

EPA 101: Superfund and Brownfield Sites

Environmental Protection Network

Pro bono Capacity Building Technical Assistance Program

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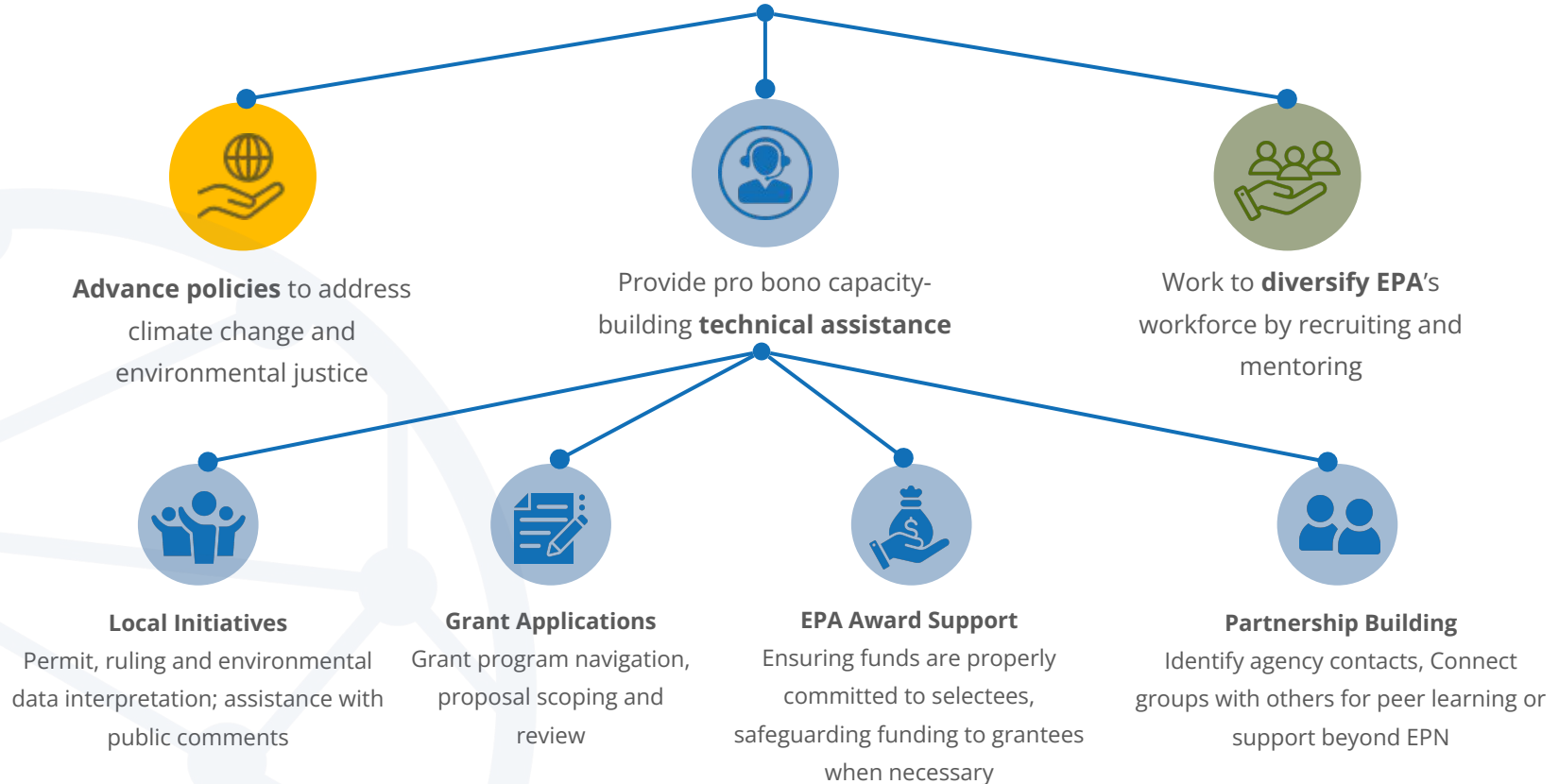
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Environmental Protection Network (EPN)

Leveraging our network of 700+ EPA alumni volunteers





MAIN SUBJECT MATTER TOPICS



AIR

- Air Monitoring
- Air Monitoring Grants
- Air Quality Modeling
- Air Quality & Climate Change
- Air Quality: General, Mobile, and Stationary Source
- Radiation/Indoor Air
- Air Permits
- Particulate Matter (PM)



