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EPA'S BROWNFIELDS PROGRAM: EMPOWERING CLEANUP

AND ENCOURAGING ECONOMIC REDEVELOPMENT

THURSDAY, APRIL 21, 2016

House of Representatives,

Subcommittee on Environment and the Economy,

Committee on Energy and Commerce,

Washington, D.C.

The subcommittee met, pursuant to call, at 10:00 a.m., in Room 2123, Rayburn House Office Building, Hon. John Shimkus, [chairman of the subcommittee] presiding.

Present: Representatives Shimkus, Harper, McKinley, Johnson, Bucshon, Tonko, Schrader, Green, Capps, McNerney, and Pallone (ex officio).

Staff Present: Will Batson, Legislative Clerk, E&P, E&E; Rebecca Card, Assistant Press Secretary; David McCarthy, Chief Counsel, Environment/Economy; Tina Richards, Counsel, Environment;

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Chris Sarley, Policy Coordinator, Environment & Economy; Dan Schneider, Press Secretary; Dylan Vorbach, Deputy Press Secretary; Jacqueline Cohen, Minority Senior Counsel; Timia Crisp, Minority AAAS Fellow; Jean Fruci, Minority Energy and Environment, Policy Advisor; Tiffany Guarascio, Minority Deputy Staff Director and Chief Health Advisor; Rick Kessler, Minority Senior Advisor and Staff Director, Energy and Environment; Alexander Ratner, Minority Policy Analyst; Tim Robinson, Minority Chief Counsel; Andrew Souvall, Minority Director of Communications, Outreach and Member Services; and Tuley Wright, Minority Energy and Environment Policy Advisor.

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Mr. Shimkus. I want to call the hearing to order and recognize myself for 5 minutes for an opening statement, although I am not going to take it. I am going to ask unanimous consent that all opening statements will be submitted for the record.

Brownfields is an important issue for me. I know it is important for the ranking member. I know it is important for my colleague from Oregon. I think it is something that we can do. We have just got to get these old sites reclaimed, back into use. I think the testimony today will highlight that this is something everybody wants to do and move expeditiously.

With that, I am going to yield back my time and yield to the ranking member for 5 minutes.

Mr. Tonko. Thank you, Mr. Chairman. Good morning. Thank you for holding this important hearing on EPA's Brownfields programs. I know that this is an issue that Ranking Member Pallone and I are very passionate about. And I believe that based on previous experiences in State and local government, it is an issue that bears much relevance.

I am proud to represent part of the Erie Canal corridor in New York State, which includes my home town of Amsterdam. This was a gateway toward western expansion. Mill towns popped up along the Mohawk River helping to usher in our Nation's industrial revolution and create jobs.

Sadly, many of these manufacturers are gone, but the baggage from

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industrialization, including contaminated land, still remains. While that is the story from my home county, I want to stress that brownfields are not unique to one region or type of community. They can be found in every congressional district, urban or rural.

The EPA found that approximately 104 million people live within 3 miles of a brownfield site that received EPA funding, including 35 percent of all children in the United States under the age of 5. Brownfields cleanup is critical for environmental revitalization and economic redevelopment efforts. And undeniably, EPA's program has been incredibly successful. EPA grant recipients use funding to inventory success and conduct cleanup at sites. The program administers two separate types of grants: direct financial assistance for the assessment, and clean up of properties and financial assistance to States to aid them in carrying out their own cleanup programs.

EPA will discuss some of the astonishing statistics on the success of the program. Since Congress passed a Small Business Liability Relief and Brownfields Revitalization Act in 2002. Over 44,000 acres of idle land have been made ready for productive use. Over 106,000 jobs and \$23.3 billion have been leveraged, cleaning up brownfields properties leads to residential property value increases of some 5 to 11.5 percent. And \$1 of the EPA's brownfields funding leverages between \$17 and \$18 in other public and private funding. EPA's research has shown that redeveloping a brownfield instead of a

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greenfield has significant environmental benefits in addition to limiting sprawl and cleaning up blighted properties who are dealing with the program that has produced tremendous results. Revitalizing a brownfield can help a distressed community's economic comeback, and people are beginning to recognize that brownfields represent opportunities. But despite these successes, the program can be improved. This authorization expired in 2006. There are reforms that can give grant recipients more flexibility. We can encourage more support, capacity building and technical assistance for both small and disadvantaged communities. We can make it easier for nonprofit stakeholders to get involved. We couldn't put more emphasis on regional planning to make this program even more effective.

We will hear about the need for more funding, but both competitive grants and grants to States is required. More and more qualified applications must be rejected each year because of insufficient funding. We will hear about the need to increase the cap on individual projects. Many remaining sites are increasingly complex and will require more funding to remediate properly.

Today's caps of \$200,000 for assessment and cleanup grants are just not enough in many cases. But despite these potential improvements, I want to stress that this program has been incredibly successful and that is according to representatives from all levels of government from urban and rural communities and from nonprofits and

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private sector developers. There is strong consensus on the steps that need to be taken to make this program work even better. And there is bipartisan support, I believe, for the program in Congress. This is a winning recipe to get a reauthorization done. I hope this is something we can continue to work on this year. For so many distressed communities and neighborhoods, a brownfield stands in the way of economic comeback. We can help provide even more opportunities with just a few widely supported adjustments to this critical program. I look forward to hearing more about the EPA's Brownfields program and its role in economic redevelopment, planned and sustainable land reuse and environmental justice.

With that, Mr. Chair, I yield back the balance of my time.

Mr. Shimkus. The gentleman yields back his time. The chair looks to the majority side, seeing no one interested in giving an opening statement, I will turn to the ranking member of the full committee, Mr. Pallone, for 5 minutes.

Mr. Pallone. Thank you, Mr. Chairman for calling this hearing. I would also like to thank the witnesses for being here, particularly Mayor Chris Bollwage from my home State of New Jersey, who I believe will be testifying on the second panel.

When we passed the original Brownfields bill in the 107th Congress, I was the ranking member of the subcommittee and the lead Democrat on the legislation, which was one of the only pieces of

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environmental legislation that I can remember President George W. Bush ever signing into law.

We worked in a bipartisan manner then with my Republican chairman, the late Paul Gillmor of Ohio. And I would like to continue this bipartisan effort as we work to improve on the program, and assure the States and local communities have the resources they need to revitalize their communities. I hope that my colleagues on the committee will join me in working to improve this important program.

The Brownfields program has been an incredibly important tool for protecting public health and spurring economic growth in New Jersey and throughout the country. Brownfields properties are a blight on the community. Though these sites do not warrant listing on the national priority list like Superfund sites, these contaminated properties can have negative environmental and economic impacts.

The success of this program can't be understated. Removing public health hazards by cleaning up contaminated sites is incredibly important for the surrounding communities. Since the program's inception, thousands of contaminated sites have been remediated, allowing communities to create new developments like housing and parks.

EPA has found that cleaning up underutilized or abandoned brownfields properties reduces health risks, decreases pollution, and reduces stormwater runoff. Aside from the environmental benefits, revitalizing these properties can result in crime reduction, job

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creation and boosts in the local economy.

However, as successful as the Brownfields program has been, there is still so much important cleanup work to be done. I expect we will hear from today's witnesses about the staggering number of brownfields properties in need of remediation and the increased complexity of the remaining sites.

Many stakeholders have indicated a need for increased funding and flexibility to allow States and local communities to use their resources effectively to address the increased complexity of these cleanups. Through multipurpose grants, regional planning and increased caps for individual grants, communities can start to tackle this problem.

Communities also need assistance with capacity building. Through job training, technical assistance, and education and outreach, communities can leverage Federal and State assistance, engage with developers in the remediation process, and take ownership of their communities' revitalization. We should be equipping communities with the tools they need to ensure successful cleanups.

Despite the growing need for resources and broad support on both sides of the aisle, this successful program has never been reauthorized. While the program has continued to receive appropriations, unfortunately, funding levels have declined. Furthermore, the Federal tax incentive has lapsed. These are

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incredibly useful tools that encouraged developers to remediate sites by allowing them to deduct the cost of cleanups.

So we can't continue to expect the same success from a program that is underfunded and lacking the necessary tools to be effective. As we work to determine how we can strengthen the program, we should ensure that funding is part of the conversation, and we should also support cleanup efforts to ensure that these efforts are adequately funded.

So I appreciate today's opportunity to learn more about how we can increase the effectiveness of this program. As many of you know, I previously -- I mentioned I introduced legislation to reauthorize appropriations and create the needed flexibility for the Brownfields program. My legislation aimed to address some of the concerns that have been expressed by stakeholders, including increased capacity building, more flexibility in the use of grants and increased caps on individual grants. I would like to reintroduce an updated version of that bill soon, and I hope that we can work together to get bipartisan brownfields legislation signed into law this year.

I guess I can't help but mention, tomorrow is Earth Day, and so I think it is particularly great, both Mr. Shimkus -- Chairman Shimkus and Mr. Tonko, that we are having the hearing today. I fully intend to talk about brownfields when I go around the district tomorrow and over the weekend at our various Earth Day events. Thank you.

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Mr. Shimkus. And I thank my colleague and he yields back his time. Chair now recognizes Mathy Stanislaus, assistant administrator for the Office of Solid Waste and Emergency Response from the U.S. EPA. He has been here numerous times, we are friends. Welcome. You are recognized for 5 minutes.

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STATEMENT OF MATHY STANISLAUS, ASSISTANT ADMINISTRATOR, OFFICE OF LAND AND EMERGENCY MANAGEMENT, U.S. ENVIRONMENTAL PROTECTION AGENCY

Mr. Stanislaus. Thank you. Good morning, Chairman Shimkus, Ranking Member Tonko, members of the subcommittee. I am Mathy Stanislaus, Assistant Administrator for the Office of Land and Emergency Management.

Brownfields sites, as has been noted earlier, are the heart of America's urban and rural downtowns and existing and former economic centers. Reclaiming these vacant and underutilized properties and repurposing brownfields are the core of EPA's community economic revitalization efforts through the Brownfields program.

Repurposing land can be the impetus for community revitalization. Our Brownfields program can help be a catalyst for redevelopment and revitalization and hinges on the success of key local partners working together to implement the vision of local communities. The EPA's Brownfields program provides direct funding to communities, States, tribes and not-for-profits for brownfields assessment, cleanup, revolving loans, research and technical assistance.

