



ASTSWMO, Providing Pathways to Our  
Nation's Environmental Stewardship Since 1974

**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Subcommittee on Environment & Climate Change**

**Hearing**

**“Back from the Brink: Restoring Brownfields Sites to Economic Engines”**

**February 15, 2022**

**Testimony of**

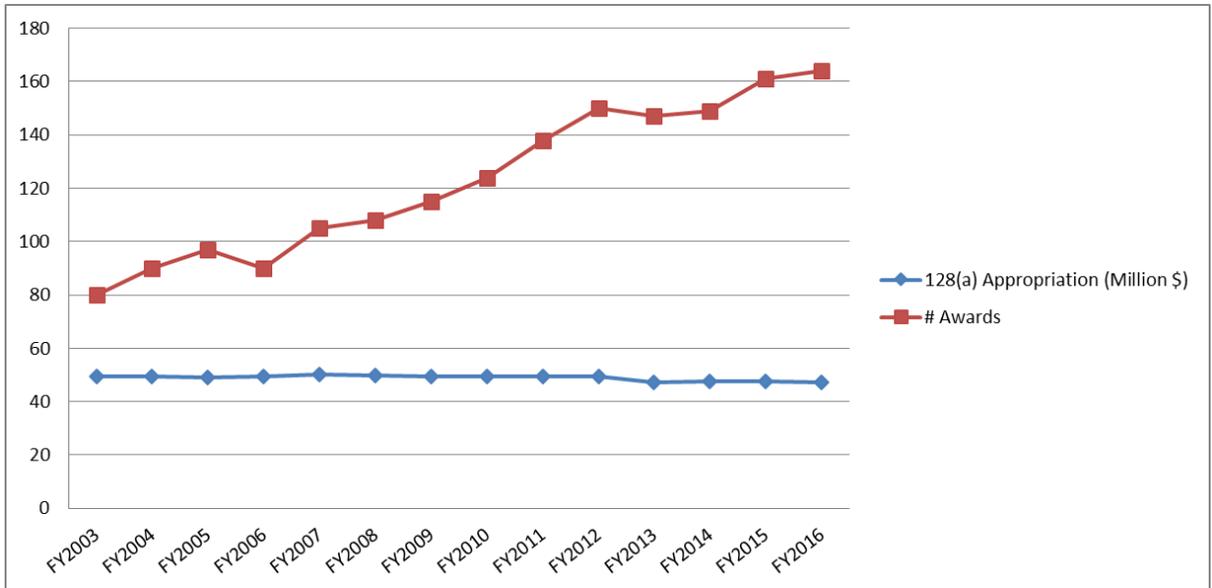
**Jason E. Seyler**

**On Behalf of the**

**Association of State and Territorial Solid Waste Management Officials**

## **Main Points**

- Brownfields Redevelopment plays an important role in addressing our country's ailing infrastructure. Redevelopment of Brownfields reuses existing roads, bridges, water treatment plants and other infrastructure elements resulting in savings in development costs and the need to build new infrastructure that also requires maintenance.
- Funding, expertise and resources at the State, federal and local levels of government allow those redeveloping Brownfields to layer funding and assistance to encourage redevelopment of Brownfields. The variety of tools allows entities to select the incentives and resources that will make their particular project work.
- Since the Brownfields law's beginnings in 2002, 128(a) funding has been provided to States, Territories and tribes with the national funding level remaining at just under \$50 million for more than 20 years, whereas the number of applicants has more than doubled. The awards in FY2003 averaged \$618,000. However, by FY2016, the average award had dropped to approximately \$293,000, less than half of what had been awarded in FY2003 as shown in the following figure. This figure will be updated to show the historical investment by the 2021 Infrastructure Investment and Jobs Act once this funding has been received by States.



- Funding has been used to assist urban and rural local governments, community officials and others to assist with technical support, environmental assessments and project guidance.
- Funding supports Voluntary Cleanup Programs (VCP), which provide the foundation for overseeing cleanups, setting remediation goals and institutional controls.
- The 2018 Build Act not only reauthorized the Brownfields program but it also included amendments that provided struggling small and disadvantaged communities tools necessary to tackle the environmental liabilities preventing investment, growth, and prosperity of its citizens. These tools include:
  - Providing Brownfields eligibility assurances by allowing local or State governments to take control of a contaminated site by means other than “involuntary” acquisition and by granting eligibility to sites that were acquired prior to January 11, 2002.

- Removing the unclear and often mis-understood “relatively low-risk” criteria for Petroleum Brownfields eligibilities; thus, removing uncertainty for developers and allowing States to expand the number of sites that are allowed to seek Brownfields assistance.
- Providing State Brownfields programs with \$20,000 technical assistance grants to assist small and disadvantaged communities with critical planning and community outreach efforts.
- The ASTSWMO Brownfields Focus group just completed a Story Map project highlighting the various and creative ways States are successfully using these funds. The address for ASTSWMO’s CERCLA Section 128(a) Technical Assistance Grants story map is:  
  
<https://storymaps.arcgis.com/stories/8ee5dce5309246059b03e258e1f9b5e2>
- The 2021 Infrastructure Investment and Jobs Act (also known as the Bipartisan Infrastructure Law) provides \$1.5 billion in additional Brownfields funding over the next 5 years. This is the largest single investment in Brownfields infrastructure and has the goal of creating 154,000 jobs and stimulating \$30 billion in public/private funding. This public investment in our communities will provide:
  - \$ 1.2 billion in additional assessment, planning, and cleanup grants to communities, developers, local economic development organizations, and non-profits.
  - An increase in the maximum cleanup grant awarded from \$1 million up to \$10 million allowing communities to tackle larger/more complicated sites.