WATER

- Flooding
- Drinking Water
- Wastewater
- Water Infrastructure
- Water Quality: General, Point Source, and Nonpoint Source
- Water Utilities
- Waters of the United States (WOTUS)
- Stormwater Mgmt
- Clean Water Act (CWA)
- Clean Water State Revolving Fund (CWSRF)
- Lead in Water



SUPERFUND AND BROWNFIELD

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- Brownfields
- Cleanup Process
- TAB Programs
- Resource Conservation and Recovery Act (RCRA)



COAL, OIL, AND GAS

- Coal Ash
- Coal Fired Power Plants
- Fossil Fuels
- Oil Refinery
- Petrochemicals
- Carbon Capture and Storage (CCS)



OTHER TOPICS

- Quality Assurance Project Plans (QAPP)
- Climate Action Plans (CAP)
- Federal Grant Support
- Enforcement and Compliance at EPA
- Soil Contamination
- Solar Projects

Technical Assistance in Action: 1:1 Support



1. **Fill out** EPN's
**Technical Assistance
Request Form**



2. **Meet** with regional EPN
outreach associate to discuss
goals and assistance needs



3. **Get connected** to
volunteers or external
technical assistance
partners



4. **Continue**
communications with EPN
outreach associates as long
as needed



COMMUNITY-ORIENTED

We have significant
experience supporting
capacity-constrained
organizations



ACCESSIBLE RESOURCES

We take complicated information
and break it down into digestible
resources



TA IN SPANISH

We can provide limited TA
assistance in Spanish.



TIMING

Our response time
is within one or two
weeks

EPA Alumni Panelists

David Hoefer, former Chief, Superfund Branch, Office of Regional Counsel, US EPA Region 7, Kansas City

David Williams, former Chief, Superfund Program, EPA Region 7, Kansas City

David Doyle, former Land Revitalization Coordinator at US EPA Region 7, Kansas City

Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)

42 U.S.C. §§9601 - 9675

David Hoefer

The Origins of CERCLA

- ▶ Until the 1970s there were very few limitations on the disposal of hazardous substances. Generally, states regulated, if at all.
- ▶ Also, there was very little scientific knowledge on harmful effects of chemicals.
- ▶ Causes of action were typically based in tort, trespass, and/or nuisance.
- ▶ Sites that drew significant media attention:
 - ▶ Love Canal in Niagara Falls, New York;
 - ▶ Valley of the Drums in Brooks, Kentucky;
 - ▶ Times Beach, Eastern Missouri.

Love Canal - NY

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Valley of the Drums - KY

9



Times Beach - MO

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Legislative Overview

- ▶ 1980: CERCLA enacted
- ▶ 1986: Superfund Amendments and Reauthorization Act (SARA), and the Emergency Planning and Community Right to Know Act
- ▶ 1996: Asset Conservation, Lender Liability, and Deposit Insurance Protection Act
- ▶ 1999: Superfund Recycling Equity Act
- ▶ 2002: Small Business Liability Relief and Brownfields Revitalization Act
- ▶ 2018: Brownfields Utilization, Investment, and Local Development (BUILD Act)

CERCLA Legislative History (continued)

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- 2002: Small Business Liability Relief and Brownfields Revitalization Act
- 2018: Brownfields Utilization, Investment, and Local Development Act (BUILD)
- 2021: Infrastructure Investment and Jobs Act
- 2022: Inflation Reduction Act

Key Provisions of CERCLA

- ▶ Created a Hazardous Substance Superfund to pay for cleanup (actually created by IRC 26 U.S.C. § 9507); EPA uses this fund to clean up sites.
- ▶ Provided EPA with the legal authority to respond to a release or substantial threat of a release of:
 - ▶ a hazardous substance;
 - ▶ a pollutant or contaminant that may present an imminent and substantial endangerment to human health or the environment.
- ▶ Established the National Priorities List.

Where Does the \$ Come From?

- (1) taxes on crude oil and certain chemicals;
- (2) environmental tax assessed on corporations based on its taxable income;
- (3) appropriations from Congress;
- (4) fines, penalties, and recoveries from responsible parties; and
- (5) interest accrued on the balance of the fund.

