

**EPA BROWNFIELDS PROGRAM:
DRAMATICALLY UNDERFUNDED;
UNDERMINING LOCAL
REVITALIZATION**

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**Prepared by the Democratic Staff of the
Committee on Energy and Commerce
U.S. House of Representatives**

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Overview

During the 2nd Presidential Debate, on October 8, 2004, President Bush responded to a question concerning the environment in part by saying:

“We’ve got an aggressive Brownfields program to refurbish inner city sore spots to useful pieces of property.”

In reality, the Environmental Protection Agency (EPA) Brownfields program has been significantly underfunded by the President’s budget requests and further cut in the actual appropriations provided by the Republican-controlled Congress.

In FY 2004 only about one in three Brownfields proposals received Section 104(k) Brownfields grants for site assessment, remediation, or revolving loan funds. In a letter to Members of Congress dated June 22, 2004, the U.S. Conference of Mayors, the National Association of Development Organizations, the National Association of Industrial and Office Properties, and seven other organizations called for full funding of the EPA Brownfields grant program and stated the following:

“Still, EPA has been forced to turn away more than two-thirds of the applicants for federal Brownfields assessment and cleanup funding due to limited funds. As a result, hundreds of thousands of sites remain idle, blighting neighborhoods and undermining local revitalization.”

The Government Accountability Office has estimated that there are 500,000 Brownfields sites across the country that need attention. These sites include abandoned or underutilized warehouses, gas stations, salvage yards, vacant lots, and other lightly contaminated properties.

The EPA’s press release of June 15, 2004, stated that 219 applicants were selected to receive 265 grants for a total grant expenditure of \$75.4 million. The press release, however, neglected to mention that there were

755 grant proposals in FY 2004 from 504 applicants. The attachment identifies the 285 local government or other applicants who applied for a Section 104(k) Brownfields grant and whose 490 projects were not funded.

Both the President's budget requests and the Congressionally enacted levels fall far short of the funding needed and authorized by the Small Business Liability Relief and Brownfields Revitalization Act.

While the Conference of Mayors praised the effectiveness of previous Brownfields grants in leveraging billions of cleanup and redevelopment monies, it stated that the Administration's budget request "dramatically underfunds the most important and effective component of EPA's Brownfields program - the grants to localities and non-profit organizations for site assessments and cleanup."

Background

On January 11, 2002, President Bush signed the Small Business Liability Relief and Brownfields Revitalization Act (P.L. 107-118). The Brownfields Revitalization Act placed a legislative framework around the Environmental Protection Agency Brownfields program which was initiated in the mid-1990's during the Clinton Administration.

The Brownfields Revitalization Act added a new Section 104(k) to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide explicit authorization for Brownfields funding. For each fiscal year from 2002 through 2006, the law authorized \$200,000,000 to be appropriated for Brownfields grants for site assessment, remediation, and revolving loan funds.¹ The eligible recipients of these grants are the following entities:

¹The Brownfields Revitalization Act also added a new section 128 to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) that authorized \$50,000,000 for state response programs for each of fiscal years 2002 to 2006. This funding is only available to States and Indian tribes to establish and enhance response programs, which can include personnel salaries and administrative costs. It has been fully funded.

- Local governments;
- Land clearance authority operating under supervision and control of local government;
- Government entity created by state legislature;
- Regional councils or group of general purpose units of local government;
- Redevelopment agency sanctioned by a state;
- States;
- Indian tribes;
- Alaska Native Regional Corporation; and
- Non-Profit organizations for remediation grants.

Presidential Budget Requests and Appropriations from Congress

FY 2004

Administration: President Bush requested \$120.5 million for the Section 104(k) Brownfields grants and requested \$29 million for EPA administrative costs. This is over \$50 million less than the authorized \$200 million.

Congress: The Republican-controlled Congress slashed the President's Budget request for Brownfields grants by \$27.6 million (or 23%) to \$92.9 million in the FY 2004 Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations bill, 2004 (P.L. 108-199). The Conference Report also provided for administrative costs in the amount of \$24.9 million to be taken from the Environmental Programs and Management Account.

Thus, the enacted level for FY 2004 represented an \$82 million shortfall from the authorized amount, or 59% of the authorization level.

FY 2005

Administration: President Bush's budget requested \$120.5 million for Section 104(k) Brownfields grants plus \$30.2 million for EPA administrative costs, or nearly \$50 million less than the authorization.

