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Brownfields Title VI Case Studies: **Summary Report**

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INTRODUCTION

In February 1998, EPA issued its “Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits” for public comment. This guidance is intended to assist EPA’s Office of Civil Rights (OCR) in processing complaints filed under Title VI of the Civil Rights Act of 1964, alleging discriminatory intent or effect based on race, color, or national origin resulting from the issuance of pollution control permits by State or local governmental agencies that receive EPA funding. Brownfields stakeholders asserted that the guidance would stifle redevelopment in inner-city areas where discriminatory effects could be alleged. In response to this criticism, EPA Administrator Carol Browner promised to undertake case studies of Brownfields Pilots as a first step in determining whether or not the guidance in fact hinders redevelopment of the nation’s brownfields. This report details the findings of case studies conducted at seven EPA Assessment Demonstration Pilots in January and February of 1999.

Section One, Background, provides a history of the guidance and case study process, including the criteria used for selecting the case study Pilots and the stakeholders interviewed. Section Two, Overall Findings, provides a summary of the results of more than 50 interviews at the selected Pilots. Section Three, Findings by Question, is a cross-Pilot detailed examination of stakeholder responses to EPA’s case study questions. Section Four, Conclusions, provides concluding statements derived from the findings of the report.

The appendices are intended to provide further background and a more detailed explanation for the procedures associated with the case study effort. Appendix A, Case Study Methodology, details the proposed timeline and procedures that were used for developing questions, conducting interviews, and writing the studies themselves. Appendix B, Pilot Case Studies, are the actual seven case study documents from each of the selected Brownfields Assessment Demonstration Pilots.

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I. BACKGROUND

In February 1998, EPA issued its “Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits” for public comment. This guidance is intended to assist EPA’s Office of Civil Rights (OCR) in processing complaints filed under Title VI of the Civil Rights Act of 1964, alleging discriminatory intent or effect based on race, color, or national origin resulting from the issuance of pollution control permits by State or local governmental agencies that receive EPA funding. The guidance provides a timeline and framework for the processing and investigation of complaints.

During the 90-day public comment period, local leaders, industry representatives, and national organizations formally asserted that the guidance, as currently written, would stifle development in inner-city areas where discriminatory effects could be alleged. There was uncertainty and fear that a potentially lengthy and costly Title VI investigation could deter potential developers from investment in these areas, stifling progress made in recent years in redeveloping brownfields, regardless of tax breaks in Empowerment Zones, incentives for brownfields redevelopment, and other urban revitalization programs.

At the Mayors’ Forum on Title VI held in Detroit, Michigan in July 1998, EPA Administrator Carol Browner committed to conduct studies to determine whether the guidance proved to be a barrier to the redevelopment of brownfields. To test the assertions of the stakeholders and determine the relationship between the Title VI Guidance and brownfields activities, EPA chose to conduct case studies at six of its Brownfields Assessment Demonstration Pilots (a seventh case study was eventually added). These case studies would then be provided to the National Advisory Council for Environmental Policy and Technology (NACEPT) Title VI Federal Advisory Committee Act (FACA) Committee for consideration as it drafted the final “Guidance for Investigating Title VI Administrative Complaints Challenging Permits.”

In October 1998, EPA convened a panel of brownfields stakeholders to hear their concerns and suggestions regarding the case study process. At this meeting, participants were presented with a draft case study plan that included proposed Pilot-selection criteria, a preliminary timeline, and draft case study questions that expanded on the four “core” case study questions developed by EPA:

- C What is happening around EPA Brownfields Pilot sites in terms of what types of redevelopments are planned, who is involved, and what types of cooperative efforts exist?
- C Does the Title VI process hinder redevelopment?
- C How and why does this occur? Describe and define the impediments.
- C Are there solutions? Lessons learned?

By December 1998, Camden, NJ; Charlotte, NC; Chicago, IL; Detroit, MI; Lawrence, MA; and the City of Miami/Miami-Dade County, FL had been chosen as the case study Pilots based on the previously proposed criteria:

- C Study Pool.** EPA's 227 Brownfields Assessment Demonstration Pilots. Since 106 of these Pilots had just been announced in the spring and summer of 1998, they would not have had significant redevelopment activity at the time of the study. The pool was narrowed to 121.
- C Information Availability.** The Pilot should have a good history of meeting quarterly reporting requirements. This was to ensure the availability and currency of Pilot data.
- C Demographics.** The racial composition, as well as the size of the municipality were considered in the identification process. The Pilot should have a minimum 10 percent minority rate to ensure the validity of any Title VI complaint. To examine a cross-section of populations, two Pilots were chosen within each of the following population brackets: under 100,000; 100,000 to 500,000; and over 1,000,000.
- C Sites Identified.** The Pilot should have two or more locations identified for assessment, cleanup, and redevelopment purposes.
- C Permit Data.** The Pilot should have at least one project for which some type of Federal and/or State environmental permit is required or which has the potential for a reuse that requires permitting. EPA also examined cities for permits already existing in the area.

After the cities were chosen and contacted, appropriate stakeholder group representatives were identified. The types of stakeholder groups were determined based on their perceived ability to answer the core case study questions. Since the studies would examine Brownfields Assessment Demonstration Pilot sites, EPA determined that it would be appropriate to review existing information for each Pilot, create a potential list of individual stakeholders based on stated and active Pilot partners, and confirm this list with the Pilot contacts to capture the breadth of opinion necessary for the validity of the study. The types of stakeholders identified were Pilot contacts; community and environmental justice groups; community development corporations (CDCs) and other business associations; lenders and developers; environmental groups; and local, State and Federal government contacts. The Pilot contacts would provide the most accurate and up-to-date information on the status of brownfields activities and the active and inactive players. Community and environmental justice groups would provide input on the level and timeline of community involvement, as well as provide a context for the demographics of the area. CDCs and other business associations would give a balanced view of the business and community aspects of redevelopment and community involvement. Lenders and developers would provide feedback on the barriers to brownfields redevelopment, and how community involvement was viewed in the process. Environmental groups would provide information on whether

the activities and influences of “outside” groups may play a role in complaints filed. Local government contacts would provide an objective history of the brownfields area, including past use and redevelopment activities as well as activism in the area. State government contacts would provide information on permitting and enforcement issues. Finally, other Federal contacts would provide a non-EPA perspective on the activities and partnerships involved in the Pilot project.