Key Provisions of CERCLA

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- ▶ Two types of response actions:
 - ▶ removal (3 classes – emergency, time-critical, non-time-critical);
 - ▶ remedial.
- ▶ Opportunity for public involvement in selection of NTC removal and remedial actions.
- ▶ Participation of states and tribal governments in response actions.
- ▶ Administrative record for response selection resulting in “record review.”

Key Provisions of CERCLA

- ▶ Responsible Parties liable for cleanup (“polluter pays”).
- ▶ Settlement process, both judicial and administrative.
- ▶ Authority for the government to initiate civil litigation for injunctive relief and cost recovery, as well as contribution.
- ▶ Statutory penalties for non-compliance and treble punitive damages.

Community Involvement at Superfund sites

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- ▶ A good resource for understanding community involvement at Superfund sites is EPA's *Superfund Community Involvement Handbook*, OLEM 9230.0-51, March 2020, available on-line.
- ▶ There are many ways for communities to engage in EPA Superfund response actions. We will spend a few minutes providing an overview.

Removal actions

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(relatively short duration response actions)

Emergency Removal Actions *(Immediate action required).*

- ▶ Agency spokesperson designated, affected community notified.
- ▶ EPA prepares and signs an Action Memo detailing the action to be taken and the basis for the action.
- ▶ An Administrative Record is made available for public review at a public library near the site.

Time-Critical Removal Actions *(Less than a 6-month planning period before response to be implemented).*

- ▶ Agency spokesperson designated, affected community notified.
- ▶ EPA prepares and signs Action Memo.
- ▶ Establish and make available to the public an Administrative Record.

Removal actions

(continued)

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Non-Time-Critical Removal Actions *(More than 6-month planning period before response to be implemented).*

- ▶ Agency spokesperson designated.
- ▶ Detailed process typically involving two steps, an Engineering Evaluation/Cost Analysis ("EE/CA") is prepared and compares alternatives for the site cleanup. This is made available to the public for review and comment before it becomes final.
- ▶ Public meeting on the proposed response detailed in the EE/CA. Once the EE/CA is completed, EPA will prepare and sign an Action Memo. Then the response action will be undertaken.
- ▶ An Administrative Record is created and made available to the public.
- ▶ EPA may prepare a Community Involvement Plan detailing how the community will be engaged.
- ▶ Community interviews are conducted.

Removal actions

(longer-term, complex sites)

- ▶ Agency spokesperson designated, Information repository established near the site.
- ▶ Publication of the proposed NPL listing published in the Federal Register and a public comment period provided.
- ▶ Community Involvement Plan and community Interviews.
- ▶ EPA may develop a website for easier and quicker public access to site information.
- ▶ Fact Sheets issued periodically to inform the public (mailing list) of what has occurred and is planned to occur.
- ▶ Technical Assistance Grant ("TAG") notification occurs.
- ▶ Community Advisory Group may be established.
- ▶ Administrative Record must be made available to the community, with the opportunity for public comment.
- ▶ Once the Remedial Investigation/Feasibility Study is complete a Proposed Plan detailing how the remedy will be carried out will be made available to the public.
- ▶ EPA conducts a public meeting in the community to discuss the planned cleanup and receive public comments.
- ▶ EPA issues a Responsiveness Summary addressing public comments.
- ▶ EPA may issue a revised Proposed Plan if required by public comments.
- ▶ EPA issues a Record of Decision ("ROD") detailing the remedies considered, the remedy selected. Notice must be published regarding the availability of the ROD.
- ▶ With the issuance of the ROD, the Remedial Design/Remedial Action Process commences, this is the design and implementation of the remedy.
- ▶ If there are any changes to the remedy that results from the RD/RA process, those changes are also subject to public notice, and potentially public notice and a public meeting.