Congress: The Republican-controlled Congress failed to bring a HUD-VA Appropriations bill to the floor in either the House of Representatives or the Senate before Fiscal Year 2005 began. The Appropriations Committees in both the House and Senate, however, reported bills containing Section 104(k) Brownfields grant funding.

The House Committee on Appropriations (H.R. 5041 - H. Rept. 108-674) recommended \$95 million for Brownfields assessment and revitalization grants. This figure is a reduction of 20% from the President's budget request. The Committee recommended \$23 million for administrative costs. The House level is only 59% of the authorized level and is \$82 million less than authorized by law.

The Senate HUD-VA Appropriations bill (S. 2825 - S. Rept. 108-353) recommended funding for Section 104(k) Brownfields grants at \$90,000,000 or a reduction of \$30.5 million from the President's budget request. The Senate Appropriations Committee recommended approximately \$25 million for administrative costs. The Senate level is only 58% of the authorized level and is \$85 million less than authorized by law.

Unfunded Brownfield Requests*

| Applicant Name | Applicant City | State |
|--|---------------------------|--------------|
| Matanuska-Susitna Borough | Matanuska-Susitna Borough | AK |
| Selawik, City of | Selawik | AK |
| Valdez, City of | Valdez | AK |
| Fairfield, City of | Fairfield | AL |
| Hobson City, Town of | Hobson City | AL |
| Selma, City of | Selma | AL |
| Camden City of | Camden | AR |
| Fayetteville, City of | Fayetteville | AR |
| Tohono O'odham Nation EPA | Tohono O'odham Nation | AZ |
| Century Community Children's Centers, Inc. | Los Angeles | CA |
| Hercules, City of | Hercules | CA |
| Modesto Redevelopment Agency | Modesto | CA |
| Omnitrans | San Bernadino County | CA |
| Oxnard, City of | Oxnard, City of | CA |
| Pico Rivera, City of | Pico Rivera | CA |
| Santa Barbara County | Santa Barbara County | CA |
| Santa Cruz Redevelopment Agency | Santa Cruz | CA |
| Santa Maria, City of | Santa Maria | CA |
| Truckee, Town of | Truckee | CA |
| Yuba County | Yuba County | CA |
| Golden, City of | Golden | CO |
| Lochbuie, Town of | Lochbuie | CO |
| Longmont, City of | Longmont | CO |
| Berlin | Berlin | CT |
| Danbury, City of | Danbury | CT |
| Greenwich, Town of | Greenwich | CT |
| Hartford, City of | Hartford | CT |
| JRD Properties of Naugatuck, LLC | Naugatuck | CT |
| Litchfield, Town of | Litchfield | CT |
| Middlesex County Revitalization Commission | Middletown | CT |
| New Haven, City of | New Haven | CT |
| New Milford, Town of | New Milford | CT |
| Norwalk Redevelopment Agency | Norwalk | CT |
| Regional Growth Partnership | New Haven | CT |
| Rocky Hill, Town of | Rocky Hill | CT |
| Roosevelt Mills Redevelopment Project Corporation | Vernon | CT |
| Thompson, Town of | Thompson | CT |
| TJM Environmental Restoration, LLC | Vernon | CT |
| Delaware Department of Natural Resources and Environmental Control | Delaware | DE |
| Lewes | Lewes | DE |
| Clay County Development Authority | Clay County | FL |
| Eatonville, Town of | Eatonville | FL |
| Eustis, City of | Eustis | FL |
| Fort Myers, City of | Fort Myers | FL |
| Glades County Economic Development Council, Inc. | Glades County | FL |
| Hillsborough County | Hillsborough County | FL |
| Homestead, City of | Homestead | FL |
| Lee County | Lee County | FL |
| Palm Bay, City of | Palm Bay | FL |

*Based on information received from the Environmental Protection Agency on April 2, 2004, and June 16, 2004.

