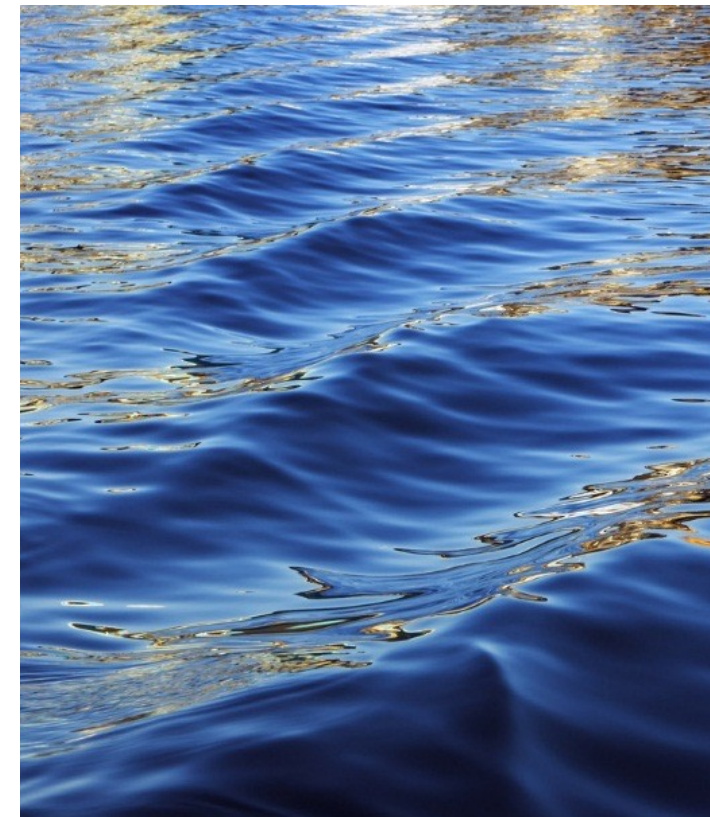




EPA Brownfields and Environmental Justice

Presented by: Nichole Rodgers
Senior Brownfield Coordinator, EPA Region 4



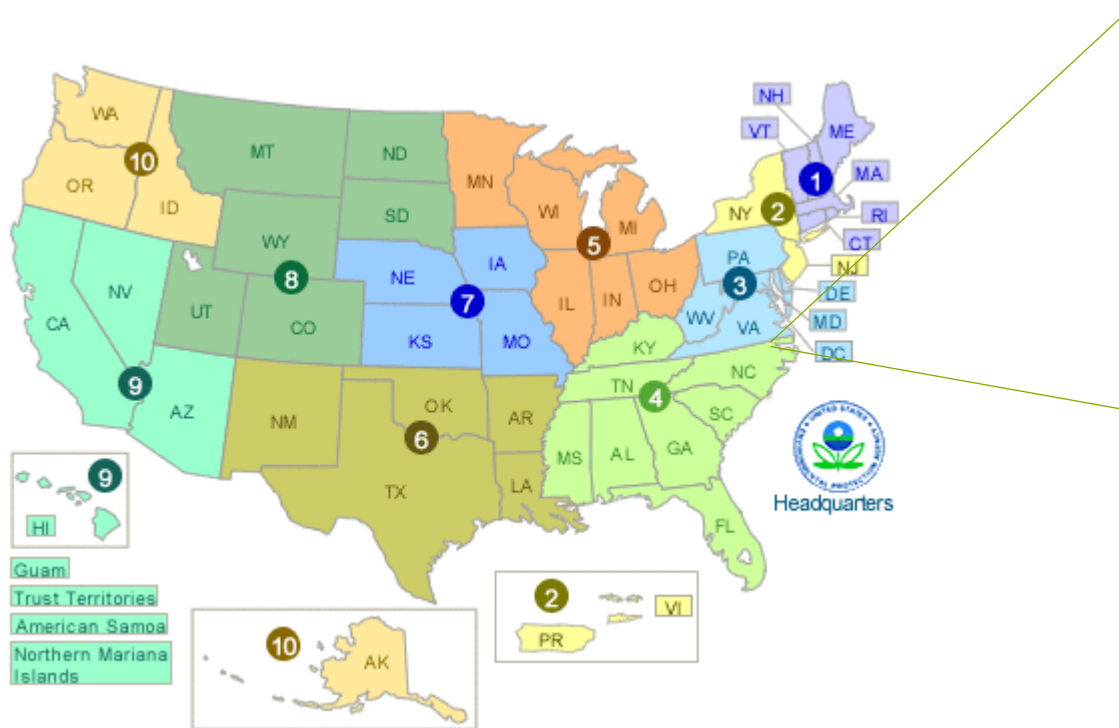
Outline of Presentation

- What is EJ?
- What are Brownfields?
- Overview of EJ at EPA
 - Executive Orders, ARP, IIJA, Justice40, Advisory Councils
- EPA Region 4's Brownfields and EJ
 - Grants and Technical Assistance
 - Chattanooga Brownfields



What is Environmental Justice?