The unmet need for brownfields funding for local communities to address abandoned underutilized and contaminated sites continues to rise. The demand for brownfields funding far exceeds brownfields

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funding levels, and exacerbated by the increased assessment and cleanup costs.

The EPA currently is only able to fund approximately one-quarter to one-third of the competitive grant applications we have received.

The program estimates over the past 5 years, an additional 1,767 requests for viable projects scored highly, but were not selected because of a lack of funding. If EPA had the funding to select, these grants would have resulted in about 1,800 proposals being funded, which would have resulted in 50,000 jobs, and a leveraging of about \$12 billion in public and private funding.

The Brownfields program is premised on partnerships in the public and private sector. With EPA's critical early resources providing the certainty to leverage funding from other government agencies and private sector achieve positive economic and environmental and social outcomes. As has been noted earlier, for every \$1 EPA invests in communities, it leverages about \$18 of private sector and other public resources. More than 113,000 jobs has been leveraged through EPA's funds, which has leveraged about \$22 billion in cleanup and redevelopment projects.

EPA's research has shown that redeveloping a brownfield site rather than a greenfield site has significant environmental benefits, including reducing vehicle miles traveled, and related emissions from about 32 to 57 percent, and reducing stormwater runoff by an estimated

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47 to 62 percent.

Using Census data, EPA found approximately 104 million people live within 3 miles of a brownfield site that received EPA funding, roughly 33 percent of the U.S. population. This includes 35 percent of all children in the U.S. under the age of 5. While there is no single way to characterize communities located near our sites, this population is more minority, low-income, linguistically isolated, and less likely to have a high school education than the U.S. population as a whole. As a result, these communities may have fewer resources with which to address concerns about the health and the environment.

Preliminary analysis of the data of a subset of communities receiving grants shows that there is a significant tax revenue increase from the redevelopment of brownfield sites. Our data shows that there is an estimated \$29 million to \$73 million in additional tax revenue to local governments in a single year after a cleanup. This is two to six times more than the \$12 million EPA has invested in these communities. I know over the years, there has been support for significantly increasing the amount of cleanup grants.

Now, provided this increase, we support a modest increase, but there is a risk of impacting less communities. Based on how much we increase the size of a cleanup grants, we can actually reduce the number of communities that actually receive grants in the leveraging of those monies from the private sector and other resources, but up to 60

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percent. So sixty percent of communities may not be getting grants on a yearly basis if all we do is increasing the size of the grants.

In addition, we want to preserve the local communities' knowledge and information to determine the use that best fits their vision, and not have a predetermination and division of the grant resources based on upfront determination by the Federal Government regarding resources. We want to preserve the competition process, which looks at those communities that have the best plans in place, that have the best partnerships in place which has been the basis of the success of EPA's Brownfields program.

With that, I will close and take your questions.

[The prepared statement of Mr. Stanislaus follows:]

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Mr. McKinley. [Presiding.] Thank you, Administrator, it is always good to see you. Thank you, again, for coming. Before we get into other questions, I think I was going to reserve this for the chairman to make his remarks, but perhaps -- I do want to ask something before we get started, and I will begin with the ranking member. We have got an example, I know, in West Virginia, of real benefits. You talked about 18 times, we have got one up in the northern panhandle of West Virginia in Hancock area that, for \$2.5 million, they have invested over -- private sector had put \$70 million in. So it is almost a 30-to-1 odds up there for that. It has really had an impact. So I want to thank you for working with them on this program. Pat Ford was the contact up there, if that name rings a bell with you or not.

But secondly, back to your testimony, in your written testimony, you talked about 24, 25 percent of the grants went to towns of 20,000 or fewer. I would be curious to take that down a little bit further, and to find out, I think, in some areas of rural America, especially mine, most of the communities are less than that, significantly less, 1-, 2-, 3,000 people. When the coal mines are shut down and all the work that was related to those coal mines, they may only have 700 people in the town and they have got -- there is no money, there is no money in that community. Can you share with us a little bit about the flexibility you have to earmark it towards rural areas that need help when the railroads -- when the mines shut down, that means the railroad

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shuts down. And when the railroad shuts down, we know invariably there are going to be some brownfield sites associated with where the rail siting had been. They can't afford to do it. So can you help a little bit about explaining, maybe really rural areas of 2,000 people or fewer, do you have any sense of what that might be percentage-wise?

Mr. Stanislaus. Sure. I would answer in a couple of parts. One, I think particularly the smaller communities, rural communities, have asked us and we have -- that upfront technical assistance really is key. The capacity for these rural communities to be able to compete is really critical. So we provide a lot of upfront assistance. We have a national network of technical assistance providers. In fact in West Virginia, there is a center, provide assistance of local community, I think one of the more successful ones in the country. So the upfront technical assistance is really critical to develop the capacity or identify opportunities. We also have a non competitive mechanism where a local community wants to do an assessment on an individual site. What a lot of local communities, or smaller communities have said, is that they don't really want to administer a grant, because there is a lot of administrative burdens associated with the grants. They would rather -- if they have an individual site, they would rather assess that site. So we have a contract-based mechanism to assess a particular site. So we think that is successful as well.

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In terms of the grant process itself, one of the things that we have done is we have separated out new and existing grantees so -- and that has resulted in increasing the number of smaller communities and rural communities receiving grants. So those are a number of things that we have put in place.

Mr. McKinley. Okay. I am just trying to put it in context. We often talk about the Speaker's home in Janesville, Wisconsin, being a small town. It is three times the size of my hometown. I live in the largest city in my district. So I think we have to understand, there are a lot of small towns. So let me follow up. Would it be advantageous for some of these small towns to collectively put together a regional approach towards it and get funded? Would that help?

Mr. Stanislaus. We have --

Mr. McKinley. We have been that told they couldn't do that. You and I haven't talked about that, but I want to, give a chance this morning to talk about that. Would a regional approach be helpful for small towns to get together so that they may be collectively come up to 3,000 or 4,000 people?

Mr. Stanislaus. Oh, absolutely. And we have -- we could do maybe better average regarding that. We have something called a Community Lot Assessment grant. So one or more communities can say, We want to have a single grant to be administered over a broad geography, so we can look at that.

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We also have an area-wide planning program, which is intended to look at not just the sites itself, or not just the contaminants itself, look broadly at what will it take to redevelop an area. What -- enable market studies, enable local visioning, enable infrastructure studies. In fact, in our next round, we are going to do a particular focus on communities that have closed coal mines and closed power plants.

Mr. McKinley. Thank you. And now let me recognize Congressman Tonko from New York for 5 minutes.

Mr. Tonko. Thank you, Mr. Chair.

Administrator Stanislaus, thank you for your testimony. As I indicated in my opening statement, this is a great program. I would like it to have the additional resources and statutory changes necessary to make it even greater. I believe that folding brownfields cleanup into broader regional economic development efforts can help local, county and regional authorities to make smart and sustainable planning decisions.

In my district, for example, we are trying to determine which parts of a waterfront will be developed, and which will be left green in a long stretch of miles along an intercoastal waterways system. Brownfields cleanup priorities should be considered in this effort. New York State's Brownfield Opportunity Areas, the BOA program, takes a neighborhood or area-wide approach rather than the traditional site-by-site approach to the assessment and redevelopment of

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brownfields. This allows for more comprehensive planning, and, certainly, a stronger sense of cleanup. I believe this is similar to EPA's area wide planning grant. So I would ask you to give us a quick history of this type of grant, you know, how has it changed since its inception? And what is the thinking at EPA?

Mr. Stanislaus. Well, I mean, I actually brought the area-wide planning approach to the EPA from my work in New York on developing the Brownfield Opportunity Area program. And we think it is really critical and has been really successful, particularly with communities with economic distress, to look at, more broadly, the planning side, the market study side, the infrastructure study side.

Just to give you a bit of leveraging, the recipients of area-wide planning grants, to date, have reported that the \$12 million in grants have leveraged about \$354 million above the public and private resources. One of the things that we really emphasize, is use these grants to identify implementing resources, you know, so let's just not have a plan for plan's sake, let's figure out of our plan, what kind of Federal, State and local resource are there to implement the vision coming out of a local community.

Mr. Tonko. If I might ask, do you see economies? Have you witnessed or somehow interpreted economies of scale by doing perhaps testing, and some of the drilling they need to do in these areas to determine the response? Has that produced any sort of economies of

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scale by doing it in a regional capacity rather than community by community, doing their individual thing?

Mr. Stanislaus. Yeah. I mean one thing we have seen from the first set of grants in the Federal Government is that it is important to develop a boundary that makes sense. It could be a geographic boundary, it could be a multi political jurisdictional boundary, but what works is making sure that there is a real-working governance structure and a real-working geography.

We have found early on that if a job is too big, that it actually impedes success. We ask folks to identify a few catalyzing sites, identify geography that is manageable, show success there before you go broader.

Mr. Tonko. What would be too large? Do you have any -- could you share what is too large? Is it beyond a certain mile measurement?

Mr. Stanislaus. I am sorry. Say it that again?

Mr. Tonko. Is there a certain mile measurement along from distance from each other, or what is too large?

Mr. Stanislaus. Well, I think, frankly, it is going to depend on the part of the country. What we found is, we have large industrial corridors, multiple municipalities work together historically. That is a natural fit. But if you have communities that are dispersed by miles, it is very hard for that to work. So it really depends on a little bit of history, and a little bit of working relationship on the

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ground.

Mr. Tonko. Okay. And in terms of nonprofits, they can be partners for local governments and developers to get projects completed, especially for our many disadvantaged communities. Are nonprofits currently able to receive grants for a cleanup?

Mr. Stanislaus. Well, no. And clearly, what we have heard from various not-for-profits, who really serve as an extension of local government --

Mr. Tonko. What about the ability to receive grants for assessments?

Mr. Stanislaus. I am sorry, they are only eligible to get assessment grants.

Mr. Tonko. Are there any concerns as to why nonprofits with a good traffic record for cleanup grants should not be qualified?

Mr. Stanislaus. It is a statutory issue.

Mr. Tonko. What is your sense? Do you think that we should amend the statute?

Mr. Stanislaus. I do, I do. Clearly, focusing on those not-for-profits that play a role in redevelopment and have the local partnerships to enable a project moving forward.

Mr. Tonko. Are there additional tools that EPA has for capacity building for disadvantaged communities?

