

128(a) Funding

Congress passed the Small Business Liability Relief and Brownfields Revitalization Act (the Act) in 2002 to “promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.” The Act established a competitive grant program for municipalities and economic development authorities (i.e., local community grantees) known as Section 104(k). Congress also recognized that states need support in order to develop and improve their brownfields and other voluntary site cleanup programs and established a grant program known as Section 128(a).

The New England states have a legacy of former industrial sites and therefore have a large number of brownfields. To address this challenge, RIDEM was among the first agencies to receive 128(a) funding and has been using it to implement their program since 2003.

The nationwide success of the EPA Brownfields Program, particularly in New England, has resulted in a growing demand among states and tribes for 128(a) funding. However, Congress set a cap on the maximum annual funding for 128(a) grants at \$50 million. EPA is now unable to meet the demand of all of the states and tribes that need support; and therefore has had to reduce funding for longstanding programs like the one in Rhode Island. As a result, 128(a) funding to RIDEM has been cut by approximately 25

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RIDEM Program Highlights

Since 1995, the RIDEM Brownfields Program has contributed to:

- Restoration of more than 1,320 acres of contaminated property
- Employment of more than 2,000 workers in these restored properties
- Use of over \$109 million worth of formerly blighted property

percent between 2008 and 2012. The ability for RIDEM to provide the services that brownfields projects require to be successful has been severely compromised.

Unless Congress amends the Act and allocates more resources, additional cuts to RIDEM are likely in the future. A potential solution is for Congress to increase or remove the cap on 128(a) funding to allow EPA to provide states with the resources needed to ensure that the federal funds provided to communities for brownfields projects result in success.

“I was sitting at my desk trying to figure out how to deal with this abandoned property, when RIDEM staff called me on the phone and asked about how they could partner with us to redevelop properties for productive use. We worked with them to submit a grant application for funding and complete a site assessment of the property, which was complicated because it involved the first ever dam removal project in the State. After we had excavated the first foot of soil recommended by the assessment, we found contaminated soils that were previously unknown. RIDEM brought additional funding to the table to help cover this unprecedented expense and complete the remediation.”

— Geoff Marchant, Community Development Consortium

RIDEM and the Northeast Waste Management Officials' Association (NEWMOA) cooperated on the development of this publication.
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Getting Properties Back to Work

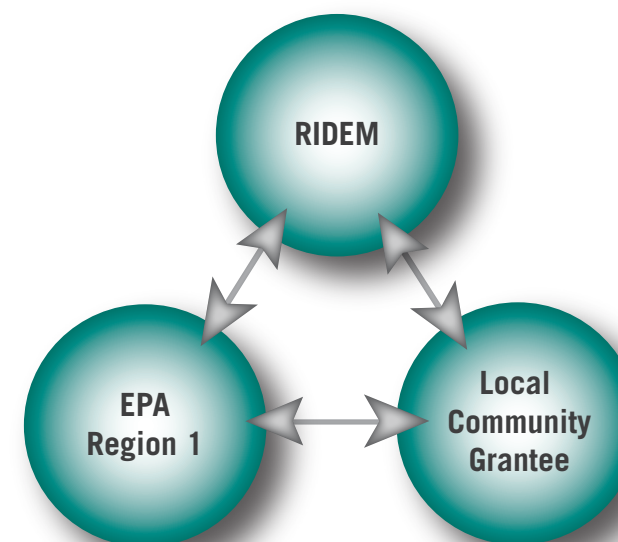
Waste Site Cleanup Programs Key for Rhode Island Communities



Rhode Island Department of Environmental Management

Brownfields are properties, such as former gas stations and factories where redevelopment and reuse are complicated by the potential for contamination. Many of these sites are abandoned, lack financially viable owners, and are a blight to their communities. The EPA established the Brownfields Program in 1995 to support the assessment and cleanup of these abandoned properties and leverage public and private redevelopment investment that would otherwise not occur. Cleaning up and reinvesting in brownfields facilitates job growth, increases local tax bases, utilizes existing infrastructure, reduces development pressures on open land, and improves the environment. EPA supports brownfields assessment and cleanup through a variety of grants to eligible applicants.

The success of Brownfields remediation and redevelopment projects in Rhode Island depends on a partnership between Rhode Island Department of Environmental Management (RIDEM), the individual Grantees, and EPA Region 1. All three entities bring something different to the table. Each is important and key to the success of a Project.



RIDEM contributes the **technical and regulatory expertise** needed for successful remediation and redevelopment of brownfields sites. For some projects, RIDEM performs the site assessment and remedial design work itself, and for grantees funded directly by EPA, RIDEM provides field oversight and guidance through the State and Federal investigation and remediation process. If available, RIDEM at times provides supplemental funding for cleanups.

EPA Region 1 provides grant funding directly to local communities and regional economic development agencies that enables them to characterize and cleanup these properties. EPA manages the grant, providing oversight and strategy guidance. EPA also provides limited technical assistance and outreach to the public.

The **Grantee** has important relationships within the community, particularly with local residents and developers. Grantees hire an environmental consultant to characterize the property and lead the cleanup effort. To ensure that work at the site will be compliant, cost-effective, and efficiently performed, communities and eligible parties turn to RIDEM for assistance.

