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5 READY FOR REUSE: LEGISLATIVE PROPOSALS TO UNLEASH

6 THE POTENTIAL OF AMERICA'S BROWNSFIELDS SITES

7 WEDNESDAY, MARCH 4, 2026

8 House of Representatives,

9 Subcommittee on Environment,

10 Committee on Energy and Commerce,

11 Washington, D.C.

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15 The subcommittee met, pursuant to call, at 2:40 p.m., in Room 2123, Rayburn House Office
16 Building, Hon. H. Morgan Griffith [chairman of the subcommittee] presiding.

17 Present: Representatives Palmer, Latta, Griffith, Carter of Georgia, Joyce, Weber, Pfluger,
18 Miller-Meeks, Lee, Evans, Fedorchak, Guthrie (ex officio), Tonko, Ruiz, Peters, Barragan, Soto,
19 Menendez, Landsman, and Pallone (ex officio).

20 Staff Present: Byron Brown, Chief Counsel; Christian Calvert, Press Assistant; Jessica
21 Donlon, General Counsel; Sydney Greene, Director, Finance and Logistics; Christen Harsha, Senior
22 Counsel, Environment; Annabelle Huffman, Clerk, Health; Megan Jackson, Staff Director; Sophie
23 Khanahmadi, Deputy Staff Director; Brayden Lacefield, Special Assistant; Ben Mullaney, Press
24 Secretary; Lillian Noland, Staff Assistant; Brice Ogle, Special Assistant; Seth Ricketts, Special Assistant;
25 Chris Sarley, Member Services/Stakeholder Director; Giancarlo Ceja, Minority Staff Assistant; Tiffany

26 Guarascio, Minority Staff Director; Anthony Gutierrez, Minority Professional Staff Member; Caitlin
27 Haberman, Minority Staff Director, Environment; Emma Roehrig, Minority Staff Assistant; and C.J.
28 Young, Minority Deputy Communications Director.

29

30 Mr. Palmer. Subcommittee on Environment will now come to order. The chair recognizes
31 himself for 5 minutes for an opening statement.

32 Thank you all for joining us today. It is a very important hearing.

33 Our country is facing a novel set of challenges, and the global economic security landscape is
34 shifting. Having to rely on adversaries such as China for critical minerals, jeopardizes our national
35 security and economy.

36 In order to address these challenges, strengthen our economy, and deliver jobs to
37 communities back home, we need to increase our domestic capacity to manufacture crucial
38 products, produce a reliable supply of energy and secure our position in the global artificial
39 infrastructure race.

40 As we heard at a subcommittee hearing a year ago, our country is home to thousands of sites
41 known as brownfields, which are underutilized, idled, or abandoned property where redevelopment
42 is complicated by real or perceived environmental contamination.

43 Some of these sites can be environmental hazards and a nuisance to local communities, but
44 properly remediated sites can also be opportunities. While not all brownfield sites are appropriate
45 for all uses, we should be looking for opportunities to accomplish the compatible goals of siting
46 crucial infrastructure that is a good fit for a particular location and encouraging remediation and
47 reuse of idled or underutilized properties.

48 To that end, we plan to discuss four bills. The Brownfields Revitalization for a Better
49 Tomorrow Act reauthorizes the EPA Brownfields Grants Program and the State Response Program
50 through fiscal year 2031. It also builds on a previous discussion draft of reauthorization legislation
51 considered at a hearing the last Congress.

52 This draft, again, includes expanding eligibility for brownfields, grants to certain private
53 entities, as well as a program to assist rural communities with developing competitive grant

54 applications. It incorporates requests from brownfields, stakeholders such as increased award
55 amount limits, and expanded eligible uses for funding.

56 It also updates the criteria EPA shall consider when ranking applications to support reuse for
57 nationally significant infrastructure projects, such as critical mineral and semiconductor facilities,
58 artificial intelligence infrastructure, and energy generation from all power resources. The existing
59 criteria only supports renewable energy and energy efficiency projects.

60 The second bill, the Brownfields Infrastructure Finance and Innovation Act, creates a new loan
61 program similar to the Water Infrastructure Finance and Innovation Act and Transportation
62 Infrastructure Finance and Innovation Act, programs used to finance water and transportation
63 infrastructure projects.

64 The third bill is the Brownfields Inventory and Permitting Efficiency Act, which directs the EPA
65 and States to work together to compile a list of sites suitable for nationally significant infrastructure
66 projects. It also streamlines permitting for projects on certain brownfields sites, requires EPA to
67 provide guidance through other Federal agencies on how to conduct more efficient reviews of these
68 previously disturbed and previously studied sites.

69 Finally, it directs the Government Accountability Office to conduct a review of impediments to
70 timely and efficient removal of Superfund sites from the National Priorities List.

71 Lastly, we have the Brownfields Reauthorization for an Affordable Revitalized America Act
72 offered by the minority. While this bill increases some grant award limits and directs the EPA to
73 waive cost share requirements in certain circumstances, it also significantly increases the
74 authorization of appropriations for both the Brownfields Grant Program and the State Response
75 Programs.

76 We have four witnesses here today to help us analyze these proposals. First we have
77 Mr. Chris Wells, executive director of the Mississippi Department of Environmental Quality, and the
78 current president of the Environmental Council of the States to provide State perspective.

79 We also welcome Mr. Gerald Pouncey, senior counsel at Taft, Stettinius & Hollister.
80 Mr. Pouncey has led numerous efforts to permit and finance redevelopment of industrial sites, ports,
81 and former military facilities.

82 Also joining us is the Honorable Alan Thompson, Mayor of Davis, West Virginia, and
83 representing the National Brownfields Coalition, who will speak to the impact of the Brownfields
84 program in local communities.

85 Finally, we have Mr. David Robinson, executive vice president, strategic development for
86 Aligned Data Centers, whose testimony will address his company's work on Brownfields sites.

87 I would like to reiterate that these bills are all discussion drafts. So I look forward to hearing
88 robust discussion on these proposals, both today and on future occasions. Thank you.

89 The chair now recognizes the ranking member of the subcommittee, the gentleman from New
90 York, for 5 minutes for an opening statement.

91 Mr. Tonko. Thank you, Mr. Chair.

92 EPA's Brownfields Program has a long history of bipartisan support, in large part, because it
93 has proven to be so successful. More than 42,000 sites have been revitalized, enabling blighted
94 properties to be put back into productive use, increasing property values and local tax revenue,
95 preserving greenfields and creating jobs. And the program has done this work incredibly efficiently.

96 Each Federal dollar spent by EPA leverages nearly 29 Federal dollars. So I am grateful that
97 we are having the opportunity to consider legislation to reauthorize the program.

98 In my view, there are some tweaks that can strengthen the program, including raising the cap
99 on grant amounts and allowing for cost share requirements to be waived in small and disadvantaged
100 communities.

101 Along with reauthorizing the program and the State Response Program, these reforms would
102 represent modest, but important, improvements. These concepts are well-represented in the
103 Brownfields Reauthorization for an Affordable and Revitalized America Act offered by Ranking

104 Member Pallone.

105 Some of these ideas are also in the majority's Brownfields Revitalization for a Better
106 Tomorrow Act. I would recommend to my friends in the majority that we build upon these areas of
107 consensus because, unfortunately, the majority's proposals go far beyond the reforms that I have
108 outlined and risk jeopardizing the program's historic bipartisan support.

109 First, the majority's proposals create a new category of properties to be prioritized for
110 Brownfields funding, so-called nationally significant infrastructure facilities. These sites include
111 data centers, critical minerals processing, and semiconductor manufacturing.

112 I want to be clear that I am not opposed to Brownfields being revitalized for these purposes if
113 that is what communities want. But I am concerned by the notion of tilting the program with its
114 limited resources toward these types of projects. There is no shortage of private capital, as well as
115 other Federal grants and loans being used for these types of projects.

116 Hyperscalers are developing data centers with price tags well over \$1 billion. We should ask
117 ourselves whether giving tech companies a few hundred thousand dollars more in Federal funds is
118 truly the best use of our resources, or could those funds be better utilized for purposes that aren't as
119 well-resourced, such as building affordable housing and developing parks.

120 Additionally, the majority's definition of nationally significant infrastructure facilities replaces
121 an existing prioritization for renewable energy and energy efficiency projects, expanding the program
122 to prioritize any and all energy generation. There was bipartisan support to prioritize renewables in
123 the program nearly a decade ago.

124 Adding solar to an industrial site can be an attractive option allowing for productive land use
125 without major risk of recontaminating the property. The same isn't true if that site were to be used
126 for a coal-fired power plant, but the majority's proposal would prioritize these types of projects
127 equally.

128 The Brownfields Inventory and Permitting Efficiency Act would mandate that States use at

129 least 5 percent of their limited Federal funds to develop an inventory for nationally significant
130 infrastructure facilities. I have no problem if States want to spend their money this way, but it
131 makes no sense to force them to do so, especially if they would rather use those dollars to fund
132 remediation activities.

133 This bill also provides a NEPA exemption for nationally significant infrastructure projects.
134 This is a complete nonstarter. A site receiving a couple hundred thousand dollars in Brownfields
135 money in no way justifies that site being completely exempted from the NEPA process. That is
136 policymaking far beyond the scope of a Brownfields reauthorization effort.

137 Finally, the Brownfields Infrastructure Finance and Innovation Act is a solution in search of a
138 problem. It would allow EPA to provide loans and loan guarantees up to \$4 million rather than
139 traditional grants. If the issue is stretching Federal dollars further by allowing for revolving loans,
140 EPA already has a track record of doing this.

141 But this pilot program would siphon limited dollars away from the wide range of projects that
142 communities want, and toward that limited definition of nationally significant infrastructure facilities.
143 The Brownfields Program is an incredible investment of Federal dollars. It enables local
144 governments to support environmental and economic revitalization by turning a liability into an
145 opportunity. The program is working. Let's not mess with a good thing.

146 I look forward to today's discussion, and I hope that we can work together on the areas of
147 consensus to make certain this program has the resources and the authorities necessary to continue
148 its great work.

149 With that, I yield back, Mr. Chair.

150 The Chair. [Presiding.] Thank you. The gentleman yields back. Thanks, Mr. Tonko.

151 I will now recognize myself for 5 minutes for an opening statement. We began with
152 Chairman Palmer, who is also a member of the Oversight Committee, and they are having votes right
153 now. So he will be in and out. So I will be here for a few minutes.

154 So I appreciate our witnesses for being here today. I want to thank Chairman Palmer and
155 the team for holding this hearing. The EPA Brownfields, the grant program, has had bipartisan
156 support and served as an important tool for remediating contaminated sites and restoring them to
157 productive use for more than two decades.

158 The last reauthorization of this program occurred in 2018 and expired at the end of fiscal year
159 2023. When authorizations lapse, agencies are forced to make decisions based on outdated
160 guidance from Congress.

161 So we are here today to discuss four bills to provide direction to EPA on how to best serve
162 those we represent back home. The first three bills on today's hearing agenda would support both
163 the cleanup and reuse of Brownfields sites by removing barriers to the cleanup of contaminated
164 sites, maximizing the value of taxpayer funding, and incentivizing reuse of Brownfields for on-shoring
165 manufacturing.

166 Building AI data centers and many other productive uses instead of forcing new industry
167 growth to turn over fresh greenfield sites. The proposals before us today will accelerate through
168 remediation and redevelopment of Brownfields sites, including the more complicated or larger sites
169 while helping find locations for much-needed infrastructure.

170 The minority's bill would lock in elevated funding levels and make more modest policy
171 changes to the Brownfields program. However, taxpayer funds cannot be the only solution. We
172 need creative solutions that require the private sector localities, States and Tribes to all come
173 together.

174 I am confident we can deliver more innovative solutions to this Congress if everyone is willing
175 to come to the table. I look forward to a robust discussion today and engagement with all of the
176 interested parties, all our witnesses for being here.

177 And I will yield back my time. And the chair will recognize the ranking member of the full
178 committee, the gentleman from New Jersey, Mr. Pallone, for 5 minutes for his opening statement.

179 Mr. Pallone. Thank you, Chairman Guthrie.

180 Today we are discussing proposals to reauthorize the Environmental Protection Agency's
181 Brownfields program, which continues to be a shining example of how government can protect the
182 public health of our communities while also stimulating economic growth.

183 Since I partnered with the late Republican Representative Paul Gilmore of Ohio over 20 years
184 ago to write the Brownfields law, the program has consistently enjoyed bipartisan support. We
185 have come together to reauthorize a program to revitalize communities around the Nation, cleaning
186 up environmental contamination, boosting public health, and bringing back economic growth and
187 jobs. Every congressional district is home to at least one of these sites.

188 Since its inception, more than 42,000 Brownfields sites have been revitalized and made ready
189 for development around the Nation. These projects leverage nearly 230,000 jobs, and more than
190 \$44 billion in economic development. And for every dollar the Federal Government invests in the
191 Brownfields program, we get roughly \$20 back in economic return, showcasing the win-win scenario
192 that the program produces.

193 And I think we could all agree that this program is more than worth every dollar we put into
194 it. That is why my discussion drafts, the Brownfields Reauthorization for an Affordable and
195 Revitalized America Act, continues this record of success by increasing funding for the program and
196 increasing grant amounts to tackle harder-to-reach projects. It also waives the cost share
197 requirement for communities with the most need.

198 While the Republican discussion drafts before us have promising ideas, overall, unfortunately,
199 they move the Brownfields program in the wrong direction and could unnecessarily imperil this
200 bipartisan program.

201 Most notably, they include a new definition for nationally significant infrastructure projects
202 that I think is shortsighted. It would open the door for private industry, like data centers, fossil
203 energy generation, and mining operations to take public funds from the Brownfields program and

204 create backward incentives that prioritize polluting interests over local control.

205 Americans across the country are facing higher monthly energy bills thanks to data centers,
206 the cancellation of cheap renewable energy projects, and the Trump administration forcing
207 expensive fossil generation to stay online. Yet these Republican drafts propose to take away money
208 from one of our most successful public programs to funnel it to the very same corporate interests.

209 In reauthorizing the Brownfields program, we must ensure it serves those who need it most,
210 State and local governments, nonprofits, and communities who should have final say in how the land
211 is developed. Ultimately, they may choose to approve a new park or a low-income housing or a
212 data center on remediated land, but Congress should not predetermine that outcome.

213 Unfortunately, that is what the Republican drafts would have us do. So I can't support
214 taking funds needed to clean up and revitalize local communities to give even more handouts to big
215 corporations.

216 Thankfully, there are some things which our draft bills have agreement on. We all include
217 increased funding for the overall program and increased grant amounts for harder-to-reach projects,
218 although my discussion draft includes more funding.

219 We also -- all the bills remove the cost share requirement for small and disadvantaged
220 communities, and these are the same priorities raised at previous Brownfields hearings before the
221 subcommittee.

222 So my hope, Mr. Chairman, is that we can use these agents of agreement as the basis for a
223 strong and unified Brownfields reauthorization bill that can pass this committee and be signed into
224 law before the end of the fiscal year. We must reauthorize and fund the program to continue its
225 critical mission, and I stand ready to work with my colleagues on both sides of the aisle,
226 Mr. Chairman, to do that.

