

MEMORANDUM OF UNDERSTANDING
between the
U.S. Environmental Protection Agency
and the
National Oceanic & Atmospheric Administration

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to establish a general working agreement between the United States Environmental Protection Agency (EPA) and the National Oceanic & Atmospheric Administration (NOAA) to coordinate their policies and activities in support of brownfields assessment and clean up, community revitalization, and environmental protection efforts.

Building on the current working relationship between EPA and NOAA, this document updates and renews the partnership established between the two agencies in 1997, with the objective of further enhancing interagency cooperation and collaboration in keeping with the respective agencies' objectives.

II. Background

Brownfields are abandoned, idled, or under used industrial and commercial properties where redevelopment is complicated by real or perceived environmental contamination. Because of the stigma of contamination and other barriers to redevelopment, brownfields remain unproductive, blighting communities while developers resort to the use of "greenfields," or open space outside of cities for development purposes. Brownfields, however, frequently offer a number of redevelopment advantages, including competitive location, ready infrastructure, untapped customer and labor markets, easy access to multiple modes of transportation, and unique development opportunities such as historic and culturally significant sites. Redeveloping brownfields in coastal communities also presents opportunities to restore coastal resources, revitalize waterfronts, enhance marine transportation and provide opportunities for public access to the coast.

The National Oceanic & Atmospheric Administration (NOAA) works with coastal communities to clean up and reuse brownfields by providing assistance on site assessment and remediation, habitat restoration, waterfront revitalization planning and implementation, and funding for community-based workshops.

EPA's Brownfields Economic Redevelopment Initiative ("Brownfields Initiative") seeks to protect the public health and environment by assisting communities in assessing and cleaning up brownfields, thereby preparing sites for future economic development, parks and recreation, and open space uses.

NOAA is authorized and directed to, among other things, conserve and manage wisely the Nation's coastal and marine resources to ensure sustainable economic development

and environmental stewardship; implement integrated approaches to environmental management and ocean and coastal resources development for economic, environmental and social health; ensure that as a trustee agency for coastal and marine resources, NOAA utilizes its authority under CERCLA and OPA to ensure protective remediation of natural resources adversely affected by contamination; and ensure that as an agency within the Department of Commerce, NOAA balances its goals of environmental protection with economic opportunity and social well-being.

In addition, NOAA and EPA have been working together since 1985 through interagency agreements and a Memorandum of Understanding (OSWER Directive 9295.0-02) to protect and mitigate effects to natural resources and habitat under NOAA's jurisdiction that have or may be injured by hazardous materials releases.

Since 1995, the Brownfields Initiative has leveraged more than \$2.9 billion in private funds for cleanup and redevelopment, and more than 12,000 jobs have been created from federal brownfields investment. In general, most of this cleanup and redevelopment has occurred in urban and suburban areas, with rural and tribal areas experiencing somewhat less activity. In addition, some chronically distressed urban areas that have begun brownfields assessment and cleanup activities have not been able to realize the full potential of these sites because they lack capital to support the planning, infrastructure, and business development that is critical to the economic revitalization of these poor market areas.

Enhanced coordination and cooperation between EPA and NOAA will help facilitate brownfields cleanup and redevelopment activity in coastal communities across the Nation. This agreement will serve as a model to respond to the needs of coastal communities as they clean up and sustainably redevelop brownfields.

III. Agreement

EPA and NOAA agree to work together to address the obstacles and opportunities of brownfields cleanup and redevelopment in distressed communities. This may include, to the extent authorized by law:

- A. Crafting a joint brownfields strategy. This strategy will define specific mechanisms for identifying sites of mutual interest and coordinating the activities of EPA and NOAA to link brownfields assessment and cleanup with coastal habitat restoration and waterfront revitalization planning and implementation.
- B. Jointly identifying and implementing actions that link brownfields assessment and cleanup with coastal habitat restoration and waterfront revitalization planning and implementation. These actions may include:

- support, including technical assistance, information sharing, and workshops, to increase the awareness of brownfields cleanup and redevelopment programs and benefits;
 - support, including financial and technical assistance, for states, political subdivisions of states, Indian tribes, local development districts, and other nonprofit organizations to develop proposals for integrating brownfields assessments and cleanup and coastal management activities;
 - coordination of joint activities between states, communities, and EPA and NOAA field staff in order to help implement brownfields assessment, cleanup and redevelopment projects at the local level;
 - support, including financial and technical assistance, to coastal communities to stimulate and leverage funds for assessment, cleanup, and redevelopment of brownfields;
 - training of EPA and NOAA field staff regarding respective agencies' programs and activities and potential implementation synergies; and
 - collaboration in joint projects or proposal reviews for competitions sponsored by either agency.
- C. Jointly developing and supporting research that addresses brownfields issues. This joint research agenda could include short-term investigations as well as longer-term research, the development of performance measures and benchmarks for joint programmatic initiatives, and preparation of guidance materials to help states, Indian tribes, and localities more effectively address brownfields assessment, cleanup and economic development in coastal or waterfront communities.
- D. Jointly planning and implementing actions that enhance the assessment, cleanup and redevelopment of brownfields properties in coastal and tribal communities.

IV. Programming, Budgeting, Funding, and Reimbursement Arrangement

- A. This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties to this MOU will be handled in accordance with applicable laws, regulations, and procedures, and will be subject to separate interagency

agreements (IAs) hereunder that shall be effected in writing by representatives of both parties.

- B. This MOU in no way restricts EPA or NOAA from participating in similar activities or arrangements with other entities or federal agencies.
- C. Nothing in this MOU shall obligate EPA or NOAA to expend appropriations or to enter into any contract or other obligations.
- D. Should EPA and NOAA decide to collaborate on a specific project or projects, one agency will be selected to serve as the lead agency. The lead agency will be responsible for all grant management, financial, and accounting services involved in awarding funds to a recipient. The other agency will be responsible for transferring its share of funds to support the project to the lead agency and any other duties as may be specified in separate IAs under this MOU.
- E. Projects funded pursuant to this MOU shall be determined annually on a case-by-case basis in accordance with this agreement and as put forth in specific IAs hereunder. Any awards shall be made pursuant to both agencies' governing authorities and will be administered in accordance with applicable laws, regulations, and procedures.

V. Authorities

This MOU is entered into consistent with the following authorities:

- The Comprehensive Environment Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA).
- The Emergency Planning and Community Right-to-Know Act (EPCRA), also known as SARA Title III; the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) including Subtitle C (hazardous waste), Subtitle D (solid waste), Subtitle I (underground storage tanks); Subtitle J (otherwise known as the Medical Tracking Act of 1988); The Oil Pollution Act of 1990 (OPA); and any other authorities appropriate to implement this agreement.
- Section 102(2)G. The National Environmental Policy Act of 1969, as amended, (NEPA); and Executive Order 12898 on Environmental Justice.

-NOAA is delegated by the Secretary of Commerce with the responsibility for implementing the Department's role as a federal resource trustee (Exec. Order 12580 and 40 CFR 300.600(b)) pursuant to section 107(f) of CERCLA, section 311(f)(5) of the Clean Water Act, and section 1006 of the Oil Pollution Act. In this role, NOAA acts on behalf of the public to protect and restore coastal resources threatened by hazardous materials releases. The Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C. 1451) provides funding to coastal states to address coastal issues, including the reuse of urban waterfronts. Funding priorities are annually negotiated between NOAA's Office of Ocean and Coastal Resource Management (OCRM) and state and territorial coastal management programs.

VI. Effective Date

This MOU will become effective upon signature by the Administrator of the U.S. Environmental Protection Agency and by the Secretary of the U.S. Department of Commerce, and shall remain in effect until termination by either Party. Either Party may terminate this MOU upon 90 days written notice to the other party. Its provisions will be reviewed annually and amended or supplemented as may be mutually agreed upon in writing.

VII. Other MOUs

This MOU, supersedes the MOU on this topic, between EDA and EPA, signed on (February 1997).

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U.S. Environmental Protection
Agency

Admiral Lautenbacher
National Oceanic & Atmospheric
Administration

(Date)

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