Unfunded Brownfield Requests*

| Applicant Name | Applicant City | State |
|---|--------------------------------|-------|
| Chatham County | Chatham County | GA |
| Greensboro Downtown Development Authority | Greensboro | GA |
| Hawaii County | Hawaii County | HI |
| Honolulu, City and County of | Honolulu | HI |
| Charles City | Charles City | IA |
| Contaminated Property Holdings Corporation | Council Bluffs | IA |
| Davenport, City of | Davenport | IA |
| Sioux City, City of | Sioux City | IA |
| Adams County | Adams County | ID |
| Boise City Parks & Recreation | Boise | ID |
| Sage Community Resources | Southwest | ID |
| Alton, City of | Alton | IL |
| Belvidere, City of | Belvidere | IL |
| Bethel New Life, Inc. | Chicago | IL |
| Bi-State Regional Commission | Henry, Mercer, and Rock Island | IL |
| Chicago Department of Environment | Chicago | IL |
| Church of the Living God | Fairview Heights | IL |
| Guiding Light Community Development Corporation | Aurora | IL |
| Maywood, Village of | Maywood | IL |
| North Chicago, City of | North Chicago | IL |
| Bloomington, City of | Bloomington | IN |
| Fort Wayne, City of | Fort Wayne | IN |
| Gary, City of | Gary | IN |
| Indianapolis, City of | Indianapolis | IN |
| LaPorte, City of | LaPorte | IN |
| Michigan City, City of | Michigan City | IN |
| Southern Indiana Development Commission | Southern Indiana | IN |
| Tipton County Economic Development Corporation | Tipton County | IN |
| Covington, City of | Covington | KY |
| Kentucky Infrastructure Authority | Kentucky | KY |
| Maysville, City of | Maysville | KY |
| Baton Rouge, City of and Parish of East Baton Rouge | Baton Rouge | LA |
| Lafayette Consolidated Government | Lafayette City and Parish | LA |
| Monroe, City of | Monroe | LA |
| North Shreveport Development Corporation | Shreveport | LA |
| Shreveport, City of | Shreveport | LA |
| South Central Planning and Development Commission | South Central Louisiana | LA |
| Amesbury, Town of | Amesbury | MA |
| Central Massachusetts Regional Planning Commission | Central Massachusetts | MA |
| Easthampton, City of | Easthampton | MA |
| Fitchburg Redevelopment Authority | Fitchburg | MA |
| Haverhill, City of | Haverhill | MA |
| Holyoke, City of | Holyoke | MA |
| Lawrence, City of | Lawrence | MA |
| Lowell, City of | Lowell | MA |
| Massachusetts Development Finance Agency (MassDevelopment) | Massachusetts | MA |
| Monson, Town of | Monson | MA |
| Montague, Town of | Montague | MA |
| North Adams, City of | North Adams | MA |

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Unfunded Brownfield Requests*

| Applicant Name | Applicant City | State |
|--|--|--------------|
| Somerville | Somerville | MA |
| Ware, Town of | Ware | MA |
| West Springfield, Town of | West Springfield | MA |
| Winthrop, Town of | Winthrop | MA |
| Worcester, City of | Worcester | MA |
| Kennebec Valley Council of Governments | Fairfield | ME |
| Lewiston, City of | Lewiston City | ME |
| River Valley Growth Council | Western Maine | ME |
| Waterville, City of | Waterville | ME |
| Bay City, City of | Bay City | MI |
| Detroit | Detroit | MI |
| Downriver Community Conference | Wayne and Monroe Counties | MI |
| Harbor Beach Brownfields Redevelopment Authority | Harbor Beach | MI |
| Macomb County | Macomb County | MI |
| Oakland County | Oakland County | MI |
| Rochester Hills, City of | Rochester Hills | MI |
| Romulus, City of | Romulus | MI |
| Taylor, City of | Taylor | MI |
| Thornton, City of | Thornton | MI |
| Three Rivers, City | Three Rivers | MI |
| Warren/Conner Development Coalition | Detroit | MI |
| Minneapolis, City of | Minneapolis | MN |
| Minnesota Pollution Control Agency | Minnesota | MN |
| Red Lake Band of Chippewa Indians | Red Lake Indian Reservation | MN |
| Virginia Economic Development Authority | Virginia | MN |
| Kaysinger Basin Regional Planning Commission | West Central Missouri | MO |
| Missouri Department of Economic Development | Missouri | MO |
| Pine Lawn, City of | Pine Lawn | MO |
| Glendora, Town of | Glendora | MS |
| Hattiesburg, City of | Hattiesburg | MS |
| Jackson, City of | Jackson | MS |
| Cape Fear Soccer Association, Inc. | Wilmington | NC |
| Durham, City of | Durham | NC |
| Navassa, Town of | Navassa | NC |
| Sanford, City of | Sanford | NC |
| Wilson, City of | Wilson | NC |
| Red River Regional Council | Northeast North Dakota | ND |
| Spirit Lake Tribe | Spirit Lake Nation Reservation | ND |
| Turtle Mountain Band of Chippewa Indians | Turtle Mountain Band of Chippewa Indians | ND |
| Omaha Tribe | Nebraska and Iowa | NE |
| Claremont, City of | Claremont | NH |
| Concord, City of | Concord | NH |
| Durham, Town of | Durham | NH |
| New Hampshire Department of Transportation | New Hampshire | NH |
| Rockingham Planning Commission | Exeter | NH |
| Bayonne Local Redevelopment Authority | Bayonne | NJ |
| Camden County Improvement Authority | Camden County | NJ |
| Elizabeth, City of | Elizabeth | NJ |
| Hillside, Township of | Hillside | NJ |