227 And I yield back.

228 The Chair. The gentleman yields back. We now conclude with member opening

229 statements.

230 The chair would like to remind members that, pursuant to the committee rules, all members'
231 opening statements will be made part of the record.

232 We want to thank our witnesses for being here today and taking the time to testify before the
233 subcommittee. The witnesses will have an opportunity to give an opening statement followed by a
234 round of questions from members.

235 And our witnesses before us today are Chris Wells, executive director of the Mississippi
236 Department of Environmental Quality and president Environmental Council of the States; Gerald R.
237 Pouncey -- did I say that correctly?

238 Mr. Pouncey. It is.

239 The Chair. -- Pouncey, senior counsel, Taft, Stettinius -- there is a ship named after it -- &
240 Hollister; the Honorable Alan Tomson, Mayor, Town of Davis, West Virginia, National Brownfields
241 Coalition; and David W. Robinson, executive vice president of strategic development, Aligned Data
242 Centers.

243
244 **STATEMENTS OF CHRIS WELLS, EXECUTIVE DIRECTOR, MISSISSIPPI DEPARTMENT OF**
245 **ENVIRONMENTAL QUALITY, ON BEHALF OF ENVIRONMENTAL COUNCIL OF THE STATES; GERALD L.**
246 **POUNCEY, JR., SENIOR COUNSEL, TAFT STETTINIUS & HOLLISTER; DAVID W. ROBINSON, EXECUTIVE**
247 **VICE PRESIDENT OF STRATEGIC DEVELOPMENT, ALIGNED DATA CENTERS; ALAN TOMSON, MAYOR,**
248 **TOWN OF DAVIS, WEST VIRGINIA, ON BEHALF OF NATIONAL BROWNFIELDS COALITION; AND.**

249
250 The Chair. We appreciate you all for being here today. You will have 5 minutes. I think
251 at one minute -- you will have a green light, one minute you get a yellow light, and when it turns red,
252 it is time to about wrap up so we can get to the questions we are all excited about doing. So we
253 appreciate you being here.

254 So, Mr. Wells, you are recognized for your 5-minute opening statement.

255 **STATEMENT OF CHRIS WELLS**

256

257 Mr. Wells. Thank you, Chairman Guthrie. I am very appreciative of the opportunity to be
258 here today to testify on this matter.

259 I am here today to express strong support for the reauthorization of the EPA Brownfields
260 Program and innovations that can help advance economic and energy progress while maintaining the
261 fundamental mission of the Brownfields programs to ensure environmental protection and
262 remediation at the State and local levels.

263 In my view, and in the view of most, if not all, of my fellow State environmental leaders, the
264 CERCLA 128(a) and 104(k) Brownfields programs are among the most effective State-Federal
265 partnerships that we have. With relatively limited funding, these programs consistently produce
266 positive results.

267 From an environmental perspective, Brownfields redevelopment preserves green space while
268 transforming blighted properties that pose environmental risk, with a range of community-benefiting
269 outcomes, such as parks, commercial industry space, energy sites, and other facilities. Partnerships
270 among State, local, and Federal Governments, the private sector and local organizations are
271 delivering cleanups at sites previously ignored or marginalized.

272 On the economic front, Brownfields programs can serve as significant sources of job creation,
273 revenue enhancement through income, property, and sales tax, and infrastructure development,
274 including in the areas of power generation, data centers, and other commercial and industrial
275 processing facilities. All of these benefits help meet local, regional, and national needs.

276 In Mississippi, the results are tangible. Through 70 EPA 104 grants totaling nearly \$30
277 million, our communities have leveraged more than 300 million in private investment, roughly a
278 10-to-1 return, and created more than 800 jobs and returned over 700 properties to productive use.

279 As mentioned earlier, nationally EPA reports an average leverage of approximately 20-to-1,

280 underscoring the strong economic return this program consistently delivers. This is particularly
281 important in small and rural communities. Let me give you an example.

282 The Fry Building in Natchez, Mississippi, which is a community of about 14,500 people, is a
283 cradle-to-reuse success story. Federal assessment cleanup and revolving loan fund assistance is
284 helping Natchez turn a long vacant building into infrastructure to support the redevelopment of the
285 historic Eola Hotel, expected to create approximately 75 jobs and generate over \$30 million in private
286 investment.

287 This is just one of several major projects that the City of Natchez has been able to leverage
288 due to Federal Brownfields dollars, in combination with State Brownfields program support, liability
289 protection, and incentives. That project likely would not have been possible but for the Brownfields
290 program, and that is the key point.

291 Brownfields program works because it removes uncertainty at the local level for community
292 and potential investors. Liability protection gives private investors confidence. Technical
293 assistance gives local officials guidance, and disciplined oversight ensures public health and
294 environmental protection.

295 To sustain the momentum, the States -- of this program, the States ask Congress to provide
296 robust 128(a) funding, along with strong CERCLA Section 104(k) EPA Brownfields multipurpose
297 assessment, revolving loan fund, and cleanup grant funding. We would welcome the proposed
298 increase to 128(a) funding. This type of support is the fastest and most efficient way to provide
299 noncompetitive Brownfields assessment planning and cleanup assistance to small, rural, and
300 low-capacity public entities and nonprofits.

301 In addition, we would endorse an increase in the 104(k) grant maximum for cleanup grants.
302 States understand the need to include limited waivers from cost-sharing requirements through small
303 and rural communities, and in fact, very small and rural communities often lack the capacity to
304 manage competitive 104 grants directly.

305 In Mississippi, our targeted Brownfields assessment efforts have helped communities like
306 Alligator and Eupora and Utica, places that would otherwise struggle to access these resources.
307 Supporting State-administered assistance for these communities ensures that no community is left
308 behind and that rural America can fully participate in redevelopment opportunities.

309 The proposed increase to 104(k) funding is much needed also, but without bolstering State
310 travel and Brownfields support, reaching rural and small communities is not achievable. Across the
311 Nation, States and Tribes seized the opportunity provided by the IJA supplemental 128(a) funds to
312 elevate and enhance their Brownfields programs to reach communities in the greatest need. There
313 is a need to continue that support.

314 States recognize the importance of using Brownfields sites in innovative ways to meet
315 growing needs and emerging challenges, and ECOS looks forward to and welcomes the opportunity
316 to engage with the members of the subcommittee to ensure that enhancements to the program are
317 just that, beneficial to the program and enhance what is already working.

318 Thank you.

319 [The prepared statement of Mr. Wells follows:]

320

321 ***** COMMITTEE INSERT *****

322

323 The Chair. Thank you. Thank you for your opening statement.

324 Mr. Pouncey, you are now recognized for 5 minutes for your opening statement.

325

326 **STATEMENT OF GERALD L. POUNCEY, JR.**

327

328 Mr. Pouncey. Thank you, Mr. Chairman, for the opportunity to speak before the committee
329 today.

330 I have spent almost the entire portion of my 40 years' career in the environmental area in
331 redeveloping Brownfields properties across the country and in structuring the financing and the
332 economic incentives that make these properties work.

333 It is not just a professional interest of mine. I grew up in a cotton mill village in a small part
334 of Eastern Alabama, and my father and my uncle worked in that mill -- worked for the mill, and if
335 you -- that mill closed 40 years ago. And if you drove by that site today, what you are going to see is
336 a shell of a building and rubble 40 years later.

337 And besides the job losses, what is really disappointing about that is the fact that you have
338 massive infrastructure that exists that previously served that mill: power, water, rail. And that is
339 the opportunities that we are losing and that we are wasting.

340 I would offer, after 40 years in this business, that there are two fundamental conclusions I
341 have come to. One is that if we want effective cleanup -- and, by the way, all of these programs
342 should be judged not upon the dollars spent, but upon was cleanup actually accomplished at the end
343 of the day.

344 And I have seen that if you want effective cleanup, the best way to get it is by incentivizing
345 private -- the private sector to undertake this cleanup as part of redevelopment efforts. It is
346 consistent with the construction that occurs, and it is consistent with the liquidity that is generated

347 as part of these transactions. At the end of the day, once again, the measuring stick should solely
348 be, did cleanup occur.

349 I would note also that there are significant challenges to the private sector in undertaking this
350 cleanup. In most instances it is going to be much better for them financially without incentives to
351 go to another location, to go to a greenfield site, and that is what we must somehow bridge the gap
352 on, is that that business decision, that primary business decision, that they need to go to somewhere
353 else to make the dollars work. That, to me, is the issue we see and we deal with constantly.

354 Now, the other issue associated with Brownfields sites is the cost, it is the uncertainty of
355 where we get to the finish. Three is the fact of the timing. And I can't overemphasize the issues
356 we have with respect to redeveloping these properties in terms of timing and in terms of waiting on
357 regulatory approvals.

358 What would I suggest as solutions? Number one -- and this will come to discussion on
359 grants -- is let's get these properties from Federal jurisdiction down to State Brownfields programs.
360 Why do I suggest this? State offers -- various State Brownfields programs offer many incentives for
361 cleanup, including financial incentives in the way of property tax relief or income tax relief.

362 Two, the State has the ability at the State level to implement the cleanup and approve the
363 cleanup and oversee the cleanup on a much more rapid basis dealing with the time issues we have
364 talked about.

365 And, third, if you look at the State programs -- and I will give you an example. If you look at
366 the State programs, they have been the programs that have demonstrated effectiveness. And I will
367 give you one example. Georgia's Brownfields program. I am from Atlanta and have been involved
368 in a lot of developments, but including a number in Georgia.

369 Georgia's Brownfields program has had almost 1600 sites go into that program, and 900 exit
370 that program with cleaned up sites. That program has been around for roughly 20 years. If you
371 looked at the State Superfund program which relies on enforcement by agencies, we have half that

372 number that have gone on the Superfund, and only a third of those have been cleaned up. And that
373 is in almost twice the time.

374 So you can see the huge benefit of incentivizing these Brownfields cleanups, particularly
375 getting it down to the State level.

376 Second issue I would note is we need to clarify the innocent owner, the Bona Fide Prospective
377 Purchaser provisions of CERCLA. They have been subject to too much interpretation by agencies
378 and have had -- and the result has been that it has delayed or caused uncertainty in the market.

379 And three, I would like some consideration to be made as to whether it is possible to
380 accelerate the NEPA review process. I am not suggesting it be eliminated altogether, but is there
381 some way to accelerate it so they -- we don't get to know by never saying yes, which I fear is what we
382 have become.

383 On the grants, I would close by noting the following: I do think it is important for grant
384 money -- critically important for grant money to be made available to these State Brownfields
385 programs so they can go out and do the lion's share of the work.

386 I would also note that we should be focused on programs that at or near shovel-ready,
387 because, once again, the measure should be, is cleanup actually taking place.

388 And I would close with those remarks. Thank you.

389 [The prepared statement of Mr. Pouncey follows:]

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391 ***** COMMITTEE INSERT *****

392

393 The Chair. Thank you. I appreciate that.

394 The chair now recognizes Mayor Tomson. I understand you are Beat Navy.

395 Mr. Tomson. I am Beat Navy.

396 The Chair. Beat Navy, fellow grad.

397 So, Mayor Tomson, you are recognized for 5 minutes for your opening statement. What

398 class were you? I was 1987. What are you?

399 Mr. Tomson. I was 1975.

400 The Chair. 1975. My tech officer was 1975.

401

402 **STATEMENT OF ALAN TOMSON**

403

404 Mr. Tomson. Chairman Guthrie, Ranking Member Tonko, members of the subcommittee,
405 thank you for the opportunity to testify.

406 My name is Dr. Alan Thompson. I am proudly serving in my third term as Mayor of Davis,
407 West Virginia, where I have lived with my wife since retiring from an Army career that began at West
408 Point, and concluded in service as a senior executive at the major general equivalent level.

409 Davis is a town of roughly 800 residents in the Allegheny Highlands, about 3 hours from
410 Washington, D.C., surrounded by Blackwater Falls State Park and the Monongahela National Forest.
411 Tourism and outdoor recreation power our economy.

412 The late Senator Byrd called this region the scenic crown jewel of West Virginia, a description
413 that still holds true. Despite our size, we welcome up to 20,000 visitors each week.

414 Today, I speak on behalf of the National Brownfields Coalition with a simple message: The
415 EPA Brownfields Program works. It is one of the strongest examples of Federalism and
416 public-private partnership helping communities clean up contaminated properties and return them
417 to productive use, creating jobs, growing local economies, and improving quality of life. We
418 strongly support a clean reauthorization.

419 What we oppose are proposals that would fundamentally alter the program, drain limited
420 resources, and undermine local communities.

421 In Davis, we have seen this program's success. An abandoned contaminated gas station on
422 our Main Street was transformed with EPA Brownfields support into a thriving business that
423 generates jobs and tax revenue. That is exactly what this program was designed to do.

424 At the same time, we face a very different proposal: A private LLC seeking to build a
425 1600-megawatt power plant in support of a data center complex of up to 10,000 acres just outside

426 our downtown on a Brownfields site. This project would fundamentally alter our tourism economy,
427 landscape, public health, and community character. Davis strongly opposes it.

428 The fact is that the Brownfields site, because it is a Brownfields site, doesn't automatically
429 make the project appropriate. Under the legislative package before you, such a project could be
430 labeled nationally significant infrastructure facility. It would receive priority access to EPA
431 Brownfields funds and be exempt from review under the National Environmental Protection Act,
432 NEPA. Therefore, eliminating meaningful local consent, the prospect that deeply concerns
433 Brownfields communities nationwide.

434 The Brownfields program has always been about helping communities, not subsidizing
435 billion-dollar industrial ventures. Meanwhile, funding is projected to drop sharply from nearly \$350
436 million annually to \$98 million when the Infrastructure Investment and Jobs Act support ends in
437 2026.

438 There are an estimated 450,000 Brownfields sites nationwide, and with fewer than one half of
439 the grant applications funded, the program is already oversubscribed. We should not allow private
440 LLCs to compete directly with small towns, cities, States, and nonprofits for scarce dollars.

441 The current proposal would create three major problems: First, making private for-profit
442 LLCs eligible for direct grants, diverting funds from local governments and nonprofits; second,
443 granting preferential treatment and NEPA exemptions for heavy industrial use, thus removing an
444 essential safeguard that ensures community input; and finally, creating a duplicative financing
445 structure that would concentrate funds in the handful of very large projects.

446 These changes are unnecessary. The existing framework already supports public-private
447 collaboration, and revolving loan funds provide low-interest financing to private developers. The
448 structure works.

449 What we need now is stability and certainty. The National Brownfields Coalition supports a
450 clean reauthorization that authorizes robust funding. Up to \$450 million annually raises per-grant

451 caps for assessment, cleanup, and multipurpose grants, provides flexibility for support in rural
452 communities, including potential match waivers, strengthens State programs, and removes the
453 arbitrary 5 percent administrative cost cap for Brownfields guarantees.

454 What we support, reinstating the Brownfields tax incentive, which previously helped drive
455 private cleanup investment nationwide.