September 1982
Sit-in Against Warren County, NC PCB Landfill
 This event is widely understood to be the catalyst for the Environmental Justice Movement.

EPA defines environmental justice as the **fair treatment** and **meaningful involvement** of all people regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

Communities with EJ Concerns: Common or Similar Traits

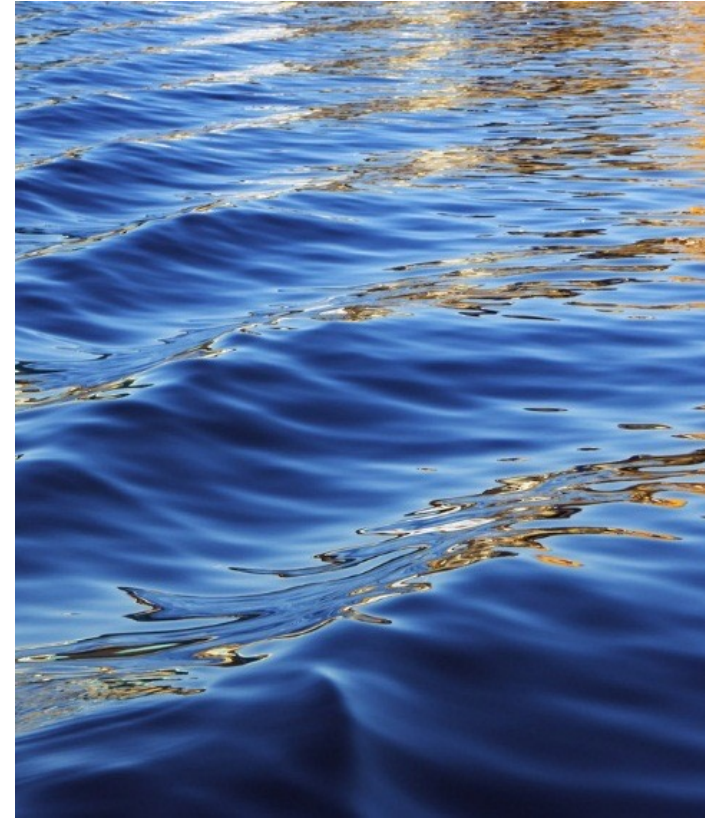
- Low-income
- Minority or people of color
- Indigenous or Native Americans
- Special populations, such as
 - immigrants, farmworkers, etc.
- Proximity and exposure to pollution sources (mobile or point)
- Health impacts and disparities
- Language barriers
- Lack of trust
- Unable to access traditional communication channels
- Multiple and/or cumulative adverse, disproportionate environmental impacts
- Social vulnerability
- Psycho-social stress
- Health and wellness vulnerabilities
- Vulnerable populations of children
 - and elderly
- Lack of meaningful participation
- Lack of political power and understanding
- Limited capacity to access technical and legal resources





What is a brownfield?

CERCLA definition



Brownfield

- A brownfield is defined as: real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. CERCLA §101(39)