- A fivefold increase in funding for site design and financial planning technical assistance.
- And a twofold increase in State Brownfields program 128(a) funding.
- Brownfields Programs offer positive economic impacts as stated in the following studies:
  - The University of Delaware's economic study found that every nominal dollar spent through the Brownfields program generates a \$17.50 return on the State's initial investment.
  - Since 2015, Oklahoma has garnered over \$10 million in new State income taxes annually on remediated sites. There has also been a 147% increase in job growth on redeveloped Brownfields and surrounding sites.
  - A 2014 study by ECONorthwest found that every \$1 invested in Brownfields redevelopment in Oregon resulted in \$15 of leveraged funding. The 51 completed sites in the survey generated 4,300 permanent jobs, of which 60% are in the industrial sector. In total 8,900 indirect and direct jobs were created.
  - The Michigan Department of Environment, Great Lakes, and Energy reports that in 2016 the return on investment on Brownfields funding is \$34 for every dollar of MDEQ funding.

Good morning Chairman Tonko, Ranking Member McKinley, and Members of the Subcommittee. Thank you for the opportunity to speak with you today. My name is Jason Seyler, and I am the Brownfields Coordinator for the Montana Department of Environmental Quality and am testifying today as the Vice-Chair of the Brownfields Focus Group of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO). ASTSWMO is an association

representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States). ASTSWMO is a strong supporter and partner of the U.S. EPA Brownfields Program.

Brownfields at its heart is a redevelopment program where developers, communities, and regulators are all working together toward the cleanup and redevelopment of blighted and underutilized properties. It is this collaborative effort, the relationships built, and lasting impacts to the communities we serve, that makes myself and my fellow Brownfields State counterparts so passionate about the assistance we are allowed to provide our States and communities.

Prior to the passage of the original Small Business Liability Relief and Brownfields Revitalization Act in 2002, the fear of acquiring the environmental liability from a boarded up downtown building or abandoned corner gas station contributed to the lack of infill investment and the flight of businesses from the economic heart of communities. This ultimately led to a dramatic increase in sprawl, traffic congestion, isolation of disadvantaged neighborhoods, and these communities' economic, social, and environmental decline.

Since 2002, the Brownfields program has served to break down barriers to redevelopment and move properties with an environmental past forward when they would otherwise have remained blighted. Brownfields assisted redevelopment sparks private investment and job creation, encourages infrastructure reuse, increases property values and the tax base, and facilitates community revitalization.

While there are plenty of examples of larger Brownfields success stories that involve multi-million-dollar redevelopments, possibly the more significant projects are felt within small rural and disadvantaged communities. Communities of less than 5,000 rarely have a planning

department or grant writing staff but they are the heart of this country, and they rely on assistance that the EPA and States provide. For the past 20 years, Brownfields funding to States, Territories and tribes, via the 128(a) Brownfields Grant, has been essential for States to build and maintain successful State Brownfields programs and aid struggling local governments, developers, and non-profits who see a better future for those old corner gas stations and the boarded-up buildings along Main Street.

The 2018 Build Act not only reauthorized the Brownfields program, but it also included amendments that provided struggling small and disadvantaged communities tools necessary to tackle the environmental liabilities preventing investment, growth, and prosperity of its citizens. Amendments such as the removing the necessity for communities to have acquired a property by involuntary acquisition have since been modeled and adopted by States. Another amendment provided State Brownfields programs with \$20,000 technical assistance grants to assist small and disadvantaged communities with critical planning and community outreach efforts.

The 2021 Infrastructure Investment and Jobs Act provides an additional \$1.2 billion in assessment and cleanup Brownfields funding over the next 5 years. This is the largest single investment in Brownfields infrastructure and has the goal of creating 154,000 jobs and stimulating \$30 billion in public/private funding.

I would also like to specifically highlight the twofold increase in 128(a) State Brownfields funding, which will be used to facilitate EPA distribution of this historic funding to impacted communities. In addition, Montana and other States will use these funds to provide “micro-cleanup” grants to small and disadvantaged communities. On average, these \$50,000 cleanup grants will allow these targeted communities to address blight along Main Street, which will

attract reinvestment into their downtowns, and begin to entice the younger generation back home.

Since its inception, the national Brownfields program has assisted in the redevelopment of over 9500 properties totaling over 143,000 acres while leveraging over \$35 billion in redevelopment capital and resulted in over 183,000 jobs. Multiple return on investment studies show between \$17-\$34 dollars leveraged for every \$1 spent of Brownfields assistance.

On behalf of my fellow State Brownfields coordinators, I want to express my sincere appreciation for the transformational effect these investments will continue to have on the communities we serve. To summarize, ASTSWMO believes that a robust Brownfields program is essential to the nation's environmental, economic, and social health.

Thank you for this opportunity to offer testimony. I would be pleased to answer any questions you may have.