456 Let me close with this: We all support infrastructure, energy independence, and innovation.
457 But heavy industry can thrive without diverting Brownfields funding, sidelining States, or overriding
458 local voices. The EPA Brownfields Program is not broken. Please do not fix it in a way that breaks
459 it.

460 On behalf of the National Brownfields Coalition and the people of Davis, I thank you and look
461 forward to your questions.

462 [The prepared statement of Mr. Tomson follows:]

463

464 ***** COMMITTEE INSERT *****

465

466 Mr. Joyce. [Presiding.] Thank you, Mr. Thompson.

467 Mr. Robinson, you are now recognized for your 5 minutes.

468

469 **STATEMENT OF DAVID W. ROBINSON**

470

471 Mr. Robinson. Thank you, Chairman Palmer, Ranking Member Tonko, Chairman Guthrie,
472 Ranking Member Pallone, and the members of the committee and the subcommittee. Thank you
473 for the opportunity to speak with you today.

474 I am Dave Robinson, EVP of Aligned Data Centers. Aligned is an industry-leading provider of
475 innovative, sustainable, and adaptive digital infrastructure powering the world's most complex and
476 demanding work and cloud and AI workloads.

477 To date, Aligned is investing over \$45 billion in its 57 U.S. data centers in nine sites -- nine
478 States, and currently has over 1,000 employees globally. We will need to invest tens of billions of
479 additional dollars and more than double our head count.

480 I am here today to share what Aligned has done to reclaim remnants of America's past and
481 optimize them as we build America's future economy. We are admittedly biased, but firmly believe
482 that data centers provide an ideal opportunity in leveraging and repurposing Brownfields sites to
483 grow investment, jobs, tax revenues, and supply chain ecosystems.

484 Right now, our Nation is racing to deploy the infrastructure required to lead the world in
485 artificial intelligence and cloud computing. This is not just a technological race; it is a critical
486 national security imperative.

487 But we face a choice on where we build. At Aligned, we believe that one of the most
488 effective solutions is to revitalize and repurpose our Nation's dormant industrial sites. Where
489 possible, we prioritize the redevelopment of Brownfields and transform these properties into

490 high-value community assets, bringing them back into productive sustainable use.

491 The reality of acquiring these Brownfields sites is that they are rarely turnkey. Any reuse
492 requires comprehensive environmental remediation to protect our employees, contractors, and
493 customers who will be at those sites, while also benefiting the surrounding community by removing
494 existing risks. We abate these legacy hazards and restore the property to a safe standard.

495 We are a firm believer in the power of public and private partnerships and believe the Federal
496 Government has an important role to play in encouraging and incentivizing redevelopment of
497 Brownfields sites through these programs that remove regulatory barriers, and accelerate permitting
498 and other regulatory processes.

499 These industrial sites often possess exactly what the digital economy requires, substantial
500 land area, robust existing utility infrastructure, and favorable industrial zoning. By maximizing these
501 legacy assets, we not only expedite the deployment of critical computing infrastructure, but we do so
502 while improving local environmental conditions.

503 We believe the data centers are among the best developments for communities. Not only
504 do they bring significant capital and investment and jobs into communities, they can provide outsized
505 local tax revenues without corresponding burdens on police and fire services, local schools, or roads
506 that other large-scale projects might present.

507 Some examples of what Aligned is doing to put this into practice. In Perkins Township, Ohio,
508 which is in Erie County, Aligned is breathing new life into a shuttered manufacturing plant, a
509 cornerstone of America's bearing production for nearly 70 years at the time of its closing. In its
510 place, we are constructing a state-of-the-art digital campus, anchoring the greater Sandusky regional
511 economy for a new era of tech progress.

512 Local leaders share that this revitalization has become a powerful symbol of civic pride. For
513 nearly a decade, millions of families drove past this site on their way to the Cedar Point Amusement
514 Park and saw a hulking, abandoned, decaying industrial facility. Now our data center campus is a

515 modern testament to Perkins Township's forward-looking future.

516 In West Jordan, Utah, we transformed a semiconductor facility built in the late 1970s that sat
517 empty for over 5 years. Today it is a functioning three-building data center campus, hosting
518 prominent tech companies, driving tax revenue and job creation.

519 In Frederick, Maryland, the former Eastalco Alcoa aluminum manufacturing site is getting a
520 second life bringing stable tax revenue and high-paying jobs, but also investments in robust FiberCon
521 activity.

522 In Conesville, Ohio, we transformed a former coal-fired power plant into a massive data
523 center campus. We are in the process of doing that.

524 Beyond comprehensive environmental remediation, our reuse strategy also reduces the strain
525 on local watersheds. By transitioning these properties from heavy manufacturing to modern digital
526 infrastructure, we dramatically reduce the water usage.

527 In Perkins Township, for example, we reduced the amount of water consumed by 99 percent
528 compared to the historical use. The economic ripple effect of this strategy is profound. Since
529 2017, the data center industry's total tax contributions have surged to over \$162 billion in 2023.

530 In Loudoun County, Virginia alone, data centers contribute more than \$1 billion in local tax
531 revenue this year, which is 45 percent of the county's budget.

532 Significant increases as well in neighboring Prince William County where the tax revenues
533 have grown by 953 percent since just 2020.

534 Each of our Brownfields sites fuels thousands of local construction jobs and hundreds of
535 long-term operational roles. By prioritizing local vendors, we invest in the community.

536 Members of the committee, if America is going to win the global AI race, we cannot afford to
537 be stalled by a lack of infrastructure. America's abandoned factories and closed plants should not
538 be monuments to a bygone era. They are the blueprints for our future.

539 By incentivizing redevelopment of Brownfields internationally significant infrastructure

540 facilities, you can help us clean up our environment, revitalize local economies, and build the critical
541 infrastructure required to secure American technological dominance for decades to come.

542 Thank you, sir.

543 [The prepared statement of Mr. Robinson follows:]

544

545 ***** COMMITTEE INSERT *****

546

547 Mr. Joyce. I thank you all for your testimony. We will now move into the
548 question-and-answer portion of the hearing.

549 I will begin the questioning and recognize the gentleman from Virginia, Mr. Griffith, for his 5
550 minutes of questioning.

551 Mr. Griffith. Thank you very much, Mr. Chairman. I appreciate it.

552 Mr. Pouncey, I represent a very rural part of Virginia, and we often hear that Brownfields
553 grants help pay for broad testing that identifies contamination. But rural communities and
554 organizations are not ultimately then awarded Brownfields grants for further cleanup.

555 How can we encourage more cleanup and not just site assessment in rural areas?

556 Mr. Pouncey. Congressman, a very good question. We struggle with that throughout the
557 south as well.

558 I do -- there are a couple of thoughts that come to mind in that regard. Number one is
559 their -- is having someone, a developer of some product, having someone at the table working with
560 the community when those funds are awarded. I would much rather see funds spent toward
561 assessment and then immediate cleanup rather than seeing funds spent toward assessment, a
562 report, and then it being put in a drawer and the drawer closed, which is what I fear we see too
563 often.

564 Mr. Griffith. And that is my concern exactly.

565 Mr. Pouncey. And so I do think that it is -- you have got to have someone at the table as
566 part of that process, in my mind, that is prepared to move forward to some level of redevelopment.

567 Mr. Griffith. Should we have in the bill some set-aside funds for rural areas so that that
568 doesn't happen?

569 Mr. Pouncey. I have -- I don't think that you are going to see the Brownfields success for
570 process extend beyond urban cores and extended beyond ports and other major industrial areas

571 without having some set-aside for the rural communities.

572 Mr. Griffith. I appreciate that. Now I am going to switch gears, and we don't have a bill in
573 front of us today that would do this, but in one of the previous hearings that we had on Brownfields,
574 someone came up with a suggestion, and I happened to like it a lot. And that was we do
575 preclearance that -- not depending on the industry or such, but that if a community wanted to invest
576 the money, they had a site -- and I have a town in my district I am thinking of, actually a little city,
577 that has got a site.

578 And if they could get it precleared, it would make it so much more marketable for companies
579 if they knew that the Brownfields site was precleared, all of the stuff had already been done, and
580 they had a seal of -- I call it the Good Housekeeping Seal of Approval. I guess it would be the EPA
581 Good Housekeeping Seal. So that the company coming in wouldn't have to wait 6 months then for
582 additional reports and studies. They could move right in if they wanted to.

583 Your thoughts on that?

584 Mr. Pouncey. Yeah. Congressman, a couple of aspects on that. One is I don't think you
585 can be in a position where you can -- where it is going to be cost-effective to both investigate and
586 clean up the site before you market it to the developer.

587 The reason for that is because very often that construction process is comparable to or an
588 integral part of the cleanup process. And so it is much more cost-effective to -- for that developer
589 and for the community and for the grant itself if you are able to -- if you do the testing -- you have
590 had input into the testing because that is going to be consistent with what your structure is going to
591 be, and they are able to take that testing and implement the cleanup as part of the redevelopment
592 itself.

593 And that is what I think is a little bit of the hurdle there to try to preclear these rural sites and
594 then bring the developer in.

595 The success for rural development we have done, and candidly, that includes some data

596 centers which have been -- have been in those instances where we had some level of testing done,
597 but we went in and helped orchestrate the testing in terms of how it would fit the development that
598 was occurring, and then we spent the -- and then we were able to integrate the development into
599 the cleanup.

600 Mr. Griffith. Well, and I appreciate that input. I would just say the site I am thinking
601 of -- and you nailed it with the plant that your father had worked at. Here we have a facility that
602 has got everything you need, and before the infrastructure goes away or falls apart, the community
603 wants to do something with it.

604 They have acquired ownership. And it sure would be helpful if we could figure out some
605 way to fast-track it if we could. So any ideas that you have after this hearing, please don't hesitate
606 to let me know. I would greatly appreciate it.

607 Mr. Pouncey. I certainly will. I certainly will, Congressman.

608 Mr. Griffith. And with that, Mr. Chairman, I yield back.

609 Mr. Joyce. The gentleman yields. The chair now recognizes the gentleman from New York,
610 Mr. Tonko, for his 5 minutes of questioning.

611 Mr. Tonko. Thank you, Mr. Chair.

612 As I stated earlier, I would like for us to focus our attention on the areas of consensus.
613 Mayor Tomson, both Republicans and Democrats have proposals that would raise the maximum
614 Brownfields award from \$500,000 to \$1 million.

615 Do you support that change, and why is it important, if you do, to allow EPA the flexibility to
616 provide larger awards?

617 Mr. Tomson. Thank you. I was paying attention. I wasn't sleeping.

618 Mr. Tonko. You are fine.

619 Mr. Tomson. I think the increase in grant awards is welcome. There are projects that right
620 now could use more funding to be able to be done, and that would allow more Brownfields facilities

621 and sites to be addressed and taken care of so that they can be put back into service and be
622 productive in terms of revenue and job creation.

623 Mr. Tonko. Thank you. And, Mr. Wells, based on your experience, would larger awards be
624 helpful for some communities to remediate bigger and more complex properties?

625 Mr. Wells. Thank you for the question. And the short answer is absolutely.

626 I mean, at the end of the day, what we are facing is the -- an ever-increasing cost of doing
627 business, and that applies in this realm, as it does in many others.

628 Mr. Tonko. Thank you. And Republicans and Democrats have also both proposed allowing
629 EPA to waive cost-share requirements in certain circumstances. This is also a feature of the
630 Brownfields funding included in the Infrastructure Investment and Jobs Act.

631 So, Mayor Tomson -- back to you again -- can you talk about how cost-share requirements can
632 be a barrier for some communities to pursue an EPA grant, and do you believe waiving these
633 requirements for struggling communities is warranted?

634 Mr. Tomson. I do believe it is warranted. For example, when you look at rural and small
635 communities, in Davis we have a budget of about \$2 million. We have to provide water, we have to
636 provide sanitary, sewer, public works, we have to buy equipment and replace assets. We don't
637 have that much discretionary funds to be able to fund, you know, all of the requirements that come
638 under a Brownfields program.

639 To get a waiver of the cost share is a significant impact for small and rural communities in a
640 very positive way, and it would be very, very welcome.

641 Mr. Tonko. Thank you. And, Mr. Wells, I am sure you work with some disadvantaged and
642 rural communities in Mississippi.

643 Could avoiding a cost share make or break a project for some communities?

644 Mr. Wells. I think, absolutely, yes is the answer. The cost-share -- a cost-share waiver
645 would certainly ease access for certain communities, as the mayor alluded to.

646 But I also think that it is important not to lose sight of the support at the State level through
647 the 128 grants to the State agencies to provide technical assistance and so forth. So I think the two
648 are kind of hand-in-hand.

649 Mr. Tonko. Thank you. I believe that the views we have just heard on these policy changes
650 are broadly shared by local and State government stakeholders and should serve as the foundation
651 for a bipartisan reauthorization effort.

652 One of my concerns with the majority's proposals is that they take resources away from
653 limited oversubscribed assessment and remediation grants. This includes the Brownfields
654 Infrastructure Finance and Innovation Act, which would provide opportunities for loans at the
655 expense of providing grants to more communities.

656 Those loans would be focused on data centers, critical mineral processing, and
657 semiconductors manufacturing. Local governments and the people they represent should have a
658 say in the types of economic development projects in their given communities.

659 So, Mayor Tomson, how do you feel about more dollars being directed to these types of
660 projects in the form of loans at the expense of grants going to a wider range of projects that a
661 community may be interested in developing, such as affordable housing?

662 Mr. Tomson. We very much want to see that the dollars in the Brownfields program stay in
663 the entities that are qualified for those programs today. I think to make more organizations or
664 public businesses eligible for Brownfields funding dilutes the resources that are available, and it
665 hampers local and public sector entities from being able to compete.

666 So there is a revolving loan program, and it is working, but it needs more dollars and more
667 resources put into it so that it can be more effective as a revolving fund. Right now it is very
668 limited. It has worked, it needs more resourcing, and I think it would do a great job if you can do
669 that.

670 Mr. Tonko. I thank you for that. I see my time has expired. So I thank you.

671 And, Mr. Chair, I yield back.

672 Mr. Joyce. The ranking member yields. I will continue in the questioning and recognize
673 myself for 5 minutes.

674 As we have held hearings this Congress to examine how policy can help spur economic
675 growth while balancing environmental protection needs, it has become incredibly clear that Federal
676 investment works best when used to leverage local resources and development interests.
677 Development of Brownfields is a prime example of this dynamic.

678 These sites would be ripe for redevelopment if not for the additional challenges represented
679 by the potential presence of hazardous substances. This makes the reuse of these Brownfields
680 more difficult and resource-intensive, an additional burden to development that is especially difficult
681 for underresourced areas like those that I represent.

682 When a community is interested in turning a Brownfields site from an abandoned or
683 underutilized property into viable economic engine, the EPA's Brownfields Program can help lessen
684 that burden and provide the initial push needed for private investment to take interest.

685 Mr. Pouncey, you discussed the importance of private-public partnership in your written
686 testimony. How do you usually come about and how could the EPA's Brownfields Program better
687 support these public-private partnerships?