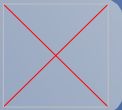
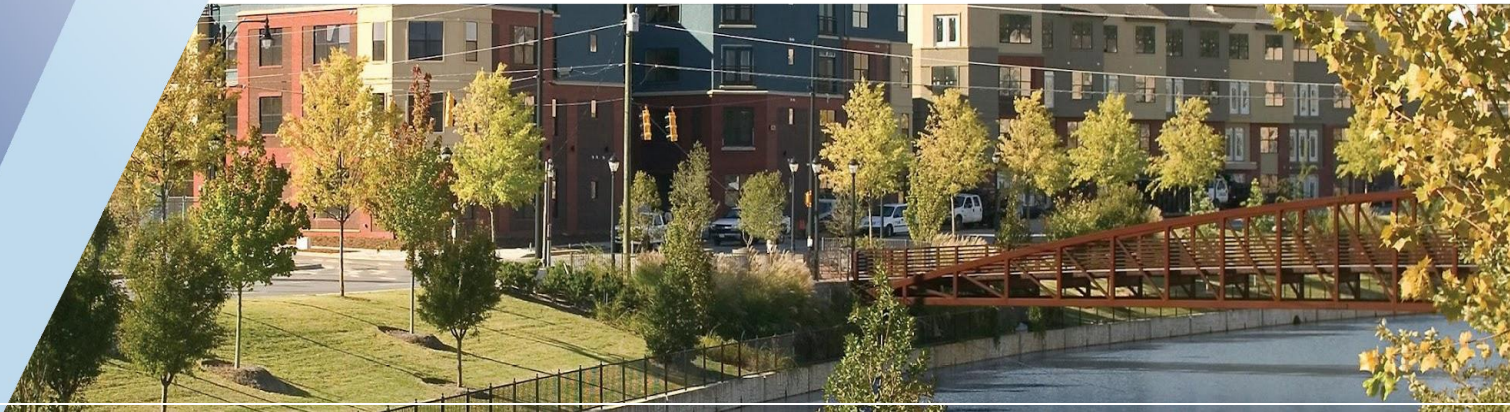
Five-year reviews and National Priorities List site deletion

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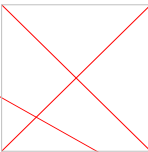
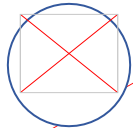
- ▶ Statutory Five-Year Reviews to determine whether remedy remains protective of human health and the environment.
- ▶ Press release, notice to those on EPA's mailing list for the site.
- ▶ Five Year Review Report available to the public.
- ▶ Public notice in the *Federal Register* that the site is being proposed for deletion from the NPL.
- ▶ Public comment on the proposed deletion. EPA is required to respond to those comments.
- ▶ Publish deletion announcement in the *Federal Register*.

REDEVELOPMENT OF BROWNFIELDS

EPA's investment in revitalizing communities



A Brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or ***potential*** presence of a hazardous substance, pollutant, or contaminant.



Brownfields are often “location-efficient” due to their central location and connections to existing infrastructure.

Typically, brownfields are centrally located in areas with good connections to local infrastructure, including roadways and utilities.

Being able to reuse existing infrastructure is an important advantage to brownfields redevelopment. This saves on infrastructure expense and prevents additional environmental degradation from building on greenfields.





“Typical” Brownfield Redevelopment Process



Federal and State Assistance: EPA Brownfields program/State environmental agency.

Local Government: As a temporary property owner can remove barriers to redevelopment and make site improvements to attract private investment.

Private Sector: Long-term property owner makes additional improvements/investments and operates site.

EPA Brownfields Program Mission

The program is designed to empower states, tribes, communities, and associated stakeholders to work collectively to, assess, safely clean up, and sustainably reuse brownfield properties.



ASSESSMENT GRANTS

- Develop inventory, site characterization, assessment, cleanup and area-wide planning, community engagement.
 - Community-Wide
 - Funding: up to \$500,000
 - Project Period: up to 4 years
 - Coalition (Led by State, county, tribe, regional council)
 - Funding: up to \$1,500,000
 - Project period: up to 4 years



ASSESSMENT GRANTS

Manchester, Iowa assessed a site through a grant to a regional planning commission. The City acquired the former auto service center and removed asbestos with help from the State. Revitalization of the Riverfront Park provides public access to a Whitewater Park and many amenities.



CLEANUP GRANTS

- Funding to carry out cleanup activities at one or more brownfield sites.
- **Must own** the site(s) at the time of application.
- While funded under Bipartisan Infrastructure Law, a cost share is not required. (Usually 20%)
- Funding: An applicant may request;
up to \$500,000 for smaller cleanups
up to \$4 million for larger cleanups
- Project Period: up to 4 years



CLEANUP GRANTS

Council Bluffs, Iowa removed asbestos and other contaminants at the former McCormick Harvester warehouse. The non-profit Pottawattamie Arts, Culture and Entertainment (PACE) invested over \$24M to redevelop the site into the Hoff Family Arts and Culture Center.



The Hoff Family Arts and Culture Center serves as the home for the American Midwest Ballet, Chanticleer Theater, Kitchen Council, and Kanesville Symphony Orchestra.



