



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

August 6, 2015

The Honorable Bob Gibbs
Chairman, Subcommittee on Water Resources and Environment,
House Transportation and Infrastructure Committee
Washington, D.C. 20515

Re: July 22, 2015 Hearing: "Helping Revitalize American Communities Through the
Brownfields Program"

Dear Congressman Gibbs:

The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) is submitting this letter for the record for the hearing held by the House Subcommittee on Water Resources and Environment on July 22, 2015 entitled, "Helping Revitalize American Communities Through the Brownfields Program".

ASTSWMO is a non-profit association representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States). Our membership includes State program experts with individual responsibility for the regulation and management of solid and hazardous wastes, including day-to-day cleanup and redevelopment of Brownfields.

ASTSWMO is a strong supporter of the Brownfields Program. For the past thirteen years, this program has contributed greatly to the economic development of the country. State and Territorial programs help ensure that the programs are run effectively, provide significant support to localities, such as small and rural communities that apply for grants, and that the funding is implemented and leveraged with additional resources to maximize revitalization of sites. The vast majority of cleanups are managed under State programs, which are typically supplemented by 128(a) funds.

Since the Brownfields Law was signed in 2002, funding to States, Territories and Tribes, via the 128(a) Brownfield Grant, has been essential for States to build and maintain successful State brownfield programs. The funding that States receive each year provides an incredible number of benefits to local units of government, corporations, and other organizations, who oversee the day-to-day cleanup and redevelopment of blighted, underutilized, and contaminated properties.

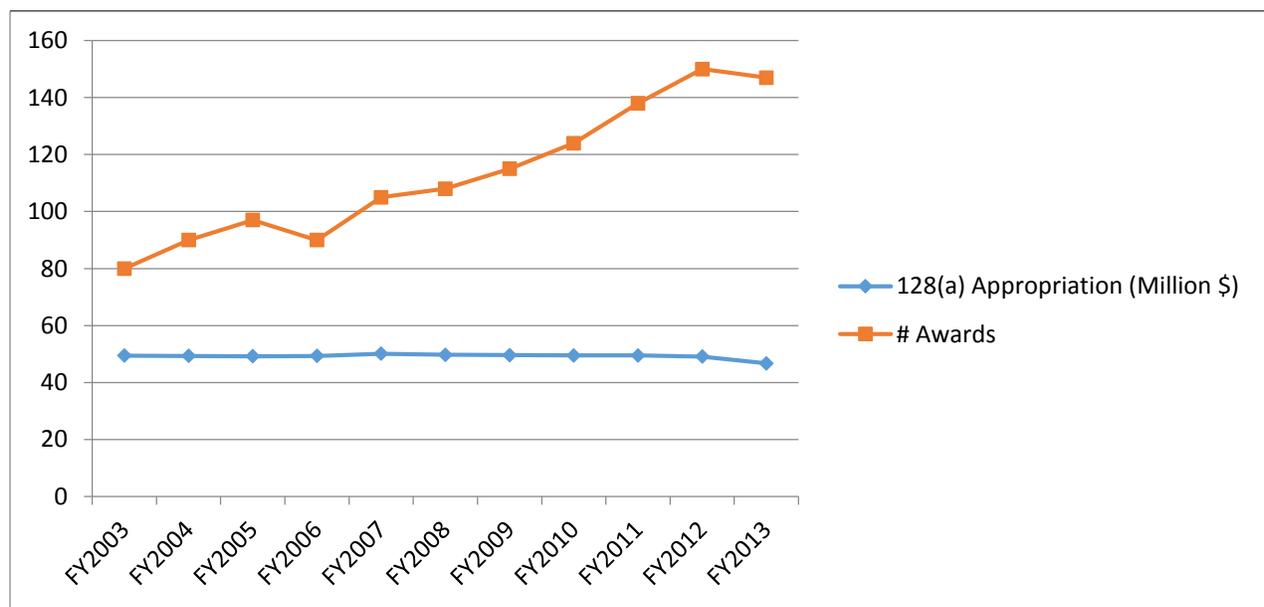
Some of these benefits include:

- Providing funds to complete environmental assessments of properties to meet all appropriate inquiry (AAI), as well as Phase II sampling and asbestos and lead inspections and, in some cases, ecological assessments, as needed;
- Supporting community officials in the preparation of grant applications for Brownfield assessments, cleanups or revolving loan funds;

- Providing workshops for organizations, communities and others in order to educate them about the many Brownfield issues and the incentives that are available at the State and Federal level;
- Meeting with community officials and others to assist them in working through assessment and cleanup of Brownfield properties, as well as providing technical support and recommendations; and
- Supporting Voluntary Cleanup Programs (VCP), which provide the foundation for setting remediation goals and institutional controls.

Unlike many other environmental programs which began at the Federal level, with States taking over authority to run various aspects, States are primarily responsible for the development and maintenance of Brownfields cleanup and redevelopment programs. States have developed their own, unique State-specific statutes, rules and regulations to govern voluntary cleanup of contaminated sites and provide liability releases or letters of comfort to fit the needs of each individual State. However, the individual programs are sufficiently consistent to allow 25 States to execute a VCP Memorandum of Agreement (MOA) with their respective EPA Regional authorities. These MOAs promote State-Federal coordination, define general roles regarding the cleanup of sites and provide predictability and consistency for those completing a cleanup under State authority.

Since the Brownfields Law's beginnings, 128(a) funding has been provided to States, Territories and Tribes with the national funding level remaining at just under \$50 million for over 14 years, whereas the number of applicants has continued to rise to nearly double. The graph below illustrates the changes in funding awards, from a static pot of funding over the years. In FY2003, 80 States, Territories and Tribes received funding from a total appropriation of \$49.4 million. By FY2013, 150 entities requested funding including 50 States, 4 Territories, the District of Columbia and 95 Tribes, 3 of which were new applicants. The total funding requested in F20Y13 was \$54.8 million and the total budget allocated in FY2013 was \$48.08 million. The awards in FY2003 averaged \$618,000, however, by FY2013 the average award had dropped to \$318,000, nearly half of what had been awarded in FY 2003. This dramatic decrease in award amounts is directly attributable to the steadily increasing demand and competition for these essential funds.



As a result of this increasing demand on 128(a) funds, the vast majority of States are receiving less funding each Federal fiscal year. Although most States do not rely solely on 128(a) funding alone to support their Brownfields and State response programs, 128(a) funds are an essential component of each State's program. The additional funding many States utilize includes program fees, special cleanup funds and, in some cases, general revenue funds; however, most of these sources have either decreased or remained flat, particularly during the recent recession. Few of the States receive sufficient State funding to cover all program costs. As a result, States have had to resort to cost saving measures, such as reducing staff dedicated to Brownfield functions, cutting or eliminating the amount of assistance provided to local communities and reducing the number of 128(a) funded assessments. We want to stress the importance of protecting the already stretched 128(a) funds. Adding additional applicants and program areas would threaten an already limited funding source.

ASTSWMO believes a robust brownfields program, at all levels of government and working in concert with the private sector, is essential to the nation's environmental, economic and social health, and without adequate funding for State, Territorial and Tribal Brownfield and Voluntary Cleanup Programs, Brownfield program goals cannot be achieved. While the current funding level is inadequate, we want to ensure that it is protected.

Thank you for your consideration of our views. If you have any questions, please contact me at (412) 442-4120 or Dania Rodriguez, ASTSWMO Executive Director at (202) 640-1061.

Sincerely,



Michael Forbeck (PA), P.E.
ASTSWMO President

cc: ASTSWMO Board of Directors
Mathy Stanislaus, Assistant Administrator, EPA OSWER
David Lloyd, Director, EPA OBLR
Alexandra Dunn, Executive Director, ECOS
ASTSWMO Brownfields Focus Group