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Brownfields Reauthorization: U.S. House of Representatives Committee on Energy and Commerce (Subcommittee on Environment) Hearing Addresses Draft Legislation

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The Subcommittee on Environment of the United States House of Representatives Committee on Energy and Commerce ("Subcommittee") held a hearing on April 4th titled:

"Discussion Draft: Brownfields Reauthorization" ("Hearing")

The focus of the hearing was the development of legislation reauthorizing the United States Environmental Protection Agency ("EPA") Brownfield Program.

An additional objective was stated to be statutory improvements to the Brownfield's aspect of the Comprehensive Environmental Response Compensation Liability Act ("CERCLA").

EPA and most states (including Arkansas) have governmental programs addressing properties whose marketability has been impaired because of perceived or real environmental contamination issues. The interest in initiating reuse of idle properties is not limited to commercial development or industrial manufacturing facilities. For example, the impediments to the purpose and reactivation of abandoned mining or retail motor fuel properties might involve similar issues.

Properties or facilities subject to the previously described impediments are sometimes called "Brownfields." EPA has defined a "Brownfield" as "abandoned, idled, or under-used industrial or commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

Brownfields are often the focus of state voluntary cleanup programs. The purpose of these governmental programs is to eliminate unnecessary barriers to the redevelopment of commercial and industrial properties which may have environmental concerns.

The Arkansas General Assembly in 1995 provided the Arkansas Department of Environmental Quality ("ADEQ") the authority to address brownfield issues through an amendment to the Remedial Action Trust Fund Act.

The April 4th Subcommittee on Environment heard testimony from state and local officials on various Brownfield issues. They included:

- Robert Martineau, Commissioner, Tennessee Department of Environment and Conservation, on behalf of the Environmental Council of States;
- Meade Anderson, Brownfields Program Manager, Virginia Department of Environmental Quality, on behalf of the Association of State and Territorial Solid Waste Management Officials;
- J. Christian Bollwage, Mayor, City of Elizabeth, New Jersey, on behalf of the U.S. Conference of Mayors;
- Salvatore J. Panto, Mayor, City of Easton, Pennsylvania, on behalf of the National League of Cities; and
- Parris Glendening, President, Smart Growth America's Leadership Institute.

The hearing also reviewed a "Discussion Draft" of potential legislation addressing Brownfield/CERCLA issues. The Discussion Draft sections include:

1. Redevelopment Certainty for Governmental Entities
2. Petroleum Brownfield Enhancement
3. Clarification of Leaseholder Interest
4. Expanded Eligibility for Nonprofit Organizations
5. Treatment of Publically Owned Brownfield Sites
6. Remediation Grant Enhancement
7. Multipurpose Brownfield Grants
8. Administrative Costs for Grant Recipients
9. Renewable Energy on Brownfield Sites
10. Brownfields Funding
11. State Response Program Funding

A link to the Committee Majority Staff Memorandum to the Subcommittee members and the Discussion Draft can be found below.

<http://docs.house.gov/meetings/IF/IF18/20170404/105834/BILLS-115pih-BrownfieldsReauthorization.pdf>

<http://docs.house.gov/meetings/IF/IF18/20170404/105834/HHRG-115-IF18-20170404-SD020.pdf>