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6 BACK FROM THE BRINK:

7 RESTORING BROWNFIELD SITES TO ECONOMIC ENGINES

8 TUESDAY, FEBRUARY 15, 2022

9 House of Representatives,

10 Subcommittee on Environment and Climate Change,

11 Committee on Energy and Commerce,

12 Washington, D.C.

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16 The subcommittee met, pursuant to call, at 11:30 a.m.,
17 via Webex, Hon. Paul Tonko [chairman of the subcommittee],
18 presiding.

19 Present: Representatives Tonko, DeGette, Schakowsky,
20 Sarbanes, Peters, Dingell, Barragan, McEachin, Blunt
21 Rochester, Soto, O'Halleran, Pallone (ex-officio); McKinley,
22 Johnson, Mullin, Hudson, Carter, Duncan, Palmer, Curtis,
23 Crenshaw, and Rodgers (ex-officio).

24

25 Staff Present: Waverly Gordon, Deputy Staff Director
26 and General Counsel; Tiffany Guarascio, Staff Director;
27 Anthony Gutierrez, Professional Staff Member; Perry Hamilton,

28 Deputy Chief Clerk; Rick Kessler, Senior Advisor and Staff
29 Director, Energy and Environment; Mackenzie Kuhl, Press
30 Assistant; Brendan Larkin, Policy Coordinator; Elysa
31 Montfort, Press Secretary; Kaitlyn Peel, Digital Director;
32 Kylea Rogers, Staff Assistant; Nikki Roy, Policy Coordinator;
33 Rebecca Tomilchik, Policy Analyst; Jerry Couri, Minority
34 Deputy Chief Counsel for Environment; William Clutterbuck,
35 Minority Staff Assistant; Nate Hodson, Minority Staff
36 Director; Mary Martin, Minority Chief Counsel, Energy &
37 Environment; and Michael Taggart, Minority Policy Director.
38

39 *Mr. Tonko. The Subcommittee on Environment and Climate
40 Change will now come to order. Today the subcommittee is
41 holding a hearing entitled, "Back from the Brink: Restoring
42 Brownfield Sites to Economic Engines.'"

43 Due to the COVID-19 public health emergency, today's
44 hearing is being held remotely. All members and witnesses
45 will be participating via video conferencing.

46 As part of our hearing, microphones will be set on mute
47 for purposes of eliminating inadvertent background noise.
48 Members and witnesses, you will need to unmute your
49 microphones each time you choose to speak.

50 Documents for the record can be sent to Rebecca
51 Tomilchik at the email address we have provided to staff.
52 All documents will be entered into the record at the
53 conclusion of the hearing.

54 I now recognize myself for five minutes for an opening
55 statement.

56 I often say that my district in upstate New York is at
57 the confluence of the Hudson and Mohawk Rivers. And with the
58 construction of the Erie Canal, this region became an
59 industrial center for our nation, and a gateway toward
60 Western expansion. All along these rivers mill towns grew.
61 They manufactured carpets and leather, textiles, and many
62 other types of goods. Many of these industries left these
63 towns years ago, but the mill towns' residents are still

64 dealing with a legacy of contaminated land.

65 While this is just one district's story, I know that
66 there are brownfields in every congressional district across
67 our great country, an estimated 450,000 sites found in both
68 rural and urban communities. And each site helps tell the
69 story of that community's economic past. But today we need
70 to examine how we can make these sites part of our districts'
71 economic futures.

72 Brownfields are often in good locations, along
73 waterfronts or near existing transportation infrastructure.
74 They can be valuable, if communities can obtain the resources
75 to assess their risks, and remediate them when it is
76 required. But this effort to turn a potential liability into
77 an asset cannot happen on its own. EPA has been a critical
78 partner to local and state governments to provide resources
79 for the assessment and cleanup of properties.

80 Since Congress first authorized the program in 2002,
81 EPA's Brownfields program has resulted in the assessment of
82 34,000 properties, and the restoration of nearly 144,000
83 acres of land. These efforts have created 180,000 jobs, and
84 leveraged over \$34 billion, more than \$20 for each dollar
85 spent by EPA. These remediations protect public health and
86 the environment, all while preparing properties to get back
87 onto the local tax rolls.

88 With these sort of results, it is no wonder that this

89 program has enjoyed such strong bipartisan support. I want
90 to acknowledge Ranking Member David McKinley, who led the
91 effort to reauthorize the program in the House in 2018. I
92 was proud to partner with him, Chairman Pallone, and our
93 former colleagues, Representatives John Shimkus and Greg
94 Walden, on that legislation.

95 That reauthorization included important reforms that
96 were widely supported by stakeholders. Many of these reforms
97 sought to provide grant recipients greater flexibility,
98 especially by allowing more community-wide planning. The
99 reauthorization also allowed for more funding to go toward
100 capacity building and technical assistance for small and
101 disadvantaged communities. We make it easier for non-profit
102 stakeholders to get involved, and we increased the maximum
103 grant size to allow a wider range of projects to compete for
104 funding, which is especially important for sites that are
105 more expensive to remediate.

106 While we are working to understand all the impacts of
107 the 2018 reforms, I believe the initial signs are very
108 positive. If this program has any negatives, it is that
109 Congress has underfunded it year after year, resulting in
110 many qualified applications being rejected because of
111 insufficient EPA funding. I hope that is about to change.

112 Local governments across the country should be thrilled
113 that the bipartisan infrastructure law, the Infrastructure

114 Investment and Jobs Act, included some \$1.5 billion for the
115 program over the next five years. These additional funds
116 will also have unique conditions, including no cost share
117 requirements and higher grant limits to ensure more
118 disadvantaged communities can access these funds, and that
119 costlier, more complex sites are able to be remediated.

120 These funds will make a huge difference to state and
121 local governments, and I do hope EPA will begin the process
122 of getting these dollars out the door to deserving
123 communities in the very near future. It is critical that we
124 build on the historic investment and continue to fund the
125 program robustly through the annual appropriations process.

126 I want to thank our witnesses for joining us this
127 morning. I look forward to your testimonies to learn more
128 about EPA's program, how it has done since the 2018
129 reauthorization, and its role in promoting economic
130 redevelopment and environmental justice, moving forward.

131 I do hope we can work together to ensure EPA continues
132 to play a critical role in these economic revitalization
133 efforts.

134 [The prepared statement of Mr. Tonko follows:]

135

136 *****COMMITTEE INSERT*****

137

138 *Mr. Tonko. With that, I will now recognize the
139 subcommittee ranking member, David McKinley, for an opening
140 statement.

141 *Mr. McKinley. Thank you, Mr. Chairman, and I do -- I
142 join you in welcoming our panelists, and look forward to
143 their testimony.

144 You are right. In 2018 Congress last reauthorized a
145 brownfield program, and you and I were -- we led that
146 bipartisan effort, and I thank you for helping out.

147 But what we did on that back then, we expanded the
148 eligibility to include non-profits. We created a new grant
149 program, so communities can have the flexibility to clean up
150 multiple brownfields. We made it easier for small and rural
151 communities to have flexibility to -- excuse me -- to
152 participate in the program. And lastly, we doubled the
153 amount from \$250,000 to \$500,000 per grant.

154 So I look forward to today's discussion ahead of this
155 reauthorization. Like you said, Mr. Chairman, you have put
156 things in perspective to understand what are brownfield
157 sites. If you go back in time, let's just say a century ago,
158 manufacturers all across America were building plants,
159 building sites all across the country. They were locating
160 their plants near river, rail, and roads. They wanted the
161 most accessible locations 100 years ago. There weren't
162 zoning laws back then, all -- that they had in effect, so

163 that they could put them anyplace.

164 But then, over time, as the economies changed, these
165 companies often abandoned these plants and -- leaving a
166 stigma on their communities. So they left hulking, abandoned
167 steel structures, crumbling brick structures, and some of
168 them right in the downtown area. They are -- many of them
169 are potentially contaminated sites. And new businesses, as
170 you pointed out, don't want to take on that liability, so
171 they choose to go to some other area, and leave behind this
172 eyesore that remains. So this brownfield program has a
173 proven track record of revitalizing these communities.

174 And today we are joined -- one of the panelists joining
175 us is Pat Ford. He -- who clearly has established himself as
176 one of the best in the business when it comes to brownfield
177 remediation. And in West Virginia his work is notable. His
178 projects have created jobs, expanded tax revenue streams,
179 revitalized communities around him. I can go on and on about
180 Pat Ford.

181 But let's just consider. One of these sites, Mr.
182 Chairman, that we would be talking about is Weirton Steel
183 site, Weirton Steel. It used to be the sixth largest steel
184 manufacturer in America, the sixth largest, 1,300 acres, and
185 they located right in the heart, the middle of the City of
186 Weirton, West Virginia.

187 And just imagine, now that they have -- through sales

188 and abandonment -- excuse me, sales and bankruptcies, the
189 plant has been abandoned, right in the heart of town, 1,300
190 acres of unusable property. That is why this land and what
191 he has taken on is -- this vacant, rusting hulk has been an
192 eyesore for Weirton. And thanks to Pat Ford and Frontier and
193 others, they are taking on this -- using the brownfield money
194 to revitalize this, and the City of Weirton is
195 particularly appreciative of that.

196 But, say -- like, they have teamed up to redevelop these
197 old sites. They have leveraged over \$90,000 from the EPA to
198 bring in \$123 million in public and private partnerships,
199 investments. And these investments that Pat and his group
200 are doing are going to create over 2,500 jobs. So this just
201 one example.

202 He has also done the Beech Bottom Industrial Park, the
203 Brooke glass site in Wellsburg, the port of -- in Follansbee,
204 Port of West Virginia in Follansbee. Projects like this,
205 these are the accumulation of -- this brownfield legislation
206 are bringing into the northern panhandle of West Virginia
207 over 5,300 jobs, 474 million jobs in total investment. And
208 they have lowered the unemployment rate in the northern
209 panhandle from 14 percent down to 3.4 percent. Think about
210 that. All from one program, the success of one program.

211 So, Mr. Chairman, the brownfield program is clearly one
212 of the few economic development tools that truly benefits

213 small and rural communities. So as this committee begins
214 writing this program for next year's reauthorization, let's
215 build on its success. If this committee's responsibility is
216 to ensure the brownfield program remains a public-private
217 partnership, that is our goal. And we don't want to turn it
218 into another Federal bailout.

219 [The prepared statement of Mr. McKinley follows:]

220

221 *****COMMITTEE INSERT*****

222

223 *Mr. McKinley. So again, Mr. Chairman, please
224 welcome -- join me in welcoming Pat Ford to this committee
225 once again, and I thank you, Mr. Chairman, and yield back.

226 *Mr. Tonko. Well, thank you, Representative McKinley,
227 and welcome, Mr. Ford and all of our witnesses. And the
228 gentleman yields back. The chair now recognizes
229 Representative Pallone, the hardworking chair of the full
230 committee, for five minutes for his opening statement,
231 please.

232 *The Chairman. Thank you, Chairman Tonko. Today, as
233 you mentioned, we are discussing EPA's Brownfields program,
234 and that has been extremely successful for the last 20 years
235 at revitalizing contaminated properties all around the nation
236 in order to protect public health and restore economic
237 prosperity to local communities.

238 In 2002 I was the ranking member on the subcommittee,
239 and I worked with then-subcommittee chairman Paul Gilmore
240 from Ohio to co-author the Brownfields law. And since that
241 time the Brownfields program has been a critical lifeline for
242 local governments and communities looking to turn
243 contaminated sites into economic centers. With financial
244 help from the Federal government in the form of grants and
245 loans, communities can clean up contaminated sites -- and
246 many of them were long abandoned -- and then turn them into
247 parks, public buildings, or new businesses.

248 As just one example in my district, the Middlesex County
249 Improvement Authority was able to turn a six-acre former
250 scrap metal facility on the Raritan River in Perth Amboy into
251 a community park.

252 And the Brownfields program is a resounding success
253 story on so many levels. Since the program's inception,
254 34,000 sites have been revitalized nationwide, opening up
255 144,000 acres for development. Cleaning up brownfields
256 raises neighborhood property values, decreases toxic
257 exposure, and creates an opportunity for community-led
258 development.

259 It is also a fantastic investment in our communities.
260 For every dollar granted, there is a return of \$20.13. And
261 recent studies show that brownfields cleanups bring an
262 estimated 29 to \$97 million in additional tax revenue to
263 local governments in a single year after cleanup.

264 So I am proud that the bipartisan infrastructure law
265 that Congress passed and the President signed last year will
266 inject an additional \$1.5 billion of new funding into the
267 Brownfields program. This money will go to state and local
268 governments, as well as community non-profits, to clean up
269 blighted, unused sites and turn them into economic drivers
270 for the community. It will allow communities that could not
271 meet cost sharing requirements to gain access to grants, and
272 this will revolutionize the grant process, and make it

273 dramatically easier for communities, especially low-income
274 and under-served communities, to get the funding they need.

275 The bipartisan infrastructure bill also increases grant
276 amounts that will allow for tougher, more complicated
277 brownfield sites to finally get the funding they need to
278 complete the cleanups.

279 Now, the bipartisan infrastructure bill is not only a
280 critical investment in the nation's infrastructure, but also
281 essential to eliminating legacy toxic exposure in
282 environmental justice communities. The bill passed three
283 years after this committee came together in a strong,
284 bipartisan fashion to reauthorize and update the Brownfields
285 program. That is what Paul and Mr. McKinley were talking
286 about with the BUILD Act of 2018, and that legislation
287 increased grant amounts, created multipurpose grants for
288 flexibility, and opened up funding for non-profits.

289 Now I look forward to hearing from the local leaders and
290 stakeholders about how the bipartisan infrastructure law and
291 the 2018 program updates are working, and how the increased
292 funding and flexibility will benefit their future cleanup
293 projects.

294 The 2018 reauthorization that Chairman Tonko and the
295 Ranking Member McKinley talked about, that expires at the end
296 of this year, and that is why today's hearing is so important
297 as we look to once again reauthorize this program.

298 I also want to thank Mayor Bollwage, one of our -- one
299 of the people that is going to be testifying. He is
300 from -- he is the mayor of Elizabeth, New Jersey. It is not
301 in my district, it is just north. But he has testified
302 before this committee many times in support of the
303 Brownfields program, including back in 2018, at the time of
304 the reauthorization. And he represents the U.S. Conference
305 of Mayors and the National League of Cities, which he has
306 been involved with for a long time.

307 So welcome. Welcome back, Mayor Bollwage.

308 And again, I am hopeful that today's hearing puts us on
309 a bipartisan path to reauthorize the Brownfields program this
310 year, before it expires.

311 [The prepared statement of The Chairman follows:]

312

313 *****COMMITTEE INSERT*****

314

315 *The Chairman. So with that, I thank everyone.

316 Thank you, Paul, and I yield back.

317 *Mr. Tonko. The chairman yields back. The chair now
318 recognizes our ranking member, Mrs. Rodgers.

319 Are you coming to us from the West Coast?

320 *Mrs. Rodgers. Coming to you from Spokane, Washington.

321 *Mr. Tonko. Wonderful, wonderful. So thank you for
322 joining, and you are recognized for five minutes for your
323 opening statement.

324 *Mrs. Rodgers. Thank you, Mr. Chairman. Good morning,
325 everyone. Good morning to my colleagues. Thank you for
326 bringing us together today to discuss this important program.

327 A brownfield is an abandoned or underutilized property
328 with known or suspected contamination which discourages
329 developers and buyers. Cleaning up and reinvesting in these
330 properties increases local tax bases; creates jobs; utilizes
331 existing infrastructure; takes development pressures off of
332 underdeveloped, open land; and improves and protects the
333 environment.

334 Cities and towns across the United States have seen
335 positive changes in their communities as a result of the
336 Brownfields program. Minute Maid Park in Houston, Texas; the
337 Georgia Sea Turtle Center on Jekyll Island, Georgia; the
338 Woodbridge Waterfront in New Jersey; and the University
339 District in Spokane, Washington.

340 EPA's Brownfields program, first authorized over two
341 decades ago, took dead aim at addressing the challenges
342 preventing these sites from receiving the interest necessary
343 to foster cleanup and redevelopment. Specifically, the law
344 instituted defenses to liability for innocent landowners and
345 prospective purchasers who comply with statutory
346 requirements. The Brownfields law also authorized grants to
347 encourage environmental assessment and cleanup of brownfield
348 sites.

349 The law has been hugely successful. It removed barriers
350 to addressing environmental contamination. It issued 3,200
351 grants for pollution assessment and cleanup, removed
352 abandoned and blighted properties, and restored community
353 opportunities. In 2018, as it has been mentioned, this
354 committee, led by subcommittee Republican leader McKinley,
355 advanced a bipartisan extension of EPA's Brownfields program
356 that built on these successes. And it sounds like the
357 chairman also was at the forefront of that. In fact, in the
358 City of Spokane, Washington we were one of the beneficiaries
359 of that bill.

360 The numbers are noteworthy. According to the EPA, as of
361 the beginning of the current fiscal year, this program has
362 contributed to more than 34,000 properties being assessed for
363 environmental contamination; aided the cleanup of 2,261
364 properties; leveraged more than 180,000 jobs and almost 35

365 billion in investment; returned more than 9,000 properties
366 back to communities for reuse; and readied more than 144,000
367 acres for anticipated reuse.

368 The funding authorizations from the 2018 law expire at
369 the end of next fiscal year. I understand that today's
370 oversight hearing is kicking off the regular order
371 reauthorization of the bipartisan law and this bipartisan
372 program, and I appreciate this work by the committee.

