

MEETING NOTES
Nonprofit Brownfields Cleanup Grant Recipient Roundtable
July 25-26, 2005

Day 1

Welcome and Introductions, Meeting Overview

Linda Garczynski - Director, Office of Brownfields Cleanup and Redevelopment, EPA HQ
Ira W. Leighton, Jr. - Deputy Regional Administrator, EPA Region 1

Ms. Garczynski and Mr. Leighton welcomed and thanked everyone for attending the first nonprofit roundtable for Brownfields Cleanup grant recipients. They stated that they hoped everyone found this meeting informative and useful; and if so, they intend to hold more in the future as a learning and networking opportunity.

**Developing a Cleanup Vision and the Importance of a Strong Community Relations Plan:
The TPL Story**

Nancy H. Kafka - Trust for Public Land, New England Office

Ms. Kafka presented an overview of the Trust for Public Land, a nonprofit that works to conserve land and open space for people.

Ms. Kafka presented a site that TPL worked on and how it involved the community. TPL used a community stakeholder group to help pick the consultant and then engaged the stakeholder group for the rest of the process. In order to keep the community engaged during waiting periods at the cleanup area, it started the master planning process. One thing that Ms. Kafka stated she wished that TPL had done was provide the community with more information as to the existing contamination on the site. She recommends that after an initial stakeholder group is formed, that a public presentation of the data is given to the community in a way that is meaningful. It is important to allow the community to ask the hard questions up front. Not addressing these questions until midway through the process can cause mistrust and big project delays. It is also good to involve other agencies and experts and to document your process. What often makes questions hard is the emotion behind them. It is best to address all elements of the cleanup process as early as possible.

Estimating the Cost of a Cleanup Project

John Gilbert - Environmental Response Team, EPA HQ

Mr. Gilbert gave a presentation on estimating the costs of a cleanup project. Historically, one of the most common mistakes with cost projections is that they are often wrong, and will be wrong on the low side. He discussed that in the Superfund Program, there is a long history of cleanup costs that project managers can pull from, but that is not the case for nonprofit Brownfields grant

recipients. For nonprofits this is probably the first and only time they will create a cleanup cost estimate.

Mr. Gilbert recommended that when trying to project costs, it is best to break down the project into three categories—personnel, equipment, and everything else—and then list specific activities under each of those categories. It is also extremely important to document costs on a regular basis when managing a cleanup. Superfund often documents costs on a daily basis though that degree of maintenance is probably not necessary for brownfields. Grants should obtain cost status documentation from their cleanup contractors at scheduled intervals or activities. It is very important to build relationships with your contractor teams in order to be involved in the activities and the associated costs of your project.

Mr. Gilbert demonstrated an example cost estimating and tracking spreadsheet for the group that contained the three recommended categories (personnel, equipment, other). In the personnel section, a list of needed staff (cleanup technicians, truck drivers, response managers, etc.) should be listed with estimated pay rates so cost can be automatically calculated within the spreadsheet.

It is important to identify task codes for each task in the beginning so that activities can be easily linked to who will be needed (personnel), type of equipment, and type of activity (security, operations, etc.). It is much easier to combine costs than separate them; task codes will help monitor each individual cost, and also allow the flexibility to roll up costs per activity. Having separate costs also allows easier transfer from one project estimate to another if needed. It is also often better to estimate higher rather than lower as it is easier to refund money than to ask for more.

Action Item: Mr. Gilbert stated the spreadsheet could be made available to anyone who would like a copy for reference.

Mr. Gilbert also discussed fixed price contracts and stated that they worked best if you know exactly what you are going to do.

Question: A roundtable participant stated that they wanted to use a fixed price contract for soil vapor extraction, and asked to make sure they did not go over budget, what would be the best way to approach this issue?

Answer: Mr. Gilbert recommended that the grantee should call several contractors to get estimates. Every contractor will bid a little differently and package their rates differently. With a fixed price contract you have to define the scope very tightly. It is a good idea to price out some of the additional things you might need (e.g., 10 extra borings) up front to provide a cushion in the cost estimate. It is also a good idea to get pre-bids on option packages for several hypothetical, but relevant situations (e.g., additional tanks found) that may come up. It will provide much more cost control up front to do so and makes the process competitive. It is not easy to do a change order in the middle of a cleanup.

Also, one of the key elements of a successful cleanup estimate is having a very solid assessment. It is recommend that you talk to your EPA Region, EPA HQ, etc. if you want help reviewing the assessment. Some nonprofits use consultants to help review assessments and cleanup contracts as they come in to make sure they are thorough and reasonable.

Jim Drummond, Office of General Counsel (OGC), stated that if the grantee gets into a legitimate cost overrun EPA may be able to help out, UNLESS the grantee has exceeded \$200,000, which is the statutory funding cap.

Amber Perry, EPA Region 6, stated that cities have a great deal of experience cleaning up sites and that within Region 6, many nonprofits coordinate with cities to help determine what is reasonable.

It was also mentioned that environmental insurance in the form of a cost cap remediation policy could help, for a premium, to cover cost overruns. This type of policy is often paired with fixed cost remediation contracts. Another participant asked about the use of bid bonds, but EPA responded that EPA does not typically use bid bonds.

Ollie Doucette - Pelican Nest Learning and Resource Center; Baton Rouge, LA

Ms. Doucette provided her experience and perspective as a first time Brownfields grant recipient and the many hurdles they had to face in starting their cleanup project.

They had a property that was formerly used as a gas station; however they had not yet completed the assessment at grant award. The city paid for the assessment which cost \$37,000. Through a series of trials and learning to coordinate, they felt that they did not know all they steps that had to be completed or in what order they should be completed, which has cost them financially. For example, they did not know they needed a consultant for the Voluntary Response Action Program (VRAP). They are now in the position that they have spent approximately \$117,000 and still have not gotten the tanks out of the ground nor paid all personnel.

Ms. Doucette would like to see a checklist developed for all new grantees to help them navigate the process and know whom to go to for the various issues. She would also like to see more networking opportunities such as this roundtable and other conferences. Ms. Doucette stated that they have been very fortunate to have the City of Baton Rouge and EPA Region 6 working with her and EPA in Dallas.

Getting Started: Overcoming Obstacles in Procuring and Managing a Contractor

Jim Byrne - EPA Region 1

Mr. Byrne gave a presentation on procuring and managing a contractor. Below are some of the key elements of the discussion.

Mr. Byrne discussed the difference between a Request for Proposal (RFP) versus a Request for Qualifications (RFQ). RFPs are typically used to procure a single contractor and RFQs are used to develop a list of qualified contractors. Both are announced in business publications, newspapers, and the Internet. Once the proposals/qualifications are received, they are reviewed and the contractors are interviewed. The Regions can help the grantees interview the contractors. The contractors are selected based on experience, technical criteria, cost, and interview. For RFQs, once the list of contractors is created, mini-competitions are held on each project task.

