



WRITTEN STATEMENT FOR THE RECORD

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**ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES
AT THE HEARING “CLEANING UP THE PAST, BUILDING THE FUTURE: THE
BROWNFIELDS PROGRAM”
BEFORE THE SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
UNITED STATES HOUSE OF REPRESENTATIVES**

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Introduction

Chair Collins, Ranking Member Wilson, and distinguished members of the Subcommittee, thank you for the opportunity to testify today on the Environmental Protection Agency's (EPA) Brownfields Program. I also want to thank Chairman Graves and Ranking Member Larsen for their leadership and support of the Brownfields Program at the full committee level.

My name is Terry Wilbur, and I serve as the County Clerk for Oswego County, New York. Today I am here on behalf of the National Association of Counties (NACo), which represents all 3,069 counties, parishes and boroughs throughout the country, including the 62 counties in my home state of New York.

Today's hearing is of great importance to both urban and rural counties as we are responsible for protecting the environment, ensuring public health and strengthening the economic vitality of our communities. The EPA Brownfields Program is a highly successful and effective federal program that helps counties redevelop underutilized, contaminated sites to reinvigorate entire communities and their economies.

As many of you know, a Brownfields site is an abandoned or vacant property that has been exposed to hazardous substances or contaminants. Brownfields sites range from former industrial complexes to older public buildings and even smaller properties such as former gas stations. EPA estimates there are over 450,000 brownfield sites throughout the country and 63 percent of counties have at least one Brownfield site in their boundaries. However, many counties have more than one Brownfield site, including Oswego County, with 125 identified sites. While the presence of Brownfield sites can present land use challenges and negatively impact property values, redevelopment can spur economic growth and revitalize the surrounding environment.

About NACo

Founded in 1935, NACo is the only national organization that represents county governments in the United States and brings together county officials to advocate with a collective voice on national policy, exchange ideas, build new leadership skills, pursue transformational county solutions, enrich the public's understanding of county government and exercise exemplary leadership in public service.

About America's Counties

Counties employ more than 3.6 million Americans who support 1,900 local public health departments, 900 hospitals, 700 long-term care facilities, 750 behavioral health centers and 91 percent of local jails. Counties also maintain 44 percent of America's roads, 38 percent of bridges, a third of airports and 40 percent of the nation's public transit systems. We are responsible for emergency operations, 911 services, public safety and protective services for vulnerable populations. Counties are also environmental stewards responsible for protecting local water, air

and land resources. Annually, counties invest nearly \$743 billion in our communities, including more than \$146 billion in public infrastructure and facilities.

Counties are highly diverse and vary immensely in natural resources, social and political systems, cultural, economic and structural circumstances, and public health and environmental responsibilities. Counties range in area from 26 square miles (Arlington County, Virginia) to 87,860 square miles (North Slope Borough, Alaska). The population of counties varies from Loving County, Texas, with just under 100 residents, to Los Angeles County, California, which is home to nearly ten million people. Of the nation's 3,069 counties, approximately 70 percent are considered "rural," with populations less than 50,000, and 50 percent of these have populations below 25,000. At the same time, there are more than 120 major urban counties, which collectively provide essential services to more than 130 million people every day.

Many of our responsibilities are mandated by federal and state governments. Although counties cover a wide range of responsibilities, most states require counties to carry out a range of critical services and support for our residents. These responsibilities include construction and maintenance of roads, bridges and other infrastructure, assessment of property taxes, record keeping, administering elections and overseeing jails, court systems and public hospitals. Land use planning, environmental protection and local and regional economic development are critical components of these responsibilities and often converge around the reuse of Brownfields.

About Oswego County

Oswego County is a rural county located in upstate New York that borders Lake Ontario. The total population of the county is 118,000 people, most of which is concentrated in the cities of Oswego and Fulton that border the Oswego River. Oswego County has 125 Brownfield sites, many of which are former industrial facilities. Between 1980-2010 the county's industrial base declined as major companies such as Nestle, Hammermill and Miller Brewing closed their doors. Many of these once prosperous facilities with prime waterfront locations became vacant properties contaminated with hazardous substances.