The case studies were underway by January 1999. It should be noted that the responses received in the course of these case studies may not be representative of all of EPA’s Brownfields Assessment Demonstration Pilots, and that references in this document to “Pilot” activities and experiences reflect only the information received from the seven case study Pilots.

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II. OVERALL FINDINGS

This section presents the general findings and overall themes of the seven case studies as they relate to the four primary questions addressed in the study effort:

- What is happening around EPA Brownfields Pilot sites in terms of what types of redevelopments are planned, who is involved, and what types of cooperative efforts exist?
- Does the Title VI process hinder redevelopment?
- How and why does this occur? Describe and define the impediments.
- Are there solutions? Lessons learned?

Brownfields Pilot Redevelopment Requires Few Environmental Permits

At all of the Pilot sites studied, redevelopment activities are either underway or planned. Sites range in size from less than 2,000 square feet to more than 40 acres. At three sites, the redevelopment projects are complete, including a stamping press operation, a plastic rack manufacturer and a construction company. Of the 20 targeted sites identified in the case study effort, all but three sites have at least tentative redevelopment plans, examples of which include concrete manufacturing, container-making, parking, residential, retail and office buildings, flex space and road and bridge improvements. The majority of sites are either planned for service or light-industrial types of reuse. Although the original documentation used in selecting Pilot cities for the case studies indicated that permits would likely be required at many of the targeted sites, the case study effort has revealed that in fact very few, if any, of the planned reuses (e.g., concrete manufacturing, container manufacturing) at these sites may require environmental permits. The low number of emissions permits required lessens the chance of formal Title VI complaints being an issue in the future.

A Wide Variety of Governmental, Community and Business Stakeholders Are Involved in Brownfields Cleanup and Redevelopment Decision-Making Across Pilots

At every Pilot studied, multiple municipal agencies—including environmental and economic development departments—are involved in Pilot activities and decision-making, as are a variety of community and business group stakeholders. While each Pilot had a different stakeholder mix and a unique approach to communicating with and educating stakeholders, each of the seven Pilots had formalized relationships with members of the business community, citizen groups, and local and State government agency representatives. In all cases, stakeholders help guide Pilot activities, although levels of decision-making responsibility provided to community residents vary widely. For example, in Charlotte, community members are voting members of the Pilot's site-selection committee, while in Lawrence, community groups function more as observers since Pilot activities are being conducted in an almost exclusively industrial part of town.

The most common model for community involvement and decision-making across the Pilots is a working or advisory group comprised of community, municipal, business, real estate, and lender representatives. Five of the Pilot cities studied—Charlotte, Chicago, Camden, Miami and Miami-Dade County (the City of Miami case study was expanded to Miami-Dade County)—used some sort of

public/private/community advisory or working group as their primary means for making decisions. Charlotte and Detroit focused on developing outreach materials and conducting outreach activities. Charlotte targeted community groups with materials and meetings, while Detroit produced a Pilot toolkit discussing the City's brownfields and explaining to stakeholders how to get involved in Detroit's Pilot. In addition, the City of Lawrence's effort is largely private-sector driven, with a Brownfields Advisory Committee that includes brownfields business owners, City and State representatives, and other large businesses making redevelopment decisions. Meetings are open to the public, but have been poorly attended. All Lawrence stakeholders interviewed believe this is because there are virtually no residential areas near the brownfields redevelopment area, and because redevelopment activities are transportation improvements which are much desired in the community.

Across the board, interviewees were appreciative of the Pilots' efforts to educate and involve stakeholders in Pilot activities, and acknowledged that the coordination of so many groups is a difficult job. At the same time, Pilot Managers, municipal employees, and both active and non-active community groups offered many suggestions about how to improve community involvement activities at their Pilot, including: providing materials in local foreign languages; soliciting involvement from and coordinating with State regulatory agencies; making meetings more accessible by speaking in "plain" English (i.e., no technological jargon) and providing a scientific interpreter when necessary; and maintaining contact throughout the redevelopment process.

Brownfields Pilots Coordinate with Other Community Efforts Where Appropriate, but Participants Agree that More Coordination Would Be Beneficial

Two Pilots reported coordinating their activities with other community development or revitalization projects. The Lawrence Pilot coordinates cleanup and redevelopment plans with the Merrimack Corridor Enhancement Project (MCEP). The MCEP serves an umbrella function and helps to facilitate and prioritize brownfields activities with two additional projects: Massachusetts Highway Department transportation improvements, and National Park Service Groundworks Trust open-space protection and planning efforts. Public planning and visioning meetings have been held jointly, and many of the same individuals sit on more than one of these community committees. As a result of the coordination, Lawrence has been able to leverage Intermodal Surface Transportation Efficiency Act (ISTEA) funding for three transportation projects (intersection/road improvements and a bridge) on brownfields sites.

The Miami-Dade County Pilot is coordinating with a U.S. Department of Housing and Urban Development (HUD) Model City. These entities sit on each other's working groups and share information across projects. Both the Pilot and Model City representatives agreed that coordination is beneficial, although sometimes challenging, and that more opportunities to share information and discuss priorities are needed.

Title VI Issues Have Had Little Effect at Brownfields Pilots

According to more than 50 interviews at the seven case study Pilots, Title VI concerns have not slowed down, blocked or otherwise negatively impacted redevelopment activities to date at these Pilots. There have been no Title VI complaints filed relating to any Pilot's activities. While in-depth information was

only gathered at seven of more than 200 active Pilots, these Pilots were chosen for their high potential for Title VI complaints (e.g., double digit minority rates, active redevelopment and relatively high rate of existing permits). It is logical to assume that if Title VI complaints were not negatively impacting progress at sites chosen for their high likelihood of conflict, remaining sites are not likely to be more impacted than those in this study.