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Unfunded Brownfield Requests*

| Applicant Name | Applicant City | State |
|---|--|-------|
| Hudson County | Hudson County | NJ |
| Irvington, Township of | Irvington | NJ |
| Middlesex Borough of | Middlesex | NJ |
| Middlesex County Improvement Authority | Middlesex County | NJ |
| Monmouth County | Monmouth County | NJ |
| Monroe Township | Monroe | NJ |
| Palmyra, Borough of | Palmyra | NJ |
| Passaic River Coalition | Passaic River Basin, New Jersey/New York | NJ |
| Paterson, City of | Paterson | NJ |
| Pennsauken, Township of | Pennsauken | NJ |
| Secaucus, Town of | Secaucus | NJ |
| South Amboy, City of | South Amboy | NJ |
| South Orange Village, Township of | South Orange | NJ |
| University Heights Science Park | Newark | NJ |
| Woodbridge, Township of | Woodbridge | NJ |
| Albuquerque, City of | Albuquerque | NM |
| Tucumcari, City of | Tucumcari | NM |
| Clark County Redevelopment Agency | Clark County | NV |
| North Las Vegas, City of | North Las Vegas | NV |
| Tonopah, Town of | Tonopah | NV |
| Cattaraugus County | Cattaraugus | NY |
| Chadakoin Gateway Environmental Development Group, Inc. | Jamestown | NY |
| Cohoes, City of | Cohoes | NY |
| Development Downtown Inc., Buffalo, NY | Buffalo | NY |
| Glen Cove Community Development Agency | Glen Cove | NY |
| Gloversville, City of | Gloversville | NY |
| Greenpoint Manufacturing and Design Center LDC | Brooklyn | NY |
| Kingston, City of | Kingston | NY |
| Monroe County | Monroe County | NY |
| New Rochelle, City of | New Rochelle | NY |
| Niagara Falls, City of | Niagara Falls-New York-Niagara County | NY |
| Plattsburgh, City of | Plattsburgh | NY |
| Sag Harbor, Village of | Sag Harbor | NY |
| Saint Regis Mohawk Tribe | Akwesasne | NY |
| Staten Island | Staten Island | NY |
| Suffolk County | Suffolk County | NY |
| Wyoming County Industrial Development Agency | Wyoming County | NY |
| Yonkers Alexander Street Redevelopment, Inc. | Yonkers | NY |
| Bellaire, Village of | Bellaire | OH |
| Canton, City of (Ohio) | Canton | OH |
| Canton, Ohio/Stark Community Foundation | Canton City | OH |
| Champion Township | Champion | OH |
| Cincinnati College Preparatory Academy | Cincinnati | OH |
| Columbiana County Port Authority | Columbiana County | OH |
| Cuyahoga County | Cuyahoga County | OH |
| Defiance, City of | Defiance | OH |
| Elmore, Village of | Elmore | OH |
| Elyria, City of | Elyria | OH |

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Unfunded Brownfield Requests*

