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, MassDEP was among the first agencies to receive 128(a) funding and has been using it to implement its 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 Massachusetts.

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As a result, 128(a) funding to MassDEP has been cut by approximately 30 percent between 2008 and 2013. The ability for MassDEP to provide the services that Brownfields projects require for success has been severely compromised. For example, between 2003 and 2010, MassDEP used 128(a) funding to conduct assessments and cleanups at over 30 abandoned Brownfields sites across the Commonwealth, benefitting the local communities and municipalities. Due to the funding reductions this work had to be discontinued in 2011.

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

The success of the Brownfields Program in Massachusetts depends on a partnership between the Massachusetts Department of Environmental Protection (MassDEP), the local community Grantees, and EPA Region 1. All three entities bring something different to the table. Each is important and key to the success of a Brownfields project.

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In addition to administering state cleanup laws and regulations, MassDEP takes an active role in promoting Brownfields redevelopment projects in a variety of ways and offers the following assistance:

- **Technical Assistance for Developers, Communities, & Organizations** – MassDEP has experts in Boston and each MassDEP regional office to make available information on the cleanup process, funding, and, in some instances, site-specific information, to assist parties undertaking these projects. MassDEP maintains a list of cities, towns, counties, and regional planning agencies that have Brownfield sites that may be suitable for redevelopment. Finally, MassDEP evaluates and issues a letter of acknowledgement and support of eligibility for federal brownfields grants and incentives.

- **Support for Environmental Justice Communities** – The “Environmental Justice Initiative” supported by MassDEP and the Massachusetts Executive Office of Energy and Environmental Affairs (EEOA) ensures that environmental justice populations have a strong voice in environmental decision-making, with priority given to sites where unknown levels of contamination and unknown risk are of concern to the community and hamper future development.

- **Flexibility on Cleanup Timelines** – The “Special Project Designation” is a provision in MassDEP’s Waste Site Cleanup regulations that provides flexibility for Brownfields and other publicly-funded cleanup projects so that these sites can move forward with remediation and redevelopment on a schedule that works best for the overall project.

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**Spotlight: Redevelopment in Kendall Square / Genzyme Corporation**

For almost a century, the former Cambridge Gas and Light Company operated a Manufactured Gas Plant (MGP) in Kendall Square in Cambridge, MA. Despite its attractive location, the property remained vacant for over 20 years, in part due to significant coal tar contamination. In 1998, Lyme Properties purchased the site for mixed-use development including hotel, residential, retail, entertainment, office, life science uses, and underground parking.

Environmental cleanup began in 1999. Coal tar waste and petroleum contamination were present at significant concentrations throughout a large portion of the property, and remediation involved soil excavation and in-situ soil stabilization. MassDEP worked with Lyme Properties and their consultant, RETEC Group, Inc., to ensure that the remedial actions allowed for coordinated and streamlined property redevelopment. Working together with MassDEP’s Brownfields staff and using MassDEP’s flexible cleanup regulations, permanent closure statements for the contamination source areas to be filed individually as cleanup work progressed, greatly facilitating the project’s phased redevelopment.

Remediation costs exceeded $25 million, but by late 2006, construction of an underground parking garage, outdoor area, two commercial buildings, and residential space was complete. Genzyme Corporation, an internationally-recognized biotechnology firm, located their world headquarters on the site in a LEED-rated green building, employing almost 1,000 people to work at the new complex.

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**Spotlight: Indian Orchard Business Park**

The 54-acre Indian Orchard Business Park (IOBP) Project is located within a state-designated environmental justice neighborhood and represents an opportunity to assemble the largest tract of potentially developable land within the City of Springfield. This site is comprised of four former industrial and manufacturing properties with a mixture of publicly- and privately-owned sites. Contamination and derelict building conditions have complicated the City’s efforts to redevelop the site as an integrated modern business complex.

In May 2011, the Springfield Redevelopment Authority (SRA) authorized land disposition of a 12-acre portion of this project for a 2.2 megawatt solar power generating facility. MassDEP helped the City with technical assistance concerning cleanup issues (e.g., removing six large underground storage tanks and reviewing open release tracking numbers), and hosted informational and liability meetings between the City and Western MassElectric. This collaborative approach enabled the construction of the solar array to be completed on the former “Foundry Building” property that was used to produce iron and steel valves. Western Massachusetts Electric Company (WMECo) and the SRA have entered into a 30-year lease term with annual payments to the City. Under the current plan, revenue from the lease will fully satisfy the debt obligation on the property within five years. In addition, WMECo has agreed to pay all legally-assessed tax obligations yielding more than $500,000 in annual revenue to the City.

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“From start to finish, this Project is an example of how state and local entities can work together for the good of the community. In Projects like these, the process can often get drawn out. MassDEP played a critical role in the coordination and helped streamline this effort to get the site cleaned up and ready for redevelopment. Various departments within MassDEP met every two weeks to ensure that the assessment, remediation, demolition, and redevelopment were progressing as they should. What used to be a blight on this neighborhood is now a source of pride. The community is thrilled with the end result of the 12-acre solar farm – the largest solar facility in New England.”

— Chris Moskal, City of Springfield Planning Department

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“...”

— Jamie Greacen, MA LSP, Mabbett & Associates, Inc.