Fear of Title VI Complaints Does Not Appear to Discourage Developers at Brownfields Sites

To begin to understand whether fear of Title VI complaints was having a “chilling effect” on developers and investors, causing them to shy away from considering brownfields properties at these seven Pilots, case study participants were asked what the major barriers were to conducting redevelopment projects. Neither Title VI nor fear of environmental justice complaints were mentioned as obstacles. As has been borne out in a recent HUD/EPA study titled *The Effects of Environmental Hazards and Regulations on Urban Redevelopment*, such issues as financing, construction season, and cleanup costs were mentioned as driving forces. Delays in cleanup and redevelopment activities suffered at these seven Pilots were not related to Title VI or community involvement issues, but were caused by waiting for liability protection agreements from States, jurisdictional and ownership uncertainties, and prohibitive cleanup costs. Two interviewees did mention that anything that has a capacity to delay a project (including Title VI complaints) could have a chilling effect on redevelopment activity. While it is impossible to say whether fear of Title VI complaints is creating hesitation in developers across the country or those not experienced in brownfields redevelopment, the interviewees at the seven case study Pilots felt that it was neither a driving nor impeding force in their redevelopment decisions or activities.

Lack of Title VI Complaints Is More Impressive in Context of Environmental Justice Activism

The lack of Title VI complaints at these Pilots should not be construed as apathy or lack of understanding of EPA’s Title VI Interim Guidance on the part of local environmental justice or community groups or activists. In four of the Pilot cities (Chicago, Camden, Miami-Dade and Lawrence), significant environmental justice activism and protests are a major concern of stakeholders in the Pilot communities. In Chicago, two Title VI complaints have been filed by community groups against incinerators in nearby South Cook County. In Lawrence, an organized environmental justice group has managed to shut down two incinerators, one of which was a medical waste incinerator located in the poorest part of the City. Participants in the Miami-Dade Pilot are aware of a very contentious Title VI complaint ongoing in Broward County, Florida and have had to work especially hard to build trust with stakeholders affected by those events. In Camden, a class action lawsuit has been filed against the New Jersey Department of Environmental Protection for disparate impact related to a sewage treatment plant. Furthermore, active and contentious enforcement and land use issues also serve as a backdrop for brownfields activities in the two of the Pilots. For example, the southwest Detroit community recently fought a request by Allied Signal to renew an EPA permit to dispose of waste in underground injection wells.

Environmental justice and community groups at these Pilots state that they are focusing their limited resources on what they view as pressing problems, such as more traditional “dirty” industries like

incinerators and sewage treatment plants. It should be noted, however, that this sophisticated education in environmental justice and understanding of the Title VI Interim Guidance could potentially slow down or block actions in the future if community involvement and decision-making methods break down, or if a group feels a proposed end use is unacceptable. In fact, one interviewee observed that, “When [community] groups don’t feel like they have gotten their fair share of the benefits, one way to remedy that is to stir up community activism about the environmental contamination of the site.” Examples such as these show that community and environmental justice groups are aware of the rights afforded them under Title VI, and have used them effectively, but that none feel that current brownfields-related activities warrant a complaint.

Lessons Learned—Reasons Cited for Lack of Title VI and Environmental Justice Complaints

When interviewees were asked that if there had been an issue relating to environmental permits and environmental justice, did they think the Pilot’s stakeholder involvement efforts would be adequate to resolve a problem, the predominant answer was “yes.” Answers fell into three major categories: 1) a relationship of trust has been developed among stakeholders, municipalities and developers; 2) almost any development is an improvement over conditions of contamination and blight, especially if it includes jobs for local community residents; and 3) the types of redevelopment activities typically undertaken at brownfields sites are not pollution-heavy or permit-intensive.

Trust has been developed in a variety of ways at the studied Pilot cities. In Miami, the local developer went to the affected community and discussed new cement-making processes, which allayed fears of pollution in the community. In Camden and Chicago, involving the community allowed potential problems to be identified and solved from the beginning when stakes were lower and design changes could more easily be made. Charlotte representatives noted that the trust built between the community and the developer and the fact that involvement continued throughout the project gave community organizations a sense of ownership in the project and prevented opposition.

Another important component in reducing Title VI and other opposition to redevelopment projects is the fact that brownfields areas tend to be abandoned, polluted or otherwise blighted areas, thereby making redevelopment projects all the more welcome to neighboring, usually low-income communities. For example, in Miami, it is believed by stakeholders interviewed that no complaints will be filed on the new cement plant because the plant will be so large an improvement over the current blight, crime and unemployment. Job creation is a big component of these improvements, and community satisfaction was mentioned by representatives of five of the seven Pilots as driving factors in community reaction to proposed developments. For example, in Camden, job creation for local residents at the Liberty Concrete factory played a key role in turning community opposition to approval.

Finally, as previously discussed, a majority of the redevelopment activity at the sites is not of the type likely to cause an environmental justice complaint, as this activity is not the type to require environmental permits.

III. FINDINGS BY QUESTION

This section presents a detailed examination of stakeholder responses to EPA's case study questions. These questions are:

- C Have cleanup and redevelopment been done/completed? Was cleanup or redevelopment slowed or blocked and why?
- C Describe the stakeholder involvement at the Pilot site. Do stakeholders feel they were involved in decision-making? Are the community and the developer working together?
- C What types of permitting issues (e.g., RCRA, CAA) exist at these sites and how has the community reacted to the issues? Does the public, through the State permitting process or other mechanisms, have an opportunity to affect the process or provide input into the decision-making?
- C Since no Title VI complaints were filed relating to any Pilot activities, what were the factors present which ensured there would be no complaints?
- C How is the municipality's environmental office working with its redevelopment office? What other working relationships are in place in the Pilot municipality (such as with the local civil rights office)?
- C Has the presence of nearby Title VI complaints or environmental justice concerns influenced the level of community environmental justice activity? What is the effect of these activities on communities and the local economy?
- C Was alternative dispute resolution used or considered at any of the Pilots? If so, was it effective in preventing Title VI complaints?
- C Are there examples or models of how Pilots can ensure sustained, meaningful community involvement?
- C How can the findings of this study be applied beyond Brownfields activities?