RIDEM has made great progress in returning contaminated brownfield sites to productive use with the funding it receives under Section 128(a). Key Program highlights include:

- **Assessing Potential Risk** – RIDEM conducts environmental investigations and remedial evaluations that include sampling of soil, groundwater, drinking water wells, surface water, and sediment, as well as waste characterization. RIDEM also assesses and responds to possible threats to communities.
- **Remediating Contaminated Sites** – When the grantee hires a consultant to investigate and remediate a property, RIDEM provides technical support for field investigations to ensure compliance. RIDEM approves site cleanup plans, provides oversight throughout the process, and verifies that the remediation is complete.
- **Connecting with the Public** – RIDEM works with stakeholders, including environmental justice communities, to promote remediation and redevelopment. RIDEM develops outreach and educational materials and provides extensive opportunities for public participation in Brownfield projects, especially in environmental justice areas.
- **Identifying Brownfields** – RIDEM maintains an inventory of known contaminated sites in the State which include Brownfield sites. These sites are posted on a publicly searchable GIS system. Information in the in-house database is used to support enforcement actions against responsible parties.
- **Enhancing Program Capacity** – RIDEM must keep up with the evolving federal and state Brownfields Program requirements as well as new methods and technologies that improve the ability to address site specific characteristics and challenges. To develop this capacity and maintain their knowledge and expertise, RIDEM staff participates in technical trainings and professional development meetings, conferences, and other events.

Spotlight: Woonsocket Middle School Campus

Industrial activity on the site of the Woonsocket Middle School Campus goes back to the 1890s, and included textile production, dyeing and tanning operations, and the manufacture of plastic cleaning supplies and metal automobile parts. The City of Woonsocket acquired a large portion of the site in 2004 and was awarded two EPA grants to perform detailed environmental assessments. The assessments found that the property was contaminated with urban fill, petroleum from leaking underground storage tanks (USTs), and volatile organic compounds (VOCs), in particular tetrachloroethylene (PCE).

RIDEM provided the City of Woonsocket with approximately \$95,000 in remedial assistance sub-grant funding. This, along with \$800,000 in EPA Brownfields Cleanup grants and almost \$4 million from the City, allowed a comprehensive cleanup of the property, which included abatement of hazardous building materials, removing VOC contaminated soils, stabilizing petroleum contaminated soil, constructing a two-foot cap of clean fill, and treating groundwater through reductive de-chlorination (i.e., using bacteria to break down contaminants); all of which was overseen by RIDEM's Brownfields Program. This oversight was supported by 128(a) funding and was instrumental in providing a quick response time during all phases of the investigation and remediation in order to keep the project on schedule and within budget.

Clean up and redevelopment began in 2008 and the property is now home to two middle schools, an athletic complex, and multiple parking areas. The campus opened in January 2010 with more than 1,600 students.



Woonsocket Middle School Campus – before and after

Spotlight: Knowles Mill Park

Knowles Mill Park, located on the Pawcatuck River in the Town of Richmond, previously housed various grist, textile, and woolen mills for more than 100 years. In the 1970s, it was used for dry storage and eventually was abandoned and fell into disrepair. The site's soil, sediment, and groundwater were contaminated with metals and semi-volatile organic compounds. The property also has historic significance, as the site of a 1636 battle between the Narragansett and Pequot Indians over fishing rights.

RIDEM staff completed an assessment of the property and coordinated with the Rhode Island State Historic Preservation and Heritage Commission (SHPO) and Tribal Historic Preservation Officer (THPO) to develop a remediation plan that would preserve the historic integrity of the site and offer a recreational area with safe river access for the community. RIDEM provided the Town with \$66,000 in assessment funding through its 128(a) grant. Subsequently, the Town received a \$200,000 EPA Brownfields cleanup grant to remediate the site. However, this was not adequate to complete the remediation and so RIDEM provided an additional \$90,000 in remedial assistance funding.

Knowles Mill Park is now a handicap accessible and Americans with Disabilities Act (ADA)-compliant historic interpretive park complete with a canoe portage and launch. Portions of the former mill building were preserved and include a Native American commemorative plaque.

“The significant technical challenges we faced during implementation of this complex project were exacerbated by the sensitive reuse of the site, as well as an extremely aggressive timeline. Enhanced coordination among all partners was critical in ensuring smooth and efficient permitting and remedy implementation. The RIDEM Brownfield team actively participated and provided feedback and guidance, as well as financial support, throughout the entire program, which resulted in a completely successful project for all stakeholders”

— Patrick J. Dowling, Senior Project Manager,
Fuss & O'Neill, Inc.

“Our relationship with RIDEM has been very positive. In addition to providing the financial support through the 128(a) program to help the Town make this project a reality, RIDEM acted in a technical role to help guide the cleanup and develop an accessible park that provides much-needed recreational access to the Pawcatuck River. We feel that RIDEM was a true partner in working to successfully implement this project.”

— Brian E. Kortz, Project Manager, Fuss & O'Neill, Inc



Knowles Mill Park – before and after