373 I am very interested in what the panelists have to say,
374 and want to be joining, and sincerely hope that this will be
375 a bipartisan effort.

376 I do have questions that I would like to see addressed,
377 as far as making major changes to the law. The Clean Future
378 Act, which the majority proposed earlier in this Congress,
379 was proposing huge increases in the funding authorizations
380 for the Brownfields program. Certainly, Congress has spent
381 and the President has spent records -- amount of money, and I
382 continue to have fundamental concerns about increasing our
383 national debt and the burden on our children, and believe
384 that that will limit their opportunities.

385 I also have practical concerns about mandating dramatic
386 increases for the Brownfields program. For example, how does
387 considerably increasing overall grant money affect the
388 quality of the Brownfields grant application pool? I would
389 like to see the list of the very qualified projects that are

390 going unfunded before giving EPA more money.

391 My goal is to incentivize the applicants to craft their
392 proposals for long-term success.

393 Separately, what is the impact of permanently increasing
394 the amounts that EPA can give in grants, including the
395 implications on project matching requirements?

396 Lastly, the law, including the reforms made in 2018,
397 provides a great deal of flexibility for the program to
398 address several different issues, and reach many types of
399 applicants.

400 Before we make changes to the authorizing law, let's
401 ensure that a genuine need is shown, and that there are
402 statutory authorities lacking for successful implementation.

403 Also, I believe this program should continue to focus
404 and emphasize economic redevelopment and public-private
405 partnerships that it creates.

406 Before closing, Mr. Chairman, I do want to say thank you
407 to you and your staff for working with us collaboratively on
408 this hearing, and I hope that we can continue to work
409 together to reauthorize this program in a bipartisan fashion.

410 I find it unfortunate that the EPA is not a witness
411 today to answer questions about the program. It has been
412 operating for 21 years. I hope that the committee will
413 undertake aggressive, bipartisan oversight of this program
414 and the 1.5 billion provided to EPA under the bipartisan

415 infrastructure law.

416 Prior to EPA testifying on any legislation, which is
417 essential, we need to take important steps to meaningfully
418 understand the program as a part of the run-up to
419 reauthorization. I am pleased that our witness panel has the
420 experience and perspectives on this subject.

421 Oh, and I am way over time. I want to extend a warm
422 welcome to Whitman County Commissioner Michael Largent. He
423 is from my district, just south of Spokane. I appreciate him
424 being here on behalf of the National Association of Counties.

425 [The prepared statement of Mrs. Rodgers follows:]

426

427 *****COMMITTEE INSERT*****

428

429 *Mrs. Rodgers. Thank you all. I look forward to this
430 hearing.

431 *Mr. Tonko. Well, the gentlelady yields back, and you
432 are most welcome, in terms of being able to work together on
433 establishing the hearing.

434 As chair, I remind members that, pursuant to committee
435 rules, all members' written opening statements shall be made
436 part of the record.

437 Now we turn over to -- the opportunity to our witnesses.
438 We will be introducing them, and we will start with Chairman
439 Pallone. I know he acknowledged Mayor Bollwage in his
440 introductory comments.

441 But Chairman, would you please formally welcome Mayor
442 Bollwage to testify today?

443 *The Chairman. Thank you, Chairman Tonko. I won't
444 repeat what I already said about the mayor, but, as I
445 mentioned, he represents the City of Elizabeth, which is a
446 town -- well, a city, a major city, actually -- north of my
447 district.

448 It is -- the Port of Newark and Elizabeth is the major
449 port facility in the New York Metropolitan Area. It is part
450 of the Port of New York. But Elizabeth has a history of
451 manufacturing, industrialization, which, of course, means
452 that there are a lot of brownfield sites. And I am sure that
453 is why Mayor Bollwage has taken a lead on that, not only

454 locally and statewide, but even nationally, through the U.S.
455 Conference of Mayors and the National League of Cities that
456 he represents today.

457 I could be wrong, Chris, but I think you have been the
458 mayor of Elizabeth as long as -- if -- or maybe even longer,
459 if that is possible, than I have been in Congress. When did
460 you first become mayor, if you don't mind my asking?
461 How -- when?

462 *Mr. Bollwage. Nineteen ninety three.

463 *The Chairman. Oh, all right. Well, then you -- no, I
464 have been around longer than you, but almost, almost. So
465 thank you.

466 Thank you, Chairman.

467 *Mr. Tonko. Oh, you are most welcome.

468 And welcome, Mayor Bollwage.

469 Also we have, as witnesses today, the Honorable Michael
470 Largent, commissioner of Whitman County Board of
471 Commissioners of Whitman County, Washington, on behalf of the
472 National Association of Counties.

473 We also have Ms. Lee Ilan, the chief of planning,
474 Mayor's Office of Environmental Remediation from the City of
475 New York, New York, on behalf of the National Brownfields
476 Coalition.

477 We are also joined by Mr. Jason Seyler, on behalf of the
478 Association of State and Territorial Solid Waste Management

479 Officials.

480 And finally --

481 [Audio malfunction.]

482 *Mr. Tonko. So with that, I now recognize Mayor
483 Bollwage for five minutes to provide your opening statement,
484 sir. And again, welcome and thank you.

485

486 STATEMENT OF HON. J. CHRISTIAN BOLLWAGE, MAYOR
487 THE CITY OF ELIZABETH, NEW JERSEY, ON BEHALF OF U.S.
488 CONFERENCE OF MAYORS AND THE NATIONAL LEAGUE OF CITIES; HON.
489 MICHAEL LARGENT, COMMISSIONER, WHITMAN COUNTY BOARD OF
490 COMMISSIONERS, WHITMAN COUNTY, WASHINGTON, ON BEHALF OF
491 NATIONAL ASSOCIATION OF COUNTIES; LEE ILAN, CHIEF OF
492 PLANNING, MAYOR'S OFFICE OF ENVIRONMENTAL REMEDIATION, THE
493 CITY OF NEW YORK, NEW YORK, ON BEHALF OF NATIONAL BROWNFIELDS
494 COALITION; JASON SEYLER, BROWNFIELDS COORDINATOR, MONTANA
495 DEPARTMENT OF ENVIRONMENTAL QUALITY, ON BEHALF OF ASSOCIATION
496 OF STATE AND TERRITORIAL SOLID WASTE MANAGEMENT OFFICIALS
497 (ASTSWMO); AND PATRICK B. FORD, BUSINESS DEVELOPMENT
498 DIRECTOR, FRONTIER GROUP OF COMPANIES

499

500 STATEMENT OF J. CHRISTIAN BOLLWAGE

501

502 *Mr. Bollwage. Chairman Pallone and Chairman Tonko, it
503 is good to see the two of you again, and thank you for this
504 opportunity.

505 Ranking Member McMorris Rodgers, Ranking Member
506 McKinley, and distinguished members of this committee, my
507 name is Chris Bollwage. I am the mayor of the City of
508 Elizabeth, New Jersey, the fourth largest city in our state,
509 since 1993. I am honored to give testimony on behalf of the
510 U.S. Conference of Mayors and the National League of Cities

511 on our perspective on the Brownfields law that was
512 reauthorized in 2018.

513 And I think the first time I testified in this committee
514 was back in 1999, so I want to thank the committee for
515 listening to the recommendations of our organizations -- put
516 forth and incorporated them into 2018 Brownfields
517 reauthorization.

518 I am here to advise all of you that the additional tools
519 that you provided the Brownfields program continues to be one
520 of the most useful and successful programs on the local
521 level, supporting our efforts to revitalize, redevelop
522 abandoned properties that blight our communities.

523 I also want to thank the Congress for the additional 1.5
524 billion of Brownfields money that was included in the
525 infrastructure law, allowing for higher grants amounts in the
526 areas of cleanup, multi-purpose grants, and training. We are
527 hopeful that EPA will take advantage of this increased
528 funding and flexibility to provide larger grants and amounts
529 to communities with brownfields that may need some extra
530 assistance.

531 This program has a very positive impact on many
532 communities throughout the nation, including my own. We are
533 a port city, with a majority of industrial companies and
534 businesses along the waterfront. And now our waterfront has
535 luxury townhouses, homes for people who formerly lived in

536 public housing, mixed use, and commercial space. In
537 addition, our neighborhood revitalization program provides
538 transitional services for residents, a catalyst for the
539 construction of five other developments within our port.

540 Brownfields redevelopment is a powerful economic tool.
541 Brownfields properties represent unrealized potential.
542 Turning polluted properties back into productive real estate
543 helps us create jobs in distressed communities. Revitalizing
544 neighborhoods improves public health and safety and, most
545 important, increases our tax base. The original Brownfields
546 law assisted with the cleanup and the redevelopment of many
547 properties and success stories like mine, and also in
548 communities across the country.

549 I was there in 2002, when George Bush signed the law in
550 Conshohocken, Pennsylvania. Working together, other
551 brownfields stakeholders, we advocated for changes to the law
552 that would assist in putting these most difficult sites back
553 into productive use. We believe these changes improved the
554 program, and Congress has helped tremendously. I would like
555 to mention a few.

556 The 2008 reauthorization, for the first time,
557 multi-purpose grants, up to one million, allowing a community
558 use the money in a targeted area which is most needed.

559 Second, the reauthorization raised the cap on cleanup
560 grant amounts from 200,000 to 500,000, and up to, with

561 flexibility, to 650,000. For communities that have more
562 contaminated sites, this is a real game changer. So this
563 creation, an additional tool, adds to local government
564 efficiency.

565 Third, the reauthorization allows grant recipients to
566 use up to five percent for administrative costs. This change
567 is particularly important for smaller communities that
568 previously may not have even applied, due to the cost burdens
569 with Federal grants.

570 So while the 2018 reauthorization maintained the
571 original authorization level of 200 million, we are grateful
572 for the additional funding that the bipartisan infrastructure
573 law is providing. Given the huge number of brownfield sites,
574 how successful this program is, it will never be a bad
575 investment to put more money into this program.

576 In conclusion, as Congress looks forward towards
577 reauthorization of the Brownfields program in 2023, we
578 welcome mayors throughout this country to provide input to
579 further improve the program.

580 So, Chairman Tonko, I would like to thank you and the
581 subcommittee for allowing me to testify this day. This
582 program is one that not only Members of Congress, but mayors
583 throughout this nation are proud to be a part of, and I look
584 forward to answering any questions you or the committee may
585 have. Thank you.

586 [The prepared statement of Mr. Bollwage follows:]

587

588 *****COMMITTEE INSERT*****

589

590 *Mr. Tonko. Well, thank you. And you are most welcome.
591 Thank you for your advocacy. Now we will move to
592 Commissioner Largent.
593 You are recognized for five minutes, please, sir.
594

595 STATEMENT OF MICHAEL LARGENT

596

597 *Mr. Largent. Thank you, Mr. Chairman. Unlike Mayor
598 Bollwage, this is an entirely new experience for me, so we
599 will see how this goes.

600 But Mr. Chairman Tonko, Ranking Member McKinley, and
601 distinguished members of the subcommittee, thank you for
602 today's hearing.

603 I also want to thank the full committee, and Chairman
604 Pallone, and my representative -- hi, Cathy -- Representative
605 McMorris Rodgers, for their leadership. On behalf of the
606 National Association of Counties, thank you for providing the
607 opportunity to testify.

608 My name is Michael Largent, and I am a county
609 commissioner from Whitman County, Washington. Whitman County
610 is rural, with just under 50,000 residents. Located in the
611 southeast corner of the state, my county encompasses nearly
612 2,200 square miles, and our economy is driven by health care,
613 retail trade, manufacturing, and my field of agriculture.

614 As a lifelong wheat farmer, and after spending 16 years
615 as a county commissioner, I have seen firsthand the
616 significant role local governments play in protecting our
617 environment by implementing the EPA's Brownfields and Land
618 Revitalization Program, which plays a critical role in
619 supporting the environment and local economies.

620 As I look out at the rolling hills outside my window
621 right now, I am reminded that my farm and my rural community
622 has benefited over the years from the various industries such
623 as fertilizer plants, fuel depots, and repair shops, some of
624 which have created some of the brownfields we have in our
625 county today. However, these companies are long gone, and my
626 county simply does not have adequate resources to bring these
627 sites back to usefulness.

628 Today I will briefly discuss several critical points for
629 your consideration as the subcommittee assesses challenges
630 and opportunities at the local level to improve these
631 programs. And please refer to my written testimony for more
632 details on these topics.

633 In my home county we have two sites of note: the former
634 Palouse Producer site in Palouse, Washington and the steam
635 power plant site in Pullman, Washington. Work on the Palouse
636 Producers site has finished, and the site is going through
637 the annual review process, which will continue to 2025.

638 Regardless of urban or rural settings, brownfield
639 revitalization is vital to the strength of local economies
640 and the workforce. Counties encourage Federal support for
641 economic development and environmental remediation. Counties
642 appreciate Congress providing the resources needed to
643 remediate brownfields with the passage of the historic
644 bipartisan infrastructure law.

645 Counties are eligible for 1.2 billion over five years to
646 carry out brownfields projects authorized under CERCLA.
647 Often times counties cannot afford this critical work on our
648 own, and the money authorized under the IIJA will allow us
649 more opportunities to take on the much larger and expensive
650 projects. Counties look forward to partnering with the EPA
651 to start revitalizing brownfields in our communities.

652 The inter-governmental partnership and early,
653 consistent, and meaningful engagement with counties are vital
654 in developing and implementing the program standards,
655 policies, programs, and regulations. Congress has a crucial
656 role in developing policies that guide our actions at the
657 local level and significantly impact our local economies and
658 environment. Counties urge the subcommittee to provide
659 direct, flexible Federal funding options to local governments
660 that can be used to remediate brownfield sites at the local
661 level.

662 Furthermore, counties support the redevelopment of
663 abandoned or underutilized industrial and commercial sites,
664 which are frequently contaminated due to past practices,
665 through programs designed to allow these sites to once again
666 become economically viable.

667 In conclusion, counties stand ready to work with our
668 Federal partners to develop policies that continue the
669 revitalization of our brownfields, improve our environment,

670 sustain our economy, and ensure the resiliency of our local
671 economies. We urge the committee to reauthorize these
672 programs and fully fund the grant programs associated with
673 facilitating the necessary work to clean up our environment.

674 Thank you again for the opportunity to testify on this
675 critical topic.

676 [The prepared statement of Mr. Largent follows:]

677

678 *****COMMITTEE INSERT*****

679

680 *Mr. Tonko. Well, we thank you, Commissioner Largent,
681 and thank you for your advocacy. Now we will move to Ms.
682 Ilan.

683 You are recognized for five minutes, please.

684

685 STATEMENT OF LEE ILAN

686

687 *Ms. Ilan. Thank you, Chairman Tonko, Ranking Member
688 McKinley, and members of the subcommittee. The National
689 Brownfields Coalition appreciates the opportunity to testify
690 today on restoring brownfield sites.

691 I am Lee Ilan, chief of planning for the New York City
692 Mayor's Office of Environmental Remediation. In this
693 capacity I have promoted brownfields cleanup and
694 redevelopment for over 20 years.

695 New York City runs its own full-service brownfields
696 cleanup program, similar in scope to those run by states.
697 The city has received 17 EPA brownfield grants, which
698 supported the creation of 1,400 units of affordable housing,
699 two charter schools, two parks, and one health care center.
700 Last week we began an assessment to allow a non-profit to
701 open a Meals on Wheels site for low-income families.

702 Today I address you solely as a member of the Steering
703 Committee for the National Brownfields Coalition. The
704 Coalition is a national, non-partisan alliance of public
705 interest groups and public and private sector professionals
706 who speak about and advocate for brownfields cleanup and
707 redevelopment policies.

708 The Brownfields program's reliable funding and
709 consistency allows EPA to fund local and tribal governments,

710 states, and non-profits to study and address contaminated
711 sites, do long-term reuse planning, consult with
712 stakeholders, and line up private and public partners.
713 Ultimately, the program enables economic development,
714 improves the environment, preserves green fields, protects
715 public health, and gives community members a voice in what
716 their neighborhoods look like.

717 EPA's brownfield job training grants enable community
718 members to acquire skills, and work in fields like
719 environmental cleanup and solar panel installation. The
720 average starting wage nationally for graduates is over \$14 an
721 hour.

722 Regarding funding, we are thrilled with the level of
723 investment in the bipartisan infrastructure law.
724 Historically, due to underfunding of the program, EPA could
725 only fund a third of the requests it received, even if
726 proposals get high scores. The recent increased funding will
727 allow communities to address larger sites and small, but
728 complicated sites. We also hope it will enable EPA to fund
729 more of the proposals they get.

730 We also applaud Congress for eliminating that 20 percent
731 cost share requirement for cleanup and revolving loan fund
732 grants in the bipartisan infrastructure law.

733 The possibility of fully-funded cleanups is a game
734 changer. That said, tax incentives would further expand

735 brownfield restoration. The National Brownfields Coalition
736 strongly urging Congress to renew the Federal brownfield tax
737 deduction that expired in 2011. This deduction was
738 previously available through tax code section 198, and
739 encouraged private investment in cleanup by allowing parties
740 to deduct all site cleanup costs in the year they are
741 incurred, rather than spread over ten years.

742 This powerful incentive was available everywhere, not
743 only in communities that were fortunate to have a good grant
744 writer. It was used more than 625 times in more than 40
745 states over the 14 years it was available. Further, the
746 deduction is already available to responsible parties under
747 Superfund. We ask you to restore it for volunteers cleaning
748 up brownfields, too.