Question: Do the federal regulations mandate how the RFP is written?

Answer: The RFP can be structured based on the grantee's discretion, it is not mandated out of HQ except for the requirement of the cost/price analysis and that it needs to be competitive.

When procuring a contractor, ask for EPA and state assistance early in the process. EPA cannot recommend that you hire a particular contractor and the Agency does not maintain lists of contractors acceptable to EPA. (The U.S. Government does maintain a list of contractors who are not eligible to perform work financed with Federal grants). Ask your state if they have a state contractor list; many of them do. Once selected, get the contractor on board as soon as possible. During contractor management, advise them of the Terms and Conditions of the cooperative agreement. The grantee should hold a kickoff meeting very early in the process and should involve EPA and the state. The grantee should also continue frequent contact throughout the project life cycle with the contractor via meetings and phone calls. It is also strongly recommended to have a schedule with deadlines (project milestones, invoices, etc.) that both you and the contractor can agree to and follow. CFR 30.47 requires that grantees maintain a system for contract administration that holds the contractor to the terms of the agreement.

Question: A participant asked if it would it make sense for a nonprofit to hire/use a clerical works (oversight company) to help manage the contractor?

Answer: Yes.

Comment: A participant asked for tips on how to work with their state.

Answer: Mr. Byrne replied that it is best to work with the state early and often, and to also choose a contractor who is knowledgeable in the state regulations and procedures. Region 1 stated that they make state assistance to their grants as part of their Section 128 funding.

Harold Mitchell - Regenesys, Inc, Spartanburg, SC

Mr. Mitchell presented a case study of his project, the Regenesys revitalization project in Spartanburg, South Carolina. The area had two Superfund sites and multiple brownfields sites. It started as an environmental justice project. There were health, environmental, economic, and social issues, including high disease incidence, lack of jobs, inadequate housing, and little to no business development. The four major properties involved are the Old Arkwright Mill, the

Arkwright Dump, the acid pond at IMC Global, and the IMC Global site. There was also a lot of distrust in the community because many people in the community worked at the IMC site. Regenesys became a mediator between the company and the community and the state.

The project became a broad-based public-private partnership led by Regenesys, Inc, City of Spartanburg, County of Spartanburg, the state, and EPA Region 4. Regenesys conducted community visioning through capacity and consensus building activities. They also held workshops with the state and EPA Region 4 to help the community to look at the future use of these sites and to show the great potential of the area.

The community applied for a Superfund redevelopment grant and also for a Brownfields Revolving Loan Fund grant. The total redevelopment cost was almost \$150 million. They are also conducting job training within the community.

Question: A participant asked who was the property owner for the market rate housing?
Answer: Through the U.S. Department of Housing and Urban Development (HUD), the nonprofit went through an appropriation to buy the properties so the potential buyer who wanted to use the area as an industrial zone could not do so. They then optioned it back to the housing authority to build houses on the actual brownfields sites.

Ineligible vs. Allowable Costs

Jim Drummond, EPA OGC

Mr. Drummond stated that his primary responsibility is to EPA rather than the grantees, but he can hopefully provide useful information to the grantees. He wants to provide focus on problem prevention.

Mr. Drummond analogized a grant as a “gift” from the government that comes with many strings attached. Only Congress can authorize EPA to provide grant money. Further, the Office of Management and Budget has established rules for allowable costs. Congress also states explicitly how the money EPA gives can be used. For example, the \$200,000 amount is the statutory funding cap. However, if your original funding amount was under \$200,000, EPA may be able to provide additional funds, if you need more money. Examples of unallowable costs under the circulars include fund raising, lobbying, alcoholic beverages, entertainment, and costs outside scope of work.

The brownfields statute, CERCLA 104k, allows EPA to make two types of grants to nonprofits—one is training and technical assistance grants, the other is for cleanup and remediation (the assessment needs to be done beforehand or through other sources). The cleanup grants must apply to the property described in the grant proposal, grantees can not use funds for another property. Entities can apply the next year for a new site; however if adequate progress is not made with the original site, it may not score well.

Mr. Drummond stated that the statute has specific authority to fund environmental insurance (EI). EPA HQ is holding insurance training in Region 3 in August 2005 for the Regions and the states so they in turn can help out grants, and again in Region 7 in October 2005. There is a manual of EI terms on the Brownfields Web site for everyone to access.

The Brownfields law specifies several categories of prohibited costs:

- Fines and penalties
- Federal cost share requirement
- Response costs for which the recipient of the grant or loan is potentially liable
- Cost to comply with any federal law other than laws applicable to the cleanup
- Administrative costs

Administrative Cost Prohibition

The statute prohibits all administration costs including all indirect or overhead costs. The prohibition includes costs for preparing grant applications by consultants or grantee employees. Performance reporting, using an attorney to enter into a contract with a contractor, and training are allowed. The scope of work sets the boundaries for what are allowable costs.

OMB Circular A-122

Mr. Drummond stated that the grantee must have time cards for labor that is billed directly to the project. For audit purposes, charges can not be based on the basis of budget estimates, it has to be actual.

Question: A participant asked if there were any staff salary limits?

Answer: No, except for an individual consultant whose fee is capped at level IV of the federal executive service (about \$65.00 per hour). This cap does not apply to firms, just to individual consultants.

Question: What about contract employees?

Answer: Depends on the terms of the contract. EPA issued a Federal Register Notice in April 2004 clarifying the application of the cap. If it is one person consulting firm hired on a sole source basis the cap is more likely to apply since the recipient will select the firm based on an individual's expertise, direct the work and control the product. If the contract is with a multi-person firm and the contractor rather than the recipient selects, directs, and controls the individual the cap would not apply. It also does not apply to fixed priced contracts for reports. If your contract is a cost reimbursement the contractor will need to record their hours, but hours do not need to be recorded in a fixed fee contract. It is definitely in the interest of the grantees to make sure their contractors document their cost record, both fees and hours.

Mr. Drummond stated again that the grant funding is intended for cleanup only, not redevelopment. There are other agencies and sources of money for other parts of your project.

Open Competitive Procurement

It is best to go through a competitive process. Sole source contracts with environmental consultants and architect/engineering firms will be hard to justify in light of the large number of qualified firms in the market place. In choosing contractors, remember that EPA grant regulations prohibit nonprofits from giving any funds to any other organization/consultant that is a familial relative, etc.

