

Additional Questions for the Record

The Honorable John Skimkus

1. Would you please walk us through how State brownfields programs are funded and explain to us what 128(a) funds are and why they are important for States?

128(a) funds are grant monies provided by the EPA to states, territories, and tribes to deal with brownfield issues. A more precise definition follows: Section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, authorizes a noncompetitive grant program to establish and enhance state and tribal response programs. CERCLA section 128(a) response program grants are funded with categorical State and Tribal Assistance Grant (STAG) appropriations. Section 128(a) cooperative agreements are awarded and administered by the U.S. Environmental Protection Agency (EPA) regional offices. Generally, these response programs address the assessment, cleanup, and redevelopment of brownfields sites and other sites with actual or perceived contamination.

The 128(a) grant money is the backbone of the states' and territories' (States) brownfield programs. The EPA allows the states flexibility to apply these grants to benefit each state's unique program while at the same time providing consistency by requiring the states to meet the goals of the Four Elements required for the 128(a) grants. The Four Elements are 1) a survey and inventory of brownfield sites 2) oversight and enforcement authorities (so response actions/cleanup is protective of human health and the environment) 3) mechanics for meaningful public participation, and 4) mechanisms for approval of a cleanup plan, and verification and certification that cleanup is complete.

The majority of states must supplement their 128(a) grants with other sources of monies and the source of these additional funds varies widely, from entry fees charged for the state's brownfields/voluntary cleanup programs, hourly rates for review, yearly fees, and cost recovery, to special fees dedicated to brownfields to general funds. What is important to note is state program income may vary from year to year based on a number of factors including and most importantly, the economy, however 128(a) funds are stable and constant source of funding and allow for budget projects and consistent program implementation. The critical 128(a) funds have a wide variety of uses from environmental site assessments, brownfields marketing, 104(k) Brownfields Grant support, meth lab programs, and staff time for brownfields and voluntary cleanup program support. The 128(a) funds are the cornerstone to most states' programs (and in some cases the only funds), and without these funds the entire state program would be in jeopardy of not being able to function at a level to provide meaningful service to the public.

A summary of the state brownfield and voluntary response programs can be found at the following link: <https://www.epa.gov/brownfields/2014-state-brownfields-and-voluntary-response-programs>

2. What needs to be done, if anything, to improve the partnership between EPA and the States regarding brownfields?

ASTSWMO has enjoyed an excellent relationship with the EPA Office of Brownfields and Land Revitalization (OBLR) and has worked well with the staff on numerous projects over the years. The brownfields program across the nation developed in a different and unique manner which focused on a non-regulatory approach. This focus on the goal of land revitalization rather than on enforcement changed the entire state/EPA relationship leading to a positive and collaborative relationship. OBLR and the EPA regional offices have done an excellent job of providing support to the states' needs and allowing states flexibility with the use of 128(a) Brownfields Funds to fit each program's needs.

OBLR has typically joined ASTSWMO meetings on a regular (quarterly) basis, providing updates on EPA work, grant status, project updates, and budgetary issues as well as working on problem solving for any outstanding challenges. OBLR staff has typically been available to join conferences, symposiums, and state outreach events providing support and resources to revitalization efforts.

All of the ten EPA regions handle communications and partnership with their respective states slightly differently depending on their regional needs and mutual goals, however, the results have been an excellent working relationship.

The Honorable Tim Murphy

1. Mr. Anderson, there is a coal-fired plant in Alexandria – the Potomac River Generating Station – that was scheduled to be shut down. The plant is located near Old Town Alexandria on the Potomac River. This would seem to be the exact type of site that the Brownfields Program would address. Are you aware of any cleanup or redevelopment that is happening at the site?

This question is specific to Virginia and not directly related to the ASTSWMO testimony however please see the following response. The former Potomac River Generating Station (PRGS) property, situated in Alexandria near the Old Town area, has tremendous redevelopment

potential and under Virginia's definition of a brownfield the site would be defined as a brownfield.

In the fall of 2012 the PRGS ceased operation and shut down. Since the plant shutdown, the Virginia Department of Environmental Quality's (VDEQ) Northern Regional Office, working with input from the City of Alexandria, local citizens groups, the National Park Service, and the District of Columbia, has directed NRG Energy, Inc. (NRG) PRGS to develop and submit a comprehensive assessment and cleanup strategy to fulfill and complete their regulatory requirements. To date, most work has focused on the cleanup of petroleum hydrocarbons. Additionally, as with many petroleum release sites in Virginia, NRG is eligible to access the Virginia Petroleum Storage Tank Fund to cover costs for approved petroleum assessment and remediation activities. In March 2016, the remedial technologies outlined in the approved Corrective Action Plan became operational. It is expected that the petroleum cleanup will take several years. As for the site itself, NRG has indicated the company will explore redevelopment options, although no specific timeframe has been communicated to the VDEQ. However, any future redevelopment of the site will follow applicable City of Alexandria planning and zoning procedures, as well as any regulatory actions that may be required by the VDEQ. For non-regulatory mandated activities, VDEQ also anticipates working closely with NRG and the developers on future Voluntary Remediation / Brownfields redevelopment plans and proposals. Below are three links from VDEQ, the City of Alexandria, and NRG respectively to detailed information on the cleanup:

<http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/PetroleumProgram/CleanupActivities/PotomacRiverGeneratingStation.aspx>

<https://www.alexandriava.gov/GenOn>

<http://www.prgsonline.org/>

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