688 Mr. Pouncey. Most of these public-private partnerships are with a local development
689 authority and a developer, some developer who is looking to come in and bring business or industry
690 into that area. And that might be as a result of the economic development that is already
691 approaching them for that, to bring this investment in.

692 And the economic development authority may have located a site or a group of sites that has
693 been pitched to the developer, and the developer has agreed to move forward with those. Those
694 sites may be impacted -- often they are -- and the approach that instance would be -- and they can
695 either be -- were there to be some amendments, they could either be a joint application by the

696 private developer and the public entity to get this money so that it can be used for cleanup to allow
697 that project to go forward, or in some instances, it can be a grant that is made to the public and the
698 development authority.

699 Currently that would be the structure, and then we would reach an agreement who then
700 implements the cleanup.

701 Mr. Joyce. Mr. Pouncey, how could the focus in the Brownsfield Inventory and Permitting
702 Efficiency Act on identifying Brownfields sites be ideal for reuse for a nationally significant
703 infrastructure, how could that help with encouraging the private sector that you just mentioned to
704 have that investment in former industrial areas in the large Brownfields sites that you mentioned in
705 your testimony?

706 Mr. Pouncey. I could point to two things there which are absolutely critical. One is some
707 database under the EPA -- and we have worked -- I have worked on some organizations to help
708 create that, a database that identifies these impacted sites and shows certain critical components,
709 such as proximity to utilities, such as proximity to transportation corridors, other things like that,
710 which the local community could then use to present this.

711 So I think that is -- I think that is one way to accomplish that is this database or list. And
712 then I think, too, in terms of encouraging that type of development, that type of cooperation, I think
713 it -- there is some measure of support from grants that might assist with that as well.

714 Mr. Joyce. Thank you.

715 Mr. Wells, in your written testimony, you stated that any new program should avoid
716 duplicative requirements and a diversion of funds from traditional Brownfields grants.

717 Do you think that loan and loan guarantees that we are discussing today would be helpful
718 when addressing any gaps in needs that are existing? Revolving loan programs is a top-of-mind
719 subject that could be part of that.

720 Do you think that that could have an effective use?

721 Mr. Wells. I think that revolving loan fund programs have been proven to be successful in
722 other settings. I think it can work here.

723 I think the concern from the State regulator standpoint is the existing program is -- functions;
724 it functions well. It has been successful. And the concern would be to -- that any enhancement to
725 the program that would divert funds from the core program could be problematic, or could reduce
726 the effectiveness of the core program.

727 Those enhancements are -- there are some good ideas, but if they could be implemented in
728 such a way as to not divert funds away from the core program, I think that would be the best of both
729 worlds. I think it -- taking some sort of all-of-the-above approach would make sense.

730 Mr. Joyce. Communities are highly motivated to get these Brownfields sites back up and
731 running. I think we can all recognize that today. They benefit local economies and beyond that.

732 I look forward to working with my colleagues on this committee to bolster efforts from both
733 sides of the aisle through targeted and effective Federal assistance.

734 Thank you, and I yield back.

735 I now recognize the ranking member of the entire committee, Mr. Pallone, for his 5 minutes
736 of questioning.

737 Mr. Pallone. Thank you, Mr. Chairman. I thank the witnesses for joining us today.

738 I wanted to mention the Bipartisan Infrastructure Law, which included \$1.5 billion for the
739 Brownfields program and was a big boost to the program. And while we might not authorize that
740 level of funding this year, we must ensure we do not slow the momentum.

741 Brownfields sites are getting harder to remediate and cleanup, so authorization levels need to
742 reflect that reality. And that is why my draft bill ensures funding increases for the program over the
743 next 5 years.

744 I wanted to go to Mayor Tomson and Mr. Wells. From your perspective, how important is it
745 for Congress to reauthorize the Brownfields program with robust funding, especially for the planning

746 of important projects that are in the pipeline?

747 I have one more question, so maybe a minute or so on each of these, if you will, Mr. Wells.

748 Mr. Wells. I can answer that simply. I think any increase in the funding would be helpful to
749 the program and would foster even more good work.

750 Mr. Pallone. What about the fact that, as I mentioned, that it is getting harder to remediate
751 these sites and clean them up? Is that a factor, too, in terms of the authorization?

752 Mr. Wells. I think that is, arguably, the factor. It would support an increase in funding.

753 Mr. Pallone. All right. And Mayor Tomson?

754 Mr. Tomson. I agree completely with that. When the Infrastructure Investment and Jobs
755 Act was passed and that \$1.5 billion was infused into the system, it made all the difference in the
756 world. It was so important to the recipients of Brownfields grants to have that -- those funds
757 available.

758 And to reauthorize something on a similar basis for another 5 or 6 years would be significant
759 and very important.

760 Mr. Pallone. I appreciate that. I want to ask you one more question. But I did want to
761 say, we know that State budgets are very strained right now -- constrained, is that the word? And,
762 you know, sometimes I hear people say, Well, you know, the States are on their own, we don't need
763 to give grants out, blah, blah, blah.

764 I mean, the reality is that they just don't have much money, right? So I think part of the
765 reason why we need to have robust funding is that they are not going to be able to do this as well.

766 But my question -- the question I wanted to ask you, though, was you -- the Republican
767 discussion drafts would open the constrained amounts of funding to private companies and prioritize
768 the interests of these industries over local communities, in my opinion. That is my concern.

769 So, Mayor, it sounds like you are dealing with a situation in Davis that might be relevant to
770 this. Are you concerned with the Republican drafts giving private companies access to Brownfields

771 grants? Is this how you think the programs should work? Just comment on that, if you will, from
772 your perspective practically.

773 RPTR KERR

774 EDTR ZAMORA

775 [3:38 p.m.]

776 Mr. Tomson. Thank you for the question.

777 I think right now the program in its current construct works very well. There is limited
778 resources available, so the program is oversubscribed. If we open it up to the private sector, then I
779 think that makes it more difficult for local governments and municipalities and the nonprofits to be
780 able to seek the scarce dollars that are in the program. So we really don't want to see it expanded
781 to include other entities that would compete for those limited funds.

782 Mr. Pallone. All right. And, you know, I guess, as you know, we have my bill, we have
783 Republican bills. But what I really want, I am concerned about these incentives for the private
784 sector, as you say, and I think -- I guess I am saying to my Republican colleagues here today that if we
785 focus on the core purpose of the program, which was, you know, funding that went to States or
786 localities, I think we can get a strong reauthorization bill across the finish line in time.

787 I am concerned that if the Republicans insist on, you know, opening it up to private
788 companies, it is going to make it very difficult for us to come to an agreement, come to a consensus.

789 All right. Thank you very much. Thank you, Madam Chair.

790 Ms. Lee. [Presiding.] I now recognize the gentleman from Colorado, Mr. Evans, for 5
791 minutes.

792 Mr. Evans. Well, thank you, Chair and Ranking Member, for holding this hearing. Thank
793 you, of course, to all of the witnesses for coming today.

794 As we talk about potential legislation to unleash America's Brownfields sites, I strongly believe
795 that bipartisan permitting reform is within our reach this Congress. I have supported it across a
796 wide range of different avenues.

797 This Congress, in this committee, we have the FIRE Act. I voted in support of the SPEED Act,

798 partnering with some of my colleagues on the other side of the aisle to make sure that we can
799 actually build and produce things again in the United States.

800 And I am so pleased to see some of these permitting reform ideas included in the Brownfields
801 Inventory and Permitting Efficiency Act that will prioritize projects that significantly support American
802 manufacturing, position us to be able to win the AI race, and reduce our emissions. And this can all
803 be done without compromising our environmental stewardship or the public's ability to be involved
804 and give feedback on some of these projects and reuses for Brownfields sites.

805 So first question to Mr. Tomson. Mayor Tomson, would you be able to share just how some
806 of these measures that we are discussing today would encourage siting projects in areas that will
807 minimize environmental impact and maximize economic benefit, places like Brownfields sites?

808 Mr. Tomson. Thank you. I think as far as the -- you know, the inventory of Brownfields
809 sites are out there, and the program helps fund organizations that are ready to tackle those sites.
810 That doesn't mean that entities outside of what is right now within the sphere of the possible
811 couldn't redevelop those Brownfields sites without taking funds from the Brownfields Program.

812 That is the issue that we have. It is kind of the haves and the have-nots. When you are
813 talking about building a data center complex of 2, 3, 4 billion dollars, that is significant money, but as
814 far as when you are competing with entities that aren't down in the millions of dollars level, there is
815 no comparison. For us, it is all or nothing. We can't do it without the Brownfields Program.

816 But a data center complex, a power plant, those entities, they can build those with the
817 existing resources that they themselves already have. So we really don't --

818 Mr. Evans. That makes perfect sense. Limited resources. How do we make sure that this
819 is available to a wide range of folks in the community to be able to serve that community's interests
820 and also be able to responsibly use those sites?

821 I worked for a municipal government for 10 years. I got to be the guy that got assigned to
822 go read all of the land development code. I was a cop. But I had to go read all the land

823 development code and figure out how we could do some of the urban renewal and revitalize some of
824 these areas, and that is critically important to me and my district.

825 I represent north Denver suburbs in the northern Colorado area with a lot of traditional
826 industrial hubs along I-25. We have got a lot of Brownfields sites scattered through the region.

827 So my next question will be to Mr. Pouncey. Just want to hear your thoughts as we talk
828 about making these programs more efficient, more accessible so that more people, as the mayor was
829 talking about, more people can access these.

830 Would being able to incorporate previous environmental assessments or reviews or other
831 information gathered into the current permitting process for redevelopments, would that help to
832 make these funds and this program more accessible to medium and smaller-sized users?

833 Mr. Pouncey. Congressman Evans, let me try to respond, because I think there are two or
834 three questions within there.

835 One, there is no doubt that anything that could be done to expedite the review of permitting,
836 whether that is local permitting, whether that is State permitting on the environmental side, whether
837 that is Federal permitting on the NEPA side, there is no doubt that that has a tremendous impact
838 upon the ability to successfully do these projects, do these Brownfields projects. That is without
839 question. And the biggest enemy on these projects, as I mentioned earlier, is sometimes we get to
840 "no" because no one ever says yes. And I've seen that time and time and time again.

841 One comment I am going to make that is contrary to some of the other testimony here is, as I
842 look at smaller towns and I look at whether a developer is willing to invest in redeveloping one of
843 these smaller areas, these less populated areas, the due diligence cost for me to do a smaller
844 development on a Brownfields in a smaller town are often prohibitive. I am spending 5 or 10 times
845 as much money on due diligence as I would spend if it is a greenfield site. And at the end of the
846 day, we should measure all of this by are we getting more cleanups accomplished.

847 So I think that is one instance in which I could see funds being available to the private side

848 that then gives them the ability to conduct the due diligence associated with a development in a
849 smaller town where I can see it then has some benefits.

850 Mr. Evans. Thank you so much.

851 We are out of time. I yield back.

852 Ms. Lee. I now recognize the gentleman from New Jersey, Mr. Menendez, for 5 minutes.

853 Mr. Menendez. Thank you, Chairwoman.

854 The EPA's Brownfields Program drives economic development while protecting families from
855 toxic contamination. A great example of this in my district is Groundwork Elizabeth, which will use
856 \$500,000 in Brownfields funding to train the next generation of our environmental workforce.

857 Across New Jersey, these investments have transformed contaminated properties into parts
858 and other projects that benefit our communities. Unfortunately, the Republican Brownfields
859 reauthorization bills would undermine this important work by allowing polluting industries, including
860 fossil fuel power plants and Big Tech data centers, to access these limited Federal funds.

861 I believe that this committee has work to do to support artificial intelligence and invest in our
862 Nation's future, but growth requires sensible guardrails. EPA's Brownfields Program exists to
863 support community revitalization, not to further subsidize the fossil fuel industry or provide handouts
864 to AI data centers that are driving up utility bills for our constituents. These Republican proposals
865 prioritize energy generation facilities that could burn coal, oil, and gas for Brownfields funding while
866 completely removing the current criteria for clean energy projects.

867 Mayor Tomson, would you agree that prioritizing these energy and pollution-intensive
868 facilities could have negative effects on the communities living near Brownfields sites?

869 Mr. Tomson. I agree completely. Within the town of Davis, we have a proposed power
870 plant that is going to burn natural gas and diesel fuel, and that is going to power a data center
871 complex. And in the haste of trying to permit that facility, steps were excluded from the process to
872 ensure safety of the people that live in close proximity to that plant.

873 We had a study done by Harvard and MIT to look at the effects of the dispersion modeling,
874 and it came back and it said one or two people might die every year, five or six people would develop
875 asthma that didn't have it previously, and the cost of medical situations would be anywhere from
876 19- to \$35 million a year.

877 So we really need some protection. We can't just in haste say we need to do all these things
878 and forget about the human cost that could be a tradeoff.

879 Mr. Menendez. I appreciate you sharing that, because these sites would contribute to the
880 very pollution that Brownfields funds are intended to remediate.

881 In addition to propping up fossil fuels, these Republican bills would also allow data centers to
882 access Brownfields funding, but our friends and neighbors have legitimate concerns about data
883 centers' impacts on our air quality and drinking water.

884 In Mississippi, 27 gas turbines help power Elon Musk's xAI data center, worsening air quality
885 in the surrounding community. And we are also seeing reports that raise alarms about data
886 centers' overall impacts on our water supply.

887 Mayor Tomson, in your experience, would you agree that building more data centers with
888 Brownfields funds could worsen environmental burdens on our communities, including increasing air
889 pollution and impacting our water supply? Just yes or no, if you don't mind.

890 Mr. Tomson. Yes, I think it would be detrimental.

891 Mr. Menendez. I appreciate that.

892 To help our communities fully understand the environmental impacts of data centers, I
893 introduced the Data Center Transparency Act, which would bring greater transparency to the water
894 and energy consumption of data centers, as well as the air pollution they emit. We need to ensure
895 that these facilities do not harm the health of the people that we represent.

896 We have also seen significant concerns about the quality of life issues that data centers
897 create. For example, Mississippi residents describe the noise from the turbines I described earlier

898 as, quote, excruciating.

899 Mayor Tomson, would you agree that building more data centers with Brownfields funds
900 could worsen noise pollution and other quality of life concerns in surrounding communities? Just
901 yes or no.

902 Mr. Tomson. Yes, I think it would be, again, a disadvantage to the communities.

903 Mr. Menendez. I appreciate it, because we heard earlier from Mr. Robinson about some of
904 the benefits, but there is also an immense number of harm that could be caused.

905 We should not use funds to make quality of life worse or to make our energy dirty or utility
906 bills more expensive. Yet Republicans are proposing bills to incentivize the development of data
907 centers that drive the energy affordability issue without a real plan to lower energy costs.

908 I am concerned that directing millions of dollars in Federal funds to data centers could make
909 the energy affordability issue worse when all we have is a handshake deal between President Trump
910 and Big Tech. I can't support a bill that gives more handouts to the very companies driving up
911 energy prices for working families.

912 Companies building data centers can and should provide their own renewable energy and use
913 their own financial resources instead of public funds. My legislation, the PRICE Act, would require
914 data centers to generate the electricity that they consume and do so with 100 percent renewable
915 energy by 2040.

