



December 11, 2015

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The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Administrator McCarthy:

As expressed by many members during the individual workgroup and Executive Committee meetings of the Local Government Advisory Committee (LGAC), Brownfields Re-authorization is a matter of primary interest to local, state and tribal governments.

The purpose of this communication is to express the strong support of the Local Government Advisory Committee (LGAC) for continuing EPA programs that support local government engagement in brownfields identification, management and re- development.

Brownfields development is a source of economic opportunity for communities across the nation, especially small, rural, and environmental justice (EJ) communities. Cleaning up previously contaminated sites enables local communities to recapture space that can be used to create public greenspaces, neighborhoods, and businesses that add to a community's vitality, economic and otherwise. Many of our LGAC members have witnessed the environmental and economic benefits of brownfields development first-hand. The LGAC has approved this communication to express our support of the entire brownfields program and to provide our recommendations to further this program's benefits.

The LGAC offers the following findings and recommendations:

**Finding: Brownfields Redevelopment attracts investors:** Brownfield funding to cities goes a long way to help revive a city and to make it attractive for investments. For example the LGAC was briefed on the city of Aurora, Colorado's brownfields program. The city demonstrated success in using brownfields redevelopment to attract business investments by utilizing revolving loan funds to create programs to stimulate the city's economy. Such programs included groundwater

cleanup for dry cleaners and asbestos removal initiatives. City officials also found that transferring buildings from industrial use to commercial use, attracted investments to transform an old Stanley Aviation building, into commercial use which will generate sales tax that can be used to pay back loans.

**Recommendation:** The LGAC recommends that the EPA continue to assemble and provide case studies where the brownfield program has provided substantial resources to leverage local and regional clean-up initiative, and given economic incentives to support action on community environmental clean-up priorities.

**Finding-Job Training Grants:** The LGAC applauds the work accomplished with the Brownfield program's Environmental Workforce Development and Job Training program. This grant program has enabled local officials to supplement efforts to revitalize our physical communities with investment in the human assets of our community. By providing career development opportunities for local citizens and at-risk populations, such as ex-offenders, drop-out's, etc, who would otherwise have barriers to employment, we have invested in the renewal of our community at all levels. Over 13,900 people have completed Brownfields supported training courses, more than 10,000 of whom have found jobs in the environmental field. The LGAC put forward a letter supporting the EPA's brownfields job training program in December, 2013.<sup>1</sup>

**Recommendation:** The LGAC recommends that the EPA continue and expand this program to provide training and jobs to do community renovation projects; assist in disaster relief efforts; help construct green infrastructure; conduct environmental monitoring and assessments, as well as other community investment projects.

**Finding-There are brownfields liability issues at stake:** Many communities hesitate to develop brownfield sites due to concern for potential liabilities embedded in the process of clean-up and land revitalization. The Asset Conservation, Lender Liability, Deposit Insurance Protection Act of 1996 outlines special liability protections for bona fide prospective purchasers, contiguous property owners, and innocent landowners under special conditions. In order to qualify for liability protection under any of the three aforementioned categories, the individual/party must conduct all appropriate inquiry before purchasing the property and cannot participate in facility management. Lenders who effectively hold ownership can also be afforded liability protection so long as they do not exercise facility management behavior. The LGAC believes there is more that can be done to offer protection for those seeking to clean-up brownfield sites and better their communities.

**Recommendation:** The LGAC recommends that the EPA continue to look at brownfields liability concerns and EPA's role in enforcement. In terms of financial liability, the LGAC recommends the EPA work with the Federal Deposit Insurance Corporation (FDIC) to work out innovative approaches to address financial and other strategies to encourage brownfields investments and redevelopment.

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<sup>1</sup>EPA LGAC Recommendation Letter December 18<sup>th</sup> 2013 [http://www2.epa.gov/sites/production/files/2015-10/documents/2013\\_lgac\\_brownfields\\_letter.pdf](http://www2.epa.gov/sites/production/files/2015-10/documents/2013_lgac_brownfields_letter.pdf)

**Finding- Area-Wide Planning supports local governments:** EPA's Area-wide Planning Program assists community brownfields revitalization by providing funding to local governments to clean up and redevelop brownfields using area planning approaches. Local governments that utilize this program are

provided with more autonomy for brownfields revitalization efforts and can use area planning to help their own communities thrive. The EPA also has a RE-Powering America's land initiative to support local government efforts to site renewable energy (i.e. solar arrays) on brownfields lands through partnerships, technical assistance, best practices sharing, and communication and outreach. These resources allow local communities to incorporate sustainable energy into their area planning without the added costs of acquiring more land and adding new infrastructure. Long-term benefits that directly support the community are realized through economic returns, job creation, and practical land use.<sup>2</sup> These efforts provide local communities with sustainable efforts such as those proposed in the EJ Best practices that benefit the environment, health and the local economy.

**Recommendation:** The LGAC recommends that the EPA continue to support and expand the opportunities and incentives of EPA's Area-wide Planning Program to assist communities in long-term planning for sustainability and to build climate resiliency utilizing brownfields clean-up projects and plans. Furthermore, the LGAC recommends that EJ, rural and small communities be provided with opportunities to have this type of assistance afforded to them to fully utilize the environmental and public health benefits.

**Recommendation:** The LGAC recommends that the EPA continue to work with small communities to successfully develop brownfields sites. The Aurora case stated above is just one example of how brownfields revitalization can positively impact communities. Communities all over the country, including small rural and disadvantaged communities could also stand to benefit from the increased access to greenspace and increased commercial presence that is offered by brownfields redevelopment.

**Recommendation:** The LGAC recommends that the EPA continue to promote the area-wide planning program. This program allows local governments to take up brownfields cleanup and redevelopment by incorporating area plans into their existing citywide plans. This can prove to be a valuable tool for local governments, as the cleaned up land can then be developed to bring recaptured value to the community by providing more greenspace or more space for businesses.

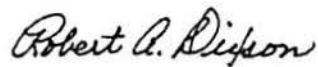
**Recommendation:** The LGAC recommends that the EPA continue to provide brownfields information targeted at local governments, especially small, rural, and EJ-challenged communities. Although there are so many grant opportunities available to finance brownfields redevelopment, many of the communities who are in most need of these programs are not aware or lack access to the benefits of these programs. Targeted assistance to the more vulnerable communities will go a long way to ensure that all communities will these opportunities to redevelop brownfields and help their communities thrive. We urge EPA to work with local communities to integrate the best local known means for information sharing and information dissemination.

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<sup>2</sup> EPA, "Repowering America" [http://www2.epa.gov/re-powering/learn-more-about-re-powering#what\\_is](http://www2.epa.gov/re-powering/learn-more-about-re-powering#what_is)

The LGAC strongly supports EPA's brownfields programs for its benefits, nationwide, to make our communities cleaner, safer and healthy. And we believe it is a fundamental tool at the local level to aid our local goals of environmental protection and economic development. Therefore, we are writing to express our ongoing support for the brownfields program and to assist the EPA to identify and promote individual case studies which illustrate where brownfields cleanups are making a positive, visible difference in our nation's communities.

Sincerely,



Mayor Bob Dixon  
Chairman



Councilor Jill Duson  
Chairwoman, Cleaning Up Our  
Communities Workgroup (CUOC)



Dr. Hector Gonzalez, M.D., M.P.H.  
Chairman, Environmental  
Justice (EJ) Workgroup