Chattanooga Brownfields

Brownfields Acts

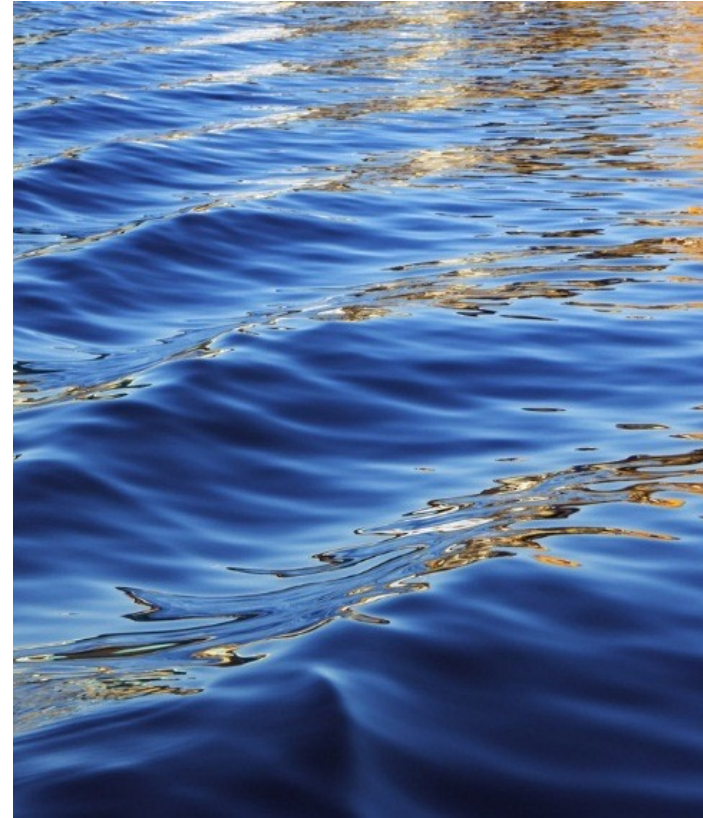


- **Small Business** Liability Relief and Brownfields Revitalization Act (2002)
 - Amended CERCLA to provide funds to assess and cleanup brownfields, clarified the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability protections, and provided funds to enhance state and tribal response programs
- Brownfields Utilization, Investment, and Local Development Act (BUILD Act) (2018)
 - The BUILD Act reauthorized the Environmental Protection Agency's (EPA's) Brownfields Program, and made amendments to CERCLA, as amended by the 2002 Small Business Liability Relief and Brownfields Revitalization Act. These amendments increased funding limits on brownfields grants, including creating the multipurpose grant, clarified and expanded ownership and liability provisions, and expanded grant eligibility to non-profits.

