

# Brownfields: U.S. Environmental Protection Agency Public Notices

## Availability of Funding



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The United States Environmental Protection Agency (“EPA”) published a March 9th Federal Register Notice referencing the availability of additional funding for brownfields. See 85 Fed. Reg. 13647.

EPA states that it is going to make available approximately \$5 million to provide supplemental funds for revolving loan fund (“RLF”) cooperative agreements previously awarded competitively under Section 104(k)(3) of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”).

Many states (including Arkansas) and the federal government have statutes, regulations and policies that are intended to address “brownfields.” Brownfields are also often referred to as real property (improved or unimproved), the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutants or contaminants.

Incentive provisions, liability exemptions, funding programs, and action/cleanup standards have been utilized for a number of years to attempt to reduce the barriers for reuse or redevelopment of brownfield properties. The goal of brownfield programs is to encourage redevelopment investment in such properties to increase the local tax base, facilitate job growth, utilize existing infrastructure, encourage infield, and take pressure off greenspace.

An example of a federal program is the Small Business Liability Relief and Brownfields Revitalization Act. This act added Section 104(k) to CERCLA authorizing EPA to provide financial federal assistance for brownfield revitalization, including grants for assessment, cleanup and job training. This provision includes authorizing EPA to award grants to eligible entities to capitalize RLFs and provide loans and subgrants for brownfield cleanups. Further, Section 104(k)(5)(A)(ii) authorizes EPA to make additional grant funds available to RLF grantees for any year after the year for which the initial grant is made, taking into consideration:

1. the number of sites and number of communities that are addressed by the revolving loan fund;
2. a demand for funding by eligible entities that have not previously received a grant under this subsection;
3. the demonstrated ability of the eligible entity to use the revolving loan fund to enhance remediation and provide funds on a continuing basis; and
4. such other similar factors as EPA considers appropriate to carry out this subsection.

EPA states it is accepting requests for supplemental funding from RLF grantees. The Federal Register Notice contains information on how a request should be submitted for RLF supplemental funding.

A copy of the Federal Register Notice can be downloaded [here](#).