| Applicant Name | Applicant City | State |
|--|---|--------------|
| Grafton, Village of | Grafton | OH |
| Lancaster, City of | Lancaster | OH |
| Loveland, City of | Loveland | OH |
| Mansfield, City of | Mansfield | OH |
| McDonald Village | McDonald | OH |
| Newburgh Heights, Village of | Newburgh Heights | OH |
| Otterbein College | Westerville | OH |
| Painesville, City of | Painesville | OH |
| Paulding County Economic Development Office | Paulding County | OH |
| Port of Greater Cincinnati Development Authority | Hamilton County | OH |
| Richland County | Richland County | OH |
| Sandusky, City of | Sandusky | OH |
| Second Growth Institute | Cleveland | OH |
| Southeastern Ohio Port Authority | Southeastern Ohio | OH |
| Warren Township | Warren | OH |
| Cheyenne & Arapaho Tribes of Oklahoma | Tribal Lands | OK |
| Confederated Chilocco Tribes | Tribal Lands | OK |
| Haskell County | Haskell County | OK |
| Medicine Park, Town of | Medicine Park | OK |
| Oklahoma City | Oklahoma City | OK |
| Oklahoma Conservation Commission | Oklahoma | OK |
| Port of Gold Beach | Gold Beach | OR |
| Allentown, City of | Allentown | PA |
| Ambridge, Borough of | Ambridge | PA |
| AMD&ART (Acid Mine Drainage and Art, Inc.) | Dark Shade Watershed Basin | PA |
| Athens, Township of | Athens | PA |
| Bucks County Redevelopment Authority | Bucks County | PA |
| CAN DO Foundation | Hazleton | PA |
| Chester County Economic Development Council | Chester County | PA |
| Earth Conservancy | Ashley | PA |
| Erie County General Authority | Erie | PA |
| Lycoming County | Lycoming County | PA |
| McKees Rocks, Borough of | McKees Rocks | PA |
| McKeesport, City of | McKeesport | PA |
| Northumberland County | Northumberland County | PA |
| Pocono Mountains Industries, Inc. | Monroe County | PA |
| Scranton, City of | Scranton | PA |
| Aguadilla, Municipality of | Aguadilla | PR |
| Carolina, Municipality of | Carolina | PR |
| San German, Municipality of | San German | PR |
| Burrillville, Town of | Burrillville | RI |
| East Providence, City of | East Providence | RI |
| Johnson and Wales University | Providence | RI |
| Newport Housing Authority | Newport | RI |
| Providence, City of | Providence | RI |
| Puente, Inc. | Providence | RI |
| Central Midlands Council of Governments | Columbia | SC |
| Laurens County | Laurens County | SC |
| Cheyenne River Sioux Tribe | Cheyenne River Sioux Tribe Reservation | SD |

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Unfunded Brownfield Requests*

| Applicant Name | Applicant City | State |
|--|-------------------------------|-------|
| Oglala Sioux Tribe | Pine Ridge Indian Reservation | SD |
| Yankton Area Progressive Growth, Inc. | Yankton | SD |
| Marion County Industrial and Environmental Development Board | Marion County | TN |
| Shelby County | Shelby County | TN |
| Ark-Tex Council of Governments | Texas and Arkansas | TX |
| Brownfield Stewardship Fund | Texas | TX |
| East Texas Council of Governments | East Texas | TX |
| Houston, City of | Houston | TX |
| Laredo, City of | Laredo | TX |
| Maverick County | Maverick County | TX |
| Nacogdoches, City of | Nacogdoches | TX |
| Prairie View, City of | Prairie View | TX |
| San Marcos, City of | San Marcos | TX |
| Waco, City of | Waco | TX |
| Park City | Park City | UT |
| Buchanan County | Buchanan County | VA |
| Danville Youth Grow | Danville | VA |
| Louisa, County of | Louisa County | VA |
| Roanoke Valley-Alleghany Regional Commission | Roanoke Valley-Alleghany | VA |
| Virginia Department of Conservation and Recreation | Virginia | VA |
| King Street Neighborhood Revitalization Corporation | Burlington | VT |
| Lamoille County Planning Commission | Morrisville | VT |
| Vermont, State of | Vermont | VT |
| Bremerton, City of, and Kitsap Transit | Bremerton | WA |
| Colville Confederated Tribes | Colville Reservation | WA |
| Connell, City of | Connell | WA |
| Grays Harbor County | Pacific Beach | WA |
| Port of Shelton | Shelton | WA |
| Yakama Nation | Yakama Nation Reservation | WA |
| Delavan Development Corporation | Delavan | WI |
| Fond du Lac County | Fond du Lac County | WI |
| Forest County Potawatomi Community | City of Milwaukee | WI |
| Kenosha, City of | Kenosha | WI |
| Madison, City of | Madison | WI |
| Marathon County Development Corporation (MCDEVCO) | Wausau | WI |
| Milwaukee County | Milwaukee County | WI |
| Richland Center, City of | Richland Center | WI |
| Whitefish Bay, Village of | Whitefish Bay | WI |
| Clarksburg, City of | Clarksburg | WV |
| Morgan County Economic Development Authority | Morgan County | WV |
| Region I Planning and Redevelopment Council | Southern West Virginia | WV |

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