MULTIPURPOSE GRANTS

Multipurpose Grants must demonstrate how grant funds will result in at least one of each of the following:

- Phase II environmental site assessment
 - Site cleanup
 - Overall revitalization that includes a feasible reuse plan for one site
-
- Max Grant: \$1,000,000
 - Max Period: 5 years



MULTIPURPOSE GRANTS

Lincoln, Nebraska received \$800,000 in EPA Brownfields funding in 2021.

The City used the funding to conduct six Phase I and five Phase II environmental site assessments. Grant funds were used to conduct community involvement activities, develop cleanup and reuse plans, and clean up two priority sites in the South (SoHay) and West Haymarket Districts



REVOVING LOAN FUND GRANTS

- Revolving Loan Fund (RLF) grants provide funding for capitalizing an RLF program.
 - Provides loans and subgrants to eligible entities to carryout cleanups.
 - A successful program “revolves” by generating program income which is then used to make additional loans and subgrants.



- Funding: An eligible entity or coalition may apply for up to \$1 million
- Project Period: Initially 5 years.

REVOLVING LOAN FUND GRANTS

Leavenworth, Kansas used the combination of a cleanup grant, an RLF loan from Kansas Department of Health and Environment and City funds, to complete an \$853K cleanup at a former stove factory spurring over \$28M in public/private investment.

Environmental remediation at The Great Western Stove Company is completed at the new home of the Stove Factory Lofts. Former industrial buildings house 184 high-end loft apartments, meeting a need serving the military town.



REVOKING LOAN FUND GRANTS

EPA will not issue a request for RLF Grants in FY26.

RLF recipients who have an open RLF cooperative agreement and meet other eligibility criteria have an opportunity to request Supplemental Funding.

EPA anticipates issuing the FY 2026 Supplemental Funding Instructions in winter 2026.

JOB TRAINING GRANTS

Grants provide funding to recruit, train, and place unemployed and under- employed residents of communities impacted by the presence of brownfields.

Applications were due via [grants.gov](https://www.grants.gov) by 9/26/25.

Entities that were awarded an FY24 EPA Job Training Grant are **not** eligible to apply in FY25.



May 2025 Grant Announcement

207 communities were selected to receive grant awards for a total of \$224 million in funding.

These grants will be used to assess, clean up and redevelop underutilized properties while protecting public health and the environment.



EPA Brownfield Grant Programs Expected in 2026

EPA will solicit applications for several major Brownfield grant categories:

- **Multipurpose Grants**
- **Assessment Grants** (including community-wide, coalition, and state/tribal grants)
- **Cleanup Grants**

The exact release date is expected in Fall 2025, with a submission deadline approximately 60 days after the solicitations are published. Interested applicants should review the [Types of Brownfield Grant Funding](#) page to understand eligibility and requirements.

TARGETED BROWNFIELD ASSESSMENTS (TBAs)

EPA provides environmental assessments and cleanup planning **free of charge** to communities and non-profits

- Services include Phase I/Phase II site assessment and cleanup planning
- Applications accepted year-round. Contact EPA Regional Office.
- Significant increased in TBA funding available
- An easy way for communities to get involved in brownfield redevelopment.



DIRECT TECHNICAL ASSISTANCE

- Assistance from EPA consultants for existing brownfield projects
- Assistance includes community visioning and engagement, site design, market studies, and project financial planning
- Project proposals accepted in six-month increments.
- Significant increased funding through BIL for direct technical assistance



DIRECT TECHNICAL ASSISTANCE

Sioux City, Iowa, Bacon Creek Channel Redevelopment

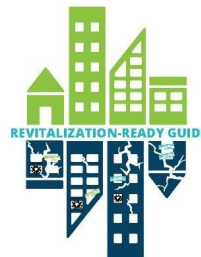
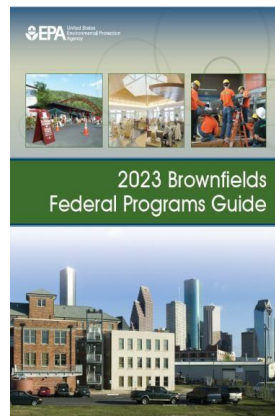
EPA consultants provided options for reuse of deteriorating concrete channel by adding public amenities and connecting to pedestrian and bike trail system.



Redevelopment Tools

Tools and technical assistance that help communities sustainably reuse properties

- Develops [guides, tools, trainings and best practices](#).
- Provides technical assistance that helps communities cleanup and reuse contaminated land.