916 So I am disappointed that these proposals would deliver more expensive energy, increase
917 pollution, and reduce investment in our communities. I urge my colleagues to return to the table to
918 negotiate a reauthorization that puts our communities first.

919 I yield back.

920 Ms. Lee. I now recognize the gentlelady from North Dakota, Mrs. Fedorchak, for 5 minutes.

921 Mrs. Fedorchak. Thank you, Madam Chair, and thanks to the committee leaders for
922 organizing this great hearing today. Thank you all for sharing your expertise as well.

923 Mayor, I am intrigued by you. I come from the State of North Dakota, and we have lots of
924 small communities of 800 families, much like what you described as your community. So first I
925 want to know a little bit more about the Brownfields site in your community. What created it?

926 Mr. Tomson. It was crated by funds that came from the EPA through the State of West
927 Virginia.

928 Mrs. Fedorchak. But what was there originally?

929 Mr. Tomson. It was originally a gas station that had polluted the soil around it, and it
930 needed to be mitigated. And once that site was cleaned up, it was repurposed, and now it is
931 serving as a brewery, and we get a lot of benefit from that. So we are very happy with the jobs it
932 has created, the revenue that it is producing for the area, and the fact that we took a site or a facility
933 that was unusable and untenable and made it something productive.

934 Mrs. Fedorchak. And do you -- that is a great story. Do you have a data center that is
935 being proposed in your community as well on a Brownfields site?

936 Mr. Tomson. We do. It is a Brownfields site. They are proposing to build the gas power
937 plant that I talked about earlier, and then that would power not the grid but the data center complex
938 that would be built around it.

939 And it is not that we are against data centers, per se. What we are against is having the data
940 centers compete for the Brownfields funding that is so limited, because, again, the order of
941 magnitude is so different between the two entities.

942 Mrs. Fedorchak. Do you have a permitting process for your data centers that address the
943 noise and the traffic and all the issues that any large industrial development would have on your
944 community?

945 Mr. Tomson. In West Virginia, the situation is a little bit different. There was a legislation
946 passed by the State that basically omits local voice in the process at all. So everything is done at the
947 capital and with the developer, and the counties and the municipalities have no say whatsoever.

948 No ordinance regulations or anything else would apply to the permitting of that facility.

949 Mrs. Fedorchak. Okay. All right. And I am sure that you participated in the process when
950 that law was passed.

951 Mr. Tomson. We did unsuccessfully.

952 Mrs. Fedorchak. Okay. What would you think -- what would you define -- you raised
953 concerns about community involvement. What would you define as sufficient engagement in this
954 process?

955 Mr. Tomson. Well, I think it always helps to have dialogue. I think all the players need to
956 come to the table. And I have often said that, in our situation, if the State, the developer, and the
957 local community could come together and form a triad where there is that dialogue, then better
958 solutions can often be found.

959 We have a number of Brownfields sites in the area, and what I have tried to explain to people
960 is that if you just moved it 12 miles down the road, it would be a more palatable site in terms of a
961 location for that facility. But I still would say that it should not be competing for Brownfields
962 dollars.

963 Mrs. Fedorchak. And so I am sure that you are also, as a mayor, worried about jobs and
964 opportunities for future residents in your community, which this new industry would also offer,
965 correct?

966 Mr. Tomson. Ma'am, it is a delicate balance. It is looking at jobs. It is looking at revenue.
967 It is also looking at lives and the well-being of the people of the community, and that is why, again,
968 fundamentally, we are not against data centers. We are not against AI. We are not against
969 quantum computing and all those kinds of things that go with it.

970 From a national security perspective, I get it. We need to disperse those facilities around
971 the country, but we need to make sure that we put them in an appropriate location so that it doesn't
972 have secondary effects that are detrimental to people or to other factors. Very supportive of jobs

973 and revenue.

974 Mrs. Fedorchak. Yeah. And that is where I think we all have to step back a little bit. I
975 think there is an awful lot of demonizing that is going on everywhere in our country right now as it
976 relates to data centers and the development. These facilities are manufacturing intelligence for us,
977 for the betterment of human beings. We need to do this in our country.

978 And it isn't a choice of one or the other. We can do both. We can develop this industry.
979 We can protect local communities and we can protect our national security and create more
980 opportunities for the future. But when we get stuck in these kind of partisan conversations where
981 it is one or the other or false choices, that is where people feel trapped and we get stuck. So we
982 just have to be open and be able to have good conversations and input and deal with facts, not scare
983 tactics.

984 So thank you for being here. I appreciate all of your input.

985 I yield back.

986 Mr. Palmer. [Presiding.] The gentlelady yields.

987 The chair now recognizes the gentleman from California, Mr. Ruiz, for 5 minutes for his
988 questions.

989 Mr. Ruiz. Thank you, Mr. Chairman.

990 One year ago, we met to discuss why the Brownfields Program remains one of the most
991 effective and cost-efficient tools for economic revitalization, especially in communities where
992 contamination, disinvestment, and affordability pressures compound each other every day.

993 Brownfields sites, abandoned industrial facilities, gas stations, dry cleaners, land fills are not
994 just environmental hazards; they are economic wounds. When left untreated, they depress
995 property values, threaten public health, and block the housing and jobs working families need. And
996 as a doctor, I know you do not heal wounds by ignoring them.

997 In districts like mine across the Imperial, Coachella, and San Jacinto Valleys, this is a daily

998 reality. The Environmental Protection Agency Brownfields Programs offers a proven bipartisan
999 solution creating jobs, unlocking private investment, easing housing pressures, and restoring
1000 community dignity.

1001 When contaminated land sits idle, communities lose housing, small businesses, and tax
1002 revenues. Families pay the price through higher rents and fewer opportunities. Brownfields
1003 remediation helps breaks that cycle, and we have already seen that progress in my district.

1004 This is the case in point. In 2019, the city of Brawley facilitated the redevelopment of the La
1005 Sica property, a long vacated contaminated site that had been a public burden. Through
1006 Brownfields remediation, that property was transformed into a thriving local car repair business,
1007 creating good paying jobs and renewed economic activity in a community that had waited far too
1008 long.

1009 That is not an outlier. That is what this program was built to do when we give it the
1010 resources it needs.

1011 So, Mr. Wells, from your experience, what keeps small, rural, and low-income communities
1012 from participating in the Brownfields Program, and what changes or funding would make the biggest
1013 difference in making sure these communities benefit from the program?

1014 Mr. Wells. Well, as I said earlier, I think the cost share waiver is a good idea. I think that
1015 limited funds is always a hurdle for small communities. That is why I think that some sort of
1016 all-of-the-above approach makes sense. I don't think that -- while I tend to agree that private sector
1017 entities competing with limited funds can be an issue, I think that excluding private parties from the
1018 program or from benefiting from the program would be as big a mistake.

1019 I think that -- I am a big believer in public-private partnerships. I think when we are talking
1020 about economic development through the redevelopment of Brownfields, you can't have economic
1021 development without the private sector.

1022 Mr. Ruiz. So give me what would a private-public partnership look like, in your opinion, to

1023 help these lower-income communities who oftentimes face difficulty recruiting private industry.

1024 Mr. Wells. Sure. Well, then I think that is where a program like the Brownfields Program is
1025 helpful for those communities, and removing hurdles from their access to the program is important.

1026 Mr. Ruiz. Okay. Thank you.

1027 So Brownfields redevelopment is a powerful, often overlooked, sustainability tool. Reusing
1028 existing land protects open space, reduces infrastructure costs, and shortens commutes that worsen
1029 air pollution, especially in the Imperial and Coachella Valleys where I live and represent.

1030 Mr. Tomson, your community is fighting a power plant and data center development and
1031 threatens to increase air pollution. Can you talk about how certain choices on Brownfields could
1032 actually harm more than help the communities surrounding the site?

1033 Mr. Tomson. Sure. I think, you know, I talked about the detrimental effects of the toxic
1034 emissions being in close proximity to where the town of Davis is, and because of the particle matter,
1035 2.5 microns or less, it is so pervasive. And because of prevailing winds and temperature inversions,
1036 we live in an area that it threatens human health.

1037 And so that is why we are a proponent of having the site move somewhere else where it can
1038 function safely and not harm individuals.

1039 Mr. Ruiz. So you are not against the site. You just want to make sure that it is moved
1040 somewhere else to protect the air quality of the people who breathe in proximity to the site?

1041 Mr. Tomson. That is correct.

1042 Mr. Ruiz. Okay. Okay. So thank you.

1043 The Brownfields Program helps clean up contamination, create jobs, lower costs for families,
1044 and give communities a path forward, instead of keeping them stuck in the past. That is why we
1045 must not corrupt this program. We must protect and fully fund it.

1046 So I yield back.

1047 Mr. Palmer. The gentleman yields back.

1048 The chair now recognizes the gentleman from Kentucky, the chairman of the full committee,
1049 Mr. Guthrie, for 5 minutes for his questions.

1050 The Chair. Thank you. Appreciate it very much.

1051 So in Kentucky, we have an idle aluminum smelting facility that was recently sold to a
1052 company looking to place a data center on the property. The site transition must be done properly,
1053 of course, but I think this is the type of redevelopment of Brownfields sites we should be encouraging
1054 rather than allowing these sites to remain idle, as Mr. Pouncey said about Alabama. It has been
1055 there for 40 years empty. Instead of idle, we should reallocate -- we should have relocation of
1056 innovative new industries.

1057 And so this is an area that had a smelter. The smelter decided to shut down. It had
1058 transmission lines. It has 450 megawatts of power that has been dedicated to the smelter from the
1059 user. Now we have a data center that wants to come to town.

1060 The community has a 3 percent utility tax already in place, not because of the data center,
1061 and they are probably going to have the wealthiest school system in Kentucky once this data center
1062 starts buying power. So there is absolutely proper ways to do this.

1063 So, Mr. Robinson, how do companies such as Aligned locate ideal sites for potential data
1064 centers, and what are some of the challenges with identifying an appropriate location?

1065 Mr. Robinson. Thank you, Mr. Chair. There are a lot of challenges once you locate the site.
1066 As far as locating the sites, we have got a team that goes, looks for proper power. It is really the
1067 power that drives it, the necessary infrastructure.

1068 In my prepared remarks, I also mentioned that those industrial sites for past industrial use are
1069 ideal for data center development. It has the infrastructure, the favorable industrial zoning, the
1070 power lines, and also usually the land area for data center development.

1071 The data centers that Aligned has developed, it was a former semiconductor power
1072 plant -- semiconductor fabrication plant. We have also worked at a coal-fired power plant, and we

1073 have also worked at and we are currently redeveloping an old ball bearing manufacturing facility that
1074 sat dormant for over a decade. It had been in operation for 70 years, and it was a hulking mass that
1075 was abandoned that we have redeveloped.

1076 We have not taken advantage of these grant programs, by the way, but certainly an advocate
1077 for public-private partnership.

1078 The Chair. Thank you. You know, it makes sense really because they already had the
1079 transmission, and it was an industrial site.

1080 I have areas in my area that people are concerned because it is greenfield, it is farmland, it is
1081 near a -- there is one particular county that had put up opposition to a data center coming in, and it
1082 just seems that it is a win-win. We have places like Mr. Pouncey described.

1083 What town in east -- I was actually born in north Alabama. What town in east Alabama are
1084 you from?

1085 Mr. Pouncey. Pepperell Mill Village, which is actually right outside of Opelika.

1086 The Chair. Okay. Near Auburn. Yeah. So are you an Auburn fan, I guess?

1087 Mr. Pouncey. War Eagle.

1088 The Chair. So I have got a be Navy and a War Eagle. That is kind of fun.

1089 So, I mean, it is important where we choose to do this, and it is important because it can
1090 transform communities and does transform communities. But if we don't do it -- I had a reporter
1091 ask me. Maybe somebody in town is proposing a complete ban on data centers. I don't know if
1092 that is accurate or not, but if we don't do them, then China is going to do them. Well, China is going
1093 to do them anyway.

1094 And Gary Palmer, our good chairman here, says -- I am not supposed to use your first name.
1095 Sorry, Mr. Chair -- that whoever controls this is not going to be one of the world's superpowers; will
1096 be the world superpower.

1097 So this is vitally important that we get it right and put them in the right place. That is what

1098 we just want to do.

1099 And I know, Mr. Tomson, Mayor, you have a pristine area, and so you don't want -- you want
1100 that. You want to preserve your pristine area, but not every area is situated like that.

1101 So, Mr. Pouncey, in your written testimony, you discussed how former industrial sites have
1102 existing energy and transportation infrastructure to make them attractive. Can you expand upon
1103 the difficulties in redeveloping sites that lack infrastructure and how difficult it can be to get electric
1104 and other infrastructure installed?

1105 Mr. Pouncey. It is a huge consideration, particularly with those types of uses like you are
1106 referring to, data center uses, which require that level of infrastructure investment. Number one, it
1107 is a cost to the community when you start looking at expanding infrastructure.

1108 Two, there is a huge time component in terms of the delay that is caused when you are
1109 looking at infrastructure that must be brought from several miles away; whether that is water,
1110 whether that is power. Most often, with the data centers, it is power.

1111 And third, and I want to come back to the measuring stick should always be what accelerates
1112 and what ensures that the maximum number of sites are actually cleaned up under Brownfields.
1113 And if you look at sites that already have that infrastructure in place, that provides a huge,
1114 immediate incentive that supports redevelopment of those sites and, correspondingly, cleanup of
1115 those sites.

1116 And in some instances, also the type of development that is, which provides a lot of cover,
1117 also reduces overall exposure to human health, which Mayor Tomson has expressed legitimate
1118 concerns regarding. So I think all of those factors come into this.

1119 The Chair. I'm sorry. The man who has the gavel and the time clock played for Alabama,
1120 so I better -- since you said War Eagle, I better yield back.

1121 And this is serious business, and we need to get it done.

1122 Thanks, Mr. Chair.

1123 Mr. Palmer. The gentleman yields.

1124 The chair now recognizes the gentleman from California, Mr. Peters, for 5 minutes for his
1125 questions.

1126 Mr. Peters. Thank you. Mr. Chairman, I also -- just because you live in Kentucky, I will add
1127 "go Devils" to your list.

1128 Thanks to all the members for being here. I had to step out for something else, but I did
1129 hear all of your testimony. And I want to thank Chairman Palmer for holding this hearing and Chair
1130 Pallone for putting his own proposals forward.

1131 And I do hope that we can work together in a bipartisan way to make this program work. I
1132 mean, we have seen it for a while. The idea is to redevelop compromised areas. We know they
1133 are compromised. They are Brownfields, they are not greenfields, and I think we need to work
1134 however we can to make this program better.

1135 Particularly, it interests me around NEPA. I have been doing a lot of work in trying to
1136 modernize NEPA. The number of projects that we will have is in the tens of thousands, and it seems
1137 to me that Brownfields is a candidate for recognizing that these are compromised sites and that
1138 these are places where we should be developing a lot of these things.