Under \$100,000, competition is fairly easy and loose; over \$100,000, it is a much more formal process. A cost/price analysis is always required. Most grants will be on a reimbursement schedule and the Regions can help you with cost budgeting. If all the money is drawn down at once, it will most likely incur auditing unless your work plan stated you would need to do so. Grants will also need to take into account Davis Bacon.

Cost-share

The grantees are responsible for 20 percent of the actual federal funds, not total project costs, but these costs must be allowable and eligible costs. Donated services can be used towards the cost share by charging what the salary for those services would have been.

Documentation is critical to all federal money.

State Programs: Voluntary Cleanup Program (VCP) and Nonprofit Relationship

Andy Shivas - Program Manager, Division of Remediation, Department of Environment and Conservation, State of Tennessee - See PowerPoint slides.

Mr. Shivas handed out a presentation that outlined the roles of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) and VCPs. ASTSWMO acts as a sort of focus group for state issues related to a variety of subject, brownfields being one. VCPs provide finality to cleanups as long as they are protective of human health and environment. VCP properties are generally funded by the entity that is cleaning up the site.

Terry Gray - Assistant Director Air, Waste, And Compliance, Department of Environmental Management, State of Rhode Island

Mr. Gray provided a presentation on the state perspective on brownfields in Rhode Island. Below are some of the key elements of the discussion.

It is estimated that Rhode Island has over 400 potential brownfields sites. The state has completed approximately 100 projects since the program began in 1995. Most of these are reactive (market driven sites) whereby a developer came to the state; although there are a few “proactive” sites that are using mostly government funds and trading where the market will not

go. Some examples of proactive sites are the former Riverside Mills, the former Lincoln Lace and Braid, the Mill City Sculpture Works (formerly providence steel), the former Rau Fasteners, the former Fields Point Dump, and the former Gorham Manufacturing (soon to be the Providence YMCA).

What State Programs Bring to the Table

- Different rules on investigation and cleanup; most likely the state will be the lead regulator
- Cleanup standards and objectives for remediation
- Likely to be closer to a one cleanup program model
- Coordination on state program approvals – air and water; landfill closure
- Coordination with other state agencies – coastal, USACE, historic preservation

The state helps support the grantee in what it is trying to accomplish.

Based on Experience – Some Keys to Success!

- Selection of a contractor is key. When doing so, consider their familiarity with the state program as a selection criteria. It is also important to look for performance criteria (e.g., how long did it take them to accomplish certain tasks, etc.), and check references.
- As others have mentioned previously, do not under fund the assessment. Good data leads to good decisions, if funds are stretched, consider a phased approach and do it right.
- Invest in communications both with EPA and the state. Use the “no surprises” model by talking early and often, and try to talk in the same language if possible.
- Plan for the unexpected and provide some wiggle room for contingencies.
- Invest in community relations. A very difficult situation arises if a community objects to an element of the project. Questions will need to be answered and could cause big delays or stops. Identify and address as many community issues as possible early in the process so as not to jeopardize the project. For example, overgrown landfills are often covered in trees. To cap the landfill means cutting down the trees and leaving an open field. People often object to this activity. It is sometimes hard to address, but needs to be addressed, and the earlier the better.

Three Potentially Bad Situations

- An incomplete or poorly designed investigation, which will lead to long reviews and a difficult time to get to approval. This is primarily a contractor responsibility, however, it is ultimately the responsibility of the grantee.
- Community objections.
- A poorly presented report. Even good data presented in a bad way will not be well received by the state. It is recommended to research whether states have a particular template for reports.

Building the Relationship with the State – Summary

- Communicate early and often
- Flag challenges and unexpected issues early

Question: A participant asked for clarification on how liability insurance plays a role.

Answer: Ms. Garczynski, OBCR, stated that there are currently five active underwriters and approximately eight types of liability insurance that are being written today. However, most insurance is not cost effective for projects under \$1 million dollars. EPA is looking for ways to make insurance more affordable. The advantage of state insurance programs is that they can insure smaller projects. Massachusetts, California, and Wisconsin are active in environmental insurance. The Massachusetts model for insurance is the most successful. There have been instances where sites are “pooling” together to make environmental insurance more cost effective. Overall, it is currently difficult to obtain environmental insurance for small projects because of high premiums.

Question: How do we get our state to participate in the insurance program?

Answer: Ms. Garczynski stated that the best way is to show the presentations on other states, located on the Brownfields Web Site.

Question: Is insurance mandatory?

Answer: No

Question: A participant stated that before they submitted an application, they contracted with a consultant to prepare the application. Can that consultant be used for future work?

Answer: Mr. Drummond stated that the recipient now need to go competitive for any future work and carefully document selection decisions. If the consultant who prepared the application’s price is higher than others the recipient will be at risk if it justifies selection based on the fact that the consultant is more familiar with the project. To avoid organizational conflict of interest, if a grantee hires a consultant to design the cleanup, that same consultant can not bid on the cleanup itself.

Comment: Ms. Kafka stated that as a general rule, if there is an ongoing conflict in the area between a community and EPA/state etc., it can bleed into your work, even if it is not a related issue, so it is good to be aware of surrounding issues.

Day 2

Cleanup Grant Management and Reporting Requirements

Becky Brooks, EPA OBCR; Jen Anderson, OGC; Diane Strassmaier, EPA Region 9

Ms. Brooks, Ms. Anderson, and Ms. Strassmaier conducted a jeopardy game to discuss cleanup grant management and reporting requirements. They had four categories: Acronyms, Dollars and Cents Potpourri, and Nuts and Bolts. Below are the answers first and then the question.

Acronyms

- EPA – What is the Environmental Protection Agency?
- NHPA – What is the National Historic Preservation Act?
- ABCA – What is Analysis of Brownfields Cleanup Alternatives?
- PPF – What is the property profile form? Need to start entering information at the initiation of a Cleanup grant, when cleanup is initiated.
- SBLRBRA – What is the Small Business Liability Relief and Brownfields Revitalization Act, better known as the Brownfields Law?

Question: Has anyone in the room ever had to deal with NHPA?

Answer: Someone commented on their experience during rehabilitation and demolition. The key is to demonstrate that there is no alternative to demolition, the grantee will need to make a very good case and sit down with NHPA early and get their buy-in. A historic building is any structure that is 50 years old or older, in a historic district, of cultural significance, or something important that something happened there. Ms. Garczynski stated that there is an obligation on the grantee and EPA to conduct analysis and consultation with the state historic preservation office.

Dollars and Cents

- Sampling and analysis conducted to evaluate the feasibility of different remedial actions – What is an ineligible activity under the Cleanup grant?
- Demolition activities – What is an eligible activity ONLY if it is necessary for cleanup?
- Costs associated with meeting public participation requirements – What is an eligible cost?
- Sampling and analysis conducted to design a remedial option you've already chosen – What is an eligible cost?
- Extension of a water line to a brownfields site – What is it eligible only if the water line has deteriorated due to environmental conditions?