Findings from across the case study Pilots are presented in this section, and specific stakeholder responses illustrate these findings.

1. Have cleanup and redevelopment been done/completed? Was cleanup or redevelopment slowed or blocked and why?

Cleanup and redevelopment efforts are underway at most of the Pilot sites. Redevelopment of three sites is complete. Cleanup activities at several sites was delayed by liability or ownership issues.

Collectively, the seven Pilots have focused on 20 distinct sites ranging from 1,920 square feet (Thomas Construction Site in Charlotte) to more than 40 acres (Knox Gelatin in Camden), with multiple parcels requiring assessment and cleanup. All but three of the sites have entirely completed the necessary Phase I and/or Phase II environmental assessments. Two of the remaining three's assessment processes are nearly complete, but are suffering delay due to jurisdictional and ownership issues. On three of the twenty sites assessed to date, no significant contamination was found and redevelopment

activities have progressed without the need for cleanup, while others have estimates of cleanup costs as high as \$18 million. Examples of contaminants that were found at these sites include petroleum hydrocarbons, lead, construction debris, polychlorinated biphenyls (PCBs), treated wood, industrial chemicals and diesel fuel.

Cleanup has been completed or is ongoing at 14 of the targeted sites identified in the case study effort. Three sites in Charlotte suffered delays where cleanup or redevelopment activities were postponed pending liability protection agreements under North Carolina's new brownfields law. At both the ABC Barrel site in Camden and the Detroit Coke site, State-sponsored cleanup activities at the sites were halted when previous owners redeemed the properties by paying back taxes, creating ownership and jurisdictional uncertainty regarding who would pay for cleanup. Finally, the intended developer at the 76th and Albany site in Chicago has not moved forward with plans for a container-making plant due to the prohibitively expensive cleanup estimate (\$18 million). The developer is investigating additional sources of cleanup funding.

Redevelopment activities are complete at three of the sites. The Burnside Steel Foundry site in Chicago is now home to an expanded stamping press manufacturer that created 100 new jobs for local residents. A plastic rack manufacturer (Perstorp Xytec) opened its doors in Detroit in the summer of 1997, creating 30 new jobs with the potential for 70 more. Thomas Construction renovated a building in Charlotte for its operations, and construction for a variety of retail and design-related businesses is underway. Finally, all but three sites have at least tentative redevelopment plans, examples of which include concrete manufacturing, black cable television, container-making, parking, residential, administrative offices and flex space and road and bridge improvements.

2. Describe the stakeholder involvement at the Pilot site. Do stakeholders feel they were involved in decision-making? Are the community and the developer working together?

Stakeholder involvement approaches are as individual as the Pilots themselves. The level of community involvement ranges from the experience in the City of Lawrence—where the “effort is largely private-sector driven,” with little direct citizen involvement as there are virtually no residential areas near the redevelopment area—to the City of Charlotte, which received awards for its outreach materials and approach.

Community groups/residents and developers are working together in some interesting ways across the Pilot cities. For example, in Chicago, Charlotte and Detroit, interviewees mentioned that it was common practice for developers to solicit support from community members before they invested in a redevelopment project or redevelopment planning. These “up-front dialogues” saved time and money for the developers and got the community in on the ground floor. In Miami, the Pilot brought in a toxicologist to explain to concerned citizens the likely emissions from a new type of cement processing. In the Camden Square project in Charlotte, developer Tony Pressley lowered the height of some of his planned buildings to address community concerns about light and tree health. Great trust has been achieved here and, in turn, community groups wrote letters of support for Pressley, allowing him to get

a State brownfields liability protection agreement.

In some cases, Pilot managers and cities often thought that they were doing a better job of involving the community than the community representatives did. Although community representatives were generally pleased with the Pilots' efforts—if not always the results—some explained that even though they were involved, business interests or other more powerful groups still held more decision-making power. Other community representatives felt that they should have been brought in earlier in the process, and still others expressed that cultural or language barriers prevented full participation from some community groups.

Three Pilots used a type of working group or forum to exchange information and make site-selection and redevelopment decisions. Miami/Miami-Dade and Lawrence have Brownfields Working Groups with representatives from the business communities, neighborhoods and local governments. Holding meetings in the evenings, videotaping meetings, and assigning a liaison to local communities were all strategies used to increase community involvement. The Chicago Pilot conducted an evaluation of the City's Brownfields Forum, which operated in 1994 and 1995 and involved more than 130 people from businesses, banks, lenders and government agencies. Through three public hearings and dozens of committee meetings, the Forum developed more than 65 recommendations that influenced regional planning efforts and increased community access to brownfields decision-making.

Charlotte and Detroit primarily focused on creating outreach materials and conducting outreach activities. Charlotte involved community groups early by inviting them to assist with the Brownfields application. The City received an award by the National City/County Marketing Communications Association for their door hangers, mailings and flyers. Detroit focused its effort on creating a Pilot toolkit and video targeted to business and community stakeholders interested in brownfields cleanup and redevelopment.

Although the City of Lawrence has a Brownfields Working Group, the City's effort is largely private-sector driven, with a Brownfields Advisory Committee that includes brownfields business owners, City and State representatives, and other large businesses making redevelopment decisions. Meetings are open to the public, but have been poorly attended. All Lawrence stakeholders interviewed believe this is because there are virtually no residential areas near the brownfields redevelopment area, and because the redevelopment activities are transportation improvements which are much desired in the community.

3. What types of permitting issues (e.g, RCRA, CAA) exist at these sites and how has the community reacted to the issues? Does the public, through the State permitting process or other mechanisms, have an opportunity to affect the process or provide input into the decision making?

