



MEMORANDUM OF UNDERSTANDING
between the U.S. Environmental Protection Agency
and the
U.S. General Services Administration

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to strengthen the relationship between the United States Environmental Protection Agency (EPA) and the United States General Services Administration (GSA). This MOU is intended to coordinate EPA and GSA's brownfields policies and activities, with a particular focus on the real property components of the cleanup, reuse, and redevelopment of brownfields.

II. Background

The term "brownfield site" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or the potential presence of a hazardous substance, pollutant, or contaminant. Due to the collective stigma of contamination and other barriers to redevelopment, brownfields remain unproductive while developers resort to greenfields outside cities.

EPA initiated the Brownfields Action Agenda in 1995 to empower states, tribes, local government, communities and other redevelopment stakeholders to work together in addressing brownfields. EPA has since expanded its brownfield programs to reach over 400 cities across the United States. EPA's efforts have leveraged billions of dollars in funding and investment for these communities.

EPA announced the Brownfield Federal Partnership in 1997 to expand the national movement to address brownfields. The Brownfield Federal Partnership brought together 28 organizations, including more than 15 Federal agencies. As a founding member of the Partnership, GSA identifies underutilized Federal properties whose

redeployment and reuse can bolster community revitalization efforts. The commitments of Federal agencies such as GSA and EPA emphasize the importance of the Federal Government in brownfields revitalization.

The Brownfields program continues to expand and improve under the leadership of President George W. Bush. The President signed into law the *Small Business Liability Relief and Brownfields Revitalization Act* on January 11, 2002. This law, an amendment to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (CERCLA), is an important step in the growth, development, and funding of federal, state, tribal, and local brownfield activities. With the passage of that law, the Brownfield National Partnership reconvened to renew the Brownfields Federal Partnership Action Agenda. Through the Action Agenda, over twenty Federal agencies made commitments to work together and assist communities assess, cleanup, and redevelop brownfields.

Strong real property expertise is a vital component of the brownfields revitalization process. Successful brownfields redevelopment encompasses a property's assessment and cleanup as well as its reuse and incorporation into the fabric of the local community. Integrating the cleanup with the real estate transaction and redevelopment activities requires the ability to assemble its proper elements -- from environmental cleanup experts to finance specialists, environmental insurers, and developers. Facilitating these components is critical to ensuring the successful, cleanup and reuse of a brownfields site.

As the real estate expert and disposal agent for the Federal Government, GSA provides leadership to the Federal community in brownfields revitalization. GSA's knowledge of real estate transactions and familiarity with its key players (insurance, finance, development industries, etc.) are crucial to understanding the brownfields market. Furthermore, GSA's understanding of Federal disposal authorities and the associated regulatory environment, coupled with its position as an honest broker, will assist EPA in better focusing its brownfield assessment and cleanup efforts to support final reuse and redevelopment. A more coordinated effort between EPA and GSA will provide an important link between environmental and real estate officials and will serve as a model for integration of brownfields cleanup and redevelopment as envisioned in the Brownfield Federal Partnership.

III. Agreement

EPA and GSA agree to continue to work together to address the problems of brownfields. This shall include:

A. Jointly reviewing Federal real property holdings to identify potential brownfields candidates and to expedite their cleanup, redeployment and reuse. This may include cooperation and coordination with Federal landholding agencies and state regulatory agencies to promote Early Transfer Authority (ETA) under CERCLA section 120(h)(3)(C) to expedite cleanup and redevelopment of underutilized Federal

properties.

B. Jointly identifying and implementing opportunities to promote the development of public/private partnerships in brownfield transactions. The intent would be to facilitate discussion with the private sector on how to best promote brownfields revitalization and to share information about available Federal resources. These opportunities could include engaging other members of the Brownfield Federal Partnership to ensure complete integration of the reuse side of the brownfields equation.

C. Jointly identifying and implementing activities that emphasize the linkages between the cleanup elements of brownfields with economic development and property reuse. This would include developing a coordinated campaign to educate states, tribes, and communities engaged in brownfields revitalization about innovative Federal real property disposal tools such as combined with the privatization of cleanup activities.

D. Jointly supporting the development of basic brownfields performance measures, which may emphasize the environmental, economic and social impacts of brownfields redevelopment.

IV. Programming, Budgeting, Funding, and Reimbursement Arrangement

A. This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties to this MOU will be handled in accordance with applicable laws, regulations and procedures, and will be subject to separate subsidiary agreements that shall be effected in writing by representatives of both parties.

B. This MOU in no way restricts EPA or GSA from participating in similar activities or arrangements with other entities or Federal agencies.

C. Nothing in this MOU shall obligate EPA or GSA to expend appropriations or to enter into any contract or other obligations.

V. Authorities

This MOU is entered into consistent with the following authorities:

- The Federal Property and Administrative Services Act of 1949, as amended
- Section 104(k)(5)(A)(ii) of the Comprehensive Environment Response, Compensation and Liability Act of 1980 (CERCLA), as amended (in the Small Business Liability Relief and Brownfields Revitalization Act).
- Section 102(2)(F) and (G) of the National Environmental Policy Act of 1969 (NEPA), as amended (42 USC 4332(2)(F) and (G))


- Section 105(a)(4) and Section 115 of CERCLA read together with Executive Order 12580

VI. Effective Date

This MOU will become effective upon signature by the Administrator of the U.S. Environmental Protection Agency and by the Administrator of the U.S. General Services Administration and shall remain in effect until termination, modification or if it is superseded a new agreement by either party. Either party may terminate this MOU upon 90 days written notice to the other party. Its provisions will be reviewed annually and amended or supplemented as may be agreed upon mutually.

VII. Termination/Modification

This MOU supersedes any on this topic between the parties hereto.



Marianne Horinko
U.S. Environmental Protection Agency

5/29/03
Date



Paul Chistolini
U.S. General Services Administration

5/29/03
Date