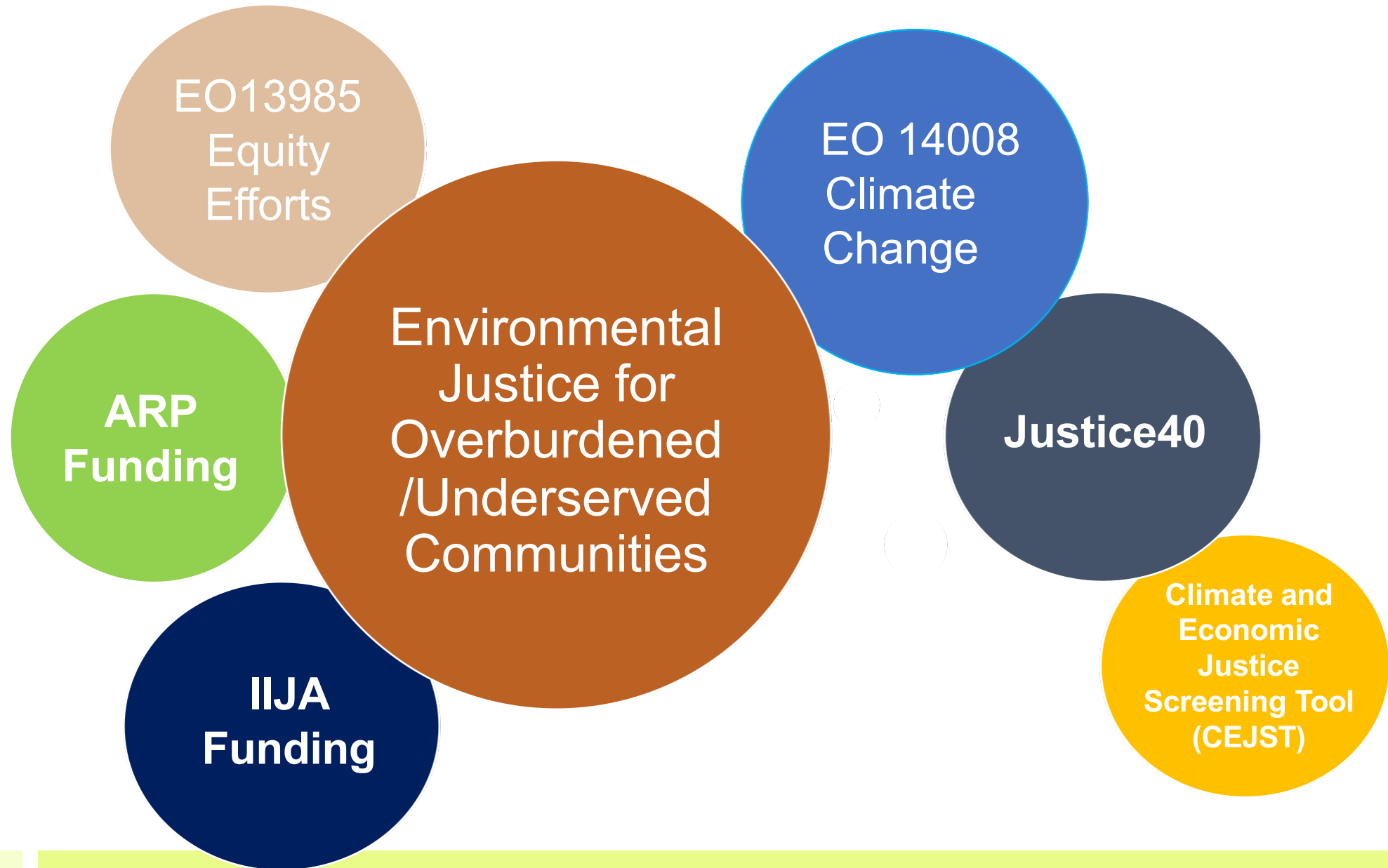


EJ at EPA

Funding and Programs



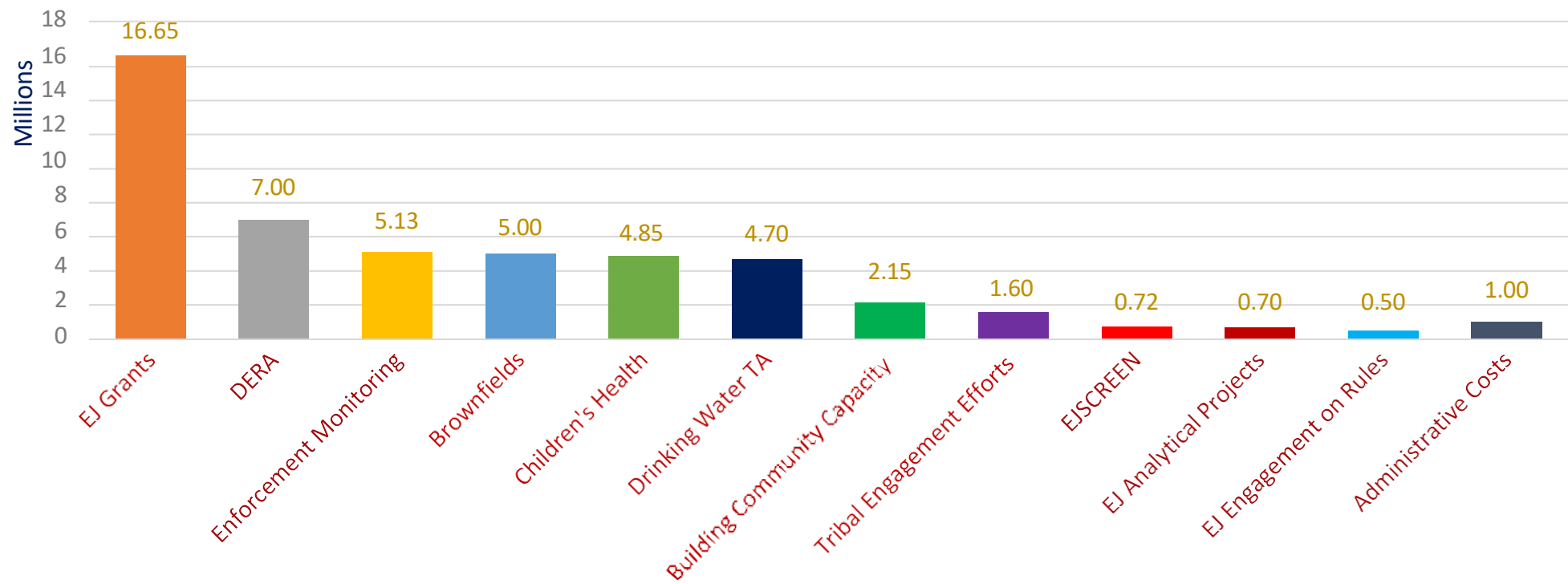
EPA's EJ Efforts in Brownfields are Part of a Larger Landscape



American Rescue Plan (ARP) EJ Funding (breakdown of \$50M)

EJ ARP Funding

Brownfields: \$5,000,000 will be used to provide technical assistance to address brownfield sites and to increase understanding and community involvement in brownfields cleanup, revitalization, and reuse.