Mr. Stanislaus. Additional tools. Well, I think I described a

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little bit on the technical assistance program is really critical. Funding local entities to provide direct technical assistance municipalities. So those are the things we have been doing, doing upfront outreach. So those are the things we have been doing.

Mr. Tonko. I would just state, and I see that my time is up, but I would state that a comeback scenario for many of our disadvantaged communities that has a brownfield cleanup situation needs additional focus, and the assistance that we can provide for that would be important. I have many other questions that I will enter for into the record so that EPA can respond to those concerns.

Mr. Stanislaus. Okay.

Mr. Tonko. Thank you very much, and I yield back.

Mr. McKinley. Now, for the next round of questions come from Dr. Bucshon of Indiana, 5 minutes you are recognized.

Mr. Bucshon. Thank you, Mr. Chairman, and this will springboard off Congressman Tonko's questioning. We know that many of the brownfield sites already cleaned up and redeveloped are less complicated sites. For sites that are more contaminated and thus more complicated than others, what can be done to encourage cleanup and redevelopment of these sites?

Mr. Stanislaus. Well, I am a big believer, and we have done studies, independent studies. From a financial-transaction perspective, the site assessment resources are really critical to

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better manage the risk of a site. In terms of how do you translate this unknown to a known? How do you translate the contaminants to what does it take to clean up, so then that could be underwritten in terms of the subsequent financing.

Mr. Bucshon. Are some of the sites federally owned? Anything federally owned, or I don't know, do the Feds clean these up themselves? For example, I have an old nerve gas plant in the northern part of my district, facility -- there was a DOD, and it took years and years and years to get that repurposed into, now it is an economic development area and it was -- is this program involved in any of that stuff or that is totally separate?

Mr. Stanislaus. Yeah, that is largely separate. There is a separate tract of figuring out how DOD properties, or DOE properties can be transferred by making sure that the Federal Government addresses this liability, either before transfer or subsequent to transfer.

Mr. Bucshon. Once the property is transferred, I guess no one in the private sector would take a transferred property in that kind of condition, but once that type of property, then would be in the Brownfields program? I am just trying to clarify.

Mr. Stanislaus. No. So typically, in a DOD kind of property, it is typically transferred to a local government.

Mr. Bucshon. Which this was.

Mr. Stanislaus. Yeah. And then, either some cleanup is done,

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or some parceling of that property to redevelop some parcels and not others.

Mr. Bucshon. Yeah.

Mr. Stanislaus. And then there are ways of limiting liability through instruments with the State and through some insurance products.

Mr. Bucshon. Are there other Federal agencies barriers to getting some of these sites redeveloped? For example, fish and wildlife, I can name other agencies. Are those barriers -- I know most of these are industrial buildings that are old factories. But, I mean, are there other Federal agencies that have to be interacted with that are barriers to getting some of these sites cleaned up that you are aware of?

Mr. Stanislaus. Yeah. I don't think necessarily barriers. We do, in fact, engage with other agencies on the economic development resources side, like DOT and HUD. We want to make sure that once the assessment is done, once the cleanup plan is developed, that the implementing resources like TIGER grants from DOT, for example, that there is some advantage for communities who have done the hard work and similarly with HUD, we have been working with HUD as well.

Mr. Bucshon. How many applications do you get per year approximately?

Mr. Stanislaus. Oh, can I get back to you, I --

Mr. Bucshon. I know I am putting you on the spot.

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Mr. Stanislaus. Yeah. I have it here, but I will get back to you.

Mr. Bucshon. Okay. You won't be able to answer this either. I was going to say, approximately, how many grants do you award every year?

Mr. Stanislaus. Well, I will give you a percentage. We are only able to fund about 25 percent to 30 percent of the grants we receive for applications.

Mr. Bucshon. So -- I mean, it is complicated, right? But how do you analyze an application to determine whether a project is going to be successful? Is there, like, some immediate things that a red flag goes up, just might as well not even try to get a grant from us? There is probably entry-level type decisionmaking, and then -- I was a doctor, so triaging of possible sites that might qualify?

Mr. Stanislaus. So are you asking how we evaluate?

Mr. Bucshon. Yeah.

Mr. Stanislaus. We publicly announce a grant criteria up front. It looks like the local circumstance, the capacity of the recipient -- of the grant applicants, and we do a national competition and we score that, and that is how we do that.

Mr. Bucshon. That seems pretty straightforward. I yield back. Thank you, Mr. Chairman.

Mr. McKinley. Thank you. The prerogative. I have one

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follow-up with one more question to you, if I could, before I turn it over to the ranking member.

The brownfield law requires that 25 percent of the funds appropriated to EPA for brownfield sites, they are to be used to characterize, assess and remediate petroleum brownfields. Did you think this petroleum set-aside is still necessary?

Mr. Stanislaus. No.

Mr. McKinley. Thank you.

Now I recognize the ranking member of the full committee, Mr. Pallone from New Jersey.

Mr. Pallone. Thank you, Mr. Chairman. The Brownfields program, as you said, Mr. Stanislaus, has been a success. The committee has been able to leverage Federal and State dollars in cleanup and revitalize contaminated sites. However, brownfields cleanups are becoming more complicated, resulting increased assessment and cleanup costs. So I wanted to ask you: Initially, would an increase in the cap on individual grants be helpful to communities trying to cleanup these more complicated sites?

Mr. Stanislaus. Yeah. I mean, it's something that I think a modest increase makes sense. I am concerned that without an increase in appropriations, that we will actually have the total number of communities being reduced. So, I will leave it at that.

Mr. Pallone. Yeah. Well, that serves my second question,

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because these grants are in high demand, and because of insufficient funding, many applications go unfunded. So if you increase the cap with current funding letters -- current funding levels, that is going to mean fewer applications being funded, correct?

Mr. Stanislaus. That is right.

Mr. Pallone. So, therefore, a simultaneous increase in overall funding and an increased cap for individual grants would obviously be the most useful to continue success of the program?

Mr. Stanislaus. Yeah, I should note in the President's budget, he has called for a bump-up in brownfield resources.

Mr. Pallone. Now, stakeholders have also mentioned that greater flexibility in the use of grants would be beneficial. One such example is EPA's multipurpose pilot grants, which allow recipients to use the funds for a range of brownfield activities. And one of the potential benefits to this grant structure is expediting the timeframe between assessment and cleanup. So let me just ask you about that. To date, how many multipurpose grants have been awarded by the EPA?

Mr. Stanislaus. Let me get back to you with a number, but my overall experience has been, which we were surprised by, is actually, where a grant recipient identified a single site for assessment and cleanup has actually been a bit slower than we anticipated. So we are looking at providing a grant, a multipurpose grant for multiple sites. Some sites may need assessment, some sites may need cleanup. So we

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want to continue to explore various vehicles of multipurpose grants. But we are not sure necessarily that one grant for one side for a site assessment and cleanup necessarily saves time. We are still looking at that.

Mr. Pallone. That was my next question, if you had any preliminary data that shows that this type of grant is beneficial to developers and communities. Can you comment on that, or are you still looking into it?

Mr. Stanislaus. I think, in principle, it would, but we just -- so there are two competing issues: Would providing a grant for assessment of a cleanup on an individual site save time from two competitions? And we are finding that our data shows that that is not necessarily the case. We also have this issue of having money that is out there -- we are fairly obligated if money is out there for too long to take it back. So there is tension that we have to resolve.

Mr. Pallone. Okay. Before my time is up, I wanted to turn to administrative costs because currently, brownfields grants funds cannot be used for administrative costs. However, allowing recipients to use a portion of EPA funds to offset some of the administrative burden could help communities, particularly rural and financially disadvantaged communities. Did you want to comment on that?

Mr. Stanislaus. Yeah, I think we have heard repeatedly from grant recipients, particularly smaller communities that it is a burden.

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I think that is a sensible approach to figure out a way of not burdening them with the administrative costs.

Mr. Pallone. Okay. Well, I am encouraged to hear about the success of the program, and EPA's commitment to cleaning up the contaminated sites. As I said, look forward to working with the EPA to help strengthen the program and ensure that States and local communities receive adequate resources to administer and support these cleanup efforts. I mean, obviously in my State, both Superfund and brownfields have been tremendously helpful. I can point to so many cases in my district where they have not only cleaned up sites, but revitalized the economy and, you know, created jobs and the list goes on and on. So, again, Mr. Chairman, I hope that we can work on a bill together that would reauthorize this and I yield back. Thank you.

Mr. McKinley. Thank you. I now recognize the vice chairman of the subcommittee, Mr. Harper from Mississippi, for 5 minutes.

Mr. Harper. Thank you. Mr. Stanislaus, it is good to have you back.

Mr. Stanislaus. Great to be back.

Mr. Harper. You are a regular here, so thank you very much for your insight. At a hearing on the Brownfields program held at the Transportation and Infrastructure Committee, you explained that the Brownfields program is a good model of leveraging. Can you explain to us what that means and explain why that is the case and how EPA

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maximizes leveraging Federal dollars?

Mr. Stanislaus. Sure. One from a transactional perspective, being able to reduce risk early through site assessment allows the unknown of total cost to be a known, so that that can be quantified for underwriting and bringing private resources to the table, that is one thing that we do.

Mr. Harper. Okay.

Mr. Stanislaus. The second is, we have been pushing the idea of preference and priority, which is, that if the community has done the hard work and the planning, they should get some benefit, for example, DOT TIGER grants recognizes upfront planning. So that is some of the things we have been doing.

Mr. Harper. Thank you. Will expanding the eligibility for what entities can receive brownfields funds decrease the number of grants awarded?

Mr. Stanislaus. Expanding the eligibility? Can you expand?

Mr. Harper. Basically, if we expand the eligibility for what entities can receive these, how -- what impact, if any, do you think that would have on the overall leveraging of Federal dollars?

Mr. Stanislaus. Well, if I understand your question, so, you know, we go to the national competition, and we pick the most qualified, not just the success of the program -- if your question is about increasing the size of the grant -- is that your question?

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Mr. Harper. Or, for instance, expanding it to include nonprofits, what waterfront grants, those type things.

Mr. Stanislaus. Yeah. I think not-for-profits, there are benefits, particularly for smaller communities, which really rely on not-for-profits on economic development and housing development work. So the natural extension provided the capacity gap that some smaller communities may not have, so we do view that as a positive.

