

Brownfields Legislation Listening Session
Environmental Justice and Community Stakeholders
April 1, 2002

Participants:

Randall Gee, Cherokee Nation	Patricia Overmeyer, U.S. EPA OSPS
Jim Ball, Evangelical Environmental Network (EEN)	Rey Rivera, U.S. EPA OSPS
Michael J. Lythcott, National Black Environmental Justice Network (NBEJN)	Beth Zelenski, U.S. EPA OSPS
Veronica Eady, State of Massachusetts	Cate Tierney, U.S. EPA OSRE
Delta Valente, U.S. EPA OEJ	Estelle Bulka, U.S. EPA OSRE
Bruce Englebert, U.S. EPA OERR	Sara Rasmussen, U.S. EPA OSW
Linda Garczynski, U.S. EPA OSPS	Luke Jones, U.S. EPA OSW
Sven-Erik Kaiser, U.S. EPA OSPS	Michael Shapiro, U.S. EPA OSWER
Valerie Green, U.S. EPA OSPS	Steve Luftig, U.S. EPA OSWER
Karl Alvarez, U.S. EPA OSPS	Christopher Prins, U.S. EPA OSWER
Jennifer Bohman, U.S. EPA OSPS	Marjorie Buckholtz, U.S. EPA OSWER
Alison Evans, U.S. EPA OSPS	Dennis Alvord, U.S. Department of Commerce/EDA
Anthony Raia, U.S. EPA OSPS	Ellyn Krevitz, U.S. Department of Energy
	Colleen Morgan, Marasco Newton Group
	Tiffany Eads, Marasco Newton Group

Introduction:

Mike Shapiro, deputy assistant administrator of the Office of Solid Waste and Emergency Response (OSWER), welcomed the participants and emphasized the importance the U.S. Environmental Protection Agency (EPA) attaches to maximizing stakeholder involvement early in the implementation process of the brownfields law. Mr. Shapiro noted that this is the first of four listening sessions and that EPA has recently set up its teams and structure to develop the appropriate policies, guidance, and regulations.

EPA is looking to various stakeholder communities to identify issues impacting their constituents. Mechanisms are in place through the implementation work groups and other means to identify key issues as quickly as possible. EPA's objective is to get input on major themes and issues to consider when developing policy and guidance. By the fall of 2002, EPA expects to have developed new funding application guidelines and various policy documents related to implementation of the law.

Mr. Shapiro indicated that environmental justice (EJ) issues have been an element of the brownfields initiative since the beginning and EPA plans to continue to include this philosophy as it moves forward to implement the law.

Legislation Summary—Small Business Liability Relief and Brownfields Revitalization Act:

Linda Garczynski, EPA's Outreach and Special Projects Staff (OSPS), presented a number of elements of the law that might be of particular interest to the environmental justice and tribal communities. These elements resulted directly from response to input by the EJ and tribal communities during congressional debates on the legislation. They include the following:

- Nonprofit organizations are eligible for the newly created direct cleanup grants;
- Grant funds can be used to assess/monitor the health impacts of children, pregnant women, and other sensitive populations; and
- Requirement for the states to provide information—and the opportunity for meaningful involvement—to the public about the sites being addressed in their voluntary response programs (VRPs).

Identification of Specific Issues/Questions:

Public Record/Site Inventory

- Question whether the site inventory is required for grant eligibility or if states can receive money to create the inventory.
- Inquiry about what elements are required in a site inventory (e.g., ownership, tax status).
- Pennsylvania's Site Finder web site (<http://www.pasitefinder.state.pa.us/>) Was given as an example of a sophisticated public record.

Direct Cleanup Grants—Ensure Equitable Competition

- Comment that it is good that direct cleanup money is now available to nonprofits, but this introduces a new competition for resources.
- Noted that community groups typically do not fare well against government groups in terms of resources and sophistication in preparing grant applications.
- EPA was encouraged to think about how to make the grant applications and evaluation process viable for nonprofit organizations and smaller communities with fewer resources.

Mechanics of Federal Enforcement Bar/Safety Net

- Clarification requested on the state response programs and the role of federal oversight.
- Concern expressed that in regards to civil rights and public involvement, states are often less rigorous and thorough.
- A commenter wanted to ensure the presence of a federal safety net to encourage public involvement, good cleanup standards, and appropriate reuse selections.
- EPA was encouraged to work with the states to ensure that they maintain vigorous programs with adequate health protections and community involvement.

Displacement/Gentrification

- Question asked whether anyone is looking at how many people have been or will be displaced as a result of cleanup and the resulting redevelopment/gentrification of brownfields properties.
- Also asked what percentage of these potentially displaced people fall under the EJ umbrella.
- Displacement at the Escambia, Florida, site raised and concern noted that residents often are disenfranchised in the decision-making process, can often be forced to relocate without adequate compensation or voice, and do not frequently get to reap the economic benefits that accompany a community's revitalization efforts.
- Key element to preserving the local community and/or ensuring that the residents benefit from revitalization is ensuring local participation in the cleanup and reuse decisions, and reuse and will bring this issue up with them.
- Additional discussion focused on the use of parks and other greenspace to help benefit communities and on how site-specific decisions fit into longer-term regional plans of communities.

Administrative Costs/Cost Share Requirements/Program Building

- Request for more information about the administrative cost restrictions and concern about the impact of the prohibition.

New Sites (Petroleum, Mine-scarred, Controlled Substances)

- Inquiry about using the new funds at petroleum and mine-scarred sites.
- Noted that the tribes are interested in using some of the funds for meth-labs occurring on tribal lands.

State/Tribal VRP Funding

- Enthusiasm expressed about seeing additional funding for the states and asked how EPA plans to allocate the \$50 million for state/tribal response programs.
- Comment that stakeholders were encouraged by EPA's implementation approach and efforts to work with the states and communities.

Grant Application Guidelines and Process

- Inquiry about hints to boost community organization groups chances for funding, especially for greenspace and other nonprofit purposes.
- Noted that a screening process could also be an opportunity to educate applicants on what would be a successful application.
- Supported expressed for two-step application approach, but concern about ensuring fairness and opportunities when nonprofits and smaller communities are competing against larger cities and against projects with more economic potential.
- Interest in seeing what the nonprofits can accomplish and desire that they get a chance to compete.
- Question whether old rules were still in place for existing grants.
- Question about availability of the new grant guidelines.

- Question about who makes the decisions on the grant awards.

Regulatory Development versus Guidance/Policy

- Question whether regulations will be developed or whether EPA will primarily rely on guidance and policies.
- Support given for using the updated 2000 ASTM Phase I standard currently in use while EPA develops its own standard.