749 Brownfield reviews also promotes environmental justice.
750 EPA grants are most often used in areas dealing with the
751 worst effects of brownfields. Historic disinvestment and the
752 legacy of pollution contribute to poor health outcomes,
753 diminishing jobs, and decaying housing stock. The grants
754 enable communities to assess their needs and assets broadly,
755 developing area-wide strategies to address clusters of
756 brownfield sites. Because gentrification and displacement
757 are risks in redevelopment, the Coalition is working with EPA
758 on educational programming for strategies to avoid
759 displacement, safeguard affordable housing and small

760 businesses, and support high-wage, working-class jobs.

761 In New York City the vast majority of grant sites are in
762 low-income areas, and we use EPA grants primarily on
763 affordable housing. We build large-scale, mixed-income
764 developments, supportive and senior residences, and home
765 ownership projects that help working-class people own a piece
766 of their neighborhood. New affordable housing provides
767 significant health benefits by eliminating exposures to lead
768 paint from older housing stock, and reducing anxiety among
769 residents. Ground floor spaces provide retail and community
770 services, improving neighborhoods broadly.

771 Brownfield restoration also addresses impacts of climate
772 change. Historic development patterns left many industries
773 to locate near waterways. Their use of hazardous materials
774 leave communities with brownfields vulnerable to the effects
775 of flooding, coastal storms, and sea level rise.

776 Grant-funded funding studies -- to relocate residents
777 in Philadelphia, strategies for mitigation and riverfront
778 redevelopment in North Dakota, remediation of a corridor in
779 Oregon to end decades of flooding and prevent over \$9 million
780 in damage, and land re-use for greenhouse gas reduction near
781 San Francisco.

782 In closing, EPA's program is widely used, highly
783 valuable, and makes excellent use of funding from Congress.
784 When we clean up and recycle land, we eliminate exposure to

785 contaminants, and the jobs, new businesses, housing parks,
786 and cultural and social centers that we create are truly an
787 economic engine.

788 This concludes my statement. I am happy to answer
789 questions.

790 [The prepared statement of Ms. Ilan follows:]

791

792 *****COMMITTEE INSERT*****

793

794 *Mr. Tonko. Thank you, Ms. Ilan, and thank you for your
795 leadership and your input.

796 Next we will move to Mr. Seyler.

797 You are recognized, sir, for five minutes, please.

798

799 STATEMENT OF JASON SEYLER

800

801 *Mr. Seyler. Thank you. Good morning, Chairman Tonko,
802 Ranking Member McKinley, and members of the subcommittee.
803 Thank you for the opportunity to speak with you today.

804 My name is Jason Seyler, and I am the Brownfields
805 coordinator for the Montana Department of Environmental
806 Quality, and I am testifying today as the vice chair for the
807 Brownfields Focus Group of the Association of State and
808 Territorial Solid Waste Management Officials, ASTSWMO.

809 ASTSWMO is an association representing the waste
810 management remediation programs of 50 states, five
811 territories, and the District of Columbia. ASTSWMO is a
812 strong supporter and a partner of the U.S. Brownfields
813 program.

814 Brownfields, at its heart, is a redevelopment program
815 where developers, communities, and regulators are all working
816 together towards the cleanup and redevelopment of blighted
817 and underutilized properties. It is this collaborative
818 effort, the relationships built, and the lasting impacts to
819 the communities we serve that makes myself and my fellow
820 brownfield state counterparts so passionate about the
821 assistance that we are allowed to provide our states and
822 communities.

823 Prior to the passage of the original Small Business

824 Liability Relief and Brownfields Revitalization Act in 2002,
825 the fear of acquiring the environmental liability from a
826 boarded-up downtown building or an abandoned corner gas
827 station contributed to the lack of infill investment, and the
828 flight of businesses from the economic heart of communities.
829 This ultimately led to the dramatic increase in sprawl,
830 traffic congestion, isolation of disadvantaged neighborhoods,
831 and these communities' economic, social, and environmental
832 decline.

833 Since 2002, the Brownfields program has served to break
834 down barriers to redevelopment, and move properties with an
835 environmental past forward when they would otherwise have
836 remained blighted. Brownfields-assisted redevelopment sparks
837 private investment and job creation. It encourages
838 infrastructure reuse, increases property values and the tax
839 base, and facilitates community revitalization.

840 While there are plenty of examples of larger brownfield
841 success stories that have involved multimillion-dollar
842 redevelopments, possibly the more significant projects are
843 felt within small, rural, and disadvantaged communities.
844 Communities of less than 5,000 rarely have planning
845 departments or grant-writing staff, but they are the heart of
846 this country, and they rely on the assistance that EPA and,
847 more specifically, states can provide.

848 For the past 20 years, Brownfields funding to states,

849 territories, and tribes via the 128(a) Brownfields grant has
850 been essential for states to build and maintain successful
851 state brownfields programs and aid struggling local
852 governments, developers, and non-profits. You see a better
853 future for those old corner gas stations and the boarded-up
854 buildings along Main Street.

855 The 2018 BUILD Act not only reauthorized the Brownfields
856 program, but it also included amendments that provided
857 struggling, small, disadvantaged communities tools necessary
858 to tackle environmental liabilities, preventing investment,
859 growth, and prosperity of its citizens. Amendments such as
860 the removing of the necessity for communities to have
861 acquired a property by involuntary acquisitions have since
862 been modeled and adopted by states. Another amendment
863 provided state brownfields programs with \$20,000 technical
864 assistance grants to assist small and disadvantaged
865 communities with critical planning and community outreach
866 efforts.

867 The 2021 Infrastructure Investment and Jobs Act provides
868 an additional 1.2 billion in assessment and cleanup
869 Brownfields funding over the next five years. This is the
870 largest single investment in brownfields infrastructure, and
871 has the goal of creating 154,000 jobs, and stimulating 30
872 billion in public and private funding.

873 I would also like to specifically highlight the twofold

874 increase in the 128(a) state brownfields funding, which will
875 be used to facilitate EPA's distribution of this historic
876 funding to impacted communities. In addition, Montana and
877 other states will use these funds to provide micro cleanup
878 grants to small and disadvantaged communities. On average,
879 these \$50,000 cleanup grants will allow these targeted
880 communities to address blight along Main Street, which will
881 attract reinvestment into their downtowns, and begin to
882 entice younger generations back home.

883 Since its inception, the national Brownfields program
884 has assisted in the redevelopment of over 9,500 properties,
885 totaling 143,000 acres, while leveraging over 35 billion in
886 redevelopment capital, and resulting in over 183,000 jobs.
887 Multiple return on investment studies show between 17 to \$34
888 dollars leveraged for every \$1 spent in brownfields
889 assistance.

890 On behalf of my fellow state brownfields coordinators, I
891 want to express my sincere appreciation for the
892 transformational effects these investments will continue to
893 have on the communities we serve.

894 To summarize, ASTSWMO believes that a robust Brownfields
895 program is essential to the nation's environmental, economic,
896 and social health.

897 Thank you for this opportunity to offer testimony. I
898 will be -- I would be pleased to answer any questions you may

899 have.

900 [The prepared statement of Mr. Seyler follows:]

901

902 *****COMMITTEE INSERT*****

903

904 *Mr. Tonko. Thank you, Mr. Seyler, and thank you for
905 your leadership with ASTSWMO. It is great to have your input
906 also today.

907 So finally, we will close with Mr. Ford.

908 You are recognized, sir, for five minutes, please.

909

910 STATEMENT OF PATRICK B. FORD

911

912 *Mr. Ford. Thank you, Chair Tonko, and thank you,
913 Ranking Member David McKinley.

914 I am Pat Ford, director of business development for the
915 Frontier Group of Companies based in Buffalo, New York. I
916 have had the blessing over my 35-year career to work as a
917 city planner and administrator for towns as small as 250
918 people in West Virginia, as large as Pittsburgh, with over
919 300,000 people. As a development executive, I have led a
920 non-profit in Weirton, West Virginia; a top-500 engineering
921 and architecture company in Baltimore; and now work for one
922 of the most successful private sector brownfield developers
923 in the country.

924 The common thread through all my positions has been the
925 repurposing of brownfields as the catalyst to greater
926 community revitalization. From gas stations to
927 decommissioned coal-fired power plants and abandoned
928 factories, I have had every role one could imagine in the
929 repurposing of a brownfield. I have been the permit
930 reviewer, the site planner, the engineer, the enforcement
931 officer, the funder, the collaborator, the policy
932 administrator, the property owner, and the developer.

933 What I have learned on my career trajectory is that the
934 market does not take care of brownfields. There is no such

935 thing as a conventional approach to brownfield development.
936 There is no such thing as conventional financing in
937 brownfield development.

938 Brownfields continue to have a stigma, and, even in the
939 United States of America, people's appetite for risk still
940 has a limit. And that limit is the private development of a
941 brownfield. That is, until the U.S. EPA stepped in to fill
942 the shoes of past captains of industry, and take on the risk
943 that so many other agencies and developers avoided.

944 We are just now, as a country, figuring out how to mend
945 the disruptions of our domestic and international supply
946 chain logistics. I would argue that the most logical
947 solution to these disruptions is the repurposing of
948 brownfields.

949 Our most critical and strategically located brownfields
950 are within eight hours of 50 percent of our country's
951 industrial output, 50 percent of America's population, and
952 within a labor shed that has the muscle memory to slit, cut,
953 coat, grind, fabricate, form, and assemble raw materials
954 better than any other workforce in the country.

955 These same abandoned brownfields have the bones, river,
956 roads, rail in place to support our future industrial growth
957 for the remainder of this century. We must keep our large
958 brownfields in our country's industrial inventory to meet the
959 demand for economic growth. We must provide the EPA with the

960 resources, regulatory and monetary, to ready these sites for
961 economic development. It is cost prohibitive to take a green
962 field and recreate the infrastructure that exist on our
963 industrial brownfield sites. There is no better time than
964 now to put these forgotten pockets of our proud industrial
965 heritage back into play, and breathe life back into the bones
966 of our abandoned factory sites located in states and towns
967 that desperately need the jobs.

968 Who, who in our national economy's operating room is
969 equipped to breathe life back into the bones of our
970 brownfields? You will find them at 1200 Pennsylvania Avenue,
971 N.W. You will find no better agency than the U.S. EPA that
972 is equipped with the tools and staff to reinvigorate
973 communities that have fallen on hard times.

974 I can only attest to the EPA's flexibility and their
975 keen recognition of the role that government needs to have in
976 the economic development arena. The EPA understands the
977 importance of leverage, private investment, risk share, and
978 where to fit in a development's capital stack.

979 Ladies and gentlemen, we are in a critical juncture in
980 our country's industrial renaissance, where international
981 companies are moving operations into the U.S., U.S.-based
982 companies that moved abroad are moving back to the states,
983 existing industries are expanding, supply chain disruptions
984 are being corrected, and government has figured out how to

985 move at the pace of business. Now is not the time to tap the
986 brakes in this small window of one of the greatest industrial
987 renaissance in modern history.

988 The U.S. EPA has built an on-ramp to growing our
989 country's industrial output highway. We need to keep our
990 foot on the accelerator, and give the United States
991 Environmental Protection Agency the fuel they need to take us
992 to the checkered flag. Thank you.

993 [The prepared statement of Mr. Ford follows:]

994

995 *****COMMITTEE INSERT*****

996

997 *Mr. Tonko. Thank you, Mr. Ford, and thank you for the
998 many hats that you have worn that are related to the
999 brownfields efforts, so we appreciate your advocacy.

1000 So we are thankful for every witness, for the testimony
1001 that the witnesses have provided, and there is now time for
1002 us to move to questions. I will start by recognizing myself
1003 for five minutes.

1004 There seems to be a consensus around the importance of
1005 \$1.5 million from the bipartisan infrastructure law in the
1006 2018 reforms to the program. So, Mayor Bollwage, I really
1007 appreciated your testimony's explanation of the changes to
1008 the program. I believe the hallmark of these reforms was
1009 indeed adding and allowing local and state governments to
1010 better meet their unique needs.

1011 Mr. Mayor, can you give us a sense of whether
1012 multipurpose grants can provide greater flexibility to
1013 communities?

1014 And if so, have they been working well so far?

1015 *Mr. Bollwage. Thank you for the question, Chairman.
1016 You know, the extra funding and the flexibility is extremely
1017 important to communities because, historically, there has
1018 only been around \$90 million appropriated every year for the
1019 grants to local governments and non-profits. So the extra
1020 \$300 million per year is extremely beneficial, because it
1021 will help us get more brown sites developed.

1022 And I think Mr. Ford explained it best. EPA typically
1023 turns away about 65 percent of the grant applications. So
1024 the additional funding, the flexibility in the bipartisan
1025 infrastructure law, highly-qualified applicants can be funded
1026 over the next five years. And the infrastructure bill will
1027 also allow higher grant amounts in the areas of cleanup, the
1028 multipurpose grants, and job training. And EPA, then, can
1029 seize on this and this opportunity for the higher dollar
1030 amounts to be utilized to assist our communities in bringing
1031 properties back on the tax [inaudible].

1032 *Mr. Tonko. Thank you.

1033 And Ms. Ilan, I know that New York has been a leader in
1034 these community-wide strategies through the BOA program, or
1035 the Brownfield Opportunity Area program. Can you share a bit
1036 about why this approach may be better for communities with
1037 multiple brownfield sites, and whether EPA's multipurpose
1038 grants can help state and local governments move in this
1039 direction?

1040 *Ms. Ilan. Yes, thank you. Brownfield Opportunity Area
1041 grants -- the flexibility is that they can go to local
1042 governments and to local non-profits. So in the city they
1043 have almost exclusively gone to local non-profits that know
1044 the issues in their area. And this, I think, has happened in
1045 Rochester, too, and in other areas of the state. Having the
1046 flexibility of the grants to address issues is critical, and

1047 EPA assessment grants can be used for that kind of area-wide
1048 planning, too.

1049 *Mr. Tonko. Thank you.

1050 And Commissioner Largent, I appreciate that not all
1051 communities have the resources of New York. You represent
1052 some very small rural counties, as you indicated, many of
1053 which have benefited from the EPA program, and I am sure
1054 there are many more that would like to benefit.

1055 So, the 2018 reauthorization allowed grant recipients to
1056 use a small portion, up to five percent, of funds to be used
1057 for administrative expenses. Why was this change important
1058 for these smaller communities?

1059 *Mr. Largent. Well, most importantly, most of our small
1060 towns and, in particular, our county and the rest of the
1061 small rural counties, we simply don't have the infrastructure
1062 to even begin the projects.

1063 For me personally, I come to work often in my, you know,
1064 my work clothes, if my wife doesn't catch me. We don't have
1065 somebody in our county that could even initiate this program.
1066 In one particular instance, in the City of Palouse, it was
1067 that help to teach the City of Palouse how to apply for the
1068 grant, how to move forward in the process that was critical.
1069 If that had not happened, we would not have had that success
1070 of that brownfield. So we don't have the infrastructure in
1071 smaller counties.

1072 *Mr. Tonko. Great. Thank you so much.

1073 And Mr. Seyler, your testimony mentioned the 2018 bill
1074 allowed for states to provide technical assistance grants to
1075 small and disadvantaged communities. Can you explain why
1076 that is so important, especially for these smaller and rural
1077 communities?

1078 *Mr. Seyler. As the commissioner just recently said,
1079 they -- small communities don't have the bandwidth nor the
1080 capacity to have a planning department, or a grant-writing
1081 effort. And so what these what these grants offered is it
1082 allowed the communities to actually receive some incredibly
1083 expertise planning assistance that we were able to provide
1084 them.

1085 These communities would not have been able to hire these
1086 experts in planning, and it just offered community -- the
1087 community was really able to see the effects of this planning
1088 effort, and to visualize what this could -- property could
1089 become. And it was just phenomenal, just to see that
1090 transformation of -- the belief in the community.

1091 *Mr. Tonko. Thank you. And Mr. Ford, is there anything
1092 you would add about the 2018 reauthorization, and how it
1093 increased flexibilities, whether it is multipurpose grants,
1094 or allowing a bigger role for non-profits and assessments and
1095 cleanups?

1096 [Pause.]

1097 *Mr. Tonko. Mr. -- you are muted, sir.

1098 *Mr. Ford. I appreciate you, Chair.

1099 What really was a game changer -- and I know that is
1100 that is an overused phrase -- was the fact that you allowed
1101 non-profit, private. You crept into that space to allow
1102 private entities, private not-for-profits to capitalize on
1103 those opportunities, as opposed to doing an end-around to try
1104 to figure out how to solve that issue.

1105 And then, not only that, understanding that a small
1106 economic development agency has little bandwidth to identify
1107 projects, assess them, and repurpose them, you gave us the
1108 additional resources in one shot to assess and remediate and
1109 development, as opposed to assess for one year, apply for a
1110 grant the next year, and then clean up, and then development.
1111 So basically, you took a three-year process and cut it by
1112 two-thirds, down to a year.

1113 And that is just one of those examples where you have
1114 allowed government to operate at the pace of business. And
1115 in today's economy, I just can't express how much, as an
1116 industry and as a business, we appreciate that, Chair.

1117 *Mr. Tonko. Well, thank you, and we appreciate the
1118 stakeholders and their input.

1119 I apologize to my colleagues, we went a little over
1120 there.

1121 But I now recognize Representative McKinley,

1122 subcommittee ranking member, for five minutes, sir, to ask
1123 questions, please.

1124 *Mr. McKinley. Thank you, Mr. Chair, and thank you for
1125 this panel. I -- it has been illuminating about how this
1126 is -- these -- this program has worked all across the
1127 country.