1139 Many of them are already connected, as I think you said, Mr. Pouncey, to infrastructure,
1140 water, and are natural for redevelopment. We should be encouraging that, and if the Brownfields
1141 Program is not helping that in the way it should, we should improve it.

1142 And I know Mr. Griffith talked about the idea of pre-clearance. I think in NEPA, that makes a
1143 lot of sense for me. Now, it doesn't change the Clean Water Act and the Clean Air Act. We have
1144 those bills there to protect us in terms of compliance. But for NEPA, it is a siting bill, and we know
1145 we want to put stuff in these Brownfields that can match, and, of course, one of those things is data
1146 centers.

1147 I do want to also acknowledge and thank the majority in their draft for not trying to pick false

1148 battles between kinds of energy. They want to advance all kinds of energy. I think that makes
1149 sense. It is consistent with what the market is demanding.

1150 But I do want to ask Mr. Robinson about data centers. You are looking for, I assume, a full
1151 suite of options to build power generation inclusive of transmission, clean energy, fossil fuels. Is
1152 that something kind of -- what is your view on how Brownfields can mesh with generation of power
1153 and data centers? How do you think that works?

1154 Mr. Robinson. Absolutely. To date, we have not done any onsite power generation. For
1155 all of our sites, it has been primarily fed by the utility, but we do have to look at onsite behind the
1156 meter generation, just given the constraints right now with the generation side, the transmission
1157 side. I think it is -- and as you aptly note, I think it has got to be all of the above.

1158 Mr. Peters. Right. I would just also say, I listened to Google's presentation on this, which
1159 they have a very sophisticated approach. They want to be connected to the grid. They want to
1160 make sure -- because they want that reliability. But what they are offering communities nearby is
1161 that their investment will not cost them money, because they will cover the cost, but also, that their
1162 investment can also improve reliability of the grid in general.

1163 So you bring that kind of investment to a community, maybe on a Brownfields. You are also
1164 in a position to help the community.

1165 Mr. Robinson. I think that is true across the board, actually. There is a misconception that
1166 data centers are not paying their fair share. We do pay our fair share. When a data center is
1167 interested in locating in a particular place, the local utility has to do a load study. That load study is
1168 to make sure that all the infrastructure is in place to support the projected load.

1169 If there are any infrastructure improvements that have to be made, the data center provider
1170 is actually paying them. So the utility will give us a bill. It will be a Kayak payment, which is a
1171 contribution and date of construction. There will be other forms of security to protect the
1172 ratepayer. And data centers do pay their fair share.

1173 Mr. Peters. Right. I think, except for the issue about whether data centers pay their fair
1174 share, which is something we should make sure that they do, it is a fairly benign use, particularly on a
1175 Brownfields. I mean, it is the kind of thing that is a natural place for redevelopment.

1176 Mr. Robinson. Definitely.

1177 Mr. Peters. I also would just say, you know, I believe, as someone who advocates for
1178 climate action but also understands the demand we have coming for energy from data centers and
1179 manufacturing onshoring and electrification, I really want to build -- be able to site, permit, and build
1180 things much faster.

1181 I think if we are going to compete as a country, we are choosing between a future of higher
1182 energy costs and astronomically higher energy costs. If we want to stay away from astronomically
1183 higher costs, we have to change these laws and modernize them.

1184 I would go further in many ways than these drafts do on permit reform and think about
1185 streamlining, under NEPA, the Endangered Species Act, the National Historic Preservation Act. The
1186 reauthorization program presents an opportunity for this committee to make America more
1187 competitive, to help keep costs down, and to make real reforms to our Federal permitting process.

1188 So I am looking forward to working on that with my colleagues on both sides of the aisle. I
1189 hope we are successful.

1190 Thanks again to the people for -- the witnesses for coming out.

1191 And to the chairman, I yield back.

1192 Mr. Palmer. The gentleman yields.

1193 The chair now recognizes the gentleman from Georgia, Mr. Carter, from 5 minutes for his
1194 questions.

1195 Mr. Carter of Georgia. Thank you, Mr. Chairman. And thank you for being here, all of you.
1196 This is extremely important.

1197 You know, we have got a lot of Brownfields in my district, a lot of Brownfields in the State of

1198 Georgia. In fact, in Georgia, there are over 400 Brownfields sites that have been cleaned up since
1199 2003, and I think that is good. This is what we need to be doing. Do think it is so lengthy, and I get
1200 frustrated at the amount of time it takes. I understand it but, at the same time, it is very
1201 frustrating.

1202 But we have got some great examples in Georgia where we have had some success. One of
1203 those is in my district. It is the SeaPoint Industrial Terminal Complex, the largest cleanup by area
1204 since the inception of the Georgia Brownfields Program. So that is, again, a great example.
1205 Dulany Industries is the one who has done that. It is a good program.

1206 We all understand that the program supports the assessment and the cleanup and the safe
1207 reuse of these properties in the hope that we can reinvest, and we have got some in my home
1208 county of Glynn County that I live in now that we are hoping will develop and really spur our
1209 economy down there, and it should because the locations are really good.

1210 Mr. Robinson, I want to ask you -- and we have talked about data centers. I suspect you
1211 have gotten numerous questions during this hearing about data centers and how we can use
1212 Brownfields as development sites for data centers. Have you seen any issues related to the
1213 development due to our current permitting process?

1214 Mr. Robinson. Much of the permitting process is with regard to power generation. Most
1215 of the permitting that we deal with on the environmental side is at the State, local level. One of our
1216 sites is a U.S. EPA-reviewed site, and all of these sites have challenges, for sure.

1217 Mr. Carter of Georgia. Great. Well, I think it is important to note, because there is a lot of
1218 fear from constituents about the cost of electricity and them having to absorb that and having to foot
1219 the bill for that. I am very proud of the Public Service Commission in Georgia who has said that that
1220 is not going to happen, that the data centers are going to have to pay for their own electricity and it
1221 is not going to be passed on to consumers.

1222 So I think we are addressing that. In fact, the Georgia State Legislature is in session right

1223 now. There are a number of bills addressing that as well.

1224 So, Mr. Wells, you know all about Brownfields and about the opportunities to clean up
1225 contaminated sites in rural America, and this is very important. I represent a lot of rural area.
1226 Would the legislation we are discussing today help accelerate the remediation of Brownfields sites
1227 across our country?

1228 Mr. Wells. I think it would, yes.

1229 Mr. Carter of Georgia. The Brownfields Revitalization for a Better Tomorrow Act, it creates, I
1230 understand, a pilot program for rural communities. And under this, the EPA would award a grant to
1231 an eligible organization to provide technical assistance for applying for the Brownfields grants.

1232 Mr. Wells, do you feel that the legislation we are discussing today could help spur an
1233 economic revitalization in rural America?

1234 Mr. Wells. Yes, sir, I think it could.

1235 Mr. Carter of Georgia. What sort of opportunities exist in these communities?

1236 Mr. Wells. Well, in our experience, it is -- well, it is the same thing we have been talking
1237 about all day. Whether it is a small community, a large community, being able to take a property
1238 that is blighted, that is contaminated, and put it back into productive use, that is the core tenet of the
1239 program and is vital for all community -- any community that has that type of site.

1240 Mr. Carter of Georgia. All right. Let me ask you something, and this is really for anybody
1241 on the panel. Is there anything we can do to speed up the process or is this just a necessary part of
1242 the program? Because we have had some Brownfields that have just been there for years and
1243 years and decades.

1244 Mr. Robinson or Mr. Wells? Go ahead.

1245 Mr. Wells. Well, since my microphone is still on, I will --

1246 Mr. Carter of Georgia. Yeah, go ahead.

1247 Mr. Wells. I will say that, you know, one thing that I have heard is that limiting the number

1248 of grants that can be provided to a specific site can limit the ability to, ultimately, get that site
1249 completely remediated. The current program has some limitations in that respect that might could
1250 be revisited.

1251 Mr. Carter of Georgia. Okay. Anybody else? Any suggestions here?

1252 Mr. Tomson. I would say more funding allows for more sites to be addressed.

1253 Mr. Carter of Georgia. Okay. More sites to be addressed, but I am talking about speeding
1254 up the process of the existing ones.

1255 Mr. Tomson. That I couldn't really comment on.

1256 Mr. Carter of Georgia. Okay.

1257 Mr. Pouncey. Congressman, I would suggest in that instance that two items could be
1258 considered. One is to the extent -- and we mentioned this earlier -- to the extent that we can get
1259 this down to the State programs -- you know, I didn't get involved in drafting Georgia's Brownfields
1260 legislation, but say we can get it down to the State programs, those are extremely effective. And
1261 one of the key components to me of funding would be that we are funding these State programs so
1262 that they are up and running and able to administer this work.

1263 Mr. Carter of Georgia. I am getting the hook from the Alabama grad. So being a Georgia
1264 boy, I have got to yield back. So I yield.

1265 Mr. Palmer. The gentleman yields.

1266 The chair now recognizes the gentleman from Ohio. Mr. Landsman, for 5 minutes for his
1267 questions.

1268 Mr. Landsman. Thank you, Mr. Chairman, and for all of you being here, and for the
1269 committee holding this hearing on the Brownfields Program.

1270 Mr. Wells, you had talked about Brownfields as it relates to the core mission of taking
1271 blighted and contaminated spaces, remediating those spaces, and then turning them back into
1272 something that the public can use. Can you give me a couple of examples, just for folks who are

1273 watching at home?

1274 Mr. Wells. Well, we have had projects in Mississippi, for instance, where previously
1275 contaminated sites could be turned into green space.

1276 Mr. Landsman. Green space.

1277 Mr. Wells. Yes, sir.

1278 Mr. Landsman. Yeah. And I guess this is for you, Mr. Wells and Mr. Tomson, although
1279 anyone can answer it. A lot of these spots were, you know, former gas stations or other places
1280 where something leaked into the soil, right, and the remediation was required in order to put it back
1281 into use.

1282 Have you ever heard -- and I think I am seeing here there are 42,000 properties that have
1283 been remediated since this project started. Does that sound right?

1284 Mr. Tomson. That sounds right.

1285 Mr. Landsman. Okay. That is a ton of projects. Do you think any of them turned back
1286 into gas stations, Mr. Wells? Have you ever heard of any of -- remediating a site and then turning it
1287 back into a gas station?

1288 Mr. Wells. I don't know.

1289 Mr. Landsman. Mr. Tomson?

1290 Mr. Tomson. I haven't. What I have really run into is they have turned into retail and
1291 office space and workforce housing.

1292 Mr. Landsman. Yeah, retail office, workforce housing.

1293 The issue with the data centers, Mr. Robinson, is that they are going to require additional
1294 remediation. When you all leave, you are going to have to remediate the soil and the water.
1295 True?

1296 Mr. Robinson. I don't believe that is true. I don't know --

1297 Mr. Landsman. You aren't going to -- you don't think the data centers are going to

1298 remediate water and soil after they leave?

1299 Mr. Robinson. I do not believe so. We discharge the water into, typically, the municipal
1300 water system. Our water use is dramatically less than the former industrial use. We often see a
1301 90-plus percent reduction in water usage. We use a closed loop system. So our water usage is
1302 minimal. It is down to convenience for restrooms and common area, kitchen, uses like that.

1303 Mr. Landsman. But in order to use -- in order to operate the data center, you have got to
1304 use -- well, we would call it forever chemicals, and some of these chemicals are absolutely going to
1305 leak into the soil. And so then the question is, do you all intend to remediate the soil?

1306 Mr. Robinson. There is nothing leaking into the soil from our data centers.

1307 Mr. Landsman. From any data center in the United States?

1308 Mr. Robinson. I can't speak to others. I can speak to Aligned's designs, and there is no --

1309 Mr. Landsman. Fair enough. That is fair.

1310 My worry -- and I agree with you that there is a race to win AI. I think the race, though, is
1311 not how many data centers you build or the next algorithm. It is which country can figure out how
1312 to harness AI for good and protect its citizens and the environment from the harm. That is the race.

1313 And I worry that we are going to take a program where we are, you know, remediating sites
1314 to get contamination out of the water and soil and having, you know, projects that will just, you
1315 know, recontaminate the water and the soil. And I appreciate that you are saying that is not the
1316 case for your crew.

1317 Why the need to open this up to private companies? You guys have been fine, right? I
1318 mean, you had no issues.

1319 Mr. Robinson. We have been. I think we all recognize public-private partnerships are --

1320 Mr. Landsman. Oh, I do too. It is just, clearly, you are having -- there are no real issues, so
1321 I am wondering why that change.

1322 But I guess the other question that has to do with the database, 5 percent of the grant

1323 program is going to go to a database. You have also been okay, Mr. Robinson, like, finding sites,
1324 right? I mean, you don't need a database, right?

1325 Mr. Robinson. To date, we have not needed that, but there could be value if the committee
1326 thinks so.

1327 Mr. Landsman. Yeah. Fair enough.

1328 Mr. Tomson, I mean, the 5 percent, that is a lot of money that goes to something other than
1329 remediating and bringing these sites back online, right?

1330 Mr. Tomson. It is. You are correct.

1331 Mr. Landsman. And just in the 20 seconds that you have left, where could the money go?
1332 I mean, what are the projects that were --

1333 Mr. Tomson. Well, it takes dilapidated properties, it takes contaminated properties, and it
1334 turns them into vital, productive entities. And after, the Brownfields Program helps it come back up
1335 to life and makes a difference for our communities.

1336 Mr. Landsman. I would love to see all of the dollars go to those things that are going to
1337 move these projects along, but also to ensure that we are getting projects that the community really,
1338 really wants.

1339 So with that, I yield back, and I apologize for going over.

1340 Mr. Palmer. The gentleman yields.

1341 The chair now recognizes the gentlelady from Iowa, Dr. Miller-Meeks, for 5 minutes for her
1342 questions.

1343 Ms. Miller-Meeks. Thank you, Chairman Palmer, and I thank our witnesses for appearing
1344 here today.

1345 In Iowa, we understand both the promise and the challenge of Brownfields redevelopment.
1346 I represent a district with a strong manufacturing base; facilities that build, process, and produce the
1347 goods that keep our economy moving. And I also represent deeply rural communities where small

1348 towns are working hard to stay competitive and grow.

1349 Across my district, there are former manufacturing sites, rail corridors, grain facilities, and
1350 riverfront properties that once powered local economies but now sit underutilized because of real or
1351 perceived contamination concerns. These sites are often located near existing infrastructure, such
1352 as railroads, transmission lines, and a skilled workforce, which makes them strong candidates for
1353 redevelopment if we get the policy right.

1354 The EPA's Brownfields Program under CERCLA has been an important tool, but for many rural
1355 communities in Iowa, accessing that tool is not easy. Small towns do not have full-time grant
1356 writers or environmental staff. They rely heavily on partnerships with counties and the State to
1357 move projects forward.

1358 The bills that we are looking at present opportunities to increase grant caps, provide cost
1359 share flexibility, strengthen State response programs, improve permitting efficiency, and create new
1360 financing tools. And if structured correctly, these reforms can help rural and manufacturing-heavy
1361 districts like mine attract new investment, support domestic supply chains, and create good-paying
1362 jobs.

