

Marjorie Weidenfeld Buckholtz
Statement Before The Senate Environment and Public Works Committee
Superfund Sub-Committee
October 19, 2011

Good Morning:

Chairman Lautenberg, Ranking Member Crapo, Members of the Committee, I want to thank you for the opportunity to discuss EPA's Brownfields Program. As one of Brownfields' founders, it remains a subject close to my heart. In the time allotted to me, I would like to discuss three things: The circumstances leading to the creation of the Brownfields Program; my view of several critical initiatives that need to be continued, enhanced or improved, and finally, my thoughts on the lessons learned during Brownfields' first twenty years.

During a 25-year EPA career, I was lucky: I was often sent to communities where the EPA had the opportunity to effect the most significant change. Throughout the 80s and early 90's, I saw that Superfund's prioritization of "Worst Sites First" meant that lesser contaminated sites fell outside Federal purview. Some abandoned properties fell below the cut line for Superfund or State programs, but were too polluted to attract investment. EPA clearly needed a new approach to address the specific needs of diverse communities.

The Brownfields Program: A new approach to Assessment, Cleanup and Reuse

In the early 1990s, we began to expand our thinking to tailor an assessment, cleanup and redevelopment program across the range of rural, urban and Tribal communities, and this was the start of the Brownfields program. At its core was the emphasis that local solutions work best under local stewardship. As EPA's Brownfields program evolved, we built strong regional leadership teams, which continue to be the backbone of this very successful initiative.

Early on, we understood that lenders and developers did not fear risk per se. Instead, they needed to understand risks and manage them. At the core of Brownfields, therefore, was EPA's decision to provide site assessment seed money to quantify risks, enabling sound decisions and building confidence.

Sound business analysis allowed EPA to remove 30 thousand properties from the Superfund inventory. A typical site clean-up costs around \$400 thousand. Through Brownfields, EPA was able to provide much less (\$200 thousand over two years) to entice local developers and lenders to invest in their own communities.

Superfund and Brownfields: Separate, but Complementary

The new model that was born was different from Superfund in several important ways. First, many of the sites were “*perceived* to be contaminated,” rather than *actually* contaminated. Seed money for local site assessments cleared up that mystery. Eventually, one third of the sites on the Superfund inventory were proven not to be contaminated and ready for reuse.

Another key difference is that the Superfund Law, CERCLA, makes the polluter, or the responsible party, pay for clean up. This can take years of painful litigation and negotiation, leaving the property an expensive reminder of former prosperity to the people who live there.

Brownfields processes, while protective, are streamlined to take into account the future use of the property, and are always on a faster investment timeline.

There is still a need for a strong Superfund program for sites with major technical issues and high levels of contamination. The Brownfields program complements those efforts.

Brownfields Job Training Program (BJT)

EPA’s Brownfields program also emphasized strategies to strengthen local employment. When Brownfields began, I was shocked that communities needed to “ship in” workers, because they lacked people with proper training. It seemed unbelievable that, amid economic gloom, high-paying jobs were outsourced.

In response, EPA created the Brownfields Job Training Program (BJT) in concert with local community colleges and workforce development groups. As you heard from David Lloyd, this highly successful program continues to insure that local workers benefit from economic redevelopment. This year, it has been expanded to cover many more of EPA’s clean up programs. I respectfully urge the committee to protect the viability of this program.

I retired from Government a few years ago, but I have remained active in Brownfields-related initiatives. The Brownfields program has flourished in ways that would have seemed unimaginable at the beginning. Under AA Mathy Stanislaus’ direction, David Lloyd and his talented and dedicated staff have taken the program into the 21st Century.

But there is more work to be done. To improve the program, I would respectfully recommend several innovations to strengthen or add, in addition to Brownfields Job Training.

Area Wide Planning

Formally recognizing the area-wide approach within the Brownfields program structure will allow more innovation in the program.

Area Wide Planning was piloted within the Brownfields program with impressive results. Its success stems from meaningful involvement of all citizens in a locally driven planning process. This approach will enable sustainable and comprehensive future assessment and cleanup especially if implemented in concert with the Job Training program. It is a key to sustainable, equitable redevelopment.

Non-profit Eligibility for all types of Brownfields grants

In many communities (especially rural areas) non-profit development corporations and community development corporations drive the economy and carry out redevelopment efforts. Accordingly, their ability to apply for assessment grants and administer revolving loan funds is critical.

RE-Powering Contaminated Lands and Mines

EPA launched RE-Powering America's Land: Siting Renewable Energy on Potentially Contaminated Land and Mining Sites in September 2008 to encourage the siting of renewable energy facilities on currently and formerly contaminated properties across the nation .

Left untouched, contaminated sites create public health and safety risks, drag down property values, drain the tax base, and tend to attract criminal or other undesirable activity. While many sites can be cleaned up and reused as residential, commercial, or conventional industrial facilities, blighted and abandoned sites that are not readily put to these uses may be perfectly suited for solar arrays, wind farms, geothermal installations, or manufacturing centers for renewable energy components.

According to one high-ranking political appointee, "RE-Powering is not just win-win; it's a triple win because communities are fully engaged, the economy flourishes with new jobs and renewed hope, while forgotten or abandoned eyesores are given new life."

I know that I am "preaching to the choir," Senator Lautenberg, when I say that language for RE-Powering on Brownfields sites is critical for Brownfields Re-Authorization. Your forward thinking proposal last year is exactly what is needed to jump start productive reuse of Brownfields across the US.

After many success stories, most of the highest market value Brownfields sites have already been picked over, leaving many cities, towns and tribes with properties that have scant reuse potential. My recent consulting work with

Brightfields LLC, a Massachusetts Solar firm, has focused on conversion of community liabilities, like closed landfills, into assets. From this experience, I have seen that RE-powering works and remains one of the most innovative and exciting initiatives to ensure the program's future success.

Lessons Learned

I would like to close with a couple of lessons learned over the past two decades of the program.

First: The cooperation evidenced in this Committee is a heartening reminder of Brownfield's bi-partisan popularity. As you know, the program was started under Bush I, flourished during the Clinton years, and was signed into law as Bush II's signature environmental legislation. Today, it continues to serve well under the Obama Administration. This bi-partisan spirit will be the key to a successful reauthorization and an effective program.

Second: Leveraging and partnerships are at the heart of this program. There have been prior attempts to make this an entitlement or block grant program. This would have destroyed our efforts. It works because it provides technical support and seed money to leverage private sector investment, in essence teaching our partners "to fish" and building capacity that lasts long after the grants expire.

Third: Remember that real people benefit or suffer as a result of our actions. Brownfields began to extend hope and prosperity to those unlucky enough to live/work near contaminated sites. Countless citizens of once forgotten communities have benefited from these efforts – we must resolve not to forget them once again.

It is easy to sit in comfortable offices while making pronouncements about issues from which we are far removed. I used to urge my staff to visit these sites frequently. Facing the people our regulations impact helps remind us whom we really work for. And if they saw injustice, hopelessness, and despair, to remember it, remember it well, I as they went about the business of making environmental policy. That ethos still works today.

Thank you. I am happy to entertain questions from the panel.

###