

Mitigation Funds/ Brownfield Clean-up

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Public Financing

Superfund is probably the best-known federal program in the business of brownfield cleanup. When a site is sufficiently hazardous to be placed on the National Priorities List (NPL), it becomes eligible for cleanup through the Superfund program. The cost of cleanup is the responsibility of the “Potentially Responsible Party” (PRP) that caused the pollution, and the agency can take legal action to recover funds if a PRP refuses to cooperate. Occasionally it is determined that the PRP no longer exists or does not have viable funds to pay for the cleanup. In these cases, the cleanup is paid for out of the trust fund that was established in 1980 through the Comprehensive Environmental Response, Compensation and Liability Act for this express purpose. Seed money for the trust fund comes from a tax on the chemical and petroleum industries. As a federal program, however, Superfund is not free from the classic tension between federal authority and states’ rights. The National Congress of State Legislatures states in a recent position paper that states maintain jurisdiction over their own existing brownfields programs, and should have the authority to “immunize” businesses from financial liability.

In addition to Superfund, a number of other federal agencies also administer grant programs to aid communities and small businesses in brownfield cleanup. These include: NOAA, HUD, the Department of Commerce, the Department of Defense, the Department of Treasury, and the Small Business Administration.

Mitigation funding is another option for either cleaning up brownfields or reducing the environmental impacts of new development. The Council on Environmental Quality, which coordinates federal environmental efforts under the authority of the National Environmental Policy Act of 1969 (NEPA), considers several acceptable mitigation strategies. For example, doing nothing or lessening the size of a proposed project might be an acceptable solution. In other cases, the appropriate mitigation solution might be to repair, rehabilitate or restore the environment that is affected by a specific action. Or, it may be possible to reduce or eliminate the impact over time through a preservation and maintenance plan. Another approach might be to compensate for the impact by replacing or providing substitute resources or environments.

Resources

Brownfields. National Congress of State Legislatures.
<http://www.ncsl.org/statefed/brwnfdIB.htm>

Council on Environmental Quality. The White House.
<http://www.whitehouse.gov/ceq/aboutceq.html>

Pacific Sound Resources, Seattle, Washington. U.S. Environmental Protection Agency.
<http://www.epa.gov/superfund/accomp/funded/pacsnd.htm>

Regulation 1508. Council on Environmental Quality.
<http://ceq.eh.doe.gov/nepa/regs/ceq/1508.htm>

Smart Growth: Brownfields Funding. U.S. Environmental Protection Agency.
http://www.epa.gov/smartgrowth/topics/brownfield_economic_funding.htm

Superfund: Frequently Asked Questions. U.S. Environmental Protection Agency.
http://epa.custhelp.com/cgi-bin/epa.cfg/php/enduser/std_alp.php



Remedial work at the Pacific Sound Resources Superfund Site (Terminal 5 in the Port of Seattle) is ongoing, at an estimated total cost of \$45 million.