1128 But I want to direct my question primarily back to Pat
1129 Ford, because he and I have had these conversations, and we
1130 debated it back then, which was the fact that -- someone
1131 mentioned again -- there are 450,000 brownfield sites across
1132 America, 450,000 sites. And the funding level
1133 previous -- prior to this infusion of the infrastructure was
1134 only about 1,000 sites a year we were able to clean up. So
1135 anyone can do the math. It doesn't take an engineer to do
1136 that, but you can figure out we are talking hundreds of years
1137 before we would ever get these sites cleaned up with it.

1138 So with the improvements we made -- and I think, Mr.
1139 Ford, you participated with us, you gave us counsel, your
1140 insight into how we crafted that 2018 bill, so it -- made
1141 significant improvements with it. And we are seeing some
1142 uptick, but there is still not enough funds for it. So I
1143 applaud the fact that the infrastructure bill put this \$1.5
1144 billion more into this program and, as a result of
1145 that -- but that leads to this question, essentially -- is
1146 that we have got to be able to sustain this, otherwise we are

1147 going to drop back to the 2018 levels after five years of
1148 this.

1149 So my question is, I have got some conditions with this.
1150 One is we want to make sure this remains a public-private
1151 partnership. We don't want, as the chairman -- the ranking
1152 chairman said, we don't want this to be a government bailout.
1153 So what are ways that we might be able to sustain this
1154 increased level of funding at the 1.5 billion, or -- or we
1155 are going to -- on these individual grants, from
1156 \$500 -- 500,000 to five million? What are some things that
1157 we might do? Could a revolving fund -- could that work?

1158 And the second question, so if -- both of them, Mr.
1159 Ford, are directed to you -- a follow-up question or comment
1160 to what the chairman just raised, what would you recommend in
1161 this next program? You were instrumental. Your fingerprints
1162 are all over the 2018 legislation. So what would you
1163 recommend?

1164 So those two things: how do we -- how can we sustain
1165 this level of funding; and secondly, what can we improve?

1166 *Mr. Ford. There is two changes that I would like to
1167 see the committee consider.

1168 The first is that you inched the eligibility criteria
1169 into the private sector by allowing private not-for-profits
1170 be eligible to access this money for assessments and cleanup.
1171 I think it would be fantastic if you could actually take it

1172 one step further, provided that a private for-profit
1173 applicant could illustrate threshold criteria to allow
1174 private for-profits to get this money directly.

1175 There are state programs throughout the United States
1176 that actually have their own brownfields programs that
1177 actually grant money to private entities. I would like to
1178 see the committee do that, particularly in light of the fact
1179 that we have illustrated and can illustrate that we have the
1180 ability to leverage those government dollars into private
1181 investment and job creation.

1182 The second thing is a nuance of the actual EPA programs
1183 themselves under the category of the EPA operating at the
1184 pace of business. The TBA program, the Targeted Brownfields
1185 Assistance program, is a fast, easy, flexible program that
1186 small communities with economic development agencies with a
1187 staff of one, or large economic development agencies like we
1188 have in Buffalo, New York can access.

1189 And what is great about the TBA is it is a rolling
1190 program, a rolling fund, rolling deadlines, meaning that, as
1191 long as it is funded, any time throughout the year you reach
1192 out to a program manager, you fill out a questionnaire, you
1193 submit it, and you can access technical services funded by
1194 the EPA to get an assessment immediately. It would be --

1195 *Mr. McKinley. And if I could interrupt, we
1196 can't -- reclaiming my time just for a second on it, and that

1197 is you are talking about how we can improve it. But -- and I
1198 got notes on those.

1199 But what about how do we sustain the funding level at
1200 this level? Is there some way that, through a revolving fund
1201 or -- how can we maintain this? Because otherwise, we are
1202 going to drop back to the 2018 levels again.

1203 *Mr. Ford. You do -- I think a revolving loan fund
1204 would be something worth considering. There -- I think, if
1205 you could mirror something like a payment in lieu of taxes, a
1206 pilot program whereby -- which the investments that are made
1207 into a brownfield site, if a percentage of that could be
1208 rolled back into a fund similar to a pilot program on other
1209 sites that are established in communities, the found money,
1210 the found investments that are occurring in these brownfield
1211 sites could then be used to replenish funding and grow that
1212 funding.

1213 And again, if you just look at the records of -- the
1214 record numbers of investment in some of the brownfields we
1215 have done, I think that that would be a fantastic opportunity
1216 to replenish some of these funds for continued use for
1217 assessing cleanup.

1218 *Mr. McKinley. Thank you, Mr. Ford.

1219 I yield back.

1220 *Mr. Tonko. Representative McKinley yields back. The
1221 chair now recognizes Chair Pallone of the full committee for

1222 five minutes, sir, to ask questions, please.

1223 *The Chairman. Well, thank you, Chairman Tonko.

1224 Everybody is talking about money, so I will, too.

1225 My questions really relate to the need for continuous
1226 funding. In other words, not wanting the reauthorization to
1227 expire, not wanting the levels of funding to go down, as Mr.
1228 McKinley suggested, and looking forward to the
1229 reauthorization of the program this year, if at all possible.
1230 So let me start with Mayor Bollwage.

1231 Given your extensive experience with the Brownfields
1232 program, can you elaborate on how important continuous
1233 funding is for the program?

1234 And maybe how does that 1.5 billion in additional funds
1235 for Brownfields from the bipartisan infrastructure bill
1236 translate to cleanups -- cleanup on the grounds in cities
1237 like yours?

1238 If you could kind of combine those two, Chris, I would
1239 appreciate it.

1240 *Mr. Bollwage. Yes, no problem. Thank you,
1241 Congressman. I get a kick out of the debate about refunding
1242 the program and tax revenue.

1243 Keep in mind that, if you look at my particular
1244 situation at Jersey Gardens Mall, it provided us \$63,000 a
1245 year on 160-acre parcel when it was a dump. When we got a
1246 Brownfields grant to study the property, it now generates a 2

1247 million square-foot mall, four hotels, and it is bringing the
1248 City of Elizabeth over \$6 million a year, not counting the
1249 jobs, or not counting the hotel revenue and the travel. So
1250 when you talk about the debt, and you talk about the
1251 financing, these EPA grants pay for themselves in the long
1252 run in a big way.

1253 And Mr. Ford's program that he just mentioned is
1254 extremely similar to your urban development action grant that
1255 the Congress adopted back in the 1980s that was eventually
1256 eliminated, where a fund was created, money went back into
1257 the -- what was called a [inaudible] grant, and then towns
1258 could then reuse that money for further economic development
1259 projects, whether it be in Brownfields or something else.

1260 So the debate about the national debt and the debate
1261 about sustainability can only be taken into effect if you
1262 then look at the good job that mayors and city councils do in
1263 rejuvenating their own tax base to help facilitate less
1264 dollars in other areas from the Federal Government.

1265 *The Chairman. Thank you. Thank you, Chris, and I
1266 won't talk about Jersey Gardens. I love going there, by the
1267 way, to IKEA and the other places. But let me go to Ms.
1268 Ilan.

1269 Can you talk about why the program needs additional
1270 continuous funding to better address eligible contaminated
1271 sites?

1272 In other words, we know we are getting this 1.5 from
1273 Brownfields, but I don't think that is going to be enough to
1274 clean and restore all the sites have been identified that
1275 need funding. So again, I am trying to point out that we
1276 really can't be letting this funding expire, even with the
1277 Brownfields we have to reauthorize.

1278 What is the importance of continuous funding to really
1279 get to more of these sites, if you will, Ms. Ilan?

1280 *Ms. Ilan. Thank you. The continuous funding allows
1281 the planning to happen, the grants -- guidelines come out,
1282 and you have got to be prepared for them, and then your
1283 funding goes down, and you have got to be writing your
1284 application for the next one. The fellow panelists have talk
1285 about the capacity of local governments to prepare these.

1286 Knowing that the funding is going to be there from year
1287 to year allows the grants to be written to plan for each
1288 project, and to look to the next project, so when they are
1289 ready, the funding is there.

1290 *The Chairman. I appreciate that. I don't know if
1291 anyone else on the panel -- it was a minute left -- would
1292 like to talk about -- or maybe, if you agree with Ms. Ilan,
1293 that this full, uninterrupted reauthorization, which runs out
1294 this year, is still critical. If Commissioner Largent or any
1295 of the others want to comment on that, I am still getting to
1296 this continuous funding. I don't want the reauthorization to

1297 expire.

1298 Would any of the other three of you who haven't
1299 commented like to talk about that briefly?

1300 *Mr. Largent. Well, now -- this is Commissioner
1301 Largent, and I happen to agree with the last panelist. You
1302 know, for us, in a small, rural, and/or disadvantaged county,
1303 when we identify a brownfield site, the first thing I am
1304 going to do is say help. What is the next step? How do we
1305 write this grant?

1306 Now, if -- you know, these are -- becomes a revolving
1307 fund, and it is a loan, instead of a grant, I would suggest
1308 that, for some of the small counties that lack the financial
1309 capacity, that may be enough of a deterrent that we wouldn't
1310 apply for the grant.

1311 So, you know, it is a big task to continue to
1312 reauthorize these funds. But from my perspective, you know,
1313 we are not looking at big industrial sites; we are looking
1314 at -- as in the City of Palouse -- one-sixth of their
1315 downtown was a brownfield site. And to have to repay a loan
1316 or pay interest on it may have been a deterrent to that
1317 successful project.

1318 *The Chairman. All right, thank you. My time has run
1319 out. Thank you, Chairman.

1320 *Mr. Tonko. Well, the chair yields back. The chair now
1321 recognizes Mrs. Rodgers, our full committee ranking member.

1322 And you are allowed now to ask questions for five
1323 minutes, please. Thank you.

1324 *Mrs. Rodgers. Thank you, Mr. Chairman. I wanted to
1325 continue highlighting the example in -- at the City of
1326 Palouse, which is a -- it is a very small town, just over
1327 1,000 people. They had a non-functioning petroleum
1328 distribution site that covered one-sixth of its downtown, and
1329 it had become a bit of an eyesore, wasn't paying local taxes.
1330 And Palouse, the City of Palouse, received a targeted
1331 brownfield assessment grant, which led to other brownfields
1332 funding. And the -- Palouse's property now is on its way to
1333 being resolved.

1334 So Commissioner Largent, I really appreciate you being
1335 with us here today and sharing the perspective from Whitman
1336 County. I want to just to ask you, without the Brownfields
1337 grant, would Whitman County and counties like it be able to
1338 afford assessments and cleanup of contaminated sites, or
1339 attract private properties like those in Pullman and Palouse?

1340 *Mr. Largent. From a counties perspective, and for our
1341 small towns, it is an unqualified no. We would not be able
1342 to afford it.

1343 We struggle with paying our employees a livable wage.
1344 We don't do new programs. We can't pick up new initiatives.
1345 Without this money from the EPA, it would not have happened,
1346 and categorically.

1347 *Mrs. Rodgers. So we have the example of the Palouse
1348 site. I know that it is farther along than the Pullman site.
1349 But would you speak to what would be the impact on the
1350 community without this grant?

1351 And then, since the Palouse cleanup, what has it done
1352 for the local economy, and how has it changed the community?

1353 *Mr. Largent. Well, when we look at a brownfield
1354 remediation, we look at two things: the first being the
1355 environmental impact of this particular site; the second
1356 being the economic viability of this particular site.

1357 I happen to serve on the Snake River Salmon Recovery
1358 Board, which deals with creating habitat for salmon, which
1359 relates to our transportation needs, and needs to keep our
1360 dams and our barges and [inaudible] going down to export.

1361 But for the City of Palouse and Mayor Echanove -- the
1362 former mayor, deserves a lot of credit for this -- they are a
1363 bedroom town of Washington State University, Pullman.
1364 Without the grant funding for -- from the EPA for this
1365 brownfields remediation, one-sixth of -- as you say -- of
1366 that downtown would be unavailable for economic development.
1367 And so currently they have that ready for economic
1368 development.

1369 We have another site in Pullman that we are looking at,
1370 and are hopeful that we build a -- we develop that in the
1371 future without EPA money. The City of Pullman, Washington

1372 State University, and the Port of Whitman would not be able
1373 to develop a particular project there. So I would suggest to
1374 you that while Whitman County may not have the most amount of
1375 brownfields, on behalf of counties nationwide I would say its
1376 impact is huge.

1377 *Mrs. Rodgers. Thank you. And thank you again,
1378 Commissioner Largent, for joining us here today.

1379 Mr. Ford, I wanted to ask just for you to speak. If the
1380 Brownfields program did not exist, would private capital want
1381 to get involved in cleaning up these sites? And would you
1382 just speak to that aspect?

1383 *Mr. Ford. No, you would really be up -- so what I
1384 call -- you would get upside down on a project extremely
1385 quick.

1386 Again, and what you find out, if you just look at recent
1387 history, the people that really had the appetite for risk
1388 were the people that really had nothing to lose. You know,
1389 the non-profits, the economic development authorities, people
1390 like that, who had the confidence to have the state and the
1391 Federal Governments back them. But even at that, there is
1392 too many other opportunities for developers to jump into and
1393 capitalize on with less risk.

1394 And so the importance of the U.S. EPA is that they have
1395 this collaborative approach to share that risk. So it is not
1396 that we are risk -- so much risk averse, it is that, you

1397 know, we don't want to be the only one up there with
1398 everything to lose.

1399 And so what is great about the U.S. EPA is that it
1400 allows us to share risk. It allows us to collaborate on the
1401 end use, and it elaborates on an opportunity, or gives us a
1402 mechanism whereby which the developer, the landowner, the
1403 community, elected officials at the local, state, and Federal
1404 level can work together on an assessment, the cleanup --

1405 *Mrs. Rodgers. Thank you.

1406 *Mr. Ford. -- the plan, and --

1407 *Mrs. Rodgers. Thank you.

1408 *Mr. Ford. -- the end use.

1409 *Mrs. Rodgers. I want -- yes, great. I wanted to ask
1410 one more question, because you talk about these
1411 brownfield -- the Brownfields program being the gateway.
1412 Would you speak to the economic second chance that it gives
1413 communities that have lost that legacy manufacturing
1414 facility?

1415 *Mr. Ford. Absolutely. I will go so far as to say that
1416 the EPA is the funding source of last resort. If it wasn't
1417 for the EPA, we wouldn't have those opportunities to help
1418 these communities that are on the last leg, that lost an
1419 industry, that lost a business.

1420 And again, it gives those people hope to bring life or,
1421 what I say, breathe life back into the bones of these

1422 communities.

1423 *Mrs. Rodgers. Thank you. My time has expired.

1424 Thank you, Mr. Chairman. I yield back.

1425 *Mr. Tonko. You are most welcome. And now we recognize
1426 the gentlewoman from Colorado, who also serves as chair of
1427 the Subcommittee on Oversight and Investigation.

1428 Representative DeGette, you are --

1429 *Ms. DeGette. Thank you so much --

1430 *Mr. Tonko. -- recognized for five minutes.

1431 *Ms. DeGette. -- Mr. Chairman, thank you, and thank you
1432 for holding this really important hearing. I want to thank
1433 all of these witnesses for their full-throated endorsement of
1434 Brownfields.

1435 This, to me, is such an elegant and bipartisan way to
1436 solve environmental contamination. I have always been a big
1437 proponent of it. And to hear the successes that we have
1438 had -- when I started out in my political career in the
1439 Colorado legislature in the 1990s, nobody
1440 really -- Brownfields was still in its nascent stage, and
1441 people hadn't really thought about the way, as several of our
1442 witnesses testified, Brownfields can be a win-win, because it
1443 can help us clean up environmental contamination that has
1444 just been stagnant for decades and decades. And it
1445 incentivizes the cleanup, but then it has these incredible
1446 repercussions for the economy and economic development for

1447 our communities. And when I was in the legislature, I
1448 actually passed a bill in Colorado called the Voluntary
1449 Redevelopment and Cleanup Act, which was a brownfields bill.
1450 And it is still in effect today in Colorado, over 20 years
1451 later, and it has been used in thousands of sites across the
1452 state.

1453 So now it is sort of agreed upon by everybody, and we
1454 hear that today on both sides of the aisle. And so I want to
1455 ask just a couple of questions about where we can go further
1456 with brownfields.

1457 And Mayor Bollwage, I want to ask you about the
1458 brownfields cleanup grants that you and your fellow mayors
1459 receive, how they help you address pollution problems,
1460 including exposure to lead and asbestos.

1461 *Mr. Bollwage. Thank you, Congresswoman.

1462 We had a building fire, where asbestos was used and foam
1463 was used to put the fire out. It is currently a 20-acre
1464 parcel, and the contamination on that site is difficult to
1465 measure at the current time. Land, industrial land, in our
1466 city goes for somewhere between 2.5 to \$3 million an acre
1467 because of our port location. And developers are, at times,
1468 more than willing to put the investment in, in order to get
1469 the return on that investment. But the cleanup costs could
1470 be in excess of 100,000, \$200,000, especially in the items
1471 that you are talking about.

1472 So when the future revenue after construction is put in
1473 place, and then you talk about other grants or other areas,
1474 when it comes to the contamination that you speak about, the
1475 cleanup cost could be excessive. And so therefore, to quote
1476 Mr. Ford, if it wasn't for the EPA and these grants, then the
1477 projects would be a non-starter.

1478 *Ms. DeGette. Right. I mean, these areas would just be
1479 sitting there, because it wouldn't be economically feasible
1480 at the time to clean them up. But if we do clean them up,
1481 then they will give a lot of other economic impact. And I
1482 want to ask you about that.