In terms of an upfront determination of waterfront grants, we actually think unintended consequence dividing grants too early in the process, as opposed to having the grant applicants demonstrate who are the best qualified.

Mr. Harper. Do you think that grants and nonprofits organizations require more project management resources?

Mr. Stanislaus. More project management resources? Clearly, be it a local government or a potential not-for-profit, they need to demonstrate capability and capacity.

Mr. Harper. Sure. There is a bill pending in the Senate right now on brownfields, Senate bill No. 1479. Some of the changes in that bill require EPA to consider certain types of grants, for example, those waterfront grants and clean energy grants. Rather than directing EPA to consider certain sites for brownfields funding. Shouldn't local communities decide the best in use for redevelopment project?

Mr. Stanislaus. Absolutely. I have gone on record and said that

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before.

Mr. Harper. Does EPA already have authority to issue grants to these types of projects?

Mr. Stanislaus. Absolutely.

Mr. Harper. Does EPA support the concept of multipurpose grants? Are there problems associated with awarding grants funding for both assessment and cleanup activities simultaneously under the same grant?

Mr. Stanislaus. Yeah, we have a grant cycle right now. I think we were looking at how do we provide even more flexibility. We don't believe in statutory authority for that, though.

Mr. Harper. Does EPA support the broadening of grant eligibility so that governmental entities that took titles of the property before the date of the brownfields law in 2002, but which did not cause or contribute to the contamination, are they eligible to receive brownfields grants funding?

Mr. Stanislaus. Yeah, I think that makes sense, municipalities have raised that as an impediment to redeveloping their downtowns.

Mr. Harper. How would EPA ensure that these governmental entities did not cause or contribute to the contamination?

Mr. Stanislaus. Well, I think in the same way that we do now, we actually do a record search, and we require a demonstration of their linkage to the property.

Mr. Harper. And would these governmental entities have to

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demonstrate that they conducted the appropriate due diligence or appropriate inquiry?

Mr. Stanislaus. That is right.

Mr. Harper. With that, I will yield back.

Mr. McKinley. Thank you. And now we recognize for 5 minutes the Congresswoman from California, Ms. Capps.

Mrs. Capps. Thank you, Mr. Chairman McKinley and Ranking Member Tonko, for holding this hearing, and thank you, Assistant Administrator Stanislaus, for your testimony today.

Brownfields program has been an important one for cleaning up contaminated properties, reducing exposure to harmful contaminants, and revitalizing our communities. My district's experience with the Brownfields program goes way back to the awarding of initial pilot redevelopment projects in the beginning. As you know, I represent a district in California that is comprised of many coastal communities. As you can imagine, keeping these waterfront properties free of contamination is not only a concern for public health and the environment, it is also an economic concern.

My first question to you, Mr. Stanislaus, do coastal communities have unique challenges when cleaning up waterfront -- brownfields property?

Mr. Stanislaus. Unique challenges? I think waterfront property, I think, vary depending on the kind of contaminates. I have

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to think there are some unique opportunities given their waterfront and the transportation access, also.

Mrs. Capps. So are there tools or resources that are available to communities who have these particular, and maybe unique challenges in their brownfields?

Mr. Stanislaus. Yeah, I would say the area-wide planning program is one of the grant programs, because waterfronts tend to be pretty large in terms of the opportunity, so area wide planning allows infrastructure studies and market studies.

Mrs. Capps. Okay. What kind of public outreach does the EPA engage in to make sure that residents, my constituents are more informed about brownfields and the availability of remediation process?

Mr. Stanislaus. I am sorry. Can you say that again?

Mrs. Capps. Well, are there public outreach programs that you are engaged in that would ensure that the residents, my constituents and various people, become more informed about what brownfields are and that there is remediation, a process available?

Mr. Stanislaus. Sure. So we provide a grant to entities around the country, it is to do that direct outreach in technical assistance to communities in addition that we do ourselves. In terms of the cleanup itself, the cleanup is administered by State cleanup programs, and we separately fund States and tribes for that.

Mrs. Capps. Okay. I am pleased to hear that you are engaged in

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this, because I think that some people don't even know that they are sitting on top of a brownfield, or they are associated with it that might be eligible for some special benefits.

Another issue I would like to talk about is the sustainable reuse of brownfield sites. I think it is very important communities are able to revitalize these underused, or abandoned sites, in a sustainable way. So are there ways, and what are they, that you have promoted sustainable reuse of brownfields, such as green building stormwater management, and how have these sustainable uses benefited communities?

Mr. Stanislaus. Yeah, I would begin with, I think, brownfield by itself is very sustainable because they are in kind of population centers and lower air emissions and lower water kind of impact. In terms of promoting some of the items you suggested, we actually highlight some of the best practices used all the sites, like green infrastructure, for example. And there have been a few sites, like in Monroe, Michigan, where there is actually an assembly plant for wind energy.

Mrs. Capps. Okay. The reuse.

Mr. Stanislaus. Yeah.

Mrs. Capps. I appreciate your testimony here today in answering questions, especially as we deal with the effects of climate change. It is so important that we think about sustainability of development projects. I am happy to hear that EPA has been working to promote

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sustainability in the Brownfields program while, at the same time, protecting public health of course and revitalizing our communities.

With that, Mr. Chairman, I am prepared to yield back, or yield to someone else.

Mr. McKinley. Thank you. Not seeing any more on this side, the enlightened side of the argument. We will move to the other side, the hopeful side.

Mr. McNerney. Idealistic.

Mr. McKinley. Five minutes to Mr. McNerney from California.

Mr. McNerney. I appreciate the hearing.

Mr. Stanislaus, would it be fair to say that every single congressional district in this country has real estate that would qualify for the Brownfields program?

Mr. Stanislaus. I can't imagine that is not the case.

Mr. McNerney. That is right. So, Mr. Chairman, I think we have a good case that we could make to our colleagues to get this program funded.

Moving on, I am really interested in your leverage state. You said you can leverage sometimes 1 to 18. That is phenomenal.

Mr. Stanislaus. Yeah.

Mr. McNerney. How do you do that?

Mr. Stanislaus. Well, I think it is the frank of the sweet spot of government. So, I think that it provides the upfront money to deal

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with the uncertainties. And when you deal with the uncertainties, more private capital and even public economic development research can be brought to the table.

Mr. McNerney. Well, you also mentioned you want to preserve the competitive process, but there is probably a lot of potential projects that don't have the resources to put together a quality proposal. Are there means within the program to help some of these communities?

Mr. Stanislaus. Yes. So we fund -- because we cannot directly assist communities to write a grant application that we are going to have to judge, so we fund entities around the country to provide assistance to actually help in preparing those applications.

Mr. McNerney. Very good.

Mr. Stanislaus. And identifying how they should best put together a competitive application.

Mr. McNerney. Is that a successful operation?

Mr. Stanislaus. Oh, it is very successful. I can give you a list of what each of these recipients have been doing.

Mr. McNerney. Very good. City of Stockton, California, has been my district, and it has benefited from the Brownfields program significantly, seed money, eventually lead the revitalization, the seed money you talked about, properties along the Stockton Deepwater channel.

I understand, also, that the EPA has relatively new repowering

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America's land initiative which focuses on renewable energy, and it looks like there is about 150 programs that have gone through that. What is the advantage for a renewable energy business to use that program?

Mr. Stanislaus. Well, it makes all the sense in the world where you have contaminant problem -- particularly a contaminated property where other kinds of redevelopment have been more challenging. What we have done is we partnered with the Department of Energy, renewable energy laboratory and we mapped contaminated sites around the country for wind energy opportunity and portable tech energy opportunity. And also, these happened to be in proximity to transmission line corridors as well. So we see it is a great fit between renewable energy and a use of a property that may not otherwise be used for other kinds of uses.

Mr. McNerney. Very good. Mr. Chairman, I am going to yield back.

Mr. McKinley. Thank you very much. Now we are staying on that side of the aisle. We will go down for the next 5 minutes of questioning, Mr. Green from Texas.

Mr. Green. Thank you, Mr. Chairman, and our witness for being here today. I represent an area in Houston, Harris County, Texas, we have a number of former industrial sites. A very urban area that grants through Brownfields programs have been instrumental in transforming

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some of those underutilized and abandoned sites in the productive properties in the community. However, many small and disadvantaged communities don't have the capacity to undertake these revitalization projects like a city like Houston can do.

Mr. Stanislaus, in your testimony, you mentioned EPA data shows that funding and technical assistance are reaching small and disadvantaged communities. How much of this assistance is reaching the disadvantaged community? Do you have any examples of locations where EPA has worked with those smaller, disadvantaged communities?

Mr. Stanislaus. Yeah, I could follow up with specific examples after this hearing. But I think we have done a pretty good job of trying to make sure that all communities participate in the grant program. But in addition to the grant program, what many mayors or town managers of smaller communities say is, in some case providing the ability to move that one property. And so, we have contract assess tans to assess that one property that is been pretty successful. You also have a technical assistance program that I think these communities have found really valuable.

Mr. Green. What type of assistance -- could you describe some of the assistance supported provided by EPA under the Brownfields program?

Mr. Stanislaus. So some of the technical assistance, it includes, in some cases, actually doing a site assessment,

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understanding the potential contaminants at a site. In other cases, through the TAG program, we have recipients to help communities understand the requirements of our program, kind of brownfields 101, understand transactions and how to actually go from a vacant, underutilized property and walk them through each step of the transaction and redevelopment.

Mr. Green. Well, I have a great example in my community. Again, it is a very urban area, we had a location for our city bus barn for the last 50 years up until about 20 years ago. And the lead contamination in that soil was so bad, but it was remediated. In fact, it was left open, a very urban area with a great deal of green space that nobody could go on. But after a period of time now, it is actually a community college, covered up the soil, and it is very viable in a very urban area, so I appreciate that.

The Area Wide Grant program, the AWP, I understand AWP grants have been successful in providing funds to support communities with the developing plans identifying implementation strategies for area wide revitalization. How has this program been successful in revitalizing economically distressed communities?

Mr. Stanislaus. Yeah, what it does, particularly for economically distressed communities, it allows communities what I call go beyond the finish line. Look at the state of infrastructure, look at the infrastructure investment needs, look at the current market and

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future market conditions, look at implementing resources that are available at the Federal, State and local government. And again, to recite the stat I gave out earlier, allot \$12 million to EPA recipients, area wide planning recipients, there is leveraged \$354 million in other resources for redevelopment.