The following examples largely indicate that communities are interested and involved in permitting issues in their communities, and are carefully looking at trade-offs between potential environmental issues and other community goals such as revitalization and job creation.

The types of redevelopment activities currently underway or planned at the Brownfields Pilots comprising the case studies generally fall in the category of activities that will not require Federal or State emissions permits, such as retail shops, transportation improvements, parking, television networks, storage, and administrative buildings (see table below for complete list of types of planned redevelopment activities at the case study Pilots). For the few planned developments where it is anticipated that permits will be required—such as a container manufacturer in Chicago, and cement plants (air and water permits) in Miami and Camden—all interviewees stated that they did not expect controversy over the permits to be an issue.

TYPES OF REDEVELOPMENT PROJECTS UNDERWAY OR PLANNED AT CASE STUDY BROWNFIELDS SITES		
construction company	retail shops	restaurants
architectural offices	graphics production	interior decorating
administrative offices	flex space	concrete manufacturing
parking spaces	residential	supermarket/food bank
tire distributor	stamping press mfg.	container making
television network	plastic racks mfg.	cement storage silos
road improvements	bridge	open space/parks

While none of the stakeholders interviewed anticipated that permitting will be controversial, concern for nuisance and pollution issues has been a part of several Pilot discussions. For example, in Camden, the community was concerned about potentially unacceptable emissions from a newly patented concrete plant. Citizens’ fears were allayed when the developer, Liberty Concrete, described the new, cleaner process it planned to employ and agreed to the community request that an independent engineering firm conduct on-site monitoring. In Miami, concerns were similarly mitigated by the technology involved in current cement processes, the fact that an existing cement plant down the street has not had any complaints, and the scarcity of residents in the area of production.

In southwest Detroit, community representatives felt that any proposed waste treatment facility sitings were likely to run up against permitting issues because the area is already highly industrialized and contains several waste treatment facilities that carry a large number of permits. The sentiment of the surrounding community is summarized in a quote by one community activist, “We are not saying ‘not in my backyard,’ we are saying, ‘my backyard is full.’ Now it is our turn for clean jobs.” The Pilot Manager echoed these sentiments and said that “they’ve got plenty of permitted facilities; any permitted facility would have to greatly benefit the community for them not to have opposition.” With these concerns in mind, the most recent proposed developments at the Detroit Pilot do not raise environmental issues because they are residential, commercial or light industrial.

In Chicago, a developer was interested in spending \$2 million to clean up and redevelop a site, but could not get the necessary permits from the State because the site was located in a non-attainment area. Since the developer was going to create jobs for local residents, the community

became an advocate for the project and the developer was able to get an emissions credit from 3M, a company also located in the non-attainment area.

Some community groups were aware of how they could get involved in permitting decisions in their states. For example, interviewees in Camden knew that there was a ten-day comment period and a mandatory public meeting before the issuance of environmental permits. North Carolina, according to those interviewed in Charlotte, has a 60-day public comment period under which stakeholders can oppose a project under the State's new brownfields act. To date, no projects in Charlotte have been canceled due to public opposition, possibly because the State requires documentation of local community support before issuance of liability protection under the law. However, in Lawrence, representatives were not aware of the State process for permitting.

4. For sites in which no Title VI complaints were filed, what were the factors present which ensured there would be no complaints?

For the seven case study Pilots, no Title VI complaints have been filed at any of the Pilot-targeted sites. According to interviewees across Pilots, the two most common factors cited that have prevented Title VI complaints to date at these sites are: 1) early and meaningful community involvement; and 2) redevelopment that creates a benefit for the local community. Interviewees across the board said that community outreach and involvement serve to prevent Title VI complaints and other opposition to redevelopment projects in many ways. In Camden and the City of Chicago, involving the community allowed potential problems to be identified and solved from the beginning, when stakes were lower and design changes could more easily be made. Charlotte representatives noted that the trust built between the community and the Camden Square site developer, and the fact that involvement has continued throughout the project, gave community organizations a sense of ownership in the project and prevented opposition.

Another important component in reducing the likelihood of Title VI complaints and other opposition to redevelopment projects is that brownfields tend to be abandoned, polluted or otherwise blighted, thereby making redevelopment projects all the more welcome to neighboring, usually low-income communities. For example, in Miami, stakeholders interviewed believed that in addition to the anticipated "green" production of the proposed cement plant, no complaints will be filed because the plant will be such a big improvement over the current blight, crime and unemployment. Further, the site is located in a predominantly Hispanic neighborhood, where the developer, who is Cuban-American, has promised to train local residents for jobs in the plant. According to those interviewed, job creation is a big component of community satisfaction, and was mentioned by stakeholders in five of the seven Pilots as key factors in the community's reaction to proposed developments.

It should also be noted that most of the planned redevelopment activities are not the type of activities that require environmental permits, but are generally non-controversial, non-industrial, service or administrative functions.

5. How is the municipality’s environmental office working with its redevelopment office? What other working relationships are in place in the Pilot municipality (such as with the local civil rights office)?

The case study cities span the range of inter-governmental cooperation between the local environmental and other departments and have a variety of working agreements. All of the case study Pilots except Lawrence have some mechanism by which the municipality or State environmental office is working with the redevelopment office or local community development or business development organization. In the Miami-Dade Pilot, where multiple municipalities and agencies are involved, an “interdepartmental agreement” will be put in place which outlines roles and responsibilities for not only the departments with an environmental or economic focus, but the police department, port, airport and public works departments as well. The Redevelopment of Urban Sites (R.E.U.S.) Action Team in Detroit consists of the Pilot Manager, representatives from the Detroit Department of Environmental Quality, EPA Region 5, the Detroit Departments of Building Safety and Engineering, Water and Sewage, and Planning and Development, and representatives from Detroit Edison. The team was formed to partner regulators with the Detroit City offices that would be involved in the permitting process.

No Pilots reported specifically working with the local civil rights office.