1483 These communities that are near the brownfield sites, if
1484 the pollution stays there, what is the long-term impact on
1485 those communities?

1486 *Mr. Bollwage. Well, let me give you a comparison,
1487 Congresswoman. We have a Superfund site in our city that was
1488 destroyed by a massive fire in the 1980s -- in 1980, to be
1489 exact -- and the resolution for that site was to cap the site
1490 with cement, and leave it that way for 99 years with no tax
1491 revenue.

1492 *Ms. DeGette. Yes.

1493 *Mr. Bollwage. Yet we talk about a brownfield site in a
1494 neighborhood, a broken down gas station, you could fix it up
1495 and make it a convenience store, make it a tax revenue, and
1496 it is a public health issue, as you can make this whole

1497 community safer, cleaner, and neater.

1498 *Ms. DeGette. We had a site just like that in Denver at
1499 the Shattuck site. They capped a whole city block, and
1500 eventually we were able to clean it up. And now it is a
1501 vibrant commercial area in the city. So you are exactly
1502 right.

1503 One of my colleagues talked about the many, many -- I
1504 think it was Mr. McKinley talked about the many, many sites
1505 that are remaining. How do you think we could clean
1506 up -- how do -- prioritize the cleanup of all the sites that
1507 we have out there right now?

1508 *Mr. Bollwage. So the mayor -- first of all, the
1509 mayor -- the U.S. Conference of Mayors and the National
1510 League of Cities, it was our research in the 1990s and the
1511 early 2000s that characterized brownfields throughout this
1512 nation. And we identified at least, in a minimum, one per
1513 congressional district.

1514 And so, as you move forward in cleaning these sites up,
1515 you know, and maintaining how you move forward, it is a
1516 struggle, and it is our research that got us to this point,
1517 and we are just hopeful to continue it.

1518 *Ms. DeGette. Thank you so much.

1519 Thank you, Mr. Chairman. I yield back.

1520 *Mr. Tonko. You are most welcome. The gentlewoman
1521 yields back. The chair now recognizes the gentleman from

1522 Ohio.

1523 Mr. Johnson, you are recognized for five minutes,
1524 please.

1525 *Mr. Johnson. Well, thank you, Mr. Chairman and Mr.
1526 Ranking Member, for hosting this important hearing today.
1527 And I would also like to thank Ranking Member McKinley for
1528 his work in recent years, leading the reauthorization for
1529 Brownfields program, because this has greatly benefited our
1530 bordering districts on both banks of the Ohio River, here in
1531 Ohio and West Virginia.

1532 And you know, it is a good time to host this hearing
1533 because, as we all know, this program is set for an
1534 unprecedented, enormous infusion of funding from the recent
1535 infrastructure bill. So it is really important for our
1536 subcommittee to hear from the witnesses for an update on how
1537 the program is working, how we might improve it, and how, as
1538 policymakers, we should monitor progress across the country,
1539 going forward.

1540 My rural Ohio district is part of the industrial
1541 Midwest. Some call it the Rust Belt. But we have a very
1542 proud history of manufacturing and industry, and I believe a
1543 bright future ahead, too. The Brownfields program has been
1544 put to great use in my district in the Mahoning Valley in the
1545 Northeast; Jefferson County and Lawrence County in the middle
1546 of my district; and further down south; and recently, in the

1547 Cities of Ironton and Coal Grove, with a \$600,000 Brownfields
1548 grant from the Trump Administration, to bring land back into
1549 productive use, and attract new jobs and investment in our
1550 region.

1551 So, Mr. Ford, if I could go to you first, we are seeing
1552 a debate right now where some would like to de-emphasize
1553 economic development for brownfield sites in a more
1554 desirable -- in more desirable areas, where funding is more
1555 easily flowing and, instead, focus on cleanups in rural and
1556 low-income communities to make this land more desirable in a
1557 sort of a -- to use an old movie quote,
1558 if-you-build-it-they-will-come type of arrangement.

1559 What do you believe is the best approach here? Should
1560 we continue investing where the money flows, and the projects
1561 are more targeted? Or do we need to look at rural areas that
1562 are struggling to get their hands on this money?

1563 Has this been tried before? And what were the results?

1564 *Mr. Ford. I would start out with, first, where
1565 investment should occur. It has always been my opinion that
1566 the market doesn't take care of industrial development, but
1567 the market does take care of housing and retail development.
1568 And housing and retail development always follows the jobs,
1569 and the jobs and the industries are now -- and particularly
1570 in recent years, and well into the future, are going to be
1571 gravitating towards these old industrial sites that have the

1572 infrastructure to be repurposed at the pace of business.

1573 And so, what is also attractive about that is that it
1574 allows for a public-private partnership, whereby which we can
1575 collaboratively work together to figure out how to stretch
1576 the government dollar. And we have been able to come up with
1577 a formula whereby which every public dollar that we receive
1578 from the U.S. EPA we can leverage \$182 of private investment.
1579 You will not find any other program in the United States
1580 Government that does that.

1581 And what you also will find out is that it will put
1582 people back to work who can now afford to maintain their
1583 quality of living in the very rural communities in which they
1584 were raised, and it will also allow for housing starts to
1585 begin outside the area, not necessarily on the sites that
1586 are, what I believe, ideally situated to remain in our
1587 industrial inventory for this growth that we are going to
1588 see.

1589 So I can -- that is why I really stress the importance
1590 of not tapping the brakes, and not changing our paradigm, but
1591 continuing on this path where the grants are highly
1592 competitive, there are cash matches, and they go to areas
1593 that can illustrate the capacity to not only identify a
1594 project, report on a project, benchmark a project, and also
1595 leverage private investment and job creation that can
1596 actually be benchmarked. So in future years, when this --

1597 *Mr. Johnson. Well, very good. I hate to move on. I
1598 need to ask Mr. Largent a quick question, and I am running
1599 out of time.

1600 Mr. Largent, it was encouraging to hear in your
1601 testimony your mention of rural counties with less than
1602 50,000 people, which brings certain challenges, given the
1603 responsibilities county governments have. I have got several
1604 of these very geographically -- these areas in my
1605 geographically large rural district.

1606 Would you talk about the importance of having an
1607 accurate definition of "rural" for this program, so that
1608 deserving communities are not left out?

1609 *Mr. Largent. I would --

1610 *Mr. Johnson. And do that quickly, because I am out of
1611 time.

1612 *Mr. Largent. Let me just encourage the subcommittee to
1613 be real clear on the definition of what rural counties are,
1614 and set a clear definition and population threshold. I think
1615 that is going to be really important to rural counties, to
1616 set that definition correctly. And I think that has yet to
1617 be done.

1618 *Mr. Johnson. Okay, all right. Thank you very much.
1619 Mr. Chairman, I yield back.

1620 *Mr. Tonko. The gentleman yields back. The chair now
1621 recognizes the gentleman from Maryland.

1622 Representative Sarbanes, you are recognized for five
1623 minutes, please.

1624 *Mr. Sarbanes. Thanks very much, Mr. Chairman. I want
1625 to thank you for the hearing today, for today's witnesses who
1626 are joining us to discuss this very critical program.

1627 As we know, contaminated brownfield sites can be found
1628 in every single congressional district, including my own. As
1629 legacies of pollution and poor environmental stewardship,
1630 they not only impact the health and safety of the nearby
1631 communities that must contend with the effects of residual
1632 pollution, but also render otherwise useful pieces of
1633 property ill-suited to economic development.

1634 The EPA's Brownfields program is, in many ways, the
1635 epitome of a successful national initiative. By providing
1636 Federal funding and resources to local parties to help clean
1637 up these sites, it fosters our community's well-being, and
1638 demonstrates that environmental responsibility and successful
1639 economic development can go hand in hand.

1640 I would like to mention one brownfield site in my
1641 district. It is called Ridgley's Cove. It is a green space
1642 near Baltimore's Inner Harbor along the Patapsco River's
1643 middle branch. Actually, I discovered it years ago, when I
1644 accompanied my son, who is an avid birder, down to the site,
1645 and we saw some of the needs that were there, but the great
1646 potential that it had. The site was long contaminated with

1647 industrial residue. But thanks in part to a successful grant
1648 application by Baltimore City to the EPA Brownfields program
1649 in 2017, Ridgley's Cove underwent assessment and remediation
1650 planning. It is now, I am glad to say, part of the Middle
1651 Branch Redevelopment Project concept, well on its way to
1652 becoming part of a community-centered recreational and
1653 natural waterfront that will be enjoyed by Baltimore's locals
1654 and visitors alike.

1655 Mr. Mayor, like Baltimore the needs of your port city of
1656 Elizabeth have changed over the years, and you have recently
1657 taken advantage of opportunities to develop its waterfront
1658 property. Can you speak to the role that the Brownfields
1659 program can play in jumpstarting remediation in particular,
1660 along with community engagement and development at former
1661 industrial sites?

1662 *Mr. Bollwage. Thank you, Congressman, and I do enjoy
1663 the Inner Harbor, by the way, when I visit, so it is a very
1664 nice place.

1665 You know, when communities come together that struggle
1666 economically, they need to work together. And your question
1667 about the concerns, you know, matching requirements are
1668 always a concern. Some communities have recovered from the
1669 recession in 2008 and, you know, bigger cities have trouble
1670 with matching. Smaller communities definitely do. And so it
1671 is a combination of how you move forward, and the matching

1672 funds are part of the struggle, yet not a roadblock.

1673 *Mr. Sarbanes. Thanks very much.

1674 I am very proud -- we have referenced it a number of
1675 times today -- that the bipartisan infrastructure law
1676 contained this extra funding of \$1.5 billion in support for
1677 the Brownfields program. And this increased funding will
1678 allow more communities to tackle larger remediation projects
1679 that will have significant environmental, health, and
1680 economic returns. And frankly, these Brownfields programs,
1681 the remediation piece, can anchor a much broader development
1682 opportunity. That is the promise that we have with this.

1683 Ms. Ilan, as we look towards reauthorization of the
1684 Brownfields program next year, in your estimation how can we
1685 best ensure that Congress continues to build upon the success
1686 of the program, and directs its resources to the communities
1687 that are most in need of the remediation investment?

1688 *Ms. Ilan. Thank you. Reauthorizing the program is
1689 really essential.

1690 As we talked about continuity earlier, allowing
1691 communities to know that the money is going to be there with
1692 the bipartisan infrastructure law, increased funding, it will
1693 be interesting to see over the next several years what kind
1694 of applications come in, and how far further EPA can go in
1695 funding worthy applications that come in.

1696 So I think you are going to see a lot of creative

1697 projects cleaning up rural, and urban, and all sorts of
1698 communities all over the country.

1699 *Mr. Sarbanes. Thanks very much. I mean, clearly,
1700 having authorization in place, the right authorities for this
1701 work, as well as robust funding that can support that, is key
1702 to the planning dimension. And for major projects and minor
1703 or smaller projects, being able to plan, have some certainty,
1704 you know, expectations of kind of what the next stage is
1705 going to be, is really critical. And that is why combining
1706 the authorization that is coming along with these new
1707 resources is so important.

1708 Mr. Chairman, thanks very much. I yield back.

1709 *Mr. Tonko. The gentleman yields back. We thank you.
1710 And next we will recognize the gentleman from Oklahoma,
1711 direct from the event center.

1712 Representative Mullin, you are recognized for five
1713 minutes, please.

1714 *Mr. Mullin. Thank you, Mr. Chairman.

1715 Mr. Seyler, in Oklahoma we have a lot of areas I think
1716 that are probably similar to yours in your state,
1717 particularly in the rural and tribal lands. Where do you
1718 think the role -- or how do you think brownfields projects
1719 play a role in the rural and tribal land areas?

1720 *Mr. Seyler. I think it is critical. As you -- as I
1721 have said in my testimony, these small, rural communities,

1722 they are overwhelmed with and have a limited capacity for
1723 what they can handle.

1724 Commissioner Largent also mentioned that just the lack
1725 of bandwidth and no new programs coming in -- and
1726 this -- where brownfields can help is, especially with state
1727 funds, we can come in and assist these communities. We go to
1728 city council meetings, we meet with local developers, we meet
1729 with the coffee shop owner, the person interested in making a
1730 brewery. We meet with them, we go over the risks, we go over
1731 the hurdles that they would need to go, but also kind of
1732 reassure them in that this is a process that we have gone
1733 through, that we have a track record.

1734 And showing them examples of where Brownfields has
1735 succeeded enables them to commit to these projects, and it
1736 can then -- it just revitalize communities. It increases
1737 self-belief in those communities. It starts attracting the
1738 younger generation back into those communities, and it just
1739 leads to revitalization and additional economic development.

1740 *Mr. Mullin. Do you feel there is adequate outreach to
1741 tribal communities in these areas?

1742 *Mr. Seyler. So the tribes are allowed to apply for
1743 128(a) funds, as well. It is -- and that is -- it is a
1744 tricky effort, because we have state funding, we have tribal
1745 funding, and -- but the EPA is trying to do the best at
1746 covering all areas with 128(a) funds sufficiently to provide

1747 sufficient funding for brownfields efforts.

1748 *Mr. Mullin. So I -- spinning off of that, would you
1749 start -- would you take -- say that the technical assistance
1750 for brownfield grants, or grants particular to -- that is
1751 relevant to those areas, are they helpful, or is there enough
1752 there, or are they too complicated for these tribes to get
1753 to? What is your thoughts on that?

1754 *Mr. Seyler. So the technical assistance program is a
1755 fantastic program for those areas that lack the capacity
1756 or -- and the bandwidth, especially in -- also tribes. The
1757 technical assistance program comes in as the experts, and
1758 puts on trainings. They meet with communities, similar to
1759 what states provide. They meet with tribal elders, they meet
1760 with commissioners, local commissioners, and talk about
1761 brownfields, you know, and help them provide that
1762 hand-holding assistance that is needed sometimes to develop
1763 that program, and to make it sustainable in the future.

1764 So I think that is -- it is critical funding for these
1765 areas that are under-served.

1766 *Mr. Mullin. So just -- because, like I said, our
1767 states are similar in the brownfield cleanup spots, the
1768 tribal areas and rural areas. So maybe you can help me here.
1769 What are some of the innovative ways that your states
1770 benefited from these cleanups in brownfield areas?

1771 *Mr. Seyler. So one of the things that we have done

1772 that has kind of changed the landscape on petroleum
1773 sites -- petroleum sites, you think of local gas stations
1774 that are boarded up and under-utilized, right there on the
1775 corner Main Street. They were always, always high-traffic
1776 areas.

1777 But in tribal areas, specifically, what we do is we
1778 reach out to the -- our counterparts, our tribal
1779 counterparts, to help identify these gas station properties.
1780 And then we leverage our state petroleum funds, or the
1781 leaking underground storage tank funds. And so we use
1782 brownfields to do an assessment, which covers the deductible
1783 of our state funds, which then can clean -- it can be used to
1784 clean it up. And then those properties within tribes or out
1785 of the tribes are able to be redeveloped.

1786 These properties are often times underwater. Like we
1787 previously mentioned, a property could be valued at 15,000
1788 market rate, but there is \$150,000 in cleanup necessary.
1789 There is no way a developer is going to come in in those
1790 areas. And that is only leveraging the Brownfields program,
1791 as well as state funding, that we can get these sites back
1792 into beneficial use.

1793 *Mr. Mullin. Thank you, sir.

1794 With that, Chairman, I will yield back.

1795 *Mr. Tonko. The gentleman yields back. The chair now
1796 recognizes the gentleman from California.

1797 Mr. Peters, you are recognized for five minutes, please.

1798 *Mr. Peters. Thank, Mr. Chairman. Thanks for having
1799 this hearing.

1800 It is -- obviously, this is a very successful program.
1801 It is supported on both sides of the aisle to -- and it is an
1802 appropriate role for the Federal Government to step in and
1803 help these communities that had been otherwise hurt by
1804 pollution and industrial departures.

1805 I also would love to hear from the EPA about how they
1806 thought that the program was working, and I know we can -- we
1807 have time for that, too, and it is important to hear from
1808 these folks who are in the nature of practitioners. But one
1809 question I am curious about for everyone -- and I will ask
1810 Mr. -- Ms. Ilan about the climate benefits of Brownfield
1811 programs.

1812 You talked about that in your written testimony. How
1813 would you suggest, as Members of Congress, that we make sure
1814 that brownfield sites remain safe as we experience climate
1815 impacts like more intense flooding or hurricanes?

1816 Over time, those will become more frequent and severe.
1817 What advice would you give us, as the folks administrating
1818 this program?

1819 *Ms. Ilan. Thanks. As we were recovering from
1820 Hurricane Sandy, we looked at our brownfield sites that were
1821 in the process of cleanup around the coast. And the main

1822 thing that we found was that the cleanup itself was the most
1823 important thing to protect the communities.

1824 So what we try to do is encourage cleanups in the
1825 coastal areas. I mean, in New York we are not cleaning up
1826 sites on spec, the -- driven by where people want to do the
1827 cleanups, and have an idea for an end use. We are fortunate
1828 in that way. And so making sure we have the funding and the
1829 expertise available to take those cleanups through the state
1830 and the city program as fast as possible and as thorough as
1831 possible is what protects communities.

1832 *Mr. Peters. Thank you. I would ask Mayor Bollwage
1833 sort of along those same lines.

1834 You know, we have heard, I think pretty consistently,
1835 and not a lot of talk-back, about the need for more resources
1836 for the program. Mayor Bollwage, in your written testimony
1837 you talk about the need to provide larger grants to the
1838 program -- to the communities that are most in need. What
1839 sort of suggestions, from your viewpoint, would you give us
1840 for prioritizing projects?

