, NJIT-TAB/BRS; Tom Stolle, USEPA Region 3; and Meade Anderson, VA DEQ. The content of these presentations was as follows:

***Alfred Price, NJIT-TAB/BRS*** – Mr. Price’s keynote address explained briefly the origin and history of brownfields for the self-identified newcomers to this field who were present at the workshop. He then linked the activities of industrial re-development to broader urban and regional planning objectives and efforts, and discussed the positive factors that exist today that contribute to successful brownfields redevelopment.

***James Mack, NJIT TAB*** – This presentation consisted of an overview of five successful brownfields redevelopment projects on the east coast of the United States including site histories, redevelopment experiences, use of EPA grant funding and lessons learned during the redevelopment process.

***Eric Walberg, HRPDC*** – HRPDC’s presentation consisted of an overview of brownfields redevelopment opportunities in the Elizabeth River watershed including identification of potential hazardous waste sites and how that was achieved, identification of environmental restoration activities in the Elizabeth River watershed area, and how to link brownfields redevelopment projects to existing environmental restoration efforts. Mr. Walberg went on to further discuss environmental restoration of the Elizabeth River in a regional context, the effects of climate change on the region, and the relationship between brownfields redevelopment, economic development and green construction.

***Leah Yasenchak, NJIT-TAB/BRS*** – Ms. Yasenchak’s presentation addressed the first steps in brownfields redevelopment, more specifically reuse planning and brownfields inventories. She stressed that brownfields redevelopment should be thought of as a means to achieve a redevelopment goal, and therefore planning for the reuse that is right for the community is critical. This can be done through linking brownfields redevelopment to existing planning documents (e.g., local redevelopment plans, master land use plans, economic development plans and open space plans); community outreach which can provide valuable information such as community needs and reuse opportunities; and an evaluation of regional trends, infrastructure, and growth patterns. Community outreach is also critical for communicating environmental issues and learning from nearby residents about site operations and history. Brownfield inventories can be useful in identifying where opportunities for redevelopment may exist and to identify sites which should be addressed through a brownfields program. The inventory should be tailored to its eventual end use, which could be internal or public, and could include marketing as a goal. This will determine the types of fields which should be included, the platform (a simple spreadsheet or a more complex web based program). These can be developed through existing inventories and through field surveys and community outreach.

**Tom Stolle, USEPA Region 3** – EPA Region 3’s presentation consisted of an overview of the federal grants program including basics such as the definition of a brownfield, fears associated with brownfields redevelopment, brownfields legislation and law, EPA’s role in brownfields redevelopment, benefits of brownfields redevelopment, and available grants (i.e., Assessment, Cleanup, RLF and Job Training) to more involved topics such as CERCLA Liability Protection and who it is available to, types of competitive brownfields grants, and the land revitalization Program.

**Meade Anderson, VA DEQ** – Mr. Anderson provided an comprehensive overview of Virginia DEQ’s Voluntary Remediation Program (VRP) which included the state’s definition of a brownfield, brownfields restoration and land renewal policies and programs, liability issues, eligibility, state assistance to redevelopers to support process, immunity for voluntary disclosure, and statutory authority. Mr. Anderson further describes what drives the brownfield redevelopment process, sites typically seen in the VRP and the risks they pose, the VRP process, risk assessment requirements, resources related to regional screening levels and exposure pathways, the tier system related to remediation levels, certification of satisfactory completion, memorandum of agreement (MOA), and potential end use of sites. The presentation concluded with descriptions of VRP success stories throughout the state of Virginia.

**Leah Yasenchak and Michele Christina, NJIT-TAB/BRS** – Ms. Yasenchak and Ms. Christina’s presentation dealt with developing a compelling grant application including the first steps, grant application timing, development of a brownfield program strategy, level of effort associated with grant application preparation, common pitfalls, and what to expect throughout the process. A key point stressed throughout the presentation was the need to tell a story that was compelling, and to recognize that the reviewers will not be familiar with the community or region that the application addresses.

### **Summary:**

Selected points which emerged during the discussion 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.