Nuts and Bolts

- Frequency grantees need to send performance reports – What is quarterly?
- It requires a specific wage for cleanup work – What is the Davis Bacon Act?
- Money, labor, material, or services for eligible and allowable costs – What you can do and or provide to meet your cost share?
- Proposal preparation costs, overhead costs, and some salaries – What are ineligible admin costs? (Fund raising and lobbying are also ineligible.)
- Clean or No Further Action (NFA) letter issued by the state or a grant recipient upon the recommendation by a licensed site professional (LSP) has determined that on property work is finished – What is cleanup complete?

Potpourri

- Who to contact early and often – Who is your state representative and the community?
- Two years – What is the period of performance (POP) of a Cleanup grant?
- When to issue an RFP for cleanup – What is after the Sampling and Analysis Plan (SAP) and the work plan are approved?
- Real Property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant – What is a brownfield?
- Linda Garczynski – Who is the director of OBCR?

Question: When can costs be approved?

Answer: Grantees can get reimbursed for pre-award costs if it is in the work plan. Grantees would need prior approval by the Project Officer. Mr. Drummond stated that regulations allow grantees a 90 day pre-award reimbursement for eligible and allowable costs that are properly incurred and included in the grantee's approved scope of work. A grantee takes the risk of the grantee if EPA does not award the grant. If a grantee needed more than a 90 day pre-award, the grantee would need to get the award official's approval.

Question: Ms. Kafka asked if EPA would consider holding a finance-only training session for grant finance staff with EPA finance people?

Answer: EPA stated they would consider such a training.

Comment: Ms. Garczynski commented on the issue of sampling. Design of cleanup sampling and confirmatory sampling are allowed. EPA does not pay for pre-cleanup assessment (Phase I/II/III). One of the reasons that EPA allows the wiggle room of not having assessments complete at award is to encourage grantees to complete their assessments before initiating cleanup. There are many resources available to nonprofits for assessment – state funds, EPA Targeted Brownfields Assessments (TBA), municipality resources, etc. In order to fully define the cleanup, you need

to have a good assessment, which will also help cut costs in cleanup activities.

Question: A participant stated that they had set up an account for the grant money they received and wanted to know if after grant ends, they should they close their account.

Answer: Mr. Drummond stated that although specific bank accounts are not overseen by EPA, he would recommend not closing the bank account until the grant is officially closed by EPA.

Comment: Another participant commented that the generally accepted nonprofit accounting method is to have a restricted account on your general ledger rather than a separate bank account.

Comment: Ms. Perry stated that property profile forms (PPF) are the way EPA tracks a grant's progress. It is a very important working document that details site history; assessment section; and cleanup section (type of media, contaminates, etc.). It is filled out initially and then updates are submitted quarterly. Quarterly reports have more narrative information, (e.g., any financial draw downs, etc).

Region 9 is having its grantees fill out the PPF with their grant package. Region 9 does not require quarterly updates, only when new activities or accomplishments occur.

Question: A Region 6 participant asked where it should send its PPF.

Answer: Region 6 stated that one copy should go to project manager and one goes to HQ. It can be submitted in hard copy or via e-mail.

Underground Storage Tanks and Petroleum Issues

Steve McNeely - Office of Underground Storage Tanks, U.S. EPA

Mr. McNeely gave a presentation of the Office of Underground Storage Tanks program and petroleum project tips. Below are some of the key elements of the discussion.

This program has been managing petroleum sites for 20 years and has a lot of information and tools to assist grantees. The primary take away lesson is constant communication and information sharing.

Techniques to Improve your Projects - TIPS

Who? Do you know the appropriate points of contact within your Region, state, and county to call for assistance? Want to get state contacts to coordinate with the tank programs. Consider the impacts on:

- The quality of administrative oversight

- The quality of technical oversight
- Your ability to manage your grant
- The timeliness of your document review

Handout: California Land Reuse Revitalization Act 2004

What? Are you fully aware of the wide range of administrative and technical assistance available from your state? Such as:

- Liability protections
- Financial assistance
- Technical assistance

Where? When you need to find information to help manage your grants, where do you look?

- To a hard copy document!
- To a Regional Brownfields Coordinator!
- To your friendly neighborhood Web site!

When? When should you open a dialogue with your respective federal and state brownfields program counterpart? That depends:

- On the timing of resource determinations
- On the applicability of relevant costs

Why? With all of the resources that you've recently secured, why should you consider these TIPs?

- To maximize resource leveraging
- To help augment outreach opportunities
- To ensure their appropriate reuse

A lot of states are using a Ready for Reuse Determination which is a very responsible tool that is good for outreach and shows how the property can move through the system.

Bill Alpine - Executive Director, Underground Storage Tank Program, Massachusetts Department of Revenue

Mr. Alpine provided a general overview of the tanks program. He stated that he is not that familiar with the Brownfields program. He suggested that the grantees review the ASTSWMO Web site which gives a summary of all state tank programs and is a good resource.

By December 22, 1998, all regulated USTs must have met the requirements for correct

installation, leak detection, and spill, overfill, and corrosion protection. Each state has its own guidelines.

Financial responsibility requirements are designed to make sure that someone can pay the costs of cleaning up leaks and compensate third parties for bodily injury and property damage caused by leaking USTs. Financial responsibility can be demonstrated in a variety of ways including state funds, private insurance coverage, surety bonds, letter of credit, trust funds, financial tests, etc.

Each state is different, but state funds in general cover a wide range of tank issues including types of tanks covered, deductibles, revenue sources, coverage (corrective action/third party), regulatory requirements (who can be a claimant), sunsets, and definition of claim, etc. Look to each state to find out the specific requirements.

The State of Massachusetts has two programs. One is the environmental reimbursement program of private dispensing facilities (e.g. gas stations), addresses environmental response actions, and third party claims. In Massachusetts, three agencies must coordinate on tanks.

The other program is a municipal grants program which allows cities and towns to receive up to 50 percent of costs associated with the removal and replacement of USTs. It does not cover response actions and only municipal entities can be an applicant. A nonprofit in this case would be wise to approach the municipality before it purchases such a property to make sure the tanks are removed through a program if they cannot access the program help/funds after purchase.

Question: A participant asked if the State of Louisiana has a list of resources.

Answer: Not yet, it is a work in progress.

Question: Are there a list of funds available?