BIPARTISAN INFRASTRUCTURE LAW: A HISTORIC INVESTMENT IN BROWNFIELDS

President Biden's leadership and bipartisan Congressional action have delivered the single-largest investment in U.S. brownfields infrastructure ever. The Bipartisan Infrastructure Law invests more than **\$1.5 billion** through EPA's highly successful Brownfields Program.

\$1.2 BILLION IN PROJECT GRANTS
**\$300 MILLION TO STATE AND TRIBAL
RESPONSE PROGRAMS**

With EPA's funding and direct technical assistance, overburdened communities can begin to address the economic, social and environmental challenges caused by brownfields and **reposition these properties for investment and revitalization.**

A historic \$1.5 billion investment in EPA's Brownfields Program **will transform countless lives and spur life-changing revitalization in communities** large and small, urban and rural; all with the same desire to keep their neighborhoods healthy, sustainable and reflective of the people who call it home.



Justice40

- In January 2021, President Biden's Executive Order 14008 – Tackling the Climate Crisis at Home and Abroad announced Justice40 , which mandates that at least 40% of the benefits of certain federal investments must flow to disadvantaged communities.
- Brownfields was one of six pilot programs to implement this initiative using BIL funds
- Currently there are 73 EPA programs that are part of the Justice40 initiative



EPA Administrator Michael S. Regan signs document officially creating the new Office of Environmental Justice and External Civil Rights. September 24, 2022

Advisory Councils:



❑ **Existing – NEJAC** ([National Environmental Justice Advisory Council](#)) will continue, [\(29 members, 6 from Southeast\)](#)

- Advises the EPA and is the premier EPA advisory body on EJ recommendations/reports (55+) since 1995; meetings are open & have public comment periods.



❑ **“New” WHEJAC** ([White House Environmental Justice Advisory Council](#)) 26 members; 2 from Southeast.

- <https://www.whitehouse.gov/environmentaljustice/white-house-environmental-justice-advisory-council/>
- Advises White House CEQ on EJ recommendations for all agencies; meetings are open to the public & have public comment periods.



❑ **“New” IAC** ([White House Environmental Justice Interagency Committee](#)) the former (EJ IWG) – the current 28-year-old Federal EJ Interagency

- <https://www.whitehouse.gov/environmentaljustice/white-house-environmental-justice-interagency-council/>
- This forum of 17 Federal Agencies will help to advance EJ in their agencies.