1841 How would you -- you know, what would be the things we
1842 should be looking for, in terms of making awards?

1843 *Mr. Bollwage. Yes, it is really difficult -- thank
1844 you, Congressman -- it is really difficult for the mayors to
1845 recommend the prioritizing from the EPA, and we understand
1846 that is difficult. After all, 65 percent of the projects

1847 that are proposed to EPA do not get funded.

1848 So one of the things we are looking at is, you know, in
1849 the reauthorization for 2023, is it took nine years for the
1850 last reauthorization. We are hopeful that it doesn't take
1851 that long this time. And do not claw back the 1.5 billion
1852 from the infrastructure law, because it is an extremely
1853 successful program. And then you can address not only the
1854 climate issues you just spoke about, but also larger grants
1855 to some of the municipalities. And you can take into -- some
1856 of the concerns that were earlier mentioned about the rural
1857 areas, and where the priorities should be.

1858 *Mr. Peters. I would just ask you -- I hear what you
1859 are saying, it is not your job to give us a list of
1860 priorities. We will probably be asking for your input on
1861 that, anyway, just because, you know, recognizing that only
1862 65 percent of the things get funded, there is going to be a
1863 lot of choices that have to be made, and we think that the
1864 people who are on the ground would -- could give us some
1865 pretty good advice.

1866 Let me ask you one other thing, though, about what
1867 you -- about renewable energy, and I wonder if you are
1868 hearing from other mayors interested in incorporating
1869 renewable energy in their brownfield plans, and whether you
1870 see good options for energy projects on remediated land or
1871 economic benefits. Anything in that line?

1872 *Mr. Bollwage. Yes, Congressman.

1873 First of all, the mayors would like to get together on
1874 your first question and get back to you on that, if it is
1875 okay, as we develop the reauthorization process.

1876 And on the renewable --

1877 *Mr. Peters. That makes a lot of sense.

1878 *Mr. Bollwage. Thank you. And then the renewable
1879 energy issue, the -- just to give you an example, the Jersey
1880 Gardens Mall did a solar roof panel which, when it was done
1881 12 years ago, was the largest renewable energy project in the
1882 State of New Jersey at that time. It is a two million
1883 square-foot mall with solar panels along the roof. So that
1884 was done outside of this process. But still, it would not
1885 have had the opportunity to be done if we did not get an
1886 initial Brownfields grant in order to study the remediation
1887 of what was then the dump, the garbage dump in the City of
1888 Elizabeth.

1889 *Mr. Peters. Okay. Thank you very much. My time is
1890 expiring, and I yield back.

1891 *Mr. Tonko. The gentleman yields back. The chair now
1892 recognizes the gentleman from Georgia.

1893 Representative Carter, you are recognized for five
1894 minutes, please.

1895 *Mr. Carter. Well, thank you, Mr. Chairman, and thank
1896 all of the witnesses for being here.

1897 You know, I have the honor and privilege of representing
1898 the entire coast of Georgia, over 100 miles of pristine
1899 coastline. And we have got quite a few brownfields that have
1900 been renovated, if you will, and we have got a number of
1901 success stories.

1902 In fact, I believe that Ranking Member McMorris Rodgers
1903 mentioned one about Jekyll Island, and -- where we had a coal
1904 plant at one time that is now a sea island -- or, excuse me,
1905 a turtle -- sea turtle museum and hospital. And it is a
1906 great place. If you are ever on the coast of Georgia, and
1907 you want to see a great example of a success story with
1908 brownfields, that is one place you ought to visit. Not only
1909 that, but just the cultural aspect of seeing what they are
1910 doing with the sea turtles there, when they are rescuing
1911 them, is really fascinating and really good.

1912 Other examples in the first district, in the
1913 southernmost part of my district, next to the Florida state
1914 line, is Camden County, where we used to have the Durango
1915 paper mill, and they cleaned that up. It was a brownfield,
1916 and they cleaned it up. St. Mary's, which -- some of you may
1917 be familiar with Cumberland Island, where they have the
1918 horses and everything, that is St. Mary's is where the -- is
1919 the entrance to Cumberland Island, if you will. And that is
1920 one area that is extremely important to them, another example
1921 of a success. Even with the City of Savannah, we have got

1922 some areas there where we have truly seen some success
1923 stories with brownfields.

1924 Now, I will tell you, we have got quite a few that still
1925 need to be worked on down here, and they take so long. It is
1926 just unbelievable, the time that these things take. But
1927 nevertheless, it is what it is, and we have to work through
1928 that.

1929 The program itself, and the protection that is provided
1930 by the program, what was a negative for many years, is now a
1931 positive. And I just cited the examples of that. It checks
1932 a lot of boxes. There is no question about that.

1933 I want to ask -- Mr. Bollwage and Mr. Largent, I want to
1934 ask you this. I would like for each of you to respond to a
1935 comment that was made from a former EPA official who ran the
1936 Federal Brownfields program. This is the comment. Please
1937 bear with me. "The success of the Brownfields program is in
1938 large part because it is locally driven. EPA does not select
1939 remedies, does not control land use, and provides only seed
1940 money that can be leveraged with other funding sources.
1941 EPA's grant funds can only be used for the purposes
1942 authorized by Congress. There is no limitation on the use of
1943 other funds leveraged by EPA's investment.'"

1944 Do you agree with that, Mr. Bollwage?

1945 *Mr. Bollwage. Thank you, Congressman. Yes. The local
1946 elected officials helped design this original Brownfields

1947 program, in conjunction with Congress and the EPA.

1948 I remember when Mayor Daley asked me, back in 1997, to
1949 be the chair of the Brownfields Task Force, and then worked
1950 with the U.S. Conference of Mayors in order to develop a
1951 process to get to the original bill, where the tools were
1952 needed to get the job done at the local level.

1953 You know, this may surprise a lot of Members of
1954 Congress. However, mayors can understand how to implement
1955 projects and get things done. And this program has been so
1956 successful at the local level, and that is why it is popular
1957 and bipartisan. It is a win for economic development, a win
1958 for the government, and a win for the residents.

1959 You know, one of the things, Congressman, in listening
1960 to all of the speakers here today, whether it was a 168-acre
1961 landfill in my city, or a gas station in Oklahoma,
1962 Brownfields grants have helped revitalize the community.

1963 *Mr. Carter. I thank you for that, Mr. Mayor. And I
1964 was a mayor in another life, as well, so I can attest to what
1965 you just said, and it is important. So -- and it helps
1966 that --

1967 *Mr. Bollwage. Once a mayor, always a mayor,
1968 Congressman.

1969 *Mr. Carter. I appreciate that.

1970 Mr. Largent, did you want to respond to that? I had
1971 asked you before.

1972 [Pause.]

1973 *Mr. Carter. You are on mute.

1974 *Mr. Largent. I didn't know I would get caught this
1975 time.

1976 [Laughter.]

1977 *Mr. Largent. But I 100 percent agree with that
1978 statement.

1979 One of the great parts of the EPA Brownfields grants
1980 program is that it affords communities lots of flexibility
1981 with their Plan B development of cleanup properties.

1982 And if I might refer to my notes -- in fact, paragraph
1983 6© of section 104(k) of the Comprehensive Environmental
1984 Response Compensation and Liability Act explicitly calls out
1985 criteria EPA must use to rank and award Brownfields grants.
1986 These include smaller and low-income communities whose tax
1987 base is insufficient, and have difficulty getting private
1988 capital.

1989 Mr. Carter, that is us. That is us in Whitman County.
1990 That is in eastern Washington.

1991 *Mr. Carter. Well, I am out of time, but I do thank all
1992 of you.

1993 This is a great program. As a former mayor, I can tell
1994 you it benefits cities, it benefits municipalities, and I am
1995 all in. So thank you very much for this.

1996 *Mr. Tonko. The gentleman yields back. The chair now

1997 recognizes the gentlewoman from Michigan.

1998 Representative Dingell, you are recognized for five
1999 minutes, please.

2000 *Mrs. Dingell. Thank you, Mr. Chairman, and thanks to
2001 the ranking minority McMorris Rodgers, as well, and to all
2002 the panelists who have just been great today. And it is
2003 wonderful to see on this committee bipartisan support for the
2004 Brownfields program, which has worked. I mean, I think that
2005 is what we are all talking about, and probably because a lot
2006 of it has been at the local level.

2007 In my district, the Downriver Community Conference,
2008 which is made up of all of our local males -- mayors -- is
2009 managing one of the best brownfield companies. We are all
2010 allowed to be proud of where we come from in the country.
2011 Since 1999, the DCC has received about \$20 million, and has
2012 supported the assessment and the cleanup of activities at
2013 over 300 brownfield sites.

2014 Now, unfortunately, we have got -- we are on the water,
2015 like my colleague was just talking about in Georgia, and we
2016 have a lot of sites that have needed to be cleaned up. And
2017 quite frankly, we got too many sites that have been
2018 designated brownfield that still need to be cleaned up, which
2019 is why the investment in the bipartisan infrastructure law
2020 was so important, because we have got to get these sites
2021 cleaned up, we have got to give you all the resources you

2022 need, and we have got to get the EPA Brownfields program
2023 reauthorized. So hopefully, this hearing is going to make
2024 sure we do so, and do it in a bipartisan way.

2025 But let me move to a topic that really matters to me
2026 now, because -- we have been in this program now for a
2027 decade, but we are discovering more hazardous substances like
2028 PFAS that need cleanup, as well. And we need a strong,
2029 robust program that has got the funding to tackle these
2030 abandoned and contaminated sites. The investments included
2031 in the infrastructure package are needed to clean up sites
2032 for future economic development, but it also has given local
2033 communities confidence that they need to know the Federal
2034 Government is going to -- that we care, and we are going to
2035 help you.

2036 Michigan has been hit really hard. So I want to tackle
2037 on these new emerging contaminants. As the EPA moves to
2038 clean up emerging contaminants, it is critical that EPA
2039 provide technical assistance to state and local governments
2040 to better inform their cleanup efforts. It is also critical
2041 that the funding included in the bipartisan infrastructure
2042 law and brownfields reauthorization continue to include TA
2043 grants, so communities can gain the technical expertise they
2044 need to properly clean up these sites so they are safe, and
2045 they are ready for redevelopment.

2046 Commissioner Largent and Mr. Seyler, briefly, do you

2047 have scientific expertise within your organizations to
2048 address these emerging contaminants?

2049 Commissioner Largent first.

2050 *Mr. Largent. Absolutely not. And if you would speak
2051 to my colleagues on the west side of Washington State around
2052 military bases, you would find them in a world of hurt with
2053 PFAS.

2054 *Mrs. Dingell. Mr. Seyler?

2055 *Mr. Seyler. So the Montana -- speaking on behalf of
2056 Montana DEQ, we do have project officers that are focusing on
2057 these emerging contaminants of concern, and they are, as
2058 Commissioner Lambert [sic] said, they are on military bases
2059 and addressing those communities surrounding those areas.

2060 *Mrs. Dingell. So -- but let me follow up on this, and
2061 ask if they need technical assistance.

2062 And to both you and Commissioner Largent again, for the
2063 Brownfields program to successfully address emerging
2064 contaminants, what sort of technical assistance do local
2065 levels of government need from EPA during both the
2066 application and the remediation process?

2067 And would EPA need additional resources to administer
2068 the Brownfields program as we discover new threats?

2069 *Mr. Largent. Well, from a --

2070 *Mrs. Dingell. Mr. Seyler? Oh, go ahead, Commissioner,
2071 you go.

2072 *Mr. Largent. Okay, thank you. I must first admit I
2073 don't have a lot of experience in PFAS, other than hearing my
2074 fellow commissioners around military bases bring this topic
2075 up and up and up and up.

2076 But I would suggest that, as far as the Brownfields
2077 program, they need a number to call. We have got a huge
2078 issue with PFAS around this space. We need coordination with
2079 the military, with the Washington State Department of
2080 Ecology, and EPA to clean this up. There needs to be a
2081 coordinating number to call, and I think, if you are going to
2082 address PFAS, you are going to need resources.

2083 *Mrs. Dingell. Mr. Seyler?

2084 *Mr. Seyler. And thank you, Representative. So I would
2085 just kind of reiterate.

2086 So ASTSWMO does have a focus group on emergency [sic]
2087 contaminants of concern, and I think the goal of that focus
2088 group is to disseminate information to states, my
2089 counterparts. And I think, if funded by EPA, the Brownfields
2090 program could definitely help disseminate that at a further
2091 level down to the city and county commissioner levels,
2092 because we do have those -- that network, that local network,
2093 and partnerships at those local levels.

2094 *Mrs. Dingell. Thank you.

2095 I will yield back, Mr. Chairman, but I know we will be
2096 able to submit questions for the record, and I would like all

2097 of our panel's advice on what we should be thinking about as
2098 we address emerging contaminants.

2099 [The information follows:]

2100

2101 *****COMMITTEE INSERT*****

2102

2103 *Mr. Tonko. Well, certainly.

2104 *Mrs. Dingell. Thank you.

2105 *Mr. Tonko. So you are welcome to do that, and thank
2106 you. The gentlewoman yields back. The chair now recognizes
2107 the gentleman from South Carolina.

2108 Representative Duncan, you are recognized for five
2109 minutes, please.

2110 *Mr. Duncan. Thank you, Mr. Chairman and Ranking
2111 Member. What a great hearing. Everyone has brownfield sites
2112 in their district, as has been noted out today. South
2113 Carolina is no different with that.

2114 One of the great parts of the EPA Brownfields grants
2115 program is that it affords communities a lot of flexibility
2116 with their planned redevelopment of cleanup properties. In
2117 fact, paragraph 6© of section 104(k) of CERCLA explicitly
2118 calls out criteria EPA must use to rank, award Brownfields
2119 grants. These criteria include smaller and low-income
2120 communities whose tax base is insufficient, and have
2121 difficulty getting private capital, communities that have
2122 greater-than-normal incidence of disease caused by pollution,
2123 and local economic stimulation efforts based on completion of
2124 the cleanup.

2125 So, Mr. Ford, would you be concerned if these ranking
2126 criteria were administratively de-emphasized by EPA, or if
2127 Congress were to eliminate any of those?

2128 *Mr. Ford. My concern, if they eliminated some of those
2129 criteria, is that the benefit of having a cash match is skin
2130 in the game. And if someone has -- it has been my
2131 experience, if someone has skin in the game or that cash
2132 match, they have got a stake in that project, and they are
2133 less likely to walk away. If no one has skin in the game, no
2134 one puts in a cash match, things go south. People just -- I
2135 have seen it -- they just wash their hands, and they walk
2136 away, and the site remains a great spot for tumbleweeds. So
2137 that criteria, to me, is absolutely critical.

2138 And also it illustrates capacity. You need to make sure
2139 that -- when I say "you," the program -- needs to have that
2140 criteria to illustrate that the people who are getting the
2141 grant have the capacity to manage the grant, and see to it to
2142 the end.

2143 *Mr. Duncan. Mayor, would you agree with that? Same
2144 question.

2145 *Mr. Bollwage. Somewhat. I think the ranking is
2146 difficult for mayors and local officials to assess, based on
2147 the number of applications that have been sent to the EPA
2148 over the years. However, the U.S. Conference of Mayors and
2149 the National League of Cities would be more than willing to
2150 work with this committee on a process on how we can rank it
2151 going forward, or what projects are going to be at the top of
2152 the funding list.

2153 *Mr. Duncan. I want to go to Commissioner Largent.

2154 Same question.

2155 *Mr. Largent. Well, in short, I, and I think NACo,
2156 would be very concerned if Congress does away with these
2157 requirements to help smaller and lower-income communities.
2158 Again, that describes my county and many of the counties that
2159 are represented by NACo, so we support the current
2160 requirements.

2161 *Mr. Duncan. Thank you for that.

2162 Switching gears, Mayor, I want to ask a little bit about
2163 liability under CERCLA. In your testimony you mentioned
2164 liability concerns for voluntary acquisition of property.
2165 You go on to say that properties lie idle because of the fear
2166 of unknown liability risk, which can deter investments.

2167 I couldn't agree more with you. I have seen it in the
2168 real estate auction business, where there was just concern
2169 about properties, and the liability, and the chain of title,
2170 and going up the chain of title to find the study to pay for
2171 a cleanup on some of the Superfund properties.

2172 As we approach this next reauthorization of the program,
2173 is there anything we can do, from a liability perspective, to
2174 protect innocent developers and incentivize investment in
2175 some of the mothballed sites that you mentioned, Mayor?

2176 *Mr. Bollwage. So, you know, the mothball properties
2177 are long-term, are idle, vacant properties, and usually,

2178 because of the risk of the environmental contamination or the
2179 unknown cleanup costs, it has not been a major problem in my
2180 city. But as you say, Congressman, it is in some other
2181 communities.

2182 So allowing local governments to voluntarily acquire
2183 properties to be removed from the liability chain, as long as
2184 they didn't cause or contribute to the contamination, would
2185 be important. However, this will remove -- what is important
2186 is this removes the risk for local governments, which are
2187 typically risk averse, and allows the assessment of the
2188 cleanup and the redevelopment of sites, which are blights and
2189 hazards on the community.

2190 And Congressman, you know, the liability question is
2191 always a tricky question in this process.

2192 *Mr. Duncan. Yes, you cut out on me there at the end,
2193 but I will agree with you on that. The liability is a huge
2194 factor here, especially when you -- someone has got to pay
2195 for the cleanup of the site. You want to incentivize a new
2196 investors to come in and redevelop, and rehab the property,
2197 but they don't want to have the liability.