Answer: It is best to contact your state Department of Environmental Quality (DEQ). Mr. McNeely recommends that the states create case studies for their constituents. Mr. McNeely stated that the State of Virginia offers brownfields guidance on its Web site that is coordinated with all relevant program offices. Virginia has created a petroleum eligibility document for the state, established a list of resources, and is selecting cities as case studies. A good example is the City of Richmond which the state has been using as an outreach tool. He would like to see more of this and wants to help states learn from their peers. The California Center for Land Recycling (CCLR) has also done a lot of outreach to help its peers.

Question: When the states receive their allocation, do they have to post the information?

Answer: There is a requirement of all Section 128 grant recipients for a public record which includes every site they plan to address.

Worker Safety on Cleanup Sites

Fred Malaby - Occupational Safety and Health Administration, U.S. Department of Labor

Mr. Malaby gave a presentation entitled, “Revitalization Projects and OSHA Health and Safety” that discussed what OSHA looks for when HAZWOPER is required, how to apply HAZWOPER when its only contractually required, how to approach brownfields when they are not covered by HAZWOPER, and the hierarchy of an OSHA Standard Title 29 CFR Section 120 paragraph (b) (4) (ii) (A). When reading sections of the CFR, pay attention to the paragraph and related subsections specifically to make sure you understand the particular section.

When OSHA Requires Hazwoper at Site Cleanups

- Government-required cleanups at listed sites (National Priorities List (NPL), state lists)
- Resource Conservation and Recovery Act (RCRA) corrective actions
- Voluntary cleanup at government-recognized sites
- Requirements in (b)-(o)

Hazardous Waste Site

If OSHA considers your brownfield a hazardous waste site then you must comply with:

- The HAZWOPER standard, and
- All other applicable general industry standards (1910) , or
- All other applicable construction industry (1926) standards.

Where HAZWOPER may Contractually Apply

- Sites funded under the EPA Superfund cooperative agreement
- Sites where VCP requires HAZWOPER or parts of HAZWOPER

Site Assessment and Cleanup Hazards

- Site chemicals
- Heavy equipments
- Heat or cold stress
- Ergonomic risks
- Slips, trips, or falls
- Cave-ins
- Electrical risks
- Confined space entry
- Noise

Hazwoper: Controls in Proportion to Hazards (it is a framework)

- Cleanup requirements in paras (b)-(o)

- Focus on hazards associated with site contaminants
- Controls minimal where potential exposure low

A HASP (Health and Safety Plan): Written Plan

- Effective means to plan and record site health and safety procedures.
- Paragraph (b) lists HASP contents.
- Site-specific. It should be practical and should work. It should account and plan for the hazards at each site (i.e. in summer in Georgia, heat stress; Boston in winter, cold stress). It should be able to be modified when new risks are encountered.
- If you evaluate a risk and find it is not present, it is better to state that so it is known that it was considered.

In brownfields, a HASP is required as part of the grant requirement.

Characterizing the Site and Analyzing Job Hazards

- Provides the basis for site controls
- May draw on Phase I/II data
- Must quantify worker exposure levels

Look at the schedule and characterize the site for when things will be done. Risks can be minimized by organizing and planning (e.g., if asbestos is on four levels, it is best to remediate the top floor first and then work down).

When conducting a hazard analysis, break the job into components and identify the hazards of the components and then how they will be addressed.

Important to Include

- Emergency response, including what is the system for contacting everyone. There will be a lot of people on the site; make sure the responsibilities for communication is outlined in your health and safety plan.
- Other applicable OSHA standards.
- More protective standard.

OSHA Compliance: Non-HAZWOPER

- Hazard assessment (1910.132(d), 1926.21, other standards)
- Controls and other applicable standards based on hazard assess
- HASP as tool to plan and document approach
- Also recommends just following 1910, as it is a good guide

OSHA Compliance Summary

- HAZWOPER: controls in proportion to hazards
- Other applicable standards
- HASP as useful tool for organizing work at a hazardous waste site

For more information, go to www.osha.gov, the Brownfields Web site, or call the OSHA hotline at 1-800-321-OSHA.

Comment: Health and safety are very important at these sites. It is recommended to emphasize that when a consultant is brought on board. It is best to discuss these issues up front. The consultants are the experts and will be writing the HASP, so it is important to talk to them and bring up these issues (e.g., is staff qualified, have had HAZWOPER training, etc.).

Question: Does OSHA have transportation guidance?

Answer: The U.S. Department of Transportation (DOT) has guidance on transportation issues; OSHA does not have specific guidance.

Institutional Controls: Cleanup and Residual Contamination and Vapor Intrusion

Nancy Porter, EPA, Office of Brownfields Cleanup and Redevelopment

Ms. Porter presented information on institutional controls (ICs). She provided handouts of her presentation to the attending nonprofits. There is information also available on the OBCR Web site.

An engineering control (EC) is designed to control residual contamination including a fence, pump and treat system, etc. ICs are administrative in nature and are recorded somewhere to let people know there is an engineering control in place or there are public advisory notices posted (e.g., Do Not Fish). ICs can be government controls, proprietary controls, or information devices.

Why are the controls important? Right now EPA HQ is working on a long term stewardship report so if people chose to elect to leave residual contamination in place, they have the responsibility to make sure IC/ECs are adequate to ensure human health and environment are protected. If an engineering control is not in place, the institutional control means nothing.

Up to ten percent of Cleanup grants can be used for enforcement and monitoring of IC/ECs. Please note that this only applies to local governments, NOT nonprofits. Ms. Porter provided a handout for estimating the costs of IC/ECs developed by the Environmental Law Institute (ELI) and Resources for the Future.

There are two ways information is collected. One way is through the PPF which goes into the Brownfields Management System (BMS) and subsequently feeds the public databases,

Envirofacts, and Cleanups in My Community. The public can query on lat/long, zip code, and address. The second way is the public record. States with VCPs are required to make this information available to the public, including the IC used, when the cleanup was completed, and any contamination that is left in place.

Comment: Some communities are concerned that the monitoring requirements of the states are not stringent enough, so the grantees often need to work with the community to work on a compromise, but there is only so much capacity/resources.

Question: Does Ms. Porter know of alternatives to state monitoring?

Answer: Ms. Garczynski mentioned that there are private firms one can hire to monitor. Some communities have also tried to put it on a Utility-based Geographic Information System (GIS). Ms. Garczynski suggested that the grantees examine/analyze how much more would it cost to clean a property to unrestricted use versus using an IC considering all the costs of monitoring.

Comment: Another participant mentioned a 55-acre mixed used area in Georgetown, Connecticut. They are using an innovative special taxing district that will administrator the infrastructure on the site. Because the members of the special taxing district are the owners, they will all have a say in the funding and maintenance of the site. This initiative was passed in the legislature last year.