Environmental Justice Grants and Technical Assistance

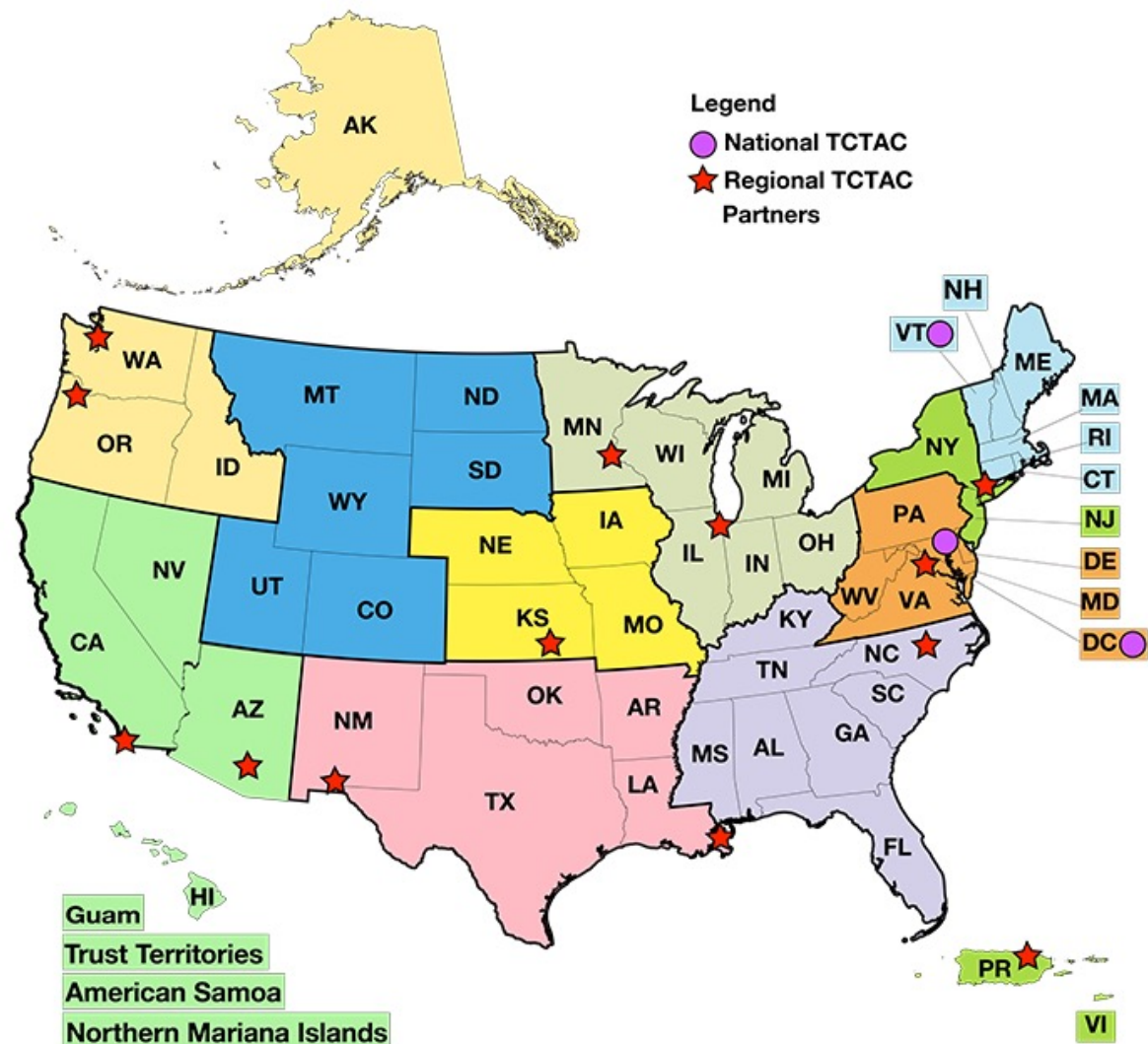
- **The Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement Program**
 - 2023 - EPA has selected 98 EJCPS awardees to receive a total of \$43.8 million in Inflation Reduction Act (IRA) funding for community-based nonprofit organizations to receive up to \$500,000 in grant funding.
- **The Environmental Justice Government-to-Government (EJG2G) Program**
 - 2023 - EPA has selected 88 EJG2G cooperative agreements that will receive a total of \$84.1 million in Inflation Reduction Act (IRA) and annual appropriation act funding to receive up to \$1,00,000 in grant funding.
- **The Environmental Justice Thriving Communities Grantmaking (EJ TCGM) Program**
 - A competition to select multiple Grantmakers around the nation to reduce barriers to the application process communities face and increase the efficiency of the awards process for environmental justice grants. 3 National and 10 regional centers; Region 4 – Research Triangle Institute
- **Environmental Justice Small Grants Program (Tribes)**
 - Since its inception in 1994, the Environmental Justice Small Grants (EJSG) Program has awarded more than \$37 million in funding to over 1500 community-based organizations, tribal governments, and Native American organizations working with communities facing environmental justice issues.



Environmental Justice Grants and Technical Assistance

- **The Environmental Justice Thriving Communities Technical Assistance Centers (EJ TCTAC) Program**

- EPA's 16 new EJ Thriving Communities Technical Assistance Centers Program will establish technical assistance centers across the nation providing technical assistance, training, and related support to communities with environmental justice concerns and their partners.



<https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance>



Brownfields and EJ in Region 4



What does EJ look like in Brownfields?

- **Brownfield Grants**

- **EPA Brownfield Grants - Liability Protection thru All Appropriate Inquiries**