Mr. Green. And how do partnerships with nonprofits and other organizations help ensure successful remediation? In my case, it is mostly with local governments.

Mr. Stanislaus. I think it is critical, particularly in smaller communities that need that capacity assistance. Not-for-profits could be local economic development entity, could be local housing development entity, local industrial development entity, which are not-for-profits to enable the whole process to move forward.

Mr. Green. Okay. There are concerns that some sites are cleaned up and new developments may no longer take into account the needs of long-time residents of the area, particularly affordable housing with an economically distressed community. I think it is an important consideration for revitalization should how these project serve communities. In what ways is EPA working to encourage community engagement to ensure that the needs of the residents are met?

Mr. Stanislaus. Sure. At its heart, the Area Wide Planning program is designed to enable community vision, inclusion of local residents who have been fighting, for many times, years, around that

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particular site. We have also invested a lot in kind of the tools for equitable development. You know, how do we make sure that, for example, affordable housing, and generally the needs of job creation or housing is part of the visioning of a brownfield redevelopment scenario.

Mr. Green. Thank you, Mr. Chairman. I yield back.

Mr. McKinley. I thank you.

Now they called the votes. Thank you very much for your testimony, Mr. Stanislaus.

Mr. Stanislaus. Are you telling me to leave? Is that what you are staying?

Mr. McKinley. But you will be back. You are a fixture around here. Wasn't it nice no one had to yell at you today.

So the second panel, and then we are going to break for votes and come back after that. So if I could have the five panelists for the second panel, if they could take their seats, please.

In respect for the time, because the clock is ticking over there on the call, we get 10 minutes left to go. We have Meade Anderson, with Brownfields Program Manager with the Virginia Department of Environmental Quality, which he is testifying on behalf of the Association of State and Territorial Solid Waste Management Officials. We have Christian Bollwage, who is the mayor of the city of Elizabeth, New Jersey; Clark Henry is the owner of the CIII Associates, LLC; Amy

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Romig, partner at Plews, Shadley, Racher & Braun. And Veronica Eady, Vice President and Director of the Conservation Law Foundation.

If it's all right with you if we just get it started and --

STATEMENTS OF MEADE ANDERSON, BROWNFIELDS PROGRAM MANAGER, VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY, ON BEHALF OF ASSOCIATION OF STATE AND TERRITORIAL SOLID WASTE MANAGEMENT OFFICIALS (ASTSWMO); J. CHRISTIAN BOLLWAGE, MAYOR, CITY OF ELIZABETH, NEW JERSEY, ON BEHALF OF US CONFERENCE OF MAYORS AND THE CITY OF ELIZABETH, NEW JERSEY; VERONICA EADY, VICE PRESIDENT AND DIRECTOR, CONSERVATION LAW FOUNDATION; CLARK HENRY, OWNER, CIII ASSOCIATES, LLC; AND AMY ROMIG, PARTNER, PLEWS SHADLEY RACHER & BRAUN, LLP

Mr. Shimkus. No, just go vote.

Mr. McKinley. Then we will come back. Hold tight. Thank you very much.

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RPTR YORK

EDTR ZAMORA

Mr. Shimkus. I am going to call the hearing to order.

Again, thank you for your patience. Fly-out day. This subcommittee, we have to get the rooms --

Come on in, Mayor.

We want to get the rooms when we get them because of these important issues. So patience. We will have members coming and going. But it was also the last vote on the floor, so a lot of them are getting back to their districts. So your testimony is still important, and we appreciate you being here. So I will just introduce folks --

Unless, Mr. Schrader, do you want to say anything, since you weren't here for opening statements? Do you want to --

Mr. Schrader. No, Mr. Chair. And I apologize for not being here earlier. And I had a chance to converse with, you know, some of our participants. I really appreciate what they are doing. It is a timely issue and a big issue of my State where we have a Superfund site that we are trying to get to resolution on. So this is a great hearing, sir.

Mr. Shimkus. And I look forward to visiting that site sometime soon.

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Mr. Schrader. Yep.

Mr. Shimkus. So with that, I will just do the introduction.

Each person individually, you will do your 5-minute opening statement. Your full record is submitted for the record. And then we will go to questions afterwards based upon the testimony.

So I would like to first start with Mr. Meade Anderson, Brownfields Program Manager, Virginia Department of Environmental Quality, on behalf of the Association of State and Territorial Solid Waste Management Officials.

Sir, welcome. And you are recognized for 5 minutes.

STATEMENT OF J. MEADE R. ANDERSON

Mr. Anderson. Good morning. Thank you for the break.

Good morning, Chairman Shimkus, and ranking member --

Mr. Shimkus. Let's pull that microphone as closely as you can.

Mr. Anderson. Yes, sir.

Mr. Shimkus. That is the only problem.

Mr. Anderson. All right.

Mr. Shimkus. If you are going to read, it is kind of hard, but it will be helpful.

Mr. Anderson. All right. Good morning, Chairman Shimkus, and Ranking Member Tonko, members of the subcommittee.

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My name is Meade Anderson. I am chair of the Brownfields Focus Group with the Association of State and Territorial Solid Waste Management Officials, ASTSWMO. I am here today to testify on behalf of ASTSWMO.

ASTSWMO is an association representing waste management and remediation programs of 50 states, five territories, and the District of Columbia. Our membership includes State program experts with individual responsibility for the regulation or management of waste, hazardous substances, including remediation tanks, materials management, and environmental sustainability programs.

I would like to preface my remarks with commenting that our organization does enjoy a positive working relationship with the U.S. EPA. Our collaborative efforts and problem-solving approaches to brownfields issues with the EPA Office of Brownfields and Land Revitalization should not be underestimated. I think what you are going to hear from me today is almost an echo of everything that we have heard earlier, and maybe a little bit more.

ASTSWMO is a strong supporter of the Brownfields program. For the past 14 years, this program has contributed greatly to the economic development and revitalization of the country. State and territorial programs provide significant support to the localities, such as small and rural communities that apply for grants. These programs also help ensure that funding is leveraged to the maximum extent possible to

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assist in the revitalization of these sites. The vast majority of these cleanups are managed under the State voluntary cleanup programs, which are typically supplemented by the 128(a) brownfields funds that we are going to be talking about today.

Some of the benefits include providing funds for complete environmental assessments of properties, supporting local community officials in the preparation of grant applications that you have heard earlier, providing workshops for the organizations that are in these districts, and meeting with community officials. Just like a couple of weeks ago, I was meeting with a town that has five employees. They don't have the ability to have a brownfields expert on staff and supporting the voluntary cleanup programs that I have mentioned that provide the foundation for setting the remediation goals and the institutional controls to make sure the properties are safe for reuse.

Since the Brownfields law's beginning, 128(a) fundings have been provided to the States and -- States, territories, and tribes with the national funding level at just under \$50 million for the last 14 years, whereas the number of applicants has continued to more than double. In 2003, 80 States, territories, and tribes received the funding of \$49.4 million. By 2016, 164 entities requested funding, including 50 States, four territories, the District of Columbia, 109 tribes, eight of which were new applicants. The awards in 2003 averaged \$618,000. However, by fiscal year 2016, the average award had dropped to

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approximately \$293,000, less than half what had been awarded when the program started.

As you have heard today, we are now facing more challenging sites than ever. Over the last 10 years, we were able to clean up many of the more easily to clean up sites and revitalize them, bringing benefits to the States and the communities. However, what remains is more challenging. And the redevelopment has been hampered by the complex issues of the contamination and the challenges of the community as a whole.

These properties are financially upside down due to suspected environmental contamination. Yet many of these sites are situated in key locations in our small communities, cities, and towns. The more challenging sites require a unique collaborative approach of the stakeholders working in partnership with the community, local, State, Federal, governmental organization, business partners, NGOs, and individuals from the community itself. The State's Brownfields programs plays a significant role in ensuring these sites are cleaned up to standards that are safe for their reuse.

Earlier we talked about the leveraging that goes on, and the University of Delaware has published two well-respected studies. The Economic Impact of Delaware's Economy: The Brownfields Program is one of them, that you get this \$17.50 return on a dollar's investment that goes into these brownfield sites. These two documents are referenced

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in my written testimony.

To summarize, ASTSWMO believes in a robust Brownfields program at all levels of government working in concert with the private sector, is essential for the Nation's environmental, economic, and social health. And without adequate funding for the State, territorial, and tribal brownfield and voluntary cleanup programs, brownfield goals cannot be achieved. Where the current level of funding is inadequate, we want to ensure that it is at least protected to a minimum.

Thank you for the opportunity to testify. I would be pleased to answer any questions.

[The statement of Mr. Anderson follows:]

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Mr. Shimkus. I thank you very much. I want to turn to the ranking member of the full committee.

Do you want to introduce the next person to testify or are you --

Mr. Pallone. Oh, sure.

Mr. Shimkus. I recognize the ranking member.

Mr. Pallone. Mayor Bollwage is the mayor of Elizabeth, which is one of our -- one of the largest cities in New Jersey. And I have known him for a long time. And he has been mayor for many years. And he has been definitely a progressive mayor who has really done a lot to revitalize Elizabeth.

If you go to Elizabeth today, compared to 20 years ago, you just see all the changes that have occurred that are all positive. The major downtown area, a lot of people shopping in town. So many improvements. So -- but and a lot of that -- some of that has related to the Brownfields program as well. So that is why he is here today.

Thank you, Mayor.

Mr. Shimkus. Thank you, Mayor. Welcome. You are recognized for 5 minutes.

STATEMENT OF MAYOR J. CHRISTIAN BOLLWAGE

Mr. Bollwage. Thank you, Mr. Chairman. I appreciate the opportunity to be here.

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And, Ranking Member Tonko, thank you.

And, Congressman Pallone, thank you for those very kind words, and always look forward to working with you on the issues that benefit New Jersey.

As you -- my name is Chris Bollwage. I am the mayor in the city of Elizabeth. I have also been the chair of the Conference of Mayors Brownfields Task Force for some 20-plus years. And since the 1990s, the U.S. Conference has made the redevelopment of brownfield properties a top priority. And all of you can understand why that has happened.

There is an estimated 1/2 million brownfields. And businesses were unwilling to touch these properties out of fear of liability. The congressman asked a question of the first panelist, is there a brownfield in every congressional district? And the U.S. Conference of Mayors did a study years ago that shows that every congressional district in this country has at least one brownfield incorporated.