EPA's Brownfields Technical Assistance & Research

Other Technical Assistance and Research Grants



- **Brownfields Land Banking Strategies** (*through 2027*)
 - The Center for Community Progress (CCP) is developing materials to support communities who are interested in using land banking strategies to address brownfield sites.
 - Communities can directly [reachout](#) to CCP for assistance with connecting with land banks, understanding the use of land banks in brownfields projects, or connect a land bank leader interested in supporting brownfield remediation.



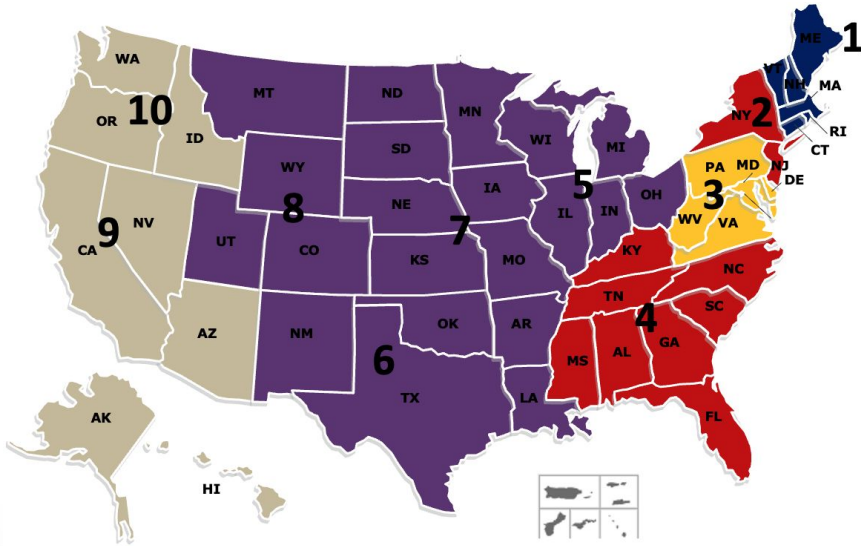
- **Nonprofits Seeking to Reuse Brownfields** (*through September 2028*)
 - Nonprofits can [reachout](#) to Groundwork USA for assistance with brownfield revitalization projects.



- **Brownfields Revitalization Anti-Displacement Strategies Program** (*through 2027*)
 - UMass Dartmouth, in collaboration with the University of Louisville and Florida State University, will provide guidance and training in developing and applying equity-centered and economically inclusive anti-displacement strategies.
 - Communities looking for assistance to address displacement and gentrification as part of their redevelopment can learn more [here](#).



Technical Assistance to Brownfields (TAB)



TAB Service Providers

[University of Connecticut](#) EPA Region 1

[New Jersey Institute of Technology \(NJIT\)](#)

EPA Regions 2 & 4

[Mid-Atlantic TAB](#) EPA Region 3

[Kansas State University](#) – EPA Regions 5, 6, 7 & 8

[Center for Creative Land Recycling \(CCLR\)](#)

EPA Regions 9 & 10

[KSU – ITEP – ANTHC](#) – Tribal TAB

TAB Assistance to Communities

- **Free** assistance with brownfields redevelopment planning; environmental, economic development expertise
- Tailored to specific community needs
- Coordinated through the city, tribal or non-profit brownfields project manager
- Communities accepted on a 'first come' basis
- Depends on staff/funding availability
- No application process, just contact us

Before and After







**KEEP
OUT**





June 2008



RAILROAD
CROSSING

IOWA CITY
SEWAGE TREATMENT WORKS

CONTROL BUILDING

Iowa City Sewerage Division
North Plant
500 East Clinton Street

Control Room
8:00 - 5:00
Phone 321-1111

Plant Office
8:00 - 5:00
Phone 321-1111

NO
PARKING
ANY
TIME









Ogden Revitalization

A project of the

City of Ogden

partnering with



Brownfield Redevelopment Program



EPA

Boone's Future

For
updates
visit

Ogden Community Development Corp



www.localsynergy.net/ogden











NO PARKING

OPEN

NO PARKING

WYNN









New Hospital and Emergency Department

Spring 2019



Shamrock LLC



PARIC



NSR E



















Summary

Superfund

1. The Superfund is used to pay for the **cleanup** of contaminated sites.
2. The EPA has the **legal authority** to pursue the polluters and oversee **remediation**.
3. The EPA designates a spokesperson and the community is kept **informed**.
4. The **community** can review and comment on site clean-up plans and process.
5. There are community **resources** available (compiled on the following slide)