Brownfields Technology Support Centers, TRIAD

Dan Powell - Acting Chief, Technical Information and Integration Branch, Office of Superfund Remediation and Technology Innovation, U.S. EPA

Mr. Powell gave a presentation on the Brownfields Technology Support Centers. Key elements of his discussion are outlined below.

Key Points –Take Home Messages

- Cleanup decisions are dependent on a myriad of factors, including site goals (reuse), site types, site decisions, site conditions, non-technical factors (budget, time frame, public, grant requirements, regulations, etc.), adequacy of site assessment, conceptual site model, expertise of contractor, project managers, etc.
- Strategies and approaches to cleanup are very site-specific. It can not be boilerplate.
- Must understand the cleanup approach including limitations; long-term effects (impacts on site-use, liability), etc.
- Good assessment, characterization to support cleanup design is essential to accurate cost estimates, avoiding surprises, avoiding cost overruns, and minimizing uncertainty.
- Service buyers need educated consumers which will really reduce costs.

Resources – Brownfields/Reuse

- Brownfields Technology Support Center est: 1998
- <http://www.brownfieldstsc.org>
- Publications including Road Map to Understanding Innovative Technology Options for Brownfields Investigation and Cleanup, 3rd Edition and Brownfields Technology Primers on specific technologies. They are also developing lessons in procurement, mining sites, technical bulletins, revised road map, primer on vapor intrusion, etc.
- Request site specific support (local, state, regional staff can access). They have assisted with 62 requests for direct site support.
- Reports on past projects.
- Events including workshops and training, both via Internet seminars through CLU-in and in classroom training (www.trainex.org; www.ert.org).

All these services are free to grantees.

Additionally, a new tool will be unveiled at the National Brownfields Conference. **SMART** (Site specific Management Approaches and Redevelopment Tools), a decision support tool that incorporates business, environmental, social, economic, and technical aspects of brownfields redevelopment.

The land use equation: Purchase costs + redevelopment cost *versus* clean value.

Costs can include transaction costs, site preparation, construction, development, taxes/administration, marketing, etc., plus the assessment, cleanup, and liability issues.

The objective of site cleanup is to address the exposure pathways. The cleanup process is assessment, investigation, cleanup options, cleanup implementation, and finally closeout/reuse. This is not a linear process but rather a refining process. Reuse plans and goals drive decisions: cleanup goals, data (type, quality), tolerable uncertainty, which determines approaches to assessment, investment, cleanup design, implementation, closeout, long term operations and maintenance, etc. All activities occur in context of decisions supporting site use/reuse and effect of the decisions on the present and future

Objectives of Assessment Activities

- Phase I/II, TBA, RI, etc. seek to develop data to support specific decisions
- Objective not to provide a report, but to advance a site towards reuse goals
- Should support next steps, minimize the need for further data collection
- Very site specific; although the corollary is that there are standard approaches (ASTM).
- Decisions differ depending on reuse and a myriad of site conditions, options
- Data required to support decisions differ depending on situation
- Ability to meet data req and achieve decision quality dependent

The Importance of Cleanup Decision Making

- Cleanup decisions greatly impact redevelopment options (use of existing structures, costs, ramifications of leaving contamination in place [liability, future uses, ability to build , vapor intrusions, long term monitoring costs, maintenance of ICs, EI, and financing]).
- Do more assessment make sense (even if not funded through grants)?
- Cleanup issues are not a black box; as buyer of services, you need to be an active and educated consumer.
- Use the technical support available to you.

Problem Statement

Perception: Contaminated sites cost too much and take too long to clean up. Unfortunately, that perception has basis in common experience.

The Triad Approach is categorized by systematic project planning; dynamic work strategy; real time measurement technologies, and a lot of communication..

Impacts on Transactions

The Triad approach reduces EI costs. A particular case study showed that they saved \$70.5 for every dollar invested in triad investigation. If you can limit the uncertainty of the site as much as possible, the property becomes more desirable and you can leverage the property more easily.

Question: Are there resources available to grantees?

Answer: EPA gives the states and the tribes about \$50 million a year, of which half is devoted to assessments. Each Region also gets assessment resources (TBA funds) to help grantees characterize their support.

Jen Anderson, OGC, stated that work plans need to be particularly tailored and the remedial option already needs to be selected so EPA knows it is an eligible cost.

Question: What is meant by real-time data in the Triad approach?

Answer: The subsurface is very heterogeneous and it is hard to get an accurate conceptual site model (CSM). With a direct push tool, such as a geo-probe, analysts can see the subsurface in three dimensions and can take many depths of sampling at a time. Also field test kits allow a lot of samples to be taken quickly and onsite. Another key to Triad is using decision support software tools.

Technical Assistance to Brownfields - TAB Grants and Technical Assistance

Judy Sabbert-Muck - Heartland Regional Community Foundation, Region 7

Ms. Sabbert-Muck presented a discussion on the Heartland Foundation. Key elements of her presentation are outlined below.

The Heartland Foundation is a non-traditional hospital-based foundation whose mission is to empower children and adults to change and improve their lives for a healthier community. The

Foundation serves 20 counties in the Midwest. They consider themselves a catalyst and a convener, a community and regional revitalizer, and a model for innovation and collaborative leadership.

The target communities were experiencing economic decline, health issues, low education levels, lower income, significant population loss, etc. In a survey of 6,600 participants, they discovered that the youth in the community felt they lacked a voice, felt devalued, felt there were no job opportunities of interest in the area, and did not see a future in the community. The survey showed that three out of four young people interviewed said they planned to leave the area. This is of great concern as they have already lost 44 percent of their population in the last 50 years.

The Foundation created the EmPOWER Plant™, a program designed to link schools and communities together. They held community transformation forums and sustainable “think ahead” programs. They conducted a one-of-kind model of experiential learning, in-classroom curriculum, a simulated lab, and real community work to teach kids to be active, engaged citizens, and to give them a voice and an opportunity to see a future in the area.

Site Selection: (serves 15,000 youths in the community)

- Brownfields property
- Anchor project
- Educational value to students
- Economic value to community
- Example to others of transforming neighborhoods and community

Challenges

- Old deteriorating warehouse
- History of preserving historic properties, but no remediation experience
- First cleanup project to be explored in the area
- Unknowns related to cleanup expense
- Building eligible for historic designation

Strengths

- Project management
- Strong governing board
- History with historic preservation
- Attached to a larger system (Heartland Health)
- Access to tax advisors, successful fund-raising (\$9.6 million already raised)
- Voluntary participants at local, state, and national levels.

Weaknesses

- No examples of local cleanup
- No expertise in tackling a remediation project

A key lesson learned is that if you do not have the expertise, you need to look elsewhere.