I testified before Congress numerous times during the 1990s on the importance of this legislation. Urban sprawl has left almost every community with an abandoned site in the Nation. The Brownfields law has had a very positive impact on our economy. EPA estimates over 24,000 brownfield assessments, 1,200 cleanups have been completed, 113,000 jobs created, \$22 billion leveraged.

In our last survey, 150 cities developed nearly 2,100 sites, comprising 18,000 acres. And 106 cities reported 187,000 jobs were

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created; 71,000 predevelopment and 116,000 permanent jobs.

And briefly, in our city, Congressman Pallone referred to it, we have Jersey Gardens Mall. It was built on a former landfill, 166 acres. Now has 2 million square feet of shopping, over 200 stores, six hotels, movie theater, with 1,700 construction jobs, 4,000 permanent jobs, \$2.5 million in tax revenue in the first 8 months. Would not have been done without a brownfield assessment grant.

Jersey Gardens Mall, now called a Simon mall, recently announced it is going to add 411,000 square feet with an expansion completed in 2017. We have a workforce innovation center providing job placement, soft skills training, and ESL education to residents. It also features a 4.8 megawatt super -- SunPower rooftop solar system which began producing power in February of 2012, and it can now produce power for 564 homes equivalent.

The Brownfields law and program has a proven track record of leveraging private sector investment and creating jobs. Unfortunately, the EPA has had to turn away a lot of highly qualified applicants, as evident by the questioning and the testimony of the first panel. The challenge that our communities face now is that many of the easy brownfield sites have been developed and what now remains are the more difficult brownfield sites, the ones that we like to call medium to dark brown brownfield sites.

The Conference of Mayors believe that some minor changes, some

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of the recommendations that we include for the new Brownfields' law: Fully funding the Brownfields program, allowing reasonable administrative costs, clarifying eligibility of publicly-owned sites acquired before 2002, removing barriers from mothballed sites, and encouraging brownfield cleanups by good Samaritans.

Other recommendations include creating a multipurpose task force grant -- a multipurpose grant to make the program more flexible and market friendly. The way the program works now is if a city applies for various grants, identifies the properties where the money will be spent. The problem naturally with that scenario is the flexibility enough for real marketplace situations. A city may have multiple developers and businesses who are interested in several brownfield properties.

What cities could use is a multipurpose grant to allow them to assess multiple properties and do cleanup on the properties chosen for redevelopment. If a city has to apply for a grant, wait 6 months to a year to see if they get funding, it naturally hinders our opportunities.

Increasing cleanup grant amounts would also be beneficial. I know we differ from the EPA on this, but in the Conference's opinion, many of the easy brownfields are already being done. What is tougher are the brownfields that are more complicated due to a variety of factors, including the level of cleanup needed. And for some of the

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cleanup grants, we would like an increase in the amount to be \$1 million. In special circumstances, \$2 million.

I would like to thank you, Chairman, and the members of the subcommittee for the opportunity to testify. Brownfields development is a win/win for everyone involved. And the reauthorization of this law could be a top priority of this Congress.

I thank you for the opportunity. And I am available for questions, Mr. Chairman.

[The statement of Mr. Bollwage follows:]

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Mr. Shimkus. Thank you, Mayor. And it is great to have you.

I would now like to turn to Mr. Clark Henry, owner of CIII Associates. Again, your full testimony is already in the record. You have 5 minutes. Welcome.

Mr. Henry. Great. Thank you very much, Chair Shimkus and Ranking Member Tonko, for having me here. It is an honor to speak to you as well with both the people to my left and right. It is an honor to share this table.

I have been working on brownfield redevelopment for the past 15-plus years, both as a public service -- public servant working for the city of Portland, Oregon managing the Brownfield program, as well as a consultant working with municipalities very small from the Village of Sutherland, Nebraska to the City of Boston, Massachusetts, as well as community-based organizations, developers, and property owners all over the country.

I am intimately aware of working with the Brownfield program and the power that it has. My overwhelming support for this program and the reauthorization is demonstrated in the success that we have had in Portland and across the country. I have administered over \$2 million of EPA assessment in brownfield cleanup grants, worked very closely with the job training grantees, as well as revolving loan fund recipients; all of which have leveraged multifamily housing, additional commercial developments, light industrial developments,

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and job creation.

I lightheartedly refer to the brownfield effect. With the EPA Brownfield program involved, is we have brownfield jujitsu. We turn what are liabilities into assets. We kind of reverse the negative effect that they have on our communities environmentally and economically at the same time. The theme here too is how these grants help local municipalities and the Federal Government serve as really strong partners for private sector redevelopment.

The Brownfield program has been, in my observation's, nationally the best model of how this has been working. I do, as well as previous testimony, have some recommendations how we could further refine some of this. The area-wide planning program that Administrator Stanislaus brought to the EPA from New York and is administering in the EPA now, I believe, should be made a permanent part of the Brownfield program. It is really a response to how we put properties and entire districts and corridors in the pipeline for development.

It never shocks me when you start planning for a brownfield property that no one has been interested in for decades, you start planning for it, and everybody wants it. So perception here on both sides is really important.

The nonprofit eligibility too, for me, I think is a very important addition. They are not only more than capable of administering these grants; they are really essential private sector partners,

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particularly in the creation of workforce housing.

I do believe that allowing some small portion of administrative costs is a very positive change under the grant. Though I do believe that local municipalities should bear the burden of operating programs, but when we allow them -- when we allow some administrative costs, we go from administering a grant to running a program. And in my experience with the city of Portland and having the time to broker relationships between developers and property owners and advocate for and help projects get through regulatory process at the state level, the outcomes are very compelling, and you speed things up and you make things happen that otherwise wouldn't.

I am a strong proponent for renewable energy on these facilities. Not necessarily allocating specific resources for that, but I really do believe that they provide substantial benefit.

I think we do need to clarify the liability for public municipalities, not just making them available -- or eligible for ownership after 2002, but under circle of liability, involuntary acquisition, such as through tax foreclosure, they are protected under statute, but for voluntary they are not. And I believe that widening that would really help municipalities take on projects that they are hesitant to now.

The multipurpose grants allowing us to move from assessment to cleanup, from my perspective, I was dying for these things at the city

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of Portland and it would have sped some things up. Though it might not be universally applicable, I really do think it should be an option. And I would love to see the Federal tax incentive brought back that expired in 2011.

And then the last little change isn't necessarily a change to the administration or the grant program itself, but it is considering what happens after community planning processes are assessed and some cleanups are done. And exploring partnerships with these new -- with new organizations and community-based organizations is really essential here. And then there are some new tools because the JOBS Act and the SEC rules allowing crowdsourcing and crowdfunding on an equity base is -- has some really strong potential to actually leverage financing for a project otherwise is inaccessible.

And I conclude by really encouraging the reauthorization. And I really want to say that this is working for the environment, society, and economy together to make our -- bring our municipalities stronger as well as a stronger United States. Thank you.

[The statement of Mr. Henry follows:]

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Mr. Shimkus. Thank you very much for your testimony. And thanks for the recommendations. That is kind of what we are looking for too in all this process.

So now I would like to turn to Amy Romig, a partner at Plews, Shadley, Racher, and Braun.

Ms. Romig. Perfect.

Mr. Shimkus. And you are recognized for 5 minutes.

Ms. Romig. Mr. Chairman, and members of the subcommittee, thank you for inviting me here today so that I can share my views on the EPA's Brownfield program.

Mr. Shimkus. Again, pull that mike just a little bit closer. It will help.

Ms. Romig. Sure. Better?

Mr. Shimkus. Maybe turn it on too. There is a button in the middle.

Ms. Romig. There we go.

Mr. Shimkus. There we go. A little bit closer. It won't bite you. Pull it close. No, just pull the whole thing. There we go.

Ms. Romig. Okay.

Mr. Shimkus. There we go. Thank you.

Ms. Romig. So based upon the committee questions for the first panelist, Mr. Stanislaus, I am very pleased to see that all of the committee members obviously support the Brownfield program, because

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this program is essential and vital to the redevelopment of our economies in our small towns and cities.

As Chairman Shimkus said, I am an attorney with the law firm of Plews, Shadley, Racher, and Braun in Indianapolis, Indiana. And I represent private businesses, not-for-profit entities, and other private shareholders who develop these types of brownfield properties. We have also represented various cities and towns within Indiana who have taken advantage of the Brownfields program. And we also represent economic development associations that would love to be able to take advantage of the Brownfields program.

The Brownfields program is important to private shareholders because it allows knowledge to be found about these sites that prohibits their development at this current point in time. I will be quite frank. When it comes to investors, they want to make money. And they are looking at buying properties that they can develop that will be profitable. And, quite frankly, they shy away from those properties that have unknown risks. They have to be able to make the calculation: Can I make money on this? And if you have unknown environmental liability, they simply won't make that investment.

So by giving this money to the cities and towns, you are increasing the knowledge base that helps overcome the burden of developing these properties. It makes it much more likely that investors will take these risks and invest their money.

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We heard a lot from Mr. Stanislaus about the leveraging that happens. And this is precisely what happens when you put this money in the investment of knowledge, is that you make private people willing to invest even more of their money in these projects.

I would like to give an example of one of the projects that my firm worked on. There was a blighted piece of property on several acres along an interstate in Indianapolis, and the neighboring properties were getting run down. No one wanted to be around this property. And the State of Indiana and the city of Indianapolis invested a couple of hundred thousand dollars in helping clean it up so that an out-of-state business would come in and invest in a truck stop.

Over the last several years, more than \$8 million has been reinvested in property taxes, now that they are being paid on this property, and sales tax because people are coming to this property. And, quite frankly, the value of the surrounding properties has increased and more development is occurring in this area simply because the State and the city invested a little bit of money. That is a 20-fold increase in the profitability of the seed money that the Brownfields program put into this site. And more sites like this can happen if you increase the flexibility and the money available to these communities.

We have heard a lot about how can you improve the Brownfields program. And, quite frankly, we do a really great job in Indianapolis.

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But the smaller towns don't do as well because they do not have the sophistication or the knowledge. While Indianapolis can afford to have a brownfields coordinator, the smaller towns can't. The person who is handling these things is often an engineer who is worried about how do I get the trash picked up and how do I keep the roads going?