Oswego County is also home to the Port of Oswego, the first U.S. port of call and deepwater port on the Great Lakes from the St. Lawrence Seaway. Located on Lake Ontario on route to the interior of North America, we are accessible from any international port in the world. The historical port is also home to Oswego Marina, Goble Marina, the H. Lee White Marine Museum, and historic maritime district. The Port of Oswego's strategic location at the crossroads of the Northeastern North American shipping market, puts us less than 350 miles from 60 million people. Extend that to 750 miles and we reach half of the United States and Canadian population, and half of their business and manufacturing facilities. The Port of Oswego is New York State's only Grain Export Center on Lake Ontario and home to 14 companies that utilize the Port for both their domestic and international operations. A 2023 U.S./Canadian research study shows that the Port of Oswego

Authority makes a \$513 million impact on the local and regional economy and supports 2,229 jobs by its maritime activity.

Oswego County has received two Brownfields Assessment grants, \$400,000 in 2004 and \$500,000 in 2022. This funding has been used to identify the 125 Brownfield sites and conduct the environmental site assessments necessary for redevelopment at several sites. The Brownfields assessment grants are critical to our ability to repurpose Brownfield sites and turn these once blighted properties into tax revenue generators for the county. We would not be able to do this work without the assessment grants we have received.

Some completed Brownfields assessment and redevelopment projects in Oswego County include:

- **The Stevedore Lofts** – a multi-use historic building located on the Oswego River featuring apartments, office, and retail space ideal for commuters to and from Syracuse and convenient access to SUNY Oswego.
- **The Harborview apartments** – a vacant lot that now hosts an apartment complex of four buildings. The former blighted condition and underutilization of the property negatively impacted downtown, the waterfront, and the gateway to the waterfront. The redevelopment of the site plays an integral role in the creation of the waterfront corridor by connecting the downtown business district to the western waterfront district. Together these two housing developments have added 108 housing units and 5 commercial leasing spaces with a total investment of \$30 million.
- **The Oswego West Pierhead Lighthouse** - the Brownfield assessment grant funded a Phase I assessment which allowed the State to ultimately provide grant funding for the exterior restoration of this historic site. As a result, this ultimately saved this historic gem which is iconic to the historic landscape of the port city. Now there are historic tours that are offered, and the site is saved for future generations.
- **Former Columbia Mills Superfund site** – this site is located in the city of Minetto on the Oswego River. The Phase I assessment for this site was recently completed and we are currently in talks with a potential developer for up to 96 housing units.
- **Lake Ontario Industrial Park** – a 50 acre facility within an Oswego Opportunity Zone located one mile from the Port of Oswego and 12 miles from the Oswego County Airport, is prime for future expansion for commercial purposes or housing. The Phase I assessment is completed and a Phase 2 assessment is needed to continue working toward the future of this property.
- **Former Nestle Building** – a Phase I assessment has been completed, and we are working on a Phase II assessment to work toward the safest way to remove the hazardous chemicals that are still present on the property.

As you can see from these examples, the Brownfields Program has been very successful in Oswego County. However, with 125 brownfield sites throughout the county there is still much work to be done.

Impact of Brownfields on Counties

While the presence of Brownfields sites can negatively impact county governments from both an economic and environmental perspective, there are multiple benefits associated with redeveloping these sites. By providing funding for redevelopment, the EPA Brownfields Program benefits counties by both spurring economic growth and protecting public health and the environment.

Economic development is important for counties because it helps to retain and grow jobs and investment within a community. The tax base that is created through this growth and investment is used by counties to provide essential services such as police and fire, road and bridge construction, transit operations, senior services, parks and recreation, library services and more. In many states, counties are severely constrained in their ability to raise and collect tax revenue. Forty-two states limit county property tax authority, and restrictions have expanded extensively in recent decades. In New York counties are subject to an annual statewide property tax growth cap of 2 percent and must receive permission from the State to levy a sales tax greater than 3 percent. Despite limitations and unfunded mandates placed on counties from both federal and state governments, counties must still deliver essential services to our residents and visitors.