Ms. Sabbert-Muck also discussed that they wanted to access state and federal tax credits, for which one needs to be for-profit, so they went through a decision process on whether or not to convert to for-profit. They learned there would be many hurdles if they converted (annual sales and property taxes, increased design and construction costs, restrictions on use, professional fees, etc.) so they decided to remain a nonprofit.

Since the EmPOWER Plant has been implemented, the youth of the community feel they are important and are making a difference. They are learning they can make contributions to their communities and that their opinions matter. They are also learning important skills such as problem solving, working in teams, etc. The EmPOWER Plant is seeing the transformation of buildings, young people, teachers and schools, adults, and the community.

Comment: Mr. Drummond stated that regarding tax credits, in order to be eligible for the grant you have to be a nonprofit during application and throughout the cleanup. After cleanup, it is up to the discretion of the organization if they want to convert to for-profit. However, he cautioned grantees to not get themselves in a situation where they do not have title to the property before they are awarded the grant. They need to be nonprofit in order to get the grant money.

Question: A participant had a question regarding ownership. If a nonprofit set up a limited liability corporation (LLC) to access the low income housing tax credits, would the nonprofit parent still be eligible for federal grants?

Answer: Mr. Drummond stated that EPA is still working on the determination for this question. So far, the Agency is dealing with this issue on a case by case basis.

Comment: Another participant stated that they buy and do all assessment and cleanup work as a nonprofit then transfer the ownership to an LLC. The for-profit comes in as the limited partner takes all the benefits of the tax incentives.

Question: When the EmPOWER Plant was first envisioned, how did you decide on your partners?

Answer: They held focus groups from all walks of life to discuss the idea, whether it would work, and what it would look like to create healthy communities. They then had the opportunity to create more partnerships. They also worked with a group of educators in a consulting firm to make sure it would meet the state standards for education. They sat down and talked to people one on one; each partner seemed to lead to a new one.

Mr. Drummond stated that from EPA's perspective, it is an easier process if the nonprofit keep their not-for-profit status through the cleanup. He is not saying the other scenario will not work, but it will require substantial legal involvement from the grantees' and EPA's sides.

Terrie Boguski - Kansas State University

Ms. Boguski presented a discussion on technical assistance to brownfields (TAB) communities. Key elements of her presentation are outlined below.

TAB is a national program that is funded by EPA HQ via grants to five different hazardous substance research centers. This program is free to communities. K-State is affiliated with the Midwest HSRC and assists communities in Nebraska, Kansas, Iowa, and Missouri. Each university has specific strengths and weaknesses, it is best to talk to the individual TAB programs to find out how it can work best for you.

The assistance is tailored to specific needs and is typically coordinated through the city, tribal, or nonprofit brownfields project manager. Assistance may include review of EPA grant applications, help in finding a consulting firm, review of project plans, technical reports, assistance with community outreach, and other assistance. TAB can not help write grants, but can review the applications. Communities are accepted on a first-come basis depending on staff availability.

The Application Process

- Contact us (sometimes they are referred by EPA – there are times they are approached)
- We will set up a meeting to discuss assistance needs
- Review needs and TAB capability
- Agree on a course of action. It is usually in writing and signed agreement to help document how money is spent and activities undertaken
- Get started

TAB assistance in Region7 includes the Heartland Foundation, St. Joseph, Missouri; City of Springfield, Missouri; City of Atchison, Kansas; City of Des Moines, Iowa, City of Dubuque, Iowa, City of Dakota City, Nebraska, and others.

For small nonprofits without a lot of staff, TAB assistance can be very helpful with community outreach, technical presentations, and special projects (e.g., GIS-based Web sites).

Services to Heartland Foundation

- Review EPA Cleanup grant work plan
- Assistance with writing solicitations for an environmental consultant
- Review proposals, interviewing consulting firms

- Review consulting agreement (no legal advice)
- Attend meetings with consultant
- Review project plans and reports
- Extend project capability by providing help with community outreach and other activities as negotiated

Contact Information

Toll Free message center for K-State staff: 1-800-798-7796

Terri Boguski: tboguski@k-state.edu

Sabine Martin: smartin!@k-state.edu

Nonprofit Success Stories and Lessons Learned: Creative Problem Solving Approaches to Cleanup Projects

Teri Bernert - Weir Economic Investment Revitalization Corporation, Taunton, MA

The Weir Corporation is a nonprofit community development corporation that focuses on small business development, brownfields cleanup, and affordable housing.

The Roberstson Mill area was a series of blighted mill buildings along the riverfront of the Taunton River. Construction in the area started in 2004, and includes 64 affordable rental units and 20,000 square-feet of ground floor community and business space.

What Made the Project Work?

- Early seed development funding
- Early environmental assessment funding
- Strong development team that communicates
- Community support and public/private partnerships
- Realistic feasibility study and development proforma with a sizable contingency for the unknowns
- Excellent subsidy source
- Nonprofit acting as facilitator for communication and problem solving

They hooked up with a local contractor for legal, LSP, financial, and historic construction. It was a very collaborative effort. They posted a big thank you to team and lenders on the site.

Project Financing

- Tax credits (federal, historic, and LIHTC)
- Section 128 loans

- Affordable housing trust fund
- Facilities consolidation fund
- City of Taunton EPA RLF grant
- EPA Cleanup grant
- Taunton Brownfields loan through EPA
- DHCD –housing stabilization fund
- MA housing partnership
- Total over \$14 million

Redevelopment Issues

- Rail easement release from the CSX railroad
- Environmental assessment and soil remediation
- Mixed use redevelopment issues
- Historic approvals
- Carrying cost of huge mill building

Cleanup of the site was small and was concentrated mostly in the rail easements. It took almost three months of negotiation with rail company just to get bumpers on the rails. They performed soil testing as they removed soil and cleaned it up.

Schedule

- Pre-redevelopment took approximately two years
- Pre-construction took approximately one year
- Construction (scheduled to be complete in October of 2005)
- Starting to lease up so they have tenants to move in (have a model unit to show)

Construction Issues

- Coordinate remediation with construction
- Unforeseen conditions
- Efflorescence of masonry walls
- Historic design requirements

Mendy Tarwater - Pacific Northwest Salmon Center, Belfair, WA

Ms. Tarwater gave a presentation on the Pacific Northwest Salmon Center. Key elements of her presentation are outlined below.

Wild salmon are in great peril and are imperative for ecosystem health. Their return, spawning, and death returns nutrients for surrounding plant and wildlife in the area. Saving wild salmon can only happen if we are involved and the public understands the value of saving wild salmon.