- Assessment

- Cleanup

- Multipurpose

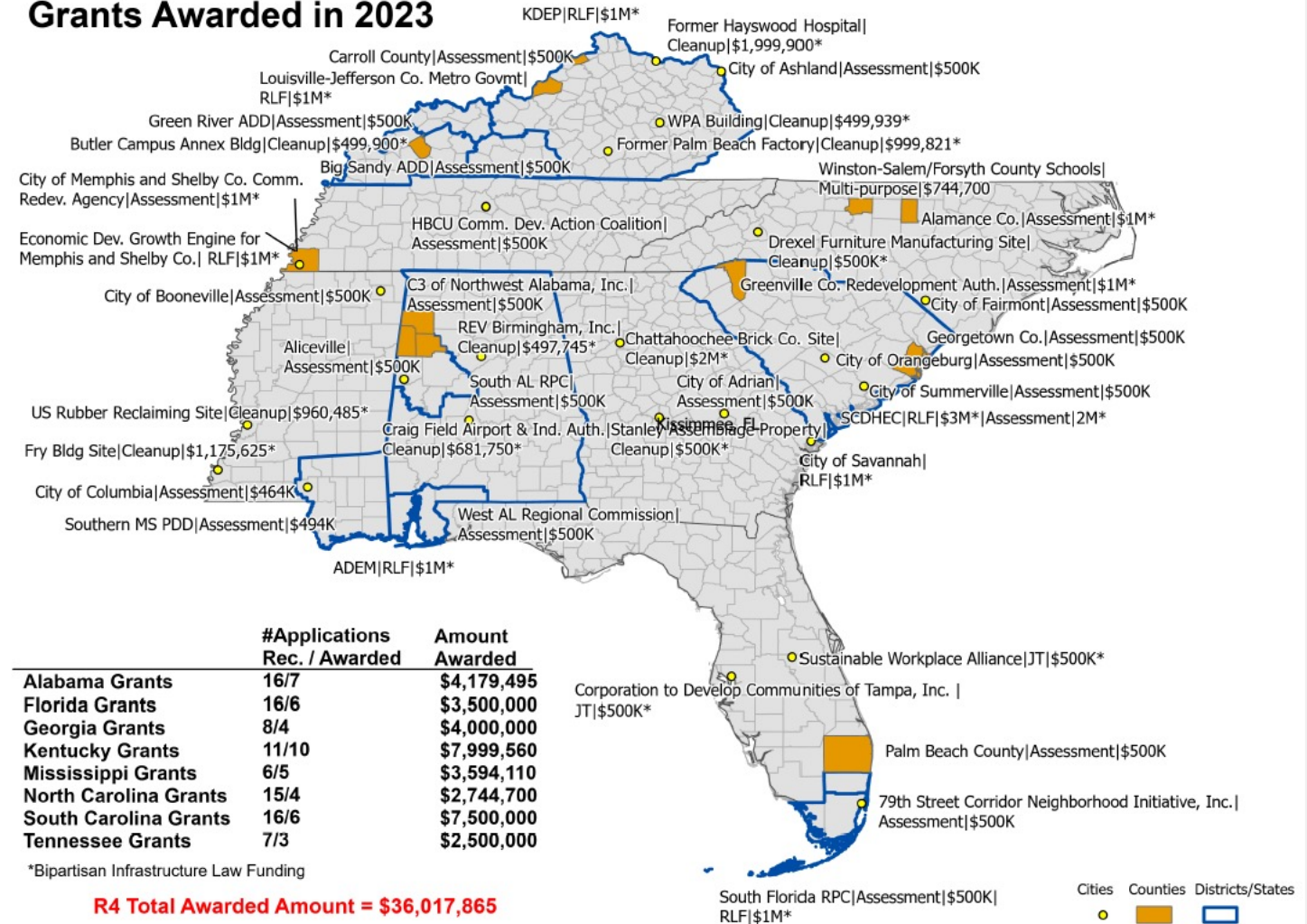
- Revolving Loan Funds (RLFs)

- Job Training

- **State and Tribal Grants**

- Programs offer incentives to property owners in their programs

Region 4 Brownfields Grants Awarded in 2023



Addressing EJ issues via Brownfield Grant Process

- Excerpts from FY24 EPA Brownfields Grant Application Criteria

(3) Environmental Justice (0-10 points)

(a) Identification of Environmental Justice Issues (0-5 points)

The extent to which the environmental justice issues affecting the underserved community(ies) or disadvantaged census tract(s) in the target area(s) are clearly described, and the severity of the environmental justice issues experienced by the underserved community(ies) or disadvantaged census tract(s) in the target area(s). *(Note, for all applications except those from Tribes or eligible Tribal entities, if none of the priority sites identified in 1.a.ii. Description of the Priority Brownfield Site(s) are located within a disadvantaged census tract according to CEIST, then the response may only earn up to 2 points.)*

(b) Advancing Environmental Justice (0-5 points)

The extent to which this grant and reuse strategy/projected site reuse(s) will advance environmental justice and minimize the displacement of residents and/or businesses among the underserved community(ies) in the target area(s).