While cooperation and collaboration is common, almost all Pilots felt they could do even better. Stakeholder suggestions included:

- C coordinate redevelopment discussions and activities between different areas of the municipality (e.g., North and South Camden and Miami and Miami-Dade County);
- C establish effective relationships between the municipality and the State (e.g., in Chicago, the Illinois EPA bureaucracy makes it difficult to complete permits and get a “No Further Remediation Letter”; the Miami-Dade Pilot hopes to improve the relationship between residents and the Office of Community and Economic Development to ease community concerns over job creation); and
- C ensure redevelopment activities have high-level, municipal buy-in and active support (while Detroit cited this as key to its successful relationships, Lawrence reported that its lack of leadership accounted for its low redevelopment activity).

6. Has the presence of nearby Title VI complaints or environmental justice concerns influenced the level of community environmental justice activity? What is the effect of

these activities on communities and the local economy?

Title VI complaints and environmental justice complaints have been avoided at Pilot-targeted sites. However, historical enforcement problems and Title VI complaints in nearby areas have created a potentially volatile and distrustful atmosphere in some instances. For example, in three of the Pilot cities (Camden, Lawrence, and Chicago) there are active Title VI complaints or environmental justice concerns. Outside the Pilot areas in Lawrence and Chicago, there are environmental justice concerns and Title VI complaints, respectively, that focus on incinerators. In Camden, community members have filed a class action lawsuit against the County municipal authority and the New Jersey Department of Environmental Protection (NJDEP) for disparate impact related to a sewage treatment plant.

Enforcement issues are also a major concern for community groups in Detroit, where EPA Region 5 has recently reached an agreement with Detroit Coke owners/operators relating to violations of the Safe Drinking Water Act regarding underground injection wells, resulting in a \$15,500 fine. Several interviewees noted that there is a perception of uneven enforcement in southwest Detroit. For example, one interviewee commented, “Enforcement is treated differently in southwest Detroit than in the affluent suburbs...a violation in the suburbs would get the plant shut down; in the City we are lucky to get a citation.”

The atmosphere under which the Miami-Dade Pilot is operating is particularly distrustful. Activists who are concerned about environmental issues in Tallahassee and incinerators in Broward County, Florida are holding meetings in Miami-Dade County to raise awareness among residents there. Issues at the incinerator sites have caused the residents nearby to question whether complete environmental and health information is being disclosed to them. These meetings, then, are raising the suspicions of residents and community groups in Miami-Dade about disclosure closer to home. This has the potential to cause some problems for Pilot activities when redevelopment choices are being made.

Generally speaking, due to quality community involvement, open decision-making and non-controversial redevelopment projects, the heightened awareness and sophistication of community groups relating to Title VI issues, interviewees stated that Title VI has not proven to be a problem, but could potentially slow down or block progress in the future.

7. Was alternative dispute resolution used or considered at any of the Pilots? If so, was it effective in preventing Title VI complaints?

None of the case study Pilots have used formal alternative dispute resolution (ADR) for Title VI, environmental justice or any other conflicts. While no one interviewed noted the existence of deal-breaking conflicts relating to Title VI, lesser conflicts with communities (e.g., regarding nuisance related to noise and traffic, redevelopment design and job creation) all had the potential to derail the projects regardless of the lack of formal Title VI issues.

Three of the Pilots (Camden, Miami and Miami-Dade) said that personal communication and dialogues had been used between property owners and other stakeholders to resolve specific disputes. For example, in Miami, residents' fears regarding traffic and dust were allayed through conversations with the owner at the Wynwood site, negating the need for a more formal dispute resolution process. In Camden, the non-profit group, Save our Waterfront, served as a catalyst for better communication between the City and interested community stakeholders and facilitated face-to-face discussions with the targeted site's redevelopment team. Finally, in Charlotte, communication between local neighborhood associations and the Camden Square developer resulted in a compromise to lower building heights, a problem that could have caused delay for the developer and resistance from the community if it had not been dealt with early in the process.

8. Are there examples or models of how Pilots can ensure sustained, meaningful community involvement?

Each Pilot has a unique community involvement approach or model, specifically designed for its community's political, geographic and organizational structure. While it is clear that models cannot simply be transplanted from one city to another, the case studies revealed promising components of various Pilot activities that other Pilots can use to help ensure sustained community involvement. These strategies include: 1) educating community representatives and other stakeholders; 2) institutionalizing the brownfields decision-making process; 3) facilitating timely and clear environmental decision-making with State officials; 4) making meetings/information accessible; and 5) creating and promoting trust through the use of neutral parties. These are discussed in more detail below.

Educate Community Representatives and Other Stakeholders

According to those interviewed, continuing education and outreach to stakeholders is critical to maintaining trust and communication about brownfields redevelopment's technical aspects and priorities. At the Camden Pilot, the New Jersey Institute of Technology (NJIT) is entering into a contract with Save our Waterfront to provide training to residents on risk assessment, permit issues, and community organization that has proven successful for other New Jersey community groups. In Detroit, the Southwest Detroit Environmental Vision (SDEV) group carries out a variety of community capacity-building activities, including pollution prevention projects with small local businesses, and job training for local residents. SDEV has worked with a variety of university students and partnered with other non-profits and city departments to collect a lot of background information on various sites within the southwest neighborhood area, and uses trained citizen volunteers to conduct Phase I assessments, environmental surveys and market research for companies interested in relocating onto brownfields in their neighborhood. According to SDEV representative Kathy Milberg, SDEV is "actively engaged in marketing clean companies so that we don't have to be victims again."

Institutionalize the Brownfields Decision-Making Process

The examples illustrated below indicate that “institutionalizing” processes that have been successful at involving the community can help ensure that the community stays involved. Camden will institutionalize the monthly redevelopment team meetings; continuing to conduct these meetings should help ensure sustained community involvement. In its role as coordinator for the Knox site, the Pilot has helped forge working relationships that should allow the community to more easily achieve results in future endeavors on this and other brownfields projects. In Charlotte, both the Pilot Manager and representatives from community groups expect to continue sharing in the decision-making process with regard to current and future brownfields projects. Parties across the case study Pilots acknowledged that the key to continued success is to maintain open dialogue and trust between the parties and to involve all concerned from the beginning.

