

<i>National Brownfields Coalition</i>	
<i>U.S. Conference of Mayors</i> <i>National Association of Counties</i> <i>Northeast-Midwest Institute</i> <i>National Association of Local Government Environmental Professionals</i> <i>International City/County Management Association</i> <i>Local Initiatives Support Corporation</i> <i>National Association of Towns and Townships</i> <i>National Association of Development Organizations</i> <i>International Council of Shopping Centers</i> <i>Community Revitalization Alliance</i> <i>National Brownfield Nonprofit Initiative</i>	<i>The National Conference of Black Mayors</i> <i>The Real Estate Roundtable</i> <i>National Association of Home Builders</i> <i>National Association of Industrial & Office Properties</i> <i>Environmental Bankers Association</i> <i>National Brownfield Association</i> <i>Cherokee Investment Partners, LLC</i> <i>Trust for Public Land</i> <i>Smart Growth America</i> <i>Scenic America</i> <i>Groundwork USA</i>

DRAFT- PRIORITY ISSUES
REAUTHORIZATION OF THE FEDERAL
BROWNFIELDS LAW

1. ***Increase Total Brownfield Grant Program Funding*** – Congress should increase overall EPA funding for brownfields grants, beginning with \$350 million in FY10 and increasing by \$50 million annually to a total of \$600 million in FY14 and beyond.
2. ***Increase Cleanup Grant Amounts*** – Congress should recognize the complexity of the cleanup process at larger or more complicated sites by increasing the funding limit for cleanup of a single site to up to \$1 million. Under special circumstances, EPA could waive the limit and go up to \$2 million per site
3. ***Establish Multi-Purpose Brownfield Grants*** – Congress should allow eligible entities to have the option to apply for multi-purpose grants that can be used for the full range of brownfield-funded activities (assessment, cleanup, reuse planning, etc.) on an area-wide or community-wide basis. Such multi-purpose grants should be available in grant amounts of up to \$1.5 million. Applicants would be required to demonstrate a plan and the capacity for using this multi-purpose funding within a set timeline in order to qualify for such funding.
4. ***Establish Pilots for Sustainable Reuse and Alternative Energy on Brownfields*** – The Act should authorize \$20 million for pilots that demonstrate sustainable reuse, green buildings, and alternative energy. Pilots should allow use of funds for site assessments, cleanup, site planning, feasibility analysis, and engineering studies related to environmentally beneficial site improvements, such as, high performance/green buildings, green infrastructure, ecosystem restoration, and/or renewable energy production.
5. ***Establish Pilots for Waterfront Brownfields*** – The Act should authorize \$20 million for EPA to fund demonstration pilots and create an interagency taskforce to help communities overcome the unique challenges of waterfront brownfields restoration along rivers, coastal lands, lakes, ports, and other waterbodies. Pilots should allow use of funds for site assessments, cleanup, site planning, feasibility analysis, and engineering studies related to environmentally-beneficial

site improvements, such as, riparian zones, green infrastructure, low impact development, remediation and management of sediments, and flood damage prevention.

6. ***Eliminate Eligibility Barriers for Petroleum Brownfield Sites*** - Grantees that seek to use assessment, cleanup or multi-purpose grants on sites with petroleum contamination should not be required to make the difficult demonstrations that the site is “low risk” and that there is “no viable responsible party” connected with the site. Replace the “No Viable Responsible Party” language with a prohibition on using funds to pay for cleanup costs at a brownfield site for which the recipient of the grant is potentially liable under the petroleum statutes (parallels the language for non-petroleum brownfields sites).
7. ***Establish that Non-Profits are Eligible for Assessment and RLF Grants*** – The law should clarify that non-profits and related community development entities are eligible to receive brownfields assessment, cleanup, revolving loan fund, and job training grants. Currently non-profits are only eligible for cleanup and job training grants.
8. ***Clarify Eligibility of Publicly-owned Sites Acquired Before 2002*** – Congress should allow local government applicants to obtain funding at sites acquired prior to the January 11, 2002 enactment of the Brownfields Revitalization Act – when there was no required standard for “all appropriate inquiries” – provided that the applicant did not cause or contribute to the contamination and performed “appropriate care.” For these sites, applicants would not have to demonstrate that they performed all appropriate inquiry.
9. ***Remove Barriers to Local and State Governments Addressing Mothballed Sites*** – The Act should exempt local and state government from CERCLA liability if the government unit (a) owns a brownfield as defined by section 101(39); (b) did not cause or contribute to contamination on the property; and (c) exercises due care with regard to any known contamination at the site. Alternative language would amend section 101(20) (D) to clarify that properties acquired through eminent domain qualify for the CERCLA exemption for local governments involved in “Involuntary Acquisitions.”
10. ***Allow Funding for Reasonable Administrative Costs for Local Brownfields Programs*** -- Brownfield grant recipients should be allowed to use a small portion (10 percent) of their grant to cover reasonable administrative costs such as rent, utilities and other costs necessary to carry out a brownfields project.