1363 Mr. Pouncey, you have testified that high upfront cleanup costs and CERCLA liability
1364 uncertainty hinder private developers from redeveloping Brownfields. How would increased grant
1365 maximums, expanded eligible entities, and cost share waivers in the proposed legislation reduce
1366 these barriers for rural and industrial communities?

1367 Mr. Pouncey. I would suggest a couple of items in that regard. One is that I do think
1368 having some allocation of resources specific to the rural area is important, because I share your
1369 concern and see it often where there just isn't the expertise, and the municipalities can't afford the
1370 expertise for this grant writing. So some mechanism that addresses that I do think is important.

1371 Ms. Miller-Meeks. And in your written testimony, you recommended continuing efforts to
1372 transition sites off of the National Priorities List --

1373 Mr. Pouncey. Yes.

1374 Ms. Miller-Meeks. -- into State Brownfields programs. Do you think these former NPL sites
1375 would be ideal locations for nationally significant infrastructure facilities, such as critical mineral
1376 processing?

1377 Mr. Pouncey. Actually, I do, and for a couple of reasons. One, very often these sites are
1378 large sites that -- where only a small portion of the site is impacted, yet they have this tremendous
1379 infrastructure that is in place that makes them suitable for that kind of use.

1380 And so if I have a 200-acre site that has access to tremendous infrastructure and only 20 of it
1381 is impacted, why is the entire 200 acres on the NPL? And it keeps it from being put in State
1382 programs.

1383 Ms. Miller-Meeks. Thank you.

1384 And, Mr. Wells, is there anything you would like to add about the State role in the process for
1385 deleting sites from the National Priorities List?

1386 Mr. Wells. Well, I don't know that I have any comment specific to the National Priorities List
1387 issue, but supporting the State programs that then in turn support the local communities through the
1388 technical assistance and otherwise is a critical part of the program.

1389 Ms. Miller-Meeks. So improving that Federal, State coordination?

1390 Mr. Wells. Yes, ma'am.

1391 Ms. Miller-Meeks. And, Mr. Wells, you highlighted the success of Mississippi's targeted
1392 Brownfields Assessment Program in assessing 82 sites and unlocking private investment. Given the
1393 proposed rule, Brownfields Pilot Program, and cost share waivers for small or disadvantaged
1394 communities, how would this legislation improve access to technical assistance and capital for
1395 communities with limited grant writing or administrative capacity, particularly in areas facing
1396 depopulation and industrial decline?

1397 Mr. Wells. I think the answer is in the question itself. Removing hurdles to access is key.

1398 I think the issue, in all candor, the issue with the pilot program for the loan portion of it, I think there
1399 are some issues there I think that we can work through, because I think that incentivizing private
1400 investment is also a key part of the future success of the program.

1401 Ms. Miller-Meeks. Thank you.

1402 Mr. Chair, I yield back.

1403 Mr. Palmer. The gentlelady yields.

1404 The chair now recognizes the gentlelady from Florida, Ms. Lee, for 5 minutes for her
1405 questions.

1406 Ms. Lee. Thank you, Mr. Chairman.

1407 As we are all considering the reauthorization of the EPA Brownfields Programs, I appreciate
1408 the suggestions and the testimony from our witnesses today about how we might best provide
1409 Federal support for the continuation of these programs.

1410 In my own community, I am very committed to working with my constituents and with the
1411 EPA and our State and local government partners to solve some significant Brownfields issues. I
1412 have visited homes in my district adjacent to significantly contaminated areas and have seen the
1413 damage that it causes to families and want to prioritize working with the EPA to clean up these areas
1414 and make them safe and habitable.

1415 I thank the chairman for conducting this important hearing and giving us the opportunity to
1416 hear from all of you today as we consider these legislative proposals.

1417 I would like to go back to your testimony, Mr. Pouncey. One thing that I want to be sure
1418 that we cover today is the notion that, for Federal dollars that are invested in these sites, that
1419 economic studies show a good return on those investments for the communities where the dollars
1420 are spent. That is one of the things that is in your written testimony. I would love to hear more
1421 from you about that. And also, you mentioned accountability metrics and that what we needed to
1422 be measuring as our metric was where did we actually succeed in cleaning up.

1423 Would you tell us more about those two things, the return on investment and how we should
1424 be capturing that metric?

1425 Mr. Pouncey. And I may address those in reverse order, if I may.

1426 Sometimes, I would offer, that we get so distracted on other potential implications that we
1427 avoid the core mission of these environmental laws, and that is to clean up as many properties as we
1428 can as soon as we can. And that is why I think the Brownfields approach is so critical because it is
1429 bringing the private parties to the table that can accomplish that cleanup quickly as part of
1430 redevelopment as long as we are not creating too many barriers to that process.

1431 And so I think that -- I think the key metric should always be, and the key analysis as we are
1432 looking at legislation, should always be, if it is under the Brownfields approach, what process allows
1433 for the most sites to be cleaned up the quickest. I would suggest that should be the metric.

1434 And forgive me, I have forgotten the first question.

1435 Ms. Lee. It was about the return on investment.

1436 Mr. Pouncey. Return on investment.

1437 Ms. Lee. The data you cited in your testimony.

1438 Mr. Pouncey. Yes. I do think there has been significant return on investment. I would
1439 argue, again, the biggest return on investment has been when these dollars have gone to support
1440 State Brownfields programs that are doing the work on the ground. They are doing most of the
1441 work, and I am sure Mr. Wells would concur with that as well.

1442 We have tremendous State Brownfields programs across the country that are working their
1443 tails off and just doing tremendous work, allowing these sites to be cleaned up, allowing these sites
1444 to be cleaned up quickly and being put back into use with certain incentives that are available in
1445 these programs. And I just think it is important for us to continue to recognize that investment and
1446 the return on that investment.

1447 Ms. Lee. And, Mr. Wells, I would like to return to your testimony on that subject, also

1448 specifically the discussion about reaching rural, small, and disadvantaged communities and how
1449 important that is. I do believe I may be last; if not, close to it. Is there anything you would like to
1450 add on those subjects that you have not had the opportunity to already tell us about today?

1451 Mr. Wells. I don't believe so. Thank you.

1452 Ms. Lee. Absolutely.

1453 So, Mr. Pouncey, going back to you, you have mentioned the need to effectively collaborate
1454 with our State and local partners and, where we can, to actually vest down with the State the
1455 cleanup of some of these sites. Tell me, if you would, why you think that is more effective and what
1456 we can be doing better as Congress to ensure that that is actually happening.

1457 Mr. Pouncey. The reason I think that is better lies in the -- if you take an analysis of the
1458 Brownfields programs across the country and you see how many sites have been cleaned up under
1459 the State Brownfields programs versus under enforcement, it is remarkable.

1460 I mentioned Georgia earlier where in a little bit more than half the time since the Superfund
1461 program was put in place, the Brownfields Program has cleaned up twice as many sites and is well on
1462 its way to cleaning up a lot more. That shows the effectiveness, not just in Georgia, but in
1463 Mississippi and other States certainly around the southeast, Alabama being one as well. So I think
1464 that is so critical.

1465 The States also have the ability to give other types of financial incentives, such as property tax
1466 relief, to Brownfields sites where you can recover some of your cleanup costs from increasing
1467 property taxes, which has also been a critical issue, and they are able to provide liability protection.

1468 So I think those are what make the State component of this so fundamental.

1469 Ms. Lee. Thank you, Mr. Chairman. I yield back.

1470 Mr. Palmer. The gentlelady yields.

1471 The chair now recognizes the gentleman from Texas, Mr. Weber, for 5 minutes for his
1472 questions.

1473 Mr. Weber. Thank you, Mr. Chairman.

1474 As you said, I am from Texas. How many of you all have heard of the city of Port Arthur,
1475 Texas? Some of you have heard. They have pursued a grant under this program to address
1476 hazardous materials, including asbestos and lead paint at the historic Hotel Sabine, which currently
1477 sits vacant. If successful, renovating this building would play a critical role in revitalizing downtown
1478 Port Arthur by adding office and retail space, as well as student housing.

1479 So I want you all to discuss -- and I will take it in turns -- how this program generates a strong
1480 economic return on investment for communities like Port Arthur. But before I do, I want to give
1481 you some Texas history.

1482 In 1901 -- have you ever heard of the Spindletop well in Beaumont, Texas? He is shaking his
1483 head. You have heard it. They were drilling and they went down 1,020 feet deep. The well blew
1484 out about 150 to the air and an estimated 150,000 barrels a day. That was the Spindletop event.

1485 Why is that important? It started the Texas oil boom. It led to the major expansion of
1486 major oil companies like Texaco, Gulf Oil, and later influence on companies like Exxon. It helped
1487 shift the U.S. from coal to petroleum as a major energy source.

1488 Why do I tell you all that? It is extremely important what is going on there. If you went to
1489 Port Arthur, Texas, today, you wouldn't recognize it. I mean, this is, you know, 1901 -- any math
1490 majors? -- 100 and, what, 25 years ago.

1491 Just for the record, Mr. Chairman, I wasn't alive back then, okay.

1492 So what I want to know is, when you think of a city of Port Arthur like that, that has had that
1493 extremely, extremely economic boom that they had for a while and yet now they don't, how is
1494 it -- what can you do with a program that generates that for the city of Port Arthur and, exclusively,
1495 that Sabine hotel, which had asbestos and all kinds of lead paint? How does that program benefit
1496 someone like that?

1497 I will start with you.

1498 Mr. Wells. Well, I think it touches -- the question touches on something that has been
1499 maybe lost in the shuffle today, during the discussion today, and that is one aspect of the program is
1500 local decision-making, you know, and what benefits the local community that is impacted by that
1501 Brownfields site, and empowering those communities to make decisions about what would be the
1502 best sort of redevelopment from their perspective.

1503 Data centers, whether it is data centers or whatever type of facility, we have talked a lot
1504 about that today. But hotels, retail space, mixed use developments, all of those. You look across
1505 the universe of Brownfields projects across the country and you are going to see a wide variety of
1506 those projects, and I think allowing -- having a program like this that allows -- that provides an
1507 opportunity financially for those local communities to recruit whatever type of economic
1508 development is best suited for them --

1509 Mr. Weber. Let me interrupt real quick, because I want to move on.

1510 Do you know of any projects, any Brownfields there in Port Arthur, Texas? I am sorry. I
1511 haven't looked them up. Anybody know of any? No? Okay.

1512 Mr. Tomson, I am going to come to you. As of today. The Texas Commission on
1513 Environmental Quality, TCEQ you would recognize it as, has identified 213 Brownfields sites across
1514 my home State -- that is all of Texas, of course -- with approximately 10 of them located in my
1515 congressional district.

1516 Now, I am in the upper Gulf Coast of Texas. We start at the Louisiana line, that other foreign
1517 country, and we come down the Gulf Coast. We pick up Orange County, Jefferson County,
1518 Galveston County, and the southern half of Missouri County. Are you all acquainted with any of
1519 those Brownfields sites?

1520 RPTR SEFRANEK

1521 EDTR ZAMORA

1522 [4:38 p.m.]

1523 Mr. Tomson. I am not.

1524 Mr. Weber. No.

1525 Sir?

1526 Mr. Robinson. I am not.

1527 Mr. Weber. Okay. That is some research we should do.

1528 Mr. Pouncey. We may have worked on a couple of those, Congressman. I would have to
1529 go back and review some more materials.

1530 Mr. Weber. Okay. As you all know, navigating the Brownfields Program requires
1531 coordination and buy-in from residents, as well as local elected officials to stakeholders in
1532 Washington. I call it Warshington. You all probably call it Washington.

1533 As communities work to remediate sites such as Shield Park in Galveston -- Galveston is very
1534 historic, the oldest port in Texas, if I have my facts right -- what advice would you offer to local
1535 elected leaders to help ensure the process is efficient and seamless as possible?

1536 If I am going to tell the leaders, local leaders in Galveston they need to apply for this, how do I
1537 do that, Mr. Tomson?

1538 Mr. Tomson. I think part of it is really using all the resources that are available in the
1539 Brownfields Program. For example, starting with the technical assistance, Brownfields centers that
1540 are in the regions. They provide EPA assistance to the local entities.

1541 The other thing that is very important is, as Mr. Wells has mentioned before, is the State
1542 programs that are available to local communities. And that makes a big difference to, again, local
1543 entities.

1544 Mr. Weber. Okay. Well, thank you. I have run out of time. So I wanted to give you a

1545 little bit of Texas history and why it was important.

1546 Mr. Chairman, I yield back.

1547 Mr. Palmer. The gentleman yields.

1548 The chair now recognizes the gentlelady from California, Ms. Barragan, for 5 minutes for her
1549 questions.

1550 Ms. Barragan. Thank you.

1551 Mr. Tomson -- Mr. Robinson, I want to start with you for just a moment. I understand that
1552 you made a comment similar to data centers, companies are paying their way. Is that right?

1553 Mr. Robinson. That is correct.

1554 Ms. Barragan. So several AI and data center companies have committed to cover the full
1555 cost of energy and grid upgrades if they build in a community so that residents don't have to pay
1556 higher electricity prices.

1557 Has your company made that commitment?

1558 Mr. Robinson. We haven't seen it yet. We have heard about it. We are prepared to
1559 make the pledge as well, yes. And we are paying our way, yes.

1560 Ms. Barragan. Okay. The reason I am asking, I saw an article about consumers in seven
1561 PJM States paid \$4.4 billion for data center, transmission, and some other stuff. So I am glad to
1562 hear you say that.

1563 And it makes me wonder, then, whether we should amend this bill to have that in writing,
1564 that basically if you are going to get money for a data center, that you are not going to pass on any
1565 rate hikes and that the data centers are going to pay for it?

1566 Mr. Robinson. Congresswoman, I have not commented on any of the bills. What I have
1567 mentioned is really Aligned's experience developing Brownfields sites, turning them into data
1568 centers. We have not taken advantage of the grant programs or the loan programs in doing so, and
1569 we are prepared and will continue to pay our fair share.

1570 Ms. Barragan. Okay. So it sounds like you could be supportive of an amendment that says
1571 if any data center project received a Brownfields grant, the company must cover the energy cost.
1572 Does that sound accurate?

1573 Mr. Robinson. That is fine with us.

1574 Ms. Barragan. Okay. That is great.

1575 Mr. Mayor -- Mayor -- hold on. I want to make sure I get this right. Mayor Tomson.

1576 Mr. Tomson. Correct.

1577 Ms. Barragan. I saw mayor of Davis, and I just was a little confused for a second. I want to
1578 thank you for your testimony, for being here today.

1579 When you did your opening statement, you talked about some of the concerns that I have. I
1580 believe that the Brownfields Program was created to help communities clean up contamination on
1581 land, and they did not create -- they did not really create this fund for, you know, folks, companies
1582 that have a lot of money, that could be using that money for things, although I do believe in the
1583 public-private partnership. My concern is what the impact will be on changes like this. And you
1584 expressed some of those concerns that you also had.

1585 One of the things that we hear a lot about is that the Brownfields Program is great, and I think
1586 it is fantastic that it is bipartisan. I completely support it. But not all of -- there isn't enough
1587 money in there right now, right, in the Brownfields Program?