Similarly, having an institutionalized stakeholder group like Camden’s redevelopment team appears to be effective in preventing disputes, or at least provides a forum for their resolution outside of the courtroom. The NJIT community training model has been used in other New Jersey cities as a way to empower community members to be credible participants in brownfields redevelopment. The Pilot Manager has indicated that the Pilot would like to use the same approach for South Camden. In addition, NJDEP recently received a \$100,000 Environmental Justice grant from EPA to develop an “environmental equities” program. The agency intends to work with several communities around the State and with the State Office of Alternative Dispute Resolution “so that we don’t have a lawsuit” at the end of the redevelopment pipeline. NJDEP hopes that by involving all stakeholders from the beginning, like with the Knox redevelopment team, the agency can prevent problems before they start and prevent those who decide not to participate in the process from filing lawsuits after the process is complete.

Facilitate Timely and Clear Environmental Decision-Making with State Officials

Based on the experiences of the case study Pilots, the quality of the relationship between municipal and State agencies can help or hinder the cleanup and redevelopment of brownfields, as illustrated below.

Chicago used part of its original Pilot funds to conduct an independent evaluation of the effectiveness of the Brownfields Forum, and the City will implement suggestions from the evaluation to develop a more coordinated process with the Illinois EPA (IEPA). According to one respondent, the City and IEPA could work together to help prioritize activity on sites related not only to environmental and public health needs, but on construction seasons and funding cycles as well, as these are sometimes dependent upon “No Further Remediation” letters. Currently, the IEPA is viewed by many developers as a barrier to brownfields redevelopment.

Regardless of a positive relationship between the community, the developer and the Pilot, it is important to realize that community revitalization activities can be blocked due to a negative relationship with State agencies. In Miami, it was expressed that developers feel that the Miami-Dade County Department of Environmental Management (DERM) requires too much testing and

data tracking, and as a result shy away from developing those properties because this process is so costly and time-consuming. According to stakeholders interviewed for the Miami Pilot case study, it seems important that Pilot efforts work at not only developing positive relationships with the local community, but also at putting in place the necessary processes to ensure that community redevelopment projects are not unnecessarily delayed by State or Federal agencies.

Make Meetings/Information Accessible

According to those interviewed, making meetings and other forums open and accessible to the public can go a long way toward promoting and sustaining community involvement. The Lawrence Pilot Managers learned that access to decision-making and public meetings does not ensure meaningful community involvement. To that end, the Pilot is cooperating with the Merrimack College Urban Resources Institute, through an EPA Environmental Justice grant, to promote community involvement in neighborhood associations and minority areas. The Resources Institute has been conducting surveys with Latino residents to determine if they have

any environmental questions, health questions, or safety concerns. Future efforts may include distributing Spanish-language pamphlets and using an interpreter at meetings.

It is also important to avoid technological jargon and other complicated approaches that could alienate community members at these meetings. One respondent expressed frustrations about the weaknesses in community involvement: “I’d like to see [the Brownfields Advisory Committee] lay down their redevelopment plans in the simplest terms possible—tell me what is expected and when, and how community groups can be involved in real decision making, not just feedback. I’d like more specifics [at these meetings], more chances for community groups to make a difference.”

Create and Promote Trust through the Use of Neutral Parties

Use of neutral parties to interpret and explain technical information was a critical component to success in several Pilots. In Miami, for example, one respondent explained that trust-building activities such as bringing in a toxicologist to explain potential impacts goes a long way in building community support. Several interviewees in Detroit remarked that the use of universities and other non-profit groups to serve as neutral parties and capacity-building resources has made a significant difference in the community’s ability to be an effective stakeholder. Community experts from the universities can provide outreach and education without the distrust sometimes faced by State/City representatives. Further, these resources help build capacity within the community, making them credible participants in the redevelopment dialogue.

9. How can the findings of this study be applied beyond Brownfields activities?

There are several areas in which the results of these case studies appear to be applicable beyond Brownfields activities, as detailed in the sections below: 1) brownfields relationships have other positive spin-offs; 2) State redevelopment incentives are impacting developers’

behavior; 3) overcoming bad history and skepticism; 4) alliances with non-profits show results and add value; and 5) local/state/federal multi-agency task forces speed cleanup.

Brownfields Relationships Have Other Positive Spin-Offs

As illustrated by the examples that follow, relationships developed during brownfields redevelopment can form the basis for future cooperation in other local efforts.

The Charlotte stakeholders have learned that developing trusting, mutually beneficial relationships among communities, businesses and the City for brownfields redevelopment can create other benefits. The Wilmore Neighborhood Association plans to leverage its strong relationship with the City of Charlotte to build further partnerships with public and private sectors to achieve such other community goals as job training and education, neighborhood beautification, and crime reduction. As a result of the close relationship between the Association and the developer for the Camden Square site, the developer is now helping to support activities at the neighborhood's community center as well as conducting redevelopment projects.

Chicago Pilot stakeholders have learned that relationships built between the City and local communities during the course of brownfields redevelopment can also be leveraged to help address other community issues. For example, Alderman Michael Chandler of the 24th Ward illustrated an example of how the City and the local community worked together to solve a brownfields-related crime and blight issue. Illegal dumping at brownfields and other sites is a large and expensive problem for the City of Chicago, with an annual average cleanup price tag of \$11.5 million. In the summer of 1995, the Chicago Department of Environment, the 11th Police District and local residents began a cooperative enforcement program where residents were given brochures in English, Spanish, and Polish that included a hotline to report illegal dumping. According to Chandler, "we swarmed the 11th Police District for fly dumpers and caught many of them."

Simultaneously, the City Council passed an ordinance "that gave teeth to a law against illegal dumpers." Stricter punishment provisions for fly dumping now include: fines between \$1,000 and \$2,000 for first-time offenders; jail time of up to six months and community service up to 200 hours; impoundment of vehicles with up to \$2,000 in fines; \$100 rewards for citizen information leading to conviction; and loss of City contracts and business licenses for those convicted.