2198 And the person, if they travel back up the chain of
2199 title to the ultimate perpetrator, those folks may have filed
2200 bankruptcy and out of business. So I am glad this program
2201 exists.

2202 Mr. Chairman, a great hearing, and I yield back.

2203 *Mr. Tonko. The gentleman yields back. The chair now
2204 recognizes the gentlewoman from California, celebrating a
2205 Super Bowl win. We represent -- we recognize Representative
2206 Barragan for five minutes, please.

2207 *Ms. Barragan. Thank you, Chairman Tonko. And yes, we
2208 still are celebrating. I appreciate you holding this hearing
2209 on how we build on the continued success of the Environmental
2210 Protection Agency's Brownfields program.

2211 Just recently the EPA announced a Brownfields job
2212 training grant to the Los Angeles Conservation Corps to
2213 recruit 60 residents from South Los Angeles, including from
2214 Watts, in my district, to earn several certifications to
2215 prepare them for long-term careers in environmental cleanup
2216 and solar installation.

2217 The infrastructure law Democrats fought for made
2218 historic investments in the Brownfields program, both for
2219 cleanup and job training.

2220 Mr. Bollwage, EPA anticipates awarding up to 50
2221 additional Brownfields job training grants a year, thanks to
2222 the infrastructure law. How will this expansion of funding
2223 help to create economic opportunity in urban communities?

2224 *Mr. Bollwage. Well, thank you for the question,
2225 Congresswoman, because it also helps in the area of the
2226 non-profits, and getting more people involved in the
2227 brownfield remediation process.

2228 And the 50 grants, or whatever money is available in the
2229 infrastructure program will just encourage more and more
2230 people, especially in the smaller brownfield sites. These
2231 grants would be extremely helpful to non-profits and others.

2232 *Ms. Barragan. Thank you. Just to follow up, does the
2233 additional funding for brownfields -- will the funding from
2234 this program in the infrastructure law provide more
2235 opportunities to support affordable housing redevelopment on
2236 brownfield sites?

2237 *Mr. Bollwage. You know, that has always been a good
2238 question regarding the choices that neighborhoods or the
2239 choices that communities make. And it depends on the
2240 community, what the brownfield sites are used for. In our
2241 city, we have been able to use brownfield remediation funding
2242 for both, for large-scale economic development projects such
2243 as a mall, but we have also done affordable housing, and we
2244 have done market rate housing, as well.

2245 *Ms. Barragan. Thank you.

2246 Ms. Ilan, at the beginning of this year the EPA released
2247 a draft environmental justice plan for its cleanup programs,
2248 including brownfields. The four main goals in the plan are,
2249 one, improve compliance with environmental and civil rights
2250 laws; two, implementing Justice40; three, improving community
2251 engagement; and four, incorporating environmental justice
2252 considerations in regulations and the remediation process.

2253 How should EPA work with applicants to ensure
2254 environmental justice principles are followed, and equity is
2255 centered during the redevelopment of brownfield sites?

2256 *Ms. Ilan. Environmental justice is really important.
2257 The City of New York is right now engaged in a years-long
2258 environmental justice plan and program, so we welcome the
2259 Federal attention to environmental justice, as well.

2260 I think for communities that may not be doing their own
2261 plans, environmental justice guidelines contained in the EPA
2262 work can make sure that the most disadvantaged communities
2263 are getting attention and their fair share of funding. And I
2264 will say in New York we use the lion's share of EPA
2265 Brownfields funding on affordable housing programs, so -- and
2266 projects. So we are excited to see that funding increase.

2267 *Ms. Barragan. Great, thank you.

2268 My congressional district includes the Port of Los
2269 Angeles, it includes a lot of industrial areas, and I think
2270 about Wilmington, California next to the ports, where there
2271 is also opportunities there to clean up brownfields, and what
2272 that can mean for housing, and what it can mean to address
2273 some of the issues that we are seeing. Mr. Ford, do you have
2274 anything that you would like to add on possible use of
2275 brownfields for housing or other purposes in these areas?

2276 *Mr. Ford. No, ma'am. Thank you for asking.

2277 *Ms. Barragan. Okay, okay.

2278 Ms. Ilan, a year ago the EPA put out a brief fact sheet
2279 to provide guidance on how property owners of coastal
2280 brownfield sites can assess and address risks with sea level
2281 rise for their sites. In your work for New York City, have
2282 you had to address sea level rise concerns for any brownfield
2283 sites?

2284 And do you think local jurisdictions would benefit from
2285 greater technical assistance from EPA in assessing the risk
2286 of sea level rise to their site?

2287 *Ms. Ilan. In our experience -- I would have to look
2288 back at the sites in our program, and I would be happy to get
2289 back to you on that.

2290 In general, I think technical assistance that is
2291 provided through the program is hugely helpful for issues
2292 like climate change, and sea level rise, and coastal storms.

2293 *Ms. Barragan. Okay, thank you so much for that.

2294 I am out of time. Otherwise, I would go to you, Mr.
2295 Bollwage, for any follow-up.

2296 I will -- I yield back.

2297 *Mr. Tonko. The gentlewoman yields back. The chair now
2298 recognizes the gentleman from Alabama.

2299 Representative Palmer, you are recognized for five
2300 minutes, please.

2301 *Mr. Palmer. Thank you, Mr. Chairman. I am using a new
2302 desktop version of this. If my microphone is not adequate,

2303 let me know.

2304 What I want to do is I am going to follow up on some of
2305 the questions. This has been a very good hearing, and it is
2306 something that we all should be focused on. There is, I
2307 think, 450,000 brownfield sites around the country. And
2308 because of the number of brownfield sites, I think it makes
2309 sense to utilize private-sector companies to assist in the
2310 cleanup.

2311 And one of the questions that I would have for Mr. Ford
2312 is, wouldn't it make sense to work in a collaborative manner
2313 between the Federal Government, the state and local
2314 government to allow private-sector groups, private companies
2315 to come in and do this cleanup, and maybe to incentivize it
2316 and do it through a -- an expedited regulatory and permitting
2317 process?

2318 *Mr. Ford. Absolutely, sir. And that is where I really
2319 would like to see the trajectory of the U.S. EPA go. Let the
2320 U.S. EPA do what they do very well: be the up-front money to
2321 share the risk in the acquisition and the assessment and the
2322 remediation, and then let the private sector -- let us do
2323 what we do best on the back end, and that is complete the
2324 readiness of sites to attract economic investment, and pursue
2325 the job creation that we are equipped to do.

2326 *Mr. Palmer. I see Mr. Largent nodding his head. And
2327 one of the reasons I bring this up is that I see a lot of

2328 these brownfield sites in areas where they don't have
2329 economic activity, and these are facilities that not only
2330 pose a health risk in many instances, but just cleaning them
2331 up does not improve the economic viability of those areas.

2332 So from that perspective, wouldn't it make even more
2333 sense to engage the private sector, Mr. Largent?

2334 *Mr. Largent. I concur with Mr. Ford on this. And the
2335 question you asked would be -- could be asked, "Why not?"

2336 These sites that are cleaned up, we hope to attract
2337 economic development. We can make that nexus more direct
2338 with the person developing that property. I think that is
2339 good.

2340 In my county we try to focus on the government role of
2341 doing for our constituents what they can't do for themselves.
2342 But if private industry can do this with proper oversight,
2343 and efficient use of the grant money, I am all for it.

2344 *Mr. Palmer. Well, I think what we want to do is,
2345 actually, we want to get these places cleaned up, but we also
2346 want to improve the quality of life for the people in the
2347 area, and that includes economic opportunity. It also helps
2348 with the cities and local governments, because it expands
2349 their tax base.

2350 The other question I have -- and this has been addressed
2351 a couple of times, but not necessarily satisfactorily -- is
2352 the liability protections that we need to forward to private

2353 companies that are willing to do this.

2354 And in one particular area that I would like for the
2355 panel to address is, when a company acquires another company
2356 that is located on a brownfield, or has some issues like
2357 that, and that new company works with the EPA, works with
2358 state and local government to clean up that facility, to
2359 provide some liability protection in that regard because they
2360 are trying to be good citizens, they are trying to maintain
2361 -- if a -- something that provides jobs and revenue for the
2362 local area -- and I have seen a couple of cases where that
2363 hasn't been the case.

2364 So shouldn't we work in tandem here with the government
2365 to provide some liability protection, Mr. Ford, Mr. Largent,
2366 any of the panel?

2367 *Mr. Ford. I would say yes, sir. I would say
2368 absolutely, because so many of these sites, including these
2369 RCRA sites, they have one big stop sign out in front. And we
2370 don't -- we do not want to get involved with that, unless we
2371 get those protections.

2372 And then I would even take it one step further. Not
2373 only give us the protections, but also give us the
2374 opportunity and protection to bifurcate these sites into
2375 pieces, as opposed to obligating us to take care of the
2376 entire 1,300 acres at once. Let us take it one prospect or
2377 one project or one industry at a time, sir.

2378 *Mr. Palmer. Well, that -- I would be for that, but I
2379 think we would have to make sure that we have done the due
2380 diligence to make sure that that is possible. So if you
2381 start moving part of it, there may be some cases where moving
2382 part of it creates some other issues.

2383 Mr. Chairman, I do think this is something that the
2384 subcommittee and -- should take into account about how we
2385 engage the private sector to expedite the cleanup on this
2386 massive number of sites that remain out there. With that,
2387 Mr. Chairman, again, I think this has been a good hearing,
2388 and I appreciate the opportunity to address the panel.

2389 I yield back.

2390 *Mr. Tonko. Well, thank you, sir. And the gentleman
2391 from Alabama yields back. The chair now recognizes the
2392 gentleman from Virginia, a staunch environmentalist,
2393 Representative McEachin.

2394 You are recognized for five minutes, please.

2395 *Mr. McEachin. Thank you so much, Mr. Chairman. Thank
2396 you for convening today's hearing. And of course, I want to
2397 extend my thanks to our witnesses for joining this discussion
2398 on restoring brownfield sites to economic engines.

2399 I look forward to working with the chairman and other
2400 members of this subcommittee in ameliorating over 450,000
2401 brownfields, which often hold hazardous substances and
2402 pollutants. These brownfields are disproportionately sited

2403 in low-income communities and communities of color.

2404 I am proud to say that the Commonwealth of Virginia has
2405 been at the forefront of brownfield remediation, and boasts
2406 numerous success stories. For example, through brownfield
2407 redevelopment grant funding from the EPA, the City of
2408 Hopewell in my district has redeveloped a former commercial
2409 building into an upscale restaurant. The project cleared
2410 over 100 jobs. And the City of Hopewell now will continue to
2411 redevelop the nearby riverfront in historic downtown areas in
2412 a similar fashion.

2413 The success of this program is one of the many reasons
2414 why I was proud to support the bipartisan infrastructure law
2415 that invested 1.5 billion into brownfield remediation. This
2416 historic investment is critical to continuing the great
2417 success of this program.

2418 Ms. Lee Ilan - I hope I am pronouncing that correctly -
2419 - the President's Justice40 Initiative directs Federal
2420 agencies to ensure 40 percent of the benefits of Federal
2421 investment on environmental issues flow to disadvantaged
2422 communities. How do you believe that this initiative will
2423 help shape the future of brownfield remediation?

2424 *Ms. Ilan. Thank you. Yes, the ranking criteria for
2425 the proposals, I think, fits in very well with the Justice40
2426 Initiative, in that it looks for where the Brownfields funds
2427 should get invested into the projects that need it most. So

2428 they are not going into wealthy areas of communities that can
2429 take care of themselves with funding and end uses, but it
2430 attracts the funding to the areas that need affordable
2431 housing, that need jobs, that need better health protection.
2432 So I think that is a really good match.

2433 *Mr. McEachin. Now, interestingly, in your written
2434 testimony you write about how brownfield remediation can
2435 sometimes cause harm to environmental justice communities.
2436 Can you elaborate on that for a moment, and tell us what
2437 policies we can put in place to prevent that?

2438 *Ms. Ilan. Yes. We found that sometimes investment
2439 attracts new interest, attracts new residents, attracts new
2440 businesses, and it becomes a risk for the long-time residents
2441 and the long-time businesses that have been there.

2442 So I think probably the first thing to do is to listen
2443 to the community members, and hear about what they want.
2444 They are not asking for disinvestment. They are asking for
2445 ways that they can be able to stay in the community and
2446 benefit from the housing, from the jobs, from the new
2447 amenities that get put in.

2448 *Mr. McEachin. Can you explain to me and to the
2449 committee why it is necessary to have public engagement
2450 throughout the entire remediation of brownfield sites?

2451 *Ms. Ilan. Certainly, if people have concerns and
2452 questions about the remediation and what it means, it helps

2453 them understand what is going on with this -- these
2454 equipment, and these trucks, and these people, and what is
2455 happening here, and it helps them welcome the cleanup, and
2456 prompts them to ask about how they can participate in the
2457 benefits of the investment.

2458 *Mr. McEachin. And how can we take the brownfield
2459 remediation program and enhance it to better support
2460 environmental justice communities? Are there things we can
2461 do in that regard?

2462 *Ms. Ilan. Again, I think it starts with listening. If
2463 you are not at the table, you are on the menu, as is said
2464 frequently in the environmental justice community. So
2465 allowing communities impacted by environmental justice, by
2466 historic disinvestment, by legacies of policies of racism, it
2467 is very important that they be in the room to speak for
2468 themselves, and to be represented in the conversation.

2469 *Mr. McEachin. I want to extend my thanks to you, in
2470 particular, for your hard work in this field.

2471 And Mr. Chairman, I yield back.

2472 *Mr. Tonko. The gentleman from Virginia yields back.
2473 The chair now recognizes the gentleman from Utah,
2474 [inaudible].

2475 Representative Curtis, you are recognized for five
2476 minutes, please.

2477 *Mr. Curtis. Thank you, Mr. Chairman. Thank you.

2478 Ranking Member. Thank you, witnesses.

2479 My history with brownfields is perhaps a little
2480 different than most on the committee. And Mr. Ford, I found
2481 myself smiling as you were describing your experience. Many
2482 years before I was in Congress I used some IRA funds to
2483 purchase a number of acres in a brownfield. Several years
2484 later, as a business owner and a manufacturer, we chose that
2485 same brownfield site to build our 140,000 -- manufacturing
2486 facility. We were the first business to go into that site.

2487 And then again, several years later, Mayor Bollwage, I
2488 became the mayor of the city that encompassed that
2489 brownfield, and served as mayor while we filled out the rest
2490 of that. And like many, my hometown was home to some of
2491 these brownfield sites. Mine was the Ironton Steel plant.
2492 It was 338 acres. And at the time I became mayor, it was
2493 estimated that we were losing hundreds of thousands of
2494 dollars in property tax by that property being vacant. That
2495 is not to count what the county was losing, and the school
2496 district was losing.

2497 Now, today, it won't surprise anybody that project is a
2498 huge success. We took very contaminated land and turned it
2499 into productive property that Utahns could enjoy. We raised
2500 local property tax values, and brought new tax revenue to the
2501 city. Today I am sure -- I don't know the exact numbers --
2502 there is thousands of jobs associated with that site.

2503 Property tax is a significant contributor to the cities and
2504 counties, the services they provide, and the school district.

2505 And as I evaluate that, I connect three areas that I
2506 think were important to the success of that: one was a
2507 \$200,000 Brownsville grant -- clearly, that was important;
2508 also, the new property owners, they didn't contaminate the
2509 property, but another steel mill had purchased that property,
2510 and they were very helpful; and of course, the city, and the
2511 role that we played.

2512 And Mayor Bollwage, I would like to start with you. As
2513 I mentioned, I was a mayor. I know firsthand. In my
2514 opinion, you have the best job in the world. There is
2515 nothing like being a local mayor. And I -- to be honest, I
2516 miss that a lot. But I also know that you are overwhelmed
2517 with pressures that face you, services that residents demand.
2518 You get the phone call when the dog barks at night, when the
2519 trash can doesn't get picked up, or there is a pothole in
2520 front of somebody's yards.

2521 Could you maybe just share why these grants, this
2522 Brownfields program is important to elevate projects like
2523 this to a level where mayors can deal with it, given all the
2524 pressures that you are under?

2525 And how is it that this program separates those, and
2526 helps mayors deal with this?

2527 *Mr. Bollwage. Thank you for the question, Congressman.

2528 And once a mayor, always a mayor, so thank you for that
2529 title.

2530 You know, often times a developer will come into City
2531 Hall and meet with our policy and planning department. And
2532 they are willing to build a project, or they have a tenant to
2533 come into a project, yet the cleanup costs may be a couple of
2534 hundred thousand dollars. And in such a difficult and tight
2535 labor market and rental market as we have here now, it will
2536 be difficult for that project to move forward without the
2537 cleanup costs that are offered under a Brownfields
2538 reauthorization grant.

2539 *Mr. Curtis. Good, thank you.

2540 Mr. Ford, I really enjoyed your skin in the game -- your
2541 discussion about skin in the game. And here again, as mayor,
2542 I understand how important that is. But I also think it is
2543 important to point out that skin in the game doesn't always
2544 mean the city has to write a check. Right? There is a lot
2545 of ways that they can contribute to that. Can you comment on
2546 that, and make sure everybody understands, you know, how a
2547 city can do this, right, if they can't write a check?

2548 [Pause.]

2549 *Mr. Curtis. I think you are still muted, Mr. Ford.

2550 *Mr. Ford. Thank you. Yes, sir, in-kind services,
2551 technical assistance, abatement or some types of incentives,
2552 there are a variety of ways that that match can be satisfied.