Brownfields

1. A site doesn't need to be contaminated for it to be considered a brownfield. Only the **perception** of contamination will also do.
2. EPA assessment grants can also be used for **cleanup and redevelopment planning** purposes.
3. Applicants for EPA cleanup grants need to **own the property** at the time of application.
4. Use EPA's Targeted Brownfield Assessment (TBA) program to conduct environmental site assessments at **individual** brownfield sites.
5. Use EPA's Direct Technical Assistance program to develop **building and site plans, conduct market analysis, and financing plans**.
6. Use Technical Assistance to Brownfields (TAB) providers for **free consulting services**.

Resources - Superfund

- Mapping sites: EPA's Superfund site [location search tool can be found here](#), including a 'Cleanups in my community mapped search" tool among others.
- [EPA's Technical Assistance for Superfund Communities \(TASC\)](#) program provides independent assistance through EPA contract to help communities better understand the science, regulations and policies of environmental issues and EPA actions. A contractor can provide scientists, engineers and other professionals to review and explain information to communities. The services are determined on a project-specific basis and provided at no cost to communities. TASC services can include information assistance and expertise, community education, information assistance needs evaluation and plan development, and assistance to help community members work together to participate effectively in environmental decision-making.
- EPA has a Superfund landing page called [Community Involvement Tools and Resources](#) that includes links to a broad range of resources, including:
 - [Community Involvement Toolkit](#)
 - [Community Involvement Handbook](#)
 - [Community Guides](#)
 - [Other Resources](#)
- Additionally, EPA has a broader set of resources related to their Superfund program, including:
 - [Superfund Climate Resilience](#), including how to conduct a vulnerability assessment, evaluate applicable resilience measures, and build adaptive capacity.
 - [Superfund Training and Learning Center](#)
 - [Superfund Remedial Program in Indian Country](#), including information on the Tribal Superfund Working Group, information on preserving Traditional Ecological Knowledge (TEK) and Tribal Treaty Rights within the Superfund program, and Tribal Superfund-specific contacts within the agency
- Sierra Club's [Contaminated Sites Cleanup 'Tool Kit' for Citizens](#)

Resources - Brownfields

- [National Land Bank Network](#) connects land banks across the country to share best practices, offering support in reclaiming and repurposing brownfields for community benefit by facilitating affordable housing, green spaces, and sustainable economic development.
- [EPA Land Revitalization Toolkit](#), including [Community Actions that Drive Brownfields Redevelopment](#)
- EPA's [2025 Brownfield Federal Programs Guide](#) outlines federal programs and federal tax incentives that could support brownfields cleanup and revitalization projects.
- [Technical Assistance to Brownfield Communities \(TAB\) Programs](#): provides free technical assistance to communities, states, Tribal Nations, nonprofits, and government entities to help address their brownfield sites and to increase their understanding and involvement in brownfields cleanup, revitalization and reuse.
 - KSU TAB's [Brownfields Inventory Tool](#) is an e-tool that you can use for site data collection and analysis.
 - GroundWork USA has a [Community Resource Hub](#) for public use.
- [Targeted Brownfield Assessments \(TBAs\)](#): provides environmental assessment services free of charge to communities, which can include Phase I & Phase II Environmental Site Assessments and cleanup options and cost estimates based on future uses and redevelopment plans
- [Land Revitalization Technical Assistance \(LRTA\)](#): typically supplements brownfield grants or other technical assistance under the Brownfields Program. An EPA Contractor delivers the Technical Assistance support at no cost to communities. General types of LRTA include: 1) Site Reuse Plan & Design; 2) Strategic Action Plan; 3) Technical Analysis; 4) Economic Analysis; 5) Transportation & Site Access Improvements; and more.
- [Brownfields Revitalization Anti-Displacement Strategies Program](#) - UMass Dartmouth (through 2027)

Questions and Discussion

Please use the raise hand function to come off mute and ask a question. You are also welcome to place your question in the zoom chat, and we will get to it from there.

Environmental Protection Network

Pro bono Capacity Building Technical Assistance Program

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Requests for technical assistance are divided by region and are sent directly to each region's designated outreach associate.

<https://bit.ly/EPNassist>

<https://www.environmentalprotectionnetwork.org>