State Redevelopment Incentives are Impacting Developers' Behavior

In North Carolina, the impact that the State's new brownfields act has had on encouraging developers to involve local communities in a meaningful way is showing early, but promising, results. According to developers and business owners interviewed, protection from environmental liability for pre-existing contamination is often critical to making a project viable

in Charlotte. To receive liability protection from the State, the community must provide letters of support for the redevelopment project, adding an additional incentive for developers in North Carolina to work with affected stakeholders.

Overcoming Bad History and Skepticism

As is evidenced by the examples which follow, despite a poor track record or a community's skepticism concerning redevelopment, these obstacles can be overcome and results achieved. Chicago's brownfields activities have shown that through dedication, long-term stakeholder involvement, and education, the City was able to overcome initial skepticism, establishing a solid track record of past performance for future projects. The broad-based, inclusive type of decision-making evidenced in the Chicago Brownfields Forum is easily transferable to other types of community decision-making processes that require multiple stakeholders, such as master planning, park and greenway development, capital improvements, and stadium siting.

A lesson learned from this case study effort that can be applied to almost any public program is that citizens' perceptions of past activities dramatically impact chances for success on new initiatives. In Miami, for example, Ron Frasier of the Black Business Association believes that most residents will be reluctant to get involved until they see development happening. With all the promises that have been made in the past, residents are wary of getting their hopes up. Julian Perez added that "programs create expectations," and that public servants need to be aware of that going in and tailor their messages and activities accordingly.

Alliances with Non-Profits Show Results and Add Value

As illustrated below, strategic alliances with non-profits can add value to a city's redevelopment efforts.

The environmental knowledge and planning exhibited by Save Our Waterfront in Camden went a long way toward realizing not only its redevelopment plan, but its power as an organized, educated, and involved stakeholder group. Tom Knoche of Save Our Waterfront described the planning process for a redevelopment plan for North Camden as "entirely community driven." Development of the plan involved community meetings, meetings with businesses, churches, residents, and social service agencies. Save Our Waterfront serves as the coordinating body between several non-profits, private developers, and public agencies as the plan begins to be implemented.

The Detroit Community Outreach Partnership Center (DOCP) is a collaboration between the University of Michigan, Wayne State University, and Michigan State University to provide outreach services for communities in Detroit. University students have aided SDEV in gathering information on sites in southwest Detroit, and the use of university staff to serve as a neutral party in environmental discussions has increased credibility and trust of redevelopment efforts.

Local/State/Federal Multi-Agency Task Forces Speed Cleanup and Redevelopment

Finally, as evidenced by the following examples, task forces comprising local, State and Federal agencies can result in quicker cleanup and redevelopment processes.

An innovative multi-agency task force (regulatory and environmental representatives from the State and Region) created to address cleanup issues at the Oxford Paper site and adjacent GenCorp property in Lawrence is showing promising results for speeding up environmental cleanup activities. In addition to helping create the Brownfields Pilot proposal and sitting on the Lawrence Brownfields Advisory Committee, GenCorp also invested \$60,000 to create a task force that includes environmental and regulatory representatives and decision-makers from the State of Massachusetts, EPA Region 1 and the City. According to GenCorp representative Robert Devany, “The first phase of environmental cleanup work [on the Oxford Paper site] took 4 years; the second phase [after the creation of the task force] only took one year, and it dealt with far more environmentally complicated issues.” Getting all the decision-makers around the same table, with the same information and making decisions in concert really sped up the process.

As stated earlier, the R.E.U.S. Team in Detroit consists of the Pilot Manager, representatives from the Detroit Department of Environmental Quality, EPA Region 5, the Detroit Departments of Building Safety and Engineering, Water and Sewage, and Planning and Development, and representatives from Detroit Edison. Although there are no community members represented on the team, it was formed to partner regulators with the Detroit city offices that would be involved in the permitting process. In this way, the R.E.U.S. Team also serves as a “one-stop shop” for community members, investors, or developers interested in learning more about the costs,

concerns, and processes associated with the assessment, cleanup, and redevelopment of brownfields.

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IV. CONCLUSIONS

The findings of these seven case studies demonstrate that claims that EPA's Interim Title VI Guidance would hinder brownfields redevelopment are largely unfounded. Although it cannot be stated that Title VI will never prove to be a deterrent to redevelopment of inner city brownfields areas, the experience of these seven Pilot cities—chosen for this case study specifically because of their likelihood to have Title VI issues—seems to indicate that Title VI has not been a major factor in redevelopment decisions taken for Brownfields Pilot areas.

More than 50 interviews with various stakeholder groups, including developers, lenders, community representatives, and public officials, reveal that one of the primary concerns in redevelopment decision-making is community support for projects. Because of the scope of community involvement at Brownfields Pilots, residents are not likely to oppose the redevelopment projects in their communities. When opposition does occur related to environmental justice, it is usually in protest to more “traditional” or “dirty” issues, such as incinerators. Brownfields are usually redeveloped into commercial/retail or light-industrial uses, further limiting the possibility that Title VI or environmental justice concerns would be raised.

When asked whether Title VI *could* hinder redevelopment, stakeholders interviewed indicated that anything with the possibility to slow down or block redevelopment could serve as a deterrent to planned redevelopment. However, in reality, Title VI has not proven to be an issue or a deterrent at any of the case study Pilots, and there have been no Title VI complaints at any of these Pilots' targeted areas.

It is apparent from the interviews conducted for these case studies that while there are many potential issues that can forestall redevelopment at brownfields sites, Title VI is not high on the list of concerns. The quality and scope of community involvement conducted by the Pilots, as well as the fact that brownfields are not usually redeveloped into heavy industrial or other uses which would raise Title VI concerns, minimizes the likelihood that Title VI complaints would be raised at brownfields sites and hinder redevelopment of these areas.

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