The EPA Brownfields Program is a critical tool for counties to bolster our economic development by providing support for cleaning up and reusing Brownfields sites which, in turn, strengthens the local economy, creates new jobs and increases the tax base. Brownfields redevelopment has been an indispensable component of our economic development in Oswego County. Any changes to the federal program and its requirements would directly affect our residents and our local economy.

County governments play a critical role in addressing environmental and public health concerns at Brownfield sites. While these sites are generally not considered “highly contaminated,” the types and levels of contaminants present can vary and may directly or indirectly impact groundwater and the surrounding land and buildings. Types of contaminants include lead, asbestos, petroleum products, treated wood, industrial chemicals and diesel fuel. To fully protect human health, safeguard the environment and foster economic development, cleanup and redevelopment of these sites are necessary. The EPA Brownfields Program helps counties achieve these goals.

Recommendations for the reauthorization of the EPA Brownfields Program

The federal investment from the Brownfields Program is crucial for both urban and rural counties by providing funds needed for the cleanup and redevelopment of contaminated sites, which helps to attract new business and provide new economic development opportunities for our communities. The Brownfields Program has historically been a highly successful federal program and should be reauthorized and properly funded by Congress.

Counties offer the following recommendations to Congress regarding the Brownfields Program:

1) Reauthorize the Brownfields Program

Congress should reauthorize the Brownfields Program to ensure that this critical source of federal funding remains available to counties for Brownfields assessment, cleanup, and redevelopment, as well as providing incentives for private investment in our communities. Brownfields exist in rural as well as urban and suburban counties and redevelopment of these abandoned or underutilized sites is vital in stimulating economic revitalization in these areas in counties across the United States.

It is essential that federal resources remain available for counties. As such, NACo urges Congress to reauthorize the EPA Brownfields Program.

2) Increase funding levels for the Brownfields Program

Many Brownfield sites remain underutilized because of the limited availability of funds to identify and clean up contaminated sites. It is difficult for counties to fund Brownfields projects without federal support due to high remediation costs and associated regulatory issues.

Congress should increase the overall authorization level for the Brownfields Program to allow more counties to address Brownfield sites. Counties greatly appreciate the \$1.5 billion provided for the Brownfields Program by Congress in the bipartisan Infrastructure Investment and Jobs Act (IIJA). However, the previous Brownfields reauthorization legislation, the *Brownfields Utilization, Investment, and Local Development Act of 2018* authorized the Brownfields Program at \$200 million per fiscal year which is the same level of funding that was authorized in 2002. While authorized funding has remained stagnant, the cost of addressing and effectively remediating these sites has grown significantly. NACo urges Congress to increase the funding authorizations in Brownfields reauthorization legislation.

Additionally, counties recommend increasing the cleanup grant ceiling to \$1 million with the flexibility to award up to \$2 million in special circumstances in recognition of the complexity of the cleanup process and provide greater certainty for long-term project financing, as well as increased flexibility.

3) Increase the administrative cap on Brownfields Program grants

Congress should increase the cap on administrative costs in future reauthorization legislation. This would allow counties to use a small portion of their Brownfields funding to cover reasonable administrative costs that are necessary for carrying out the functional purpose of the grant. Many rural counties face difficulties in accessing federal funds as they have limited staff, expertise and financial resources available to complete complex grant applications or to comply with burdensome reporting requirements. Counties support increasing this cap to provide additional flexibility for administrative costs so that rural counties can continue to take advantage of this critical program.

Conclusion

Chair Collins, Ranking Member Wilson and distinguished subcommittee members, thank you for the opportunity to testify today on the positive impact of the EPA's Brownfields Program on America's counties. I would also like to thank U.S. Conference of Mayors and National League of Cities, who have both been great partners in our joint efforts to modernize and reauthorize the Brownfields Program.

Counties recognize the Brownfields Program as a vital component of the intergovernmental partnership to drive economic development, create good jobs, address environmental concerns, and protect public health. The Brownfields Program has proven incredibly successful and will continue to be successful if reauthorized and properly funded.

Thank you for your attention to this important issue. We urge you to reauthorize the Brownfields Program and look forward to working together.