

# Building Upon Activity, What May Be on the Horizon?

# Conclusion

Over the last several years, state brownfields programs continued to mature as programs are adapting to meet the evolving needs of property owners and communities. At the same time, it is clear that the overall goals of state response programs remained the same by:

- Bringing a greater level of certainty to the cleanup and redevelopment process
- Establishing finality for cleanups, with liability relief and no further action mechanisms
- Offering incentives to property volunteers to help level the economic playing field between brownfields and greenfields
- Ensuring that the long-term management of contaminated land is protective of human health and the environment.

As this update demonstrates, states are putting many different approaches in place to meet these goals and address the diverse challenges of brownfields reuse.

A number of states amended their programs to fine-tune regulations or refine previously authorized processes. A few states modified their program benefits, putting new incentives in place—sometimes, at significant levels—to facilitate the cleanup and redevelopment process. Several states are considering the benefits of linking a broader range of community development efforts, such as training initiatives, to brownfields situations. Other states revised and streamlined their programs to make them more responsive and to ease participation requirements. Finally, an increasing number of states are working to document their voluntary response program progress and benefits.

This year's update points to several areas of activity to watch in the future: institutional controls financing, program staffing, financing, and sustainability.

**Institutional Controls.** Increasingly, states are allowing engineering and institutional controls to be incorporated into cleanup remedies and are promoting them as a way to reduce remediation costs and make brownfields redevelopment projects more economically viable. In the coming years, as states recognize the important role of long-term stewardship in promoting property cleanup and reuse, they will also need to address the challenges associated with effective long-term stewardship. These challenges include: how to best define workable conditions and constraints; how to ensure that ICs will be maintained; and how to monitor compliance with ICs over time. Ensuring that resources are committed for long-term monitoring and other property needs will become an important part of the overall state effort.

**Program Staffing.** As the opportunities available to public and private property owners and participants in voluntary cleanup programs become more apparent, and the role of the states in brownfields redevelopment efforts is more widely recognized, staffing resources may become overtaxed. This year, the level of brownfields reuse activity outpaced the

capacity of the state staff assigned to administer many state response and voluntary programs. States will need to address these staffing issues as communities market more of their local properties to new users who want to enroll in and quickly complete voluntary cleanup program actions. Additionally, as the use of ICs increases, the need will also increase for state monitoring of properties where these controls are a critical part of the cleanup remedy.

**Financing.** Financing brownfields cleanup continues to be a barrier to brownfields reuse. More than half the states are working to address this issue by offering direct and indirect financing incentives. Direct financing tools include loans or grants, and indirect financing assistance includes tax abatements or credits, loan guarantees, and loss reserves. States will continue to create incentives to assist in the cleanup and reuse of brownfields properties.

**Sustainability.** In addition to focusing on a project's end use and economic development, more states are focusing on the sustainability or remedies and reuse alternatives. Many states are incorporating sustainability into cleanup and end use decisions and developing sustainability initiatives.