2553 Support, you know, showing up to the elected officials and
2554 expressing your support. Showing up at the bank when we are
2555 getting financing. There is a number of ways in which
2556 someone can satisfy that requirement.

2557 And the beautiful thing about the U.S. EPA is that they
2558 have had the flexibility to allow people to be -- creatively
2559 meet that match.

2560 *Mr. Curtis. Excellent. In our case we were able to
2561 put a road through the project, and we had help getting funds
2562 for the road from the county. And so it was very helpful.

2563 And we also -- we used some local tax incentives. As
2564 mentioned, the Federal Government could do more on tax
2565 incentives.

2566 I would also like to point out counties and cities are
2567 also tax amenities, and they can also provide some tax
2568 incentives, as well.

2569 And I regret that I am out of time. Mr. Chairman, I
2570 yield the balance.

2571 *Mr. Tonko. Thank you, the gentleman from Utah yields
2572 back. The chair now recognizes the woman from Delaware. The
2573 Representative is also the chair of the Delaware delegation.

2574 Representative Blunt Rochester, you are recognized for
2575 five minutes, please.

2576 *Ms. Blunt Rochester. Thank you, Mr. Chairman. And to
2577 the ranking member, thank you both for calling this important

2578 hearing. And I want to thank all the witnesses for their
2579 testimony today.

2580 As many of my colleagues have noted, the bipartisan
2581 Infrastructure Investment and Jobs Act appropriated an
2582 unprecedented investment in EPA's brownfields programs. This
2583 historic \$1.5 billion will help transform and revitalize
2584 brownfield properties across the country.

2585 By cleaning up and redeveloping these sites, we are not
2586 only mitigating the environmental harms and public health
2587 impacts of a community, but also creating opportunities for
2588 economic growth. From the conversion of a cannery in the
2589 popular Dogfish Head Craft Brewery in Milton, Delaware, to
2590 the transformation of a vacant gas station into a green space
2591 to help reduce stormwater in the Brandywine Village, Delaware
2592 has seen the benefits of the Brownfields program. And I was
2593 proud to support the infrastructure law, and look forward to
2594 the increased revitalization of brownfield sites.

2595 My first question is for you, Mr. Mayor. Mayor
2596 Bollwage, as previously mentioned, the redevelopment of
2597 brownfields in low-income communities and communities of
2598 color often results in a higher cost of living in these
2599 communities. How can governments balance economic
2600 development and gentrification concerns?

2601 And are there ways to boost economic development and
2602 clean up toxic sites without pushing out the communities that

2603 bore the burden of the toxic pollution in the first place?

2604 *Mr. Bollwage. So thank you, Congresswoman. We
2605 actually had a -- to deal with that issue in a Hope VI
2606 project over 20 years ago, with gentrification and the issue.
2607 We also had brownfields on the site.

2608 So one of the things that I did is convene a group of
2609 tenants, and those tenants then got to pick the choices on
2610 what exactly would happen on the brownfield site in order to
2611 make sure that, when we built affordable housing, they were
2612 not the ones that were gentrified or forced out. I even
2613 hired them a lawyer, as well, as -- they could have legal
2614 advice. And then we picked three developers, and we had the
2615 tenants interview the developers, and then the tenants picked
2616 the developer to move forward with the project.

2617 *Ms. Blunt Rochester. Well, so I am sure that also
2618 engendered that trust that is necessary, as well. Thank you,
2619 Mr. Mayor.

2620 Ms. Ilan, building upon Representative Peters's
2621 questions, and in your written testimony, you highlight the
2622 fact that legacy of improper disposal of materials in coastal
2623 communities makes them especially vulnerable to stormwater
2624 pollution.

2625 Additionally, these areas tend to be located
2626 disproportionately in low-income neighborhoods and
2627 communities of color that have been further marginalized by

2628 discriminatory land use policies.

2629 Given this historical and present-day context, what
2630 improvements can governments make with the increased funding
2631 from EPA in communities along coastlines?

2632 *Ms. Ilan. I think allowing -- encouraging in the
2633 proposal people to describe sites along coastlines is
2634 essential. But each community looks at the needs across the
2635 board, and chooses the place with the most needs, whether
2636 that is coastal or infill. And the history of the lack of
2637 zoning, the waterways, the transportation routes, these were
2638 -- where the jobs were, were where the people lived.

2639 So the flexibility of the program that allows us to
2640 choose sites in the areas that have the most need is a real
2641 benefit of the program.

2642 *Ms. Blunt Rochester. And as a coastal state, I am
2643 especially concerned about how to develop brownfields
2644 sustainably. And earlier I mentioned the transformation of a
2645 vacant gas station into a green space to help reduce
2646 stormwater. Are there any ways that you have promoted
2647 sustainable reuse of brownfield sites, and how have these
2648 sustainable uses benefited communities?

2649 *Ms. Ilan. As I said, most of our brownfield grants are
2650 used on affordable housing projects, so we work with a
2651 housing agency, and see where the needs are, and where they
2652 can put them in.

2653 As I said, I will take a look at our map of sites and
2654 which ones are along the coast, and I will provide some
2655 additional information in my written testimony.

2656 *Ms. Blunt Rochester. Thank you, that will be helpful.

2657 And last question, I just wanted to ask the mayor if he
2658 could also reiterate a little bit about the 20 percent cost
2659 share requirement, and how that actually makes it easier for
2660 municipalities to be able to have the funding, and apply for
2661 grants, and particularly those communities that typically
2662 would not have that?

2663 *Mr. Bollwage. The cost sharing for the municipalities
2664 or the matching grants?

2665 *Ms. Blunt Rochester. The matching grants, sorry.

2666 *Mr. Bollwage. Yes. I mean, matching grants in a
2667 bigger municipality are relatively easy to accomplish. In a
2668 smaller municipality it could become more difficult. But it
2669 should, clearly, not be a roadblock in any way to
2670 reauthorization.

2671 *Ms. Blunt Rochester. Thank you so much, and I yield
2672 back from the second smallest state in the country. Thank
2673 you, Mr. Chairman.

2674 *Mr. Tonko. You are welcome. But powerful. Small, but
2675 powerful.

2676 *Ms. Blunt Rochester. Small, but mighty. Small, but
2677 mighty.

2678 *Mr. Tonko. There you go, there you go. Thank you so
2679 much.

2680 The gentlewoman from Delaware yields back. The chair
2681 now recognizes the gentleman from Texas.

2682 Representative Crenshaw, you are recognized for five
2683 minutes, please.

2684 *Mr. Crenshaw. Thank you, Mr. Chairman, and thank you
2685 to the witnesses for joining us today.

2686 Look, these sites are complicated, in part because of
2687 the hazards that have contaminated them, and also in part
2688 because of how complicated most Federal law has become to
2689 clean up contaminated sites. I think many members of the
2690 committee might agree that, when introduced to programs like
2691 CERCLA, were astounded that any cleanups happen at all under
2692 these rules.

2693 Now, the Brownfields program has been a glimmer of hope.
2694 I think we all agree with that. We would like to see it
2695 continue in the most efficient way possible, and get these
2696 sites back into the hands of the community.

2697 This question is for Mr. Ford: What future legislative
2698 or implementation changes do you believe would improve the
2699 operation of the Brownfields programs?

2700 *Mr. Ford. There is one particular program that I would
2701 like to see expanded, and that is the TBA program, and that
2702 is a rolling program throughout the year where technical

2703 assistance is provided at the cost of the Federal Government
2704 to assess properties. And so, if you get a prospect that
2705 comes in in January, that TBA money can be available, let's
2706 say in February, you can have the assessment done in March,
2707 and you can actually work towards closing a deal immediately.

2708 The cleanup funding, unfortunately, is not rolling, and
2709 you have to wait until the end of the year to apply for it.
2710 So if we get a prospect that comes in in January, the
2711 property needs to be cleaned up. We have to wait until
2712 November. Then we get a pre-notification the next year, in
2713 May. We can incur pre-award costs the next year, in July,
2714 and then get awarded the money a year later. By then we have
2715 lost that window of opportunity.

2716 Why not amend the TBA program to have rolling windows of
2717 funding, like they do in the Economic Development
2718 Administration, to get access to cleanup money so the EPA can
2719 now move at the pace of business on preparing that site for
2720 these prospects that are coming into our community?

2721 *Mr. Crenshaw. Anything on CERCLA? Anything on the
2722 liabilities that private industry faces that cause, you know,
2723 an aversion to investing in these sites in the first place?

2724 *Mr. Ford. Yes, I will tell you -- and those are going
2725 to be the sites, sir, that -- they are not the low hanging
2726 fruit, and they are -- until an endgame is established for
2727 these sites, there is really no way out for these properties

2728 that are under CERCLA.

2729 And so what we would need is, I would say, take the
2730 practices and how we have handled brownfields, and apply that
2731 same philosophy to those properties, as well. Allow us to
2732 take bites out of these larger properties one bite at a time,
2733 one industry at a time. Let us bifurcate the site, like we
2734 do brownfield sites.

2735 I mean, right now it is the way it is set up. You know,
2736 you could have a site, if it is 1,300 acres, with 13
2737 corrective action areas, and you can't remove that cloud
2738 unless all 13 areas are cleaned up.

2739 *Mr. Crenshaw. Okay.

2740 *Mr. Ford. We are upside down on that deal if we try to
2741 do that.

2742 *Mr. Crenshaw. Right. Changing subjects not too
2743 drastically, but Mr. Ford, a witness at a congressional
2744 hearing last year testified that Congress should create a
2745 Brownfields loan guarantee program, and incentives to build
2746 out social infrastructure, and avoid projects that raise the
2747 economic value of communities because this makes those areas
2748 more unaffordable.

2749 Is there a difference -- how do you respond to this? Is
2750 there a difference between raising economic value and raising
2751 community value?

2752 *Mr. Ford. There is a big difference. I have seen our

2753 brownfield sites, when we have invested in them, they have
2754 never triggered gentrification. As a matter of fact, the
2755 very areas that we are investing in already are populated
2756 with large segments of disadvantaged -- of residents. And in
2757 fact, what we have done is we have created opportunities for
2758 those people without displacing them.

2759 And the loan fund should actually be used for building
2760 out the physical infrastructure, because the social
2761 infrastructure that we have found to be there is actually
2762 emboldened, empowered, and trained, and we created employment
2763 opportunities for those folks to go back to work without
2764 being displaced, and without leaving the community because
2765 there are employment opportunities elsewhere.

2766 *Mr. Crenshaw. Right. I mean, it certainly seems to me
2767 that raising the value of any given area has little downsides
2768 worth noting.

2769 In Houston Minute Maid Park, the home of the Astros, the
2770 greatest team ever -- just for anyone listening, you should
2771 know that, greatest team ever -- and it is the home of the
2772 Astros. And that was not always a good area. And you know,
2773 it is hard to imagine a scenario where it would have been
2774 better off not to develop that brownfield into something
2775 better.

2776 You know, does it mean that we can't be smart about how
2777 we develop it? But those decisions certainly need to be

2778 localized.

2779 If I have some time, which I don't -- I was going to ask
2780 you more questions.

2781 I yield back.

2782 *Mr. Tonko. The gentleman from Texas yields back. The
2783 chair now recognizes the very patient representative from
2784 Florida.

2785 Thank you for your very active participation in the
2786 subcommittee, Representative Soto. You are recognized for
2787 five minutes, please.

2788 *Mr. Soto. Thank you, Chairman. The American Rescue
2789 Plan and the infrastructure law are helping central Florida
2790 build back better. I have the fastest-growing single-member
2791 district in the nation. We grew 40 percent in central
2792 Florida over the last ten years. And so we have had to make
2793 some tough growth decisions.

2794 First, protecting green spaces and preparing for climate
2795 change. And I am excited that the American Rescue Plan
2796 helped Florida put in \$300 million for wildlife corridors in
2797 our district to protect some of those green spaces. Both
2798 Democrats and Republicans came together in the Florida
2799 legislature to do that.

2800 They also voted on a budget that included \$404 million
2801 from the American Rescue Plan for climate change, resiliency,
2802 and preparation, again making our state more resilient, even

2803 as we face increasing hurricanes.

2804 We have also had a need to redevelop brownfields, spaces
2805 that were polluted in the past, and are in key economic
2806 areas. That is why I was proud to cast my vote for the Build
2807 Back Better infrastructure law, \$21 billion for environmental
2808 remediation, including 1.5 billion for brownfields. I
2809 appreciate the Democrats on the committee who voted -- all of
2810 us voted yes, as well as the Ranking Member McKinley and Fred
2811 Upton also voting yes. It is great to see more
2812 bipartisanship now. We really could have used your votes
2813 then, too.

2814 You know, I am meeting with local officials now about
2815 this ten years' worth of funding, many like the witnesses we
2816 have here, like Mayor Bollwage and Commissioner Largent. And
2817 we are getting great ideas to help old citrus manufacturing
2818 sites -- even though we do still do a lot of that -- old
2819 military and manufacturing sites. Winter Haven in my
2820 district has a marquee industrial property that could be
2821 helpful for a new hospital, and we are going to be working
2822 with them on that. In Kissimmee, they are working on old
2823 industrial sites that now can serve for new apartments to
2824 help out with our affordable housing. In Orlando we still
2825 have legacy World War II military sites that we are working
2826 on. So all of these are very helpful.

2827 Brownfield mediation can be a difficult and technical

2828 process. Many communities who are working on brownfield
2829 cleanups, especially historically under-served communities,
2830 can face significant challenges when it comes to cleaning up
2831 these contaminated sites.

2832 Ms. Ilan, do communities have all the necessary
2833 resources to assess potential brownfield sites on their own?

2834 *Ms. Ilan. No, across the country we don't, which is
2835 why the EPA assessment money is so essential. It starts from
2836 simply doing phase ones to allow acquisitions and property
2837 transactions, to the phase two that really do the
2838 environmental testing at the site to enable the remediation
2839 and the cleanup to go forward. So we are very grateful for
2840 the assessment funding.

2841 *Mr. Soto. And this is exactly why technical assistance
2842 is a critical component of achieving equitable brownfields
2843 remediation. You will see that throughout the Build Back
2844 Better infrastructure law to help with equity.

2845 Can you please explain why technical assistance is so
2846 critical to communities who face the burden of remediating a
2847 brownfield site?

2848 *Ms. Ilan. Technical assistance is valuable because you
2849 don't necessarily have all the expertise in-house. The
2850 technical assistance providers do education, they can help
2851 you find experts who can help work through the legal and
2852 technical issues, and they can help you interpret data on a

2853 project and make the best cleanup decisions. So it is really
2854 terrific.

2855 *Mr. Soto. Thank you, Ms. Ilan. And as we emerge from
2856 the pandemic, as cases are dropping, unemployment at four
2857 percent, we have avoided a foreclosure crisis in central
2858 Florida. And as we are passing the America COMPETES Act to
2859 help boost microchip manufacturing, biotech, aerospace,
2860 medical devices in the district and across the nation, it is
2861 going to be key to be able to redevelop these sites.

2862 I want to end by giving -- since I originally was born
2863 in New Jersey -- Mr. Bollwage the last few seconds to talk
2864 about his perspective, as a mayor, of why the Brownfields is
2865 so key.

2866 *Mr. Bollwage. Congressman, where in New Jersey?

2867 *Mr. Soto. I was raised in -

2868 [Audio malfunction.]

2869 *Mr. Bollwage. I missed it, I missed the city. I
2870 didn't hear the city. I am sorry, Congressman.

2871 *Mr. Soto. Oh, forgive me. New Brunswick, Ringwood -
2872 and my time is expired, so I am going to let you go. But I
2873 appreciate all the work that -- doing for your state, as
2874 well.

2875 I yield back.

2876 *Mr. Bollwage. Thank you, Congressman. Thank you,
2877 Congressman.

2878 *Mr. Tonko. Mr. Mayor, did you want to offer any other
2879 additional comments?

2880 *Mr. Bollwage. Well, thank you, Chairman. I just would
2881 like to thank this committee and all of the questions, as
2882 well as the other panelists, because the brownfields are
2883 extremely important, whether you are in an urban community
2884 like myself, a rural community, or a suburban community. We
2885 all have brownfields to deal with, and this committee has
2886 been extremely supportive of moving forward.

2887 *Mr. Tonko. Well, thank you. I believe that completes
2888 the list of colleagues who were interested in asking
2889 questions, and it was a long list.

2890 And before we adjourn, I do have an opportunity here to
2891 offer some letter that is requested to be entered into the
2892 record.

2893 I request unanimous consent to enter the following into
2894 the record, and that would be a letter from Savion Energy.

2895 Any objection?

2896 Without objection, so ordered.

2897 [The information follows:]

2898 *****COMMITTEE INSERT*****

2899

2900 *Mr. Tonko. I again thank our witnesses for joining us
2901 for today's hearing, and additional thanks for your very
2902 enlightening comments and responses to the questions.

2903 And certainly, I think I can speak on behalf of
2904 Representative McKinley and myself. We look forward to your
2905 additional work, as we go forward, to advise us as
2906 stakeholders and learned frontliners, to make this program as
2907 effective as possible.

2908 So with that, I remind members that, pursuant to
2909 committee rules, they have ten business days by which to
2910 submit additional questions for the record to be answered by
2911 our witnesses.

2912 I ask that our witnesses respond promptly to any such
2913 questions that you may receive.

2914 Again, thank you, one and all. And at this time the
2915 subcommittee is adjourned.

2916 [Whereupon, at 2:10 p.m., the subcommittee was
2917 adjourned.]