ER3 Announcement Last Week
What is ER3?

- ER3 stands for Environmentally Responsible Redevelopment and Reuse.

- ER3 provides enforcement and liability relief incentives to encourage the sustainable redevelopment of contaminated land.
ER3 Partners

- The ER3 Partners have expertise in sustainable issues.
- We have entered into Memoranda of Cooperation with 16 of them.
- At sites where it is appropriate, we are looking for the ER3 Partners to lend their expertise to developers that are interested in greening their cleanup and redevelopment projects.
Reuse of Contaminated Land

The productive use of contaminated land is an important goal for EPA.
Why ER3?

- Despite the Brownfields amendments, the fear of liability may still stall or prevent revitalization of contaminated property.

- ER3 allows us to step in at CERCLA or RCRA sites and address lingering federal liability issues to spur sustainable revitalization projects.
Tools to Address Liability Concerns

- Prospective Purchaser Agreements;
- Comfort/Status Letters; and
- Consent Decrees/Orders.
Prospective Purchaser Agreements

- PPAs clarify and settle the responsibilities of a prospective purchaser (or a lessee).
- Even after 2002 CERCLA amendments, there are still limited circumstances where we will issue a PPA under CERCLA.
- We also issue RCRA PPAs to address liability concerns at RCRA facilities.
Comfort/Status Letters

- Comfort/status letters explain EPA’s current knowledge of the existing environmental and regulatory status of a contaminated site where redevelopment or reuse will occur.

- Under ER3, EPA will consider issuing a comfort/status letter even in situations that go beyond the general criteria.
Consent Decrees/Orders & Other Tools

- Consent decrees (CDs) or orders under CERCLA or RCRA clarify and settle cleanup responsibilities.

- CDs and orders may have streamlined requirements or reduced oversight.

- Other tools include corrective action completion and Ready for Reuse determinations.
Comfort/Status Letter at the E3 Biofuels Mead Complex

- EPA Region 7 issued a comfort/status letter with information regarding certain Superfund liability protections.
- This letter facilitated a $70 million loan for the redevelopment project.
- The loan will be used to build a sustainable “closed-loop” ethanol plant.

April 24, 2007
PPA-Type Agreement at Empire Canyon Daly West Mine Site

1907 Daly West Mine Site

Artist Rendering of Planned Montage Development
Mona Terrace Project

- The Mona Terrace development project in Muskegon Heights, Michigan.

- This State-lead site is in an EJ area.

- The site is a former waste water treatment facility regulated under RCRA.
Mona Terrace Project (continued)

- ER3 Partners are supporting the project.

- The developers are interested in incorporating social and environmental sustainability concepts into the project.

- The community and local government developed the plan to create a mixed-income neighborhood.
State Involvement in ER3

- How can States participate in ER3?

- Is some sort of ER3 certification possible?

- ER3 Partners could provide expertise in sustainability.
State Involvement in ER3 (continued)

- Sustainable revitalization can benefit States.

- OECA would like to explore ways to facilitate redevelopment at State-lead cleanup sites through ER3.