EJ in Brownfields

- **Technical Assistance**

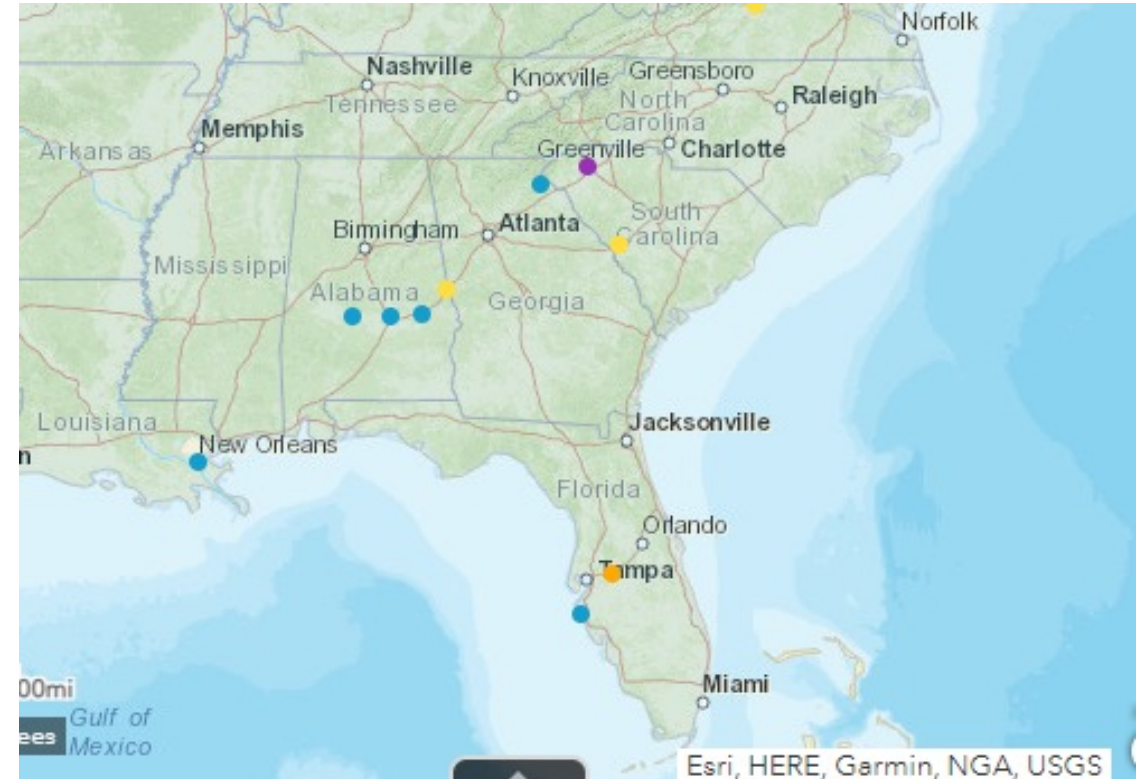
- Technical Assistance to Brownfields – NJIT
 - ARP-funded
 - <https://www.njit.edu/njbrownfields/>

- **Land Revitalization Technical Assistance (LRTA)**

- Toolkits and online resources
- Direct technical Assistance
- <https://www.epa.gov/land-revitalization>

- **Targeted Brownfield Assessments (TBA)**

- <https://www.epa.gov/brownfields/targeted-brownfields-assessments-region-4>





FY22 Brownfield Grant Awarded to City of Chattanooga

<https://econ.chattanooga.gov/brownfields/>

Chattanooga Brownfields

- <https://econ.chattanooga.gov/brownfields/>



ENVIRONMENTAL TRANSFORMATION SOIL CONTAMINATION-FOUNDRY SAN

- 2011- Local residents ill from lead exposure, prompted several residential properties by TDEC & EPA
- 2018- EPA designed the Southside Chattanooga Lead Site within the boundaries of eight impacted neighborhoods
- 2019- EPA began time-critical removal action to cleanup yards with lead concentrations above 1,200 mg/kg. June 2022- 2,526 Sampled Yards/ 2,955 Yards to Be Sampled /433 Yards Remediated

WISE PROPERTY CHEROKEE BLVD.

- EPA RLF \$70,000
- Soil contaminated with petroleum and volatile organic compounds (VOCs) comingled with other contaminants
- Project created 24 market rate residential apartments with retail on the ground floor (ReMax)

2007

NORTH SHORE

Project 2011-2013



Questions?

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