So by allowing some administrative costs to your opening up the program to these smaller communities who need the most help, this will allow these communities to have more information about their sites because knowledge is power, as I talked about before. And it will help them make the contacts and meet the developers that will bring money to their communities.

One of the other issues that is really problematic and hindering brownfield development is transactional costs in time of both money and in time, because time is money. If I am a developer and I can go develop a greenfield site and get a return on my investment in 6 months, that is much more attractive to me than working through the Brownfield program trying to get the State and the various agencies to approve my permits and not getting a return on my investment for several years. And the reason this is happening is, quite frankly, that the agencies don't have the resources.

Our Indiana Department of Environmental Management does a great job and they have a lot of skill and sophistication, but they have limited resources. So by allowing the Brownfields program to use some

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of the money for administrative costs, you are going to provide and overcome the problems with time. Because, quite frankly, more people will be allowed to have this knowledge and it will speed the process up and it will make it more attractive to developers.

With that, I would like to thank you again for inviting me. And when we are finished with testimony, I would be pleased to answer any questions you have.

[The statement of Ms. Romig follows:]

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Mr. Shimkus. Thank you for coming. I just -- I represent Danville, Illinois and Marshall, Illinois, which is closer to Indianapolis than my own house. So I do appreciate, and, unfortunately -- well, fortunately, have to fly into Indianapolis sometimes to get to the eastern part of my district. So I know the community better than I used to.

So now let me turn to Veronica Eady, a vice president and director of Conservation Law Foundation. We are glad to have you here. You are recognized for 5 minutes.

STATEMENT OF VERONICA EADY

Ms. Eady. Mr. Chairman, thank you for the invitation. I am really pleased to be here and speaking to the committee.

Conservation Law Foundation, founded in 1966, is a member-supported environmental advocacy organization. We are headquartered in Boston with five offices throughout New England and we protect New England's environment for the benefit of all people. We use law, science, and the market to create solutions that preserve our natural resources, build healthy communities, and sustain a vibrant economy. And while I am a lawyer, we are fully multidisciplinary. We employ economists, scientists, planners, and investment fund managers.

We support -- and I will refer to my organization, Conservation

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Law Foundation interchangeably as CLF. CLF supports, without reservation, EPA and its Brownfields programs. Nonprofit organizations have long played a critical role in facilitating the cleanup of brownfield sites. My own organization has convened community planning charrettes helping residents to articulate their vision for longstanding contaminated sites. We have also provided technical assistance to city and towns, helping them understand their legal options under State and Federal Brownfields law.

And as a founding member of the Massachusetts Smart Growth Alliance, CLF is working in broad coalition with other stakeholders to secure funding that would replenish Massachusetts' Brownfields Redevelopment Fund, which is kind of the corollary to the EPA program.

Massachusetts has many brownfield sites that have contamination that predates the industrial revolution. And I want to take a moment to talk a minute about the city of New Bedford, which is one of my favorite cities in Massachusetts, iconic and, of course, the site of Herman Melville's Moby Dick.

Last year, CLF undertook a comprehensive investigation into the nature and extent of contamination in New Bedford and what potential exposure there might be for residents. We focused on an environmental justice analysis, which involved studying census and other demographic data, to determine whether low-income communities and communities of color bore a disproportionate environmental burden.

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We spoke with nearly 2 dozen residents, city officials, environmental regulators and others. And although New Bedford has received State and Federal brownfields funding in the past, one city official commented that the biggest environmental justice issue still facing the city continues to be the lack of funding available to identify more unaddressed contaminated sites.

New Bedford's pollution dates back to the mid-1700s when the economy shifted from agriculture to whaling and whaling-related industry, such as oil processing, soap making, and ship building. These early industries likely admitted into the environment oils, arsenic, mercury, cyanide, biological waste, polycyclic aromatic hydrocarbons, and other caustic substances that were disposed directly into the soils and waterways. After that we had the textile industry a century later. That was displaced by the electronics industry. So we have layer and layer upon pollution in New Bedford.

New Bedford's population is about 9,500. New Bedford's median income is less than 50 percent of the State average. Some of the poorest residents literally live across the street from sites that have been mothballed because the industrial operations have long decades gone, nowhere to be found, and the city is left holding the bag.

In some cases pollution has migrated into the homes of people. In some cases -- in one case in particular, 84 homes had to be relocated. And these homes were on a site where currently, even today, there are

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two public schools on the site. The Department of Public Health had to come in and do an assessment to find out if there was any special -- you know, any spikes in cancer rates and things like that resulting from the contamination. And, of course, New Bedford is only one of many similarly situated cities and towns in the country.

Brownfield redevelopment is for many cities and towns the only form of developable property, particularly in New England, because of limited inventories of undeveloped land. And in order to develop these brownfields, they need access to funding. Access to further brownfield funding and technical assistance would be a major step for these communities.

New Bedford does have some good news. There have been some brownfield sites, many, actually, that have been redeveloped. And there are a couple that are noteworthy. I will just name -- one was a supermarket development that went into a former mill site and created 600 jobs. There is a marine commerce terminal project that will facilitate renewable energy and that is going to create 200 permanent jobs.

So in conclusion, I want to once again say how fully CLF supports EPA and these programs. I appreciate you being here -- or your invitation to me, and I look forward to questions.

[The statement of Ms. Eady follows:]

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Mr. Shimkus. Thank you very much.

Now I will start with a round of questions. I will recognize myself for 5 minutes. And the first question will go to Ms. Romig.

In your written testimony, it takes on what is probably a fairly common notion that the Brownfields program creates a windfall to private developers and investors. Would you please explain why that you believe that is not true?

Ms. Romig. These developers and investors still have to put their own time and money into these projects. They have significant skin in the game. And when they are tackling these sites, these sites are more expensive to deal with than if they were dealing with a greenfield.

So this -- the Brownfield program provides a little bit of seed money, but it is certainly not making anyone rich. They are not making a tremendous amount of money on it. And in fact, a lot of these projects, they don't make as much as they might possibly make if they were developing a greenfield. So they are still investing a significant amount of time and money of their own. So it is not a windfall.

Mr. Shimkus. Yeah. And I appreciate that time is money, how quickly can you develop a site. Also, everyone has talked about risk. Right? There is some risk. And I think we in Congress are starting to understand that a little bit more as far as risk and reward and time

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and all the other stuff. And this is a perfect example.

Let me go to Mr. Anderson. As you know, the Brownfields law requires, and this was asked earlier to Mr. Stanislaus, that 25 percent of the funds appropriated to the EPA for activities authorized under CERCLA or Superfund 104(k), be used to characterize, assess, and remediate petroleum brownfields. Do you still -- do you think that this petroleum set-aside is still necessary?

Mr. Anderson. Yes, sir. And it is difficult to -- you know, when you get an assessment grant, as a city does, and you are trying to go through the property, if you are trying to designate exactly 25 percent, it really hampers you. If you have got the flexibility of the full amount and -- you are going to run into petroleum on almost all these brownfield sites regardless. So I don't think it is necessary any longer, sir.

Mr. Shimkus. And I think that concurs with what Mr. Stanislaus also testified.

Mr. Anderson. Yes, sir.

Mr. Shimkus. Mayor, in your testimony states that the, quote/unquote, easy brownfield sites have already been developed and what now remains are more difficult, and you used the terminology "darker brown," which I am going to start using. I think it is a good terminology. Your testimony notes that minor changes to the Brownfields law would help spur on additional redevelopment projects

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and economic growth. Can you walk us through some -- your opinion regarding what type of changes would be helpful?

Mr. Bollwage. The most important one would be clarifying some eligibility, as well as flexibility on the grant funding. If the money is targeted for assessments or targeted for cleanup, oftentimes the developer comes in and the money could be used in a better way in some other category. And I think giving us flexibility would help us tremendously.

Mr. Shimkus. So explain flexibility. Tell us where are you constrained and what more flexibility --

Mr. Bollwage. The assessment grant that we have had in the city of Elizabeth was used excellent to develop an identification of 50-some-odd brownfield sites. Now that we have identified the brownfield sites and there is still assessment grants out there, it is important to know that we could still apply for assessment grants, but we understand what is in all of those properties.

So if we can use assessment money for cleanup costs, or if we can use assessment money for some type of infrastructure that is necessary to get to the brownfield site -- when we built the Jersey Gardens Mall, it was on a 166-acre site. The developer came to me and said: You know, I will remediate this mall, but you need to build the road to get there. And the road to get there cost \$10 million. So I built a road in 1996 to get to a dump. And I could see the campaign literature

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against me that I built a road to a dump and then nothing happened. So the flexibility would be important, Mr. Chairman.

Mr. Shimkus. Yeah. We did have a bridge to nowhere debate here --

Mr. Bollwage. That is another State, though.

Mr. Shimkus. -- in Washington too. So Mr. Pallone remembers that.

And my last question will go to Mr. Henry. In your written testimony, you discussed the need for area-wide planning. Can you walk us through what that means when you say area-wide? Why you believe it is important to make it a permanent feature of the Brownfields program.

Mr. Henry. Absolutely. You know, in the early days of administering these grants and working through doing assessments and cleanup planning, you know, when you are doing an assessment and trying to plan for a cleanup, the most important thing that you -- that the brownfield community realizes, you have to know what you are planning for. You have to understand what kind of redevelopment you are looking at.

And then you also recognize that just by doing one property, you are probably operating in a corridor or a district with multiple properties. And by knocking down this one domino, you are probably catalyzing some additional investment. But you really also have to take into account -- and some of these -- and it ties also into the

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other complications, that the easy sites are gone. The other -- some of these other complications are related to adequate infrastructure, other partnerships that could be out there and what is the community-supported vision?

So in an area-wide planning process, we recognize that developers and organizations and the stakeholder group, in general, was looking for a vision that really indicated the city is a solid partner and willing to make the investments, like building roads and putting in additional infrastructure. Area-wide planning queues up multiple sites and entire districts for that investment and involves the community in helping decide what that vision is.

Mr. Shimkus. And that, should we also maybe link them up in the development program?

Mr. Henry. Yes. And so -- yeah, it is -- whether the assessment comes first or area-wide planning -- it has happened in different ways -- but they are very complementary.

Mr. Shimkus. Yeah. Excellent. Thank you.

My time has expired. The chair now recognizes the ranking member of the subcommittee, Mr. Tonko for 5 minutes.

Mr. Tonko. Thank you, Mr. Chair.