1588 Mr. Tomson. That is correct, ma'am.

1589 Ms. Barragan. Right. And you say we all support, you know, putting more money into it,
1590 right?

1591 Mr. Tomson. We do.

1592 Ms. Barragan. Yeah. Now, if EPA begins prioritizing Brownfields grants for projects that
1593 build data centers for Nvidia and Amazon, do smaller community projects, like affordable housing or
1594 community parks, risk losing out on funding in a competitive grant process?

1595 Mr. Tomson. We would lose out in that process and not be as competitive as we would
1596 have been in the existing Brownfields Program the way that it is structured today.

1597 Ms. Barragan. You mentioned also an impact on local community and local decisions.
1598 Could you elaborate a little bit on that?

1599 Mr. Tomson. Well, I think it is important that local communities have a voice in the
1600 Brownfields process and, again, through the technical assistance Brownfields centers and through
1601 the State Brownfields agencies, we do have that voice, and we form partnerships and alliances to go
1602 ahead and successfully complete these projects. And it is working.

1603 Ms. Barragan. Right. In my district, Brownfields funding is one of the only tools we have to
1604 clean up contaminated land so it can be turned into affordable housing or green space and
1605 community facilities. If those projects start competing against large industrial infrastructure
1606 projects, it is hard to see how they don't get left out.

1607 Mr. Wells, is there anything you want to add on this?

1608 Mr. Wells. I am sorry. I am not -- what was your question? I am not sure I understood
1609 your question.

1610 Ms. Barragan. Well, I was seeing if you wanted to add anything on this conversation about
1611 the use of the Brownfields grant money and the competition against, you know, large industrial
1612 infrastructure projects.

1613 Mr. Wells. I think there is a way to balance the two. I don't think that excluding private
1614 entities categorically is necessarily the solution.

1615 Ms. Barragan. Okay. Thank you.

1616 I yield back.

1617 Mr. Palmer. The gentlelady yields.

1618 The chair now recognizes himself for 5 minutes for questions.

1619 First thing I want to do, though, is I think what we are doing right now is one of the most

1620 important things that the committee is undertaking, and it is largely because of the race for
1621 dominance in artificial intelligence. This is not -- this race for artificial intelligence is for one thing
1622 only, and that is to determine who will be the superpower. Whoever wins this race will not be a
1623 superpower; they will be the superpower. It is not about whoever wins this race is doing it so they
1624 can improve the environment or improve the human condition, particularly if one of our adversaries
1625 achieves that before we do, and in specific, China.

1626 So what we are discussing today is, I think, critical to determining who will win that race, and
1627 that is the ability to do a couple of things. One, obviously, the data centers is getting them properly
1628 located. And, Mr. Pouncey, I will talk to you a little bit about military sites for locating those, as well
1629 as Brownfields sites. And sometimes those are the same thing.

1630 The other, though, is we are almost totally dependent on China for refined rare earth
1631 elements. There is not a single major refinery for rare earth elements in the Western Hemisphere.

1632 Mayor Tomson, as your role as a general, that would have raised some significant concern for
1633 the military, and particularly given the fact that there is not a single military vehicle that I know of
1634 that can operate without rare earth elements, and you have to have antimony to harden lead so that
1635 you don't file the barrels of your weapons. And not a single rare earth refinery -- major refinery in
1636 the Western Hemisphere.

1637 So one of my main objectives right now is to get this critical infrastructure built, do it in a way
1638 that is keeping to the standards that we already have set for environmental quality -- I worked for
1639 two international engineering companies in a previous time in my career -- so that we can decouple
1640 ourselves from China in that regard. It is absolutely a top national security issue.

1641 So, Mr. Pouncey, I want to allow you to take a few minutes to talk about particularly the
1642 military sites, and I think some of our closed bases make sense for data centers where I think
1643 Mr. Wells -- no, I think it was you, Mr. Pouncey, that talked about the infrastructure that exists on
1644 some of the coal-fired power plants that have been closed, the transmission lines are still intact,

1645 which would allow us -- and I am pushing small modular nuclear reactors to tie into the existing lines
1646 there, transmission lines, that not only could power the data center or the process and refining
1647 facility, but increase the baseload power for the local communities.

1648 Would you like to comment on that?

1649 Mr. Pouncey. Let me, Mr. Chairman, if I may, start with the development of data centers,
1650 refineries of rare earth minerals. In my mind, it is more appropriate for those to occur at sites that
1651 already have impacts than occur -- that activity occur on greenfield sites, because I think that is -- you
1652 can manage that and part of the cleanup of those sites can be part of the construction of that new
1653 material and equipment and structures.

1654 So I think that is the first observation that I would make, and I do think it is appropriate to
1655 prioritize critical mission undertakings in terms of site selection.

1656 The second comment I would make is with respect to -- with respect to military bases. We
1657 have just completed development of a data center on a military base -- a closed military base. And
1658 what was significant to us was, number one, that we had, once again, the access to the
1659 infrastructure. And number two, is we looked at other uses. The data center made the most
1660 sense in terms of covering up areas of impact, preventing that impact from being subject to human
1661 exposure. Candidly, the data center use is a much cleaner use than what had been there
1662 previously.

1663 And so I think those are two observations I would make with regard to that.

1664 And then finally, I do think one of the other attractive things about having the infrastructure
1665 in place and immediate access to power in our data center -- Mr. Robinson can testify to that -- is the
1666 fact that you don't have to look for interim sources of power until you can get the electricity
1667 infrastructure put in place and delivered to that data center facility.

1668 When you have got that infrastructure all in place, it allows you to use the power -- use that
1669 electrical power immediately, rather than having use an interim source, which may be a source that

1670 has more environmental impacts than would the electricity that is being provided.

1671 Mr. Robinson. Mr. Chairman, if I may, we actually have two of our existing data center sites
1672 that are closely coupled where a coal-fired power plant used to be operational. The one in
1673 Conesville, Ohio. We have got another site in Pennsylvania that we are currently looking to
1674 redevelop. And then the site that we have got in Sandusky, Ohio, as well was an industrial site.

1675 Mr. Palmer. I yield.

1676 I recognize the gentleman from Ohio, Mr. Latta, for 5 minutes for his questions.

1677 Mr. Latta. Well, thanks very much, Mr. Chairman. And thanks to our witnesses for being
1678 here. It is really an important hearing today, especially, you know, when we are talking about
1679 reusing especially mine sites.

1680 Mr. Pouncey, if I could ask my first question to you. How can the Federal Government
1681 support the remediation and redevelopment of former mine sites? And then just out of curiosity,
1682 have you ever had any experiences where that might have happened on these Federal sites? I
1683 know we are talking about military, but what about on other sites that might have been presently
1684 owned by the --

1685 Mr. Pouncey. We have some of the quarry mining sites and some others, sir, across
1686 primarily the Southeast, but other parts of the country as well.

1687 Once again, I think the key in each of those with which I have had personal experience was
1688 the fact that we were able to use State Brownfields programs. One was in Maryland, one is
1689 in -- one is in Georgia, and one is actually in the Midwest. We were able to use State Brownfields
1690 programs to oversee the cleanup and conversion to some other use.

1691 The Federal dollars and why they were important in that regard was because they went to
1692 help fund the State Brownfields employees that ran that State program. And, therefore, able to
1693 deliver to us the immediate oversight or very quick oversight to ensure that things were being
1694 properly conducted, to ensure that there would be an acceptable closure to the site from a

1695 regulatory standpoint, and for us to be able to take advantage of financial incentives that existed
1696 within that Brownfields Program, primarily relief on property taxes.

1697 Mr. Latta. Thank you.

1698 Mr. Robinson, you know, as we are talking about the former energy sites and, you know, one
1699 of the issues if you are talking about maybe like in a coal mine or something like that -- you know,
1700 one of the great things about this committee, we have very broad jurisdiction. I am chair of the
1701 Energy Subcommittee.

1702 So when we are thinking about the generation and the transmission, the distribution of
1703 power, when you are looking at a -- let's just say it would be a coal site -- are there any barriers that a
1704 former coal mine or a strip mine that would be a barrier for you to be able to get in there? Are
1705 there issues on the -- again, from bringing, you know, that power in from either generation would be
1706 wonderful if you had a question be it since we are looking behind the meter at these sites. But any
1707 experience on your end on that?

1708 Mr. Robinson. Sure. Our site in Conesville, Ohio, what was really attractive about that is
1709 the transmission infrastructure feeding the site. It used to have the electrons going out, but that
1710 infrastructure now can power bringing power in.

1711 That particular site also had a very large coal ash pond. So remediating the coal ash and the
1712 coal combustion residuals has been a process to overcome. There was some mining as well that
1713 was done in the hills there in Conesville, Ohio, in Coshocton. So there is various issues that you may
1714 come across there as well.

1715 But what is super attractive about the former power plant sites is the infrastructure. I think
1716 the transmission -- to permit a new transmission line is 7 to 10 years. Meanwhile, we can build a
1717 data center in 14 to 18 months.

1718 So there is a massive disconnect on the transmission, and permitting regulatory reform to
1719 expedite that process, to then permit the fast development of data centers would be ideal. But for

1720 right now, it is really the transmission feeding those power plant sites.

1721 Mr. Latta. Let me ask this then. Because let's say you can use that former site, power site.

1722 You know, one of the issues we also have to contend with today is modernizing that grid out there.

1723 You know, from the preexisting site that was there, you know, are we talking about the same

1724 amount of -- on the megawatts size? Are we at, you know, a terawatt, or where are we at on some

1725 of these sites? Would you have to do a lot of upgrading to that site with the modernization?

1726 Because, again, we are talking about a massive amount of power being utilized at the site.

1727 Mr. Robinson. Yeah. Prior to really any installation, we go through what is known as a

1728 load study with the local utility. In that case, it was AEP. And this site used to be an AEP coal-fired

1729 power plant.

1730 Any site, though, a load study is done, and the local utility identifies each portion of the

1731 infrastructure that has to be improved to then carry the load that we want to bring to the data center

1732 site. And we do end up paying for those improvements, so we are paying our fair share.

1733 Mr. Latta. Well, thank you very much.

1734 Mr. Chairman, my time has expired, and I yield back.

1735 Mr. Pfluger. [Presiding.] The gentleman yields back.

1736 The chair recognizes myself for questioning.

1737 I thank the witnesses, and I believe this may be the last -- I am the last questioner, so you

1738 have survived.

1739 I will focus kind of on the rural aspect as, obviously, outsized economic impact when done

1740 correctly, but also the -- there are limitations on staff, and you all have talked about this today, and

1741 that is kind of where I want to start. But it does make a huge difference when we do this correctly.

1742 So I will start with Mayor Tomson. You know, kind of one of the biggest practical barriers

1743 that rural towns face when trying to access or administer EPA Brownfields grants, and specifically is

1744 it -- are we talking funding levels or cost-sharing requirements? Are there restrictions or technical

1745 capacity? Can you talk us through that?

1746 Mr. Tomson. Yes, sir. It is a little bit of all of that. Resources are very important, the
1747 program, the funding. I talked about how, you know, we really don't want to compete with the big
1748 entities because we probably would lose the ability to have the funding that we have had in the past.

1749 From a technical standpoint, we also in rural communities don't have the expertise to do the
1750 things we need to do for these grants, and that is where we rely on the EPA's technical assistance
1751 Brownfields centers, which do a great job. And then also our partners at the State level also with
1752 the Brownfields Program makes a big difference. And it is leveraging their knowledge, their
1753 expertise that allows us to be successful.

1754 Mr. Pfluger. Thank you for that. And I am glad to hear good, positive comments on the
1755 EPA assistance as well.

1756 Mr. Wells, how can -- can Federal policy better support State Brownfields responses and
1757 those programs in assisting small, rural communities, as the mayor just mentioned, that don't have
1758 the staffing to navigate the cleanup or the redevelopment on their own?

1759 Mr. Wells. We serve in that role of helping people walk through the process, and
1760 adequately funding the components of the program that fund our work there is critical.

1761 Mr. Pfluger. Are there specific examples where you can cite that it is in States or that you
1762 know of examples that have gone well and those that have not gone well?

1763 Mr. Wells. With our help, I am not aware of any that haven't gone well.

1764 Mr. Pfluger. I will turn to Mr. Robinson. You have mentioned -- you just talked about
1765 some permitting with my colleague. And, you know, what conditions make a Brownfields site viable
1766 for private investment, and then what role should the Federal incentives play in ensuring that these
1767 projects are financially feasible without overriding local priorities? How does that fit into some of
1768 the permitting discussions?

1769 Mr. Robinson. One point that I really wanted to make was we do take community

1770 involvement. There was a description of a data center coming to a town, ignoring the local
1771 community. That is certainly not how we do our data center projects.

1772 We often have community information sessions, that we go into the community even before
1773 we buy the land. We share what our plans are. I have done three of them in the last month
1774 alone. Going into the community, getting feedback, sharing with them what we would like to do
1775 with the site, that helps gain trust, add transparency to the process.

1776 So many of our permits are local permits. So that really helps the process from a permitting
1777 standpoint.

1778 Earlier I mentioned we have not taken advantage of the Brownfields Programs. The
1779 Brownfields sites that we have developed -- and there is six-plus that we have done as a company as
1780 part of our sustainability mission -- taking Brownfields sites, putting them back into productive use,
1781 making it part of the digital infrastructure for this new age.

1782 We have not had to use any of those grant programs to date, so I can't really specify any
1783 issues that need to be rectified.

1784 Mr. Pfluger. Mayor Tomson, just on a cost basis, without some of these permitting reforms
1785 as we craft this legislation, I mean, give us an idea of what the cost could be if we don't streamline
1786 and make it more efficient. For some of the staffing positions, you know, you have to go out and
1787 hire attorneys, you have to go do different things that maybe a small community like mine is not set
1788 up to do.

1789 Mr. Tomson. Well, I think especially when you look at the EPA technical assistance
1790 Brownfields centers, they actually had a 20 percent staffing cut through the DOGE efforts, and that
1791 has hampered their ability to support local rural communities in some of the advice and technical
1792 assistance. So shoring that up would be very, very helpful.

1793 Mr. Pfluger. Very interesting. We have 20 seconds left. Did anybody not get a chance to
1794 say something?

1795 Mr. Pouncey, I didn't have specific questions, but I will yield to you for 15, 20 seconds if you
1796 have anything.

1797 Mr. Pouncey. It is -- I would just reemphasize the role that the private sector plays in
1798 developing and cleaning up these sites. And so we can't understate the fact that we need them as a
1799 player at the table.

1800 Mr. Pfluger. Thank you. My time has expired.

1801 And I would like to thank all of the witnesses for being here today. Members may have
1802 additional written questions for you, and I will remind members to get those in within 10 business
1803 days, and I ask that the witnesses do their best to submit responses within 10 business days upon
1804 receipt of those questions.

1805 I ask unanimous consent to insert into the record the documents included on the staff hearing
1806 document list.

1807 Without objection, so ordered.

1808 And without objection, the committee is adjourned.

1809 [Whereupon, at 5:02 p.m., the subcommittee was adjourned.]

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