People against their protection feel that existing laws already adequately protect salmon. In 2004, President Bush enacted a cutback of 80 percent of the protected salmon habitat, and now these formerly protected areas are being opened up for development.

The Pacific Northwest Salmon Center (PNWSC) wants to provide good science and educate the public as to the necessity of protecting salmon and their habitat. The concept of the PNWSC is to provide a place for education ,discussion, research, and outreach. The facility will include a wetlands overlook, training facility, outside amphitheater (for weekly bat talks), a research office and a place for visiting researchers/agencies to stay, an aquarium with protective greenhouse, an interpretive exhibit area with a regularly changing display, a theater, salmon demonstration streams (inside and outside), and a lab work area able to be viewed by the public.

Prior to cleanup and building, they will need to first remove six underground storage tanks and a concrete pad, and test the soil; all the while avoiding spawning times and rain events.

Tiffany Eng - East Bay Asian Local Development Corporation, Oakland, California

Ms. Eng described the East Bay Asian Local Development Corporation (EBALDC) as an affordable housing nonprofit that has been operating for 30 years.

The story of a former brownfields site being turned into a housing project is a story of partnerships and learning how to work together well. The key players are environmental consultants, oversight agencies, EPA, and development partners.

There are two main areas of EBALDC's case study: The Giant Road Housing Development and the Coliseum Gardens project. The Giant Road Housing Development is in San Pablo, California. It is a former trucking facility and has two Cleanup grants on adjacent parcels. The Coliseum Gardens - HOPE VI Revitalization project is in Oakland, California. It has three Cleanup grants on adjacent parcels.

Project Goals

- Serve as a catalyst for redevelopment
- Provide affordable rent housing and first time home ownership opportunities
- Engage the surrounding neighborhoods
- Provide quality neighborhood services
- To promote the revitalization of the larger community

Development Overview (Coliseum/Giant)

- A cleaner safer environment (22 acres/7acres)
- Affordable rental housing (415 units/86 units)
- Home ownership (28 houses/75 houses)

- Social service center
- Childcare center (up to 80/40 children)
- Parks (5.7 acres)

Cleanup Challenges

- Timing, scheduling, and coordination
- Education of selves, partners, and funders
- Grants administration

A Go/No Go Chart developed by a graduate student as part of their thesis. It is a very useful tool that would be good to show nonprofits who are considering applying for grants. Ms. Eng stated she would share the chart with anyone who was interested. They are currently about to enter their public comment period.

Problem Solving Approaches

- Maintain a clear vision and goals
- Develop creative partnerships
- Leverage other funding sources
- Do not reinvent the wheel

Region 9 has been really good in sharing templates and other tools that have been helpful to EBALDC. Ms. Eng stated she is very appreciative of all the sharing opportunities presented by EPA such as this roundtable.

Jimmy Torio - Anahola Homesteaders Council, Anahola, Hawaii

Mr. Torio showed a video and presented information on his project, a 20-acre former sugar plantation contaminated with arsenic and discarded human waste. Through a strong network of collaboration and partnership, they addressed contamination on the property using phytoremediation. The grantee chose to use the university to help them with their cleanup plans rather than contractors. The university is currently helping them cultivate and grow the plants needed for the phytoremediation. To make grant funding stretch as far as possible, the grant staff forfeited their salaries. Mr. Torio stated that Region 9 really helped the grantee focus and be creative, and it empowered them to make decisions. He also stated that their long term goal is to create a sustainable economic plan.

Lawrence Shafer - Town Administrator, Vernon, Connecticut

Mr. Shafer presented an outline of a former mill (Roosevelt Mill) that was a severely polluted site in the middle of the town. A brownfields site assessment was conducted in 1998 and cleanup costs were estimated at \$3 million. The town then coordinated with the University of

Connecticut, who thought cleanup could be completed for a lot less money using an innovative technology. In 2000, the town applied for and received a site demonstration grant that allowed them to try a site remediation technique developed by the University of Connecticut. The technique involves injecting potassium permanganate, an agent that helps strip chlorine off chlorinated solvents, into the subsurface.

The Town of Vernon did not feel it could do this on its own and therefore developed not-for-profit organizations for each mill site. The lesson it has learned is that even with large obstacles and severe contamination, there is hope, it just takes time and a lot of committed partners to move projects like this along.

Linking Cleanup to Environmental Justice

Charles Lee - Associate Director for Policy and Interagency Liaison, Office of Environmental Justice, EPA HQ

Mr. Lee gave a presentation entitled Environmental Justice and Brownfields. Below are some of the key elements of the discussion.

The vision of environmental justice (EJ) is the development of a holistic, community-based, participatory, and integrative paradigm for achieving healthy and sustainable communities for all peoples.

Early brownfields pilots were focused on EJ, however, neither communities nor government knew how to involve communities in the process. In 1995, the National Environmental Justice Advisory Council (NEJAC), issued a report entitled, *Environmental Justice, Urban Revitalization, and Brownfields: The Search for Authentic Signs of Hope*, which provided a holistic understanding of community revitalization. The report captured the ways communities thought about the issue and made recommendations of how to address community involvement, comprehensive community planning, equal protection, public health, and many other areas.

There has been evolution towards a community revitalization, community involvement, as well as sustainable and holistic community focus. The EPA Brownfields Program's vision for sustainable development means an approach to brownfields reuse that offers the most significant long term benefits.

Mr. Lee then presented several communities that have addressed key areas of environmental justice:

- **Community Asset Building** (Bethel New Life, Inc., Chicago, Illinois; Dudley Street Neighborhood Initiative; Boston, Massachusetts; Coalition for a Better Acre, Lowell, Massachusetts)
- **Community Visioning/Planning** (ReGenesis Revitalization Project, Spartanburg, South

Carolina; Fruitvale Transit Village, Oakland, California; Anahola Homesteaders Council, Kauai, Hawaii)

- **Negotiating to Create Value and Mutual Gains** (Vulcan Materials Negotiation, Denver, Colorado; Rhodia-ReGenesis Dialogue, Spartanburg, South Carolina; LA Community Benefits Agreements, Los Angeles, California)

Mr. Lee discussed how participatory planning and transformative learning were becoming a larger part of the EJ process. Mr. Lee also described how the emerging EJ collaborative problem solving model fosters community leaders as the center from which all other elements are addressed.

Closing Remarks

Ms. Garczynski thanked everyone for coming and encouraged them to fill out evaluation forms. She also thanked all the speakers and participants for their work in making the roundtable so successful. She asked the nonprofit grantees if they found the roundtable valuable, and they responded that they found it very useful and hoped there would be others held in the future.

Action Item: EPA will send the nonprofit manual they developed out to all nonprofits who were unable to attend.