And, again, welcome to all of our witnesses.

Mr. Henry, what has your experience with area-wide planning been?

Mr. Henry. My first experience, I supported EPA's brownfield

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office in supporting the first round of area-wide planning grantees, helping them transition their plans into more implementation-based documents and strategies. And then I recently concluded a brownfield area-wide planning project in Redmond, Oregon, and one in Hickory, North Carolina.

Mr. Tonko. And when you get into an area-wide planning, I can imagine there might be some burdens and there are certainly benefits. Can you identify each of those, maybe from experience what some have been?

Mr. Henry. Of the burdens and benefits?

Mr. Tonko. Yes.

Mr. Henry. So with brownfields, there is a really large perception issue. And when you go into public and you say: We are going to identify brownfields and we are looking at your -- and you show a map and they have people's properties up there, red flags go up in their heads. So one of the burdens you have to do is say, we are really not -- we are not here to pin you and say that you have contamination.

First, the definition of a brownfield doesn't say you are contaminated and it doesn't say you are liable for it. And so you really have to -- there is a lot of communication that has to -- you have to undertake to make sure they understand you are creating a vision and you are helping them realize their goals as well.

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And the benefit is, once you have effectively communicated that strategy to them, they are very solid partners to the municipalities and their neighbors. And there are people who will get in a room and hash out a strategy that previously you didn't want to talk together.

And the plan is that these are also implementation strategies at their core. This is about getting investments. So you are creating partnerships and staging projects on particular properties as catalysts in supporting that show a whole spread of things that can happen on these brownfield properties.

Mr. Tonko. In terms of value added, what does area-wide planning has the greatest value added provide?

Mr. Henry. I think it magnifies the effect of the Brownfield program in general.

Mr. Tonko. Okay.

Mr. Henry. And we stop talking about individual properties and we start talking about entire communities and neighborhoods.

Mr. Tonko. And in terms of coming together as an area, is it a common contaminant -- if there is a contaminant, is it common use?

Mr. Henry. Sometimes you look at -- some of these area-wide planning projects are occurring in industrial areas that are trying to modernize and address -- and so the environmental issues and infrastructure issues won't be a burden for new industry moving in. Other times these are automobile -- these are like commercial corridors

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with a lot of automobile-related brownfield sites, like small infield gas stations and automotive. But, no, you are almost always talking about multiple types of contamination.

Mr. Tonko. Okay. And, Ms. Eady, I am grateful, certainly, for your cause to recognize the role that these cleanups play in promoting environmental justice. Many brownfields are in distressed communities that need additional technical assistance and capacity building to get the projects done. Can you explain the role that nonprofits currently play in remediating our brownfields?

Ms. Eady. Well, a lot of nonprofits are -- play the role, kind of as Mr. Henry described, leading these planning efforts and things of that sort. But we have directly provided technical assistance to cities and towns, whether it is in describing the liability protections or what the appropriate end uses are for the level of contamination in the property.

We are working in coalition with a bunch of groups in a mill town in Massachusetts where there are some community development corporations that are involved in other kind of quasi-nonprofit/quasi-public organizations to do broad planning efforts like the type that would be done in area-wide planning.

Mr. Tonko. Do you think that there is a larger role for nonprofits to play in working on the assessment and cleanup efforts?

Ms. Eady. I think that there is absolutely an expanded role that

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can be played. And I think that were nonprofits to have access to EPA public brownfield funding, I think that the role would probably expand and evolve.

My organization has a lot of close ties, particularly at the community level. And I do believe that if funding were available, we would be able to strike partnerships with some of these communities and play the more scientific role and advisory role.

Mr. Tonko. Thank you. And if I could just have you across the board state what you think the caps ought to look like. And I would offer the caveat that we wouldn't reduce the amount of award winners but appropriately increase the overall pot. But what do you think we should do with the caps? If you could do that across the board, please. And start with Mr. Anderson.

Mr. Anderson. What did we use earlier? A million, I believe, was one of the proposed caps. That is probably a good cap --

Mr. Shimkus. Turn the mike on, please. It is for our transcribers. They need to hear that better.

Mr. Anderson. A million would probably be a good cap. That is a lot of money to spend and you do have to have quite a bit of prior planning. But when you get these coal gasification sites, like you mentioned in your roundtable, they are very challenging to deal with and they can cost much, much more.

Mr. Tonko. Thank you. It is good to see you again, by the way.

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Mayor?

Mr. Bollwage. Yeah. Mr. Tonko, in my testimony I said a million dollars. And then also for special circumstances to go to \$2 million.

Mr. Tonko. And, Mr. Henry?

Mr. Henry. Yes. I believe with the caveat that the number of recipients wouldn't be decreased, I think a million dollars is a reasonable number.

Mr. Tonko. Ms. Romig?

Ms. Romig. I find a million is reasonable as well.

Ms. Eady. Yeah. I agree, and also as Mr. Henry provided.

Mr. Shimkus. Just pull that mike over again.

Ms. Eady. I agree, and also with Mr. Henry's proviso that it doesn't shrink the number of grants.

Mr. Tonko. I hear you. We don't want to do that.

Ms. Eady. In a perfect world, yeah.

Mr. Tonko. Okay. Well, you sound like you are getting along. So that is great. Thank you very much.

Mr. Shimkus. The gentleman's time has expired.

The chair now recognizes the ranking member of our full committee, Mr. Pallone, for 5 minutes.

Mr. Pallone. Thank you, Mr. Chairman. I wanted to first ask Mr. Anderson a question and then go to Mayor Bollwage.

Mr. Anderson, you note in your testimony -- I know you touched

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upon this, but I wanted to ask it directly. You note in your testimony that the average grant award has declined. Do you think an increase in the cap on individual grants would assist communities, particularly as they try to revitalize sites with more complicated cleanups? I know you answered it, but I would like to ask you that directly.

Mr. Anderson. The caps for the individual communities or --

Mr. Pallone. On individual grants, yeah.

Mr. Anderson. I think it will help the communities -- you know, it is hard to say. Most of the communities are going to go for the maximum amount because of the difficulty in getting to that point. So why would you go for less than whatever the maximum is for a specific grant, such as \$200,000? Some of the grants that I did mention are the 128(a), which is a subset. And those have decreased as more entities have come to the table, the States, the tribes, and the territories. But I hate to say it; more money does help.

Mr. Pallone. Okay. Now let me go to Mayor Bollwage. You mentioned your town, Elizabeth, received a grant under the regional pilot program in the 1990s. Correct?

Mr. Bollwage. Yes.

Mr. Pallone. We heard from Mr. Stanislaus earlier that the EPA has started another pilot program, the multipurpose grant program to give communities more flexibility. Do you think that having that greater flexibility, like that afforded to communities with the

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multipurpose grants, would assist them better in cleaning up the contaminated sites?

Mr. Bollwage. Yes, I do, Congressman. Also, you know, the city of Elizabeth is currently using two 2011 EPA community-wide assessment grants for hazardous substances and petroleum in our midtown redevelopment area. So in answer to your question, I believe yes.

Mr. Pallone. I mean, I think that the flexibility is valuable. Then the most important issue, which was mentioned repeatedly today, is the need for adequate funding. I just like you to comment on, you know, higher funding levels for the program, and, you know, what it would mean to Elizabeth in redeveloping brownfield properties.

Mr. Bollwage. Congressman, higher funding levels could allow for some reasonable administrative costs, which was testimony not only here, but also by Mr. Stanislaus. Also, one of the testimonies on this panel was addressing mothballed sites, which are clearly forgotten. I don't know New Bedford as well, but we have them in Elizabeth as well where they are just totally forgotten and they sit there. Additional funding would help us address mothballed sites. And also, the clarifying of the eligibility of the publicly-owned sites before 2002, financing would help address that issue as well, Congressman.

Mr. Pallone. All right. Thanks a lot.

Ms. Eady, would you agree or comment on what the mayor said?

Ms. Eady. I agree with the mayor. And I was just thinking about

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what other contexts additional funding, particularly to the nonprofit sector, would be helpful. And in thinking about New Bedford, one of our partner organizations in New Bedford called the Buzzards Bay Coalition was given a technical assistance grant to work on one of New Bedford's Superfund sites. This was the New Bedford Harbor Superfund site. And with the technical assistance grants that they were able to get, they were able to directly support the local community so the community understood the process, which, of course, is very complex, and, you know, that they understood the science.

And I think that that is a -- really a critical role. And it is really important to bring the community along, and particularly in New Bedford where, because there is so much contamination, there is this really amazing level of distrust. And I imagine that this is not unique to other parts of the country.

And so I think that with nonprofits able to access funding, we could play an important role so that communities wouldn't be -- would be less likely to oppose redevelopment projects.

Mr. Pallone. All right. Thanks a lot. You know, I was -- I really enjoy hearing how the Brownfields program has helped so many communities. I don't know if I mentioned to my colleagues, I don't actually represent Elizabeth where Mayor Bollwage is, but just south is Carteret, which is a much smaller town.

But if you think about it, Mayor, I mean, same phenomenon. I

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mean, you know, how many sites in Carteret have been cleaned up? And there again, it is a much smaller community that doesn't -- you know, probably even has less resources because of its size. And when we talk about adequate funding, it is so important not only for Elizabeth, for a lot of the smaller towns.

Because New Jersey, Mr. Chairman, has -- you know, we have a lot of towns. And people think of Newark and, you know, larger cities. But, I mean, most of the towns I represent have less than 40,000 people, but yet they have the same situation as Elizabeth. So --

Mr. Bollwage. Carteret has done a remarkable job on the waterfront with the brownfields from the petroleum industry years ago, and they have created into warehouses. And Mayor Reiman is extremely proud of his efforts in Carteret.

Mr. Pallone. Yeah. I know, it is true. And we have more brownfield sites than any other State. I guess that is no surprise.

Mr. Shimkus. I thought you would have had that all cleaned up by now. All these years you have been here, I thought you would have had that fixed.

Mr. Pallone. We keep trying.

Mr. Shimkus. The gentleman yields back his time.

We want to thank you for coming. And even though there is just a few of us left, you do have the chairman of the subcommittee, the ranking member of the subcommittee, and the ranking member of the full

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committee. I think that shows our interest and the importance of this issue. We look forward to working together as we move forward.

And with that I will adjourn the hearing. Thank you.

[Whereupon, at 12:15 p.m., the subcommittee was adjourned.]