

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, NH DES 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 New Hampshire. As a result, 128(a) funding to NH DES has been cut by approximately 25 percent between 2008 and 2012. The ability for NH DES to provide the services that brownfields projects require for success has been severely compromised.

Unless Congress amends the Act and allocates more resources, additional cuts to NH DES 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.

“North Country Council has partnered with NH DES on more than a dozen projects, some of them extremely complex. NH DES’ technical expertise and participation made it possible to cleanup two major industrial sites that are moving towards redevelopment.”

— Patricia Garvin,
Sr. Economic Development Planner, NCC

“We have worked with NH DES on a variety of projects since the mid-1990s and we honestly couldn’t have done the work without them. The staff at NH DES has a collaborative attitude and is successful at finding cleanup solutions that make the most sense for the environment and for public health, while ensuring that they are economically viable to implement.”

— Matthew Walsh, Assistant for Special Projects, City of Concord

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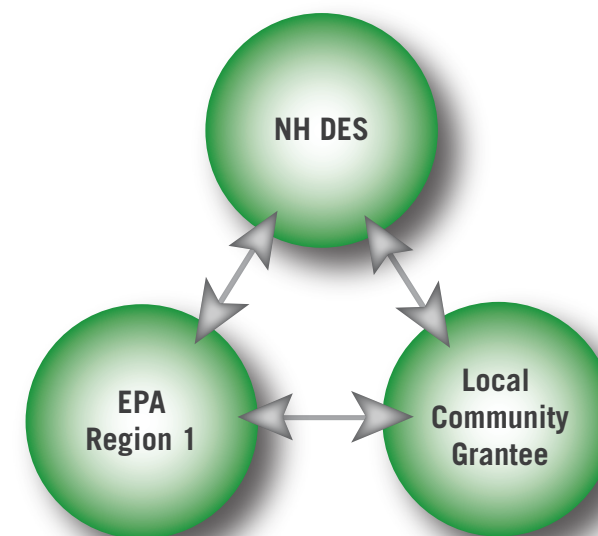
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Brownfields are properties, such as former gas stations and factories where redevelopment and reuse are complicated by the potential for contamination. Many of these sites are abandoned, lack financially viable owners, and are a blight to their communities. 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 New Hampshire depends on a partnership between EPA Region 1, New Hampshire Department of Environmental Services (NH DES), and the individual grantees. All three entities bring something different to the table. Each is important and key to the success of a project.



EPA Region 1 provides grant funding to local communities, regional economic development agencies, and other eligible parties that enables them to characterize and cleanup brownfields. EPA manages the grant, providing oversight and 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 the NH DES for assistance.

NH DES’ involvement is vital to a project’s success because they contribute the *technical expertise*, and in some cases funding resources, that are needed, for successful remediation and redevelopment of these sites.

To assist grantees, NH DES assigns a technical liaison. These liaisons are qualified licensed professionals with experience in environmental assessment, risk management, and remediation. They often work “behind-the-scenes,” providing the technical expertise and continuity to keep a project moving forward. NH DES technical liaisons also provide:

- Oversight and assurance that the funding provided by EPA to grantees is spent wisely and efficiently to get as much work done as possible
- Project continuity, which is especially important because many grantees experience staff turnover that would otherwise result in significant delays
- Knowledge of applicable EPA and state regulations that helps to avoid added costs and project delays created by misunderstandings of the regulatory requirements and policies
- Assistance with developing work scopes, site assessment reports, cleanup design and evaluation reports, and remedial action plans to ensure the work is completed in a timely and cost effective manner
- Recommendations for alternative approaches, which often save significant regulatory, assessment, and cleanup expenses
- Regular site visits and inspections to ensure that the remediation and redevelopment process is going smoothly
- Outreach to the general public about the progress of the site assessments, proposed cleanup plans, and post-cleanup results

NH DES serves as the glue that holds projects together. Their involvement often makes the difference between the success and failure of each brownfields project.

“Local government agencies and other organizations often have high staff turnover. The staff at NH DES can be a great asset because they bring a lot of historical knowledge to the project and can stay involved throughout the whole process.”

— Andre Caron, Housing Coordinator, Berlin, NH

Spotlight: Brown Company Research & Development Buildings

The Northern Forest Heritage Park approached NH DES to complete an assessment and cleanup plan for the former Brown Company Research & Development Buildings in Berlin to support their plans to redevelop the site for a museum visitor center, display space, and rental office for non-profit organizations. NH DES conducted an environmental assessment and developed a cleanup plan, enabling Northern Forest Heritage Park’s parent organization, Tri-County Community Action Programs, Inc. (i.e., the Grantee) to compete for and win a \$200,000 EPA Cleanup Grant.

“Towns and cities inherit these abandoned properties, yet they don’t have the necessary resources or knowledge to deal with them. But with help from NH DES staff, the City of Berlin has mounted an effective assessment and cleanup program to turn these abandoned sites to productive use.”

— Andre Caron, Housing Coordinator, Berlin, NH

The Grantee did not have the technical expertise to oversee the complicated remediation work that included abatement of hazardous building materials, mercury-contaminated materials, polychlorinated biphenyl (PCB)-contaminated building materials, and PCB-contaminated soils. The EPA Cleanup Grant was inadequate to cover the entire project. NH DES provided the necessary technical assistance with preparing cleanup planning documents, bid specifications, and contract documents, and engineering oversight of the project. This support resulted in the complete remediation of one of the two buildings and exterior soils. NH DES continues to work with the Grantee to advance cleanup of the second building.

Spotlight: Mica Building

The Mica Building in Bristol was previously used for a variety of manufacturing purposes, including processing mica into insulation materials. The mill was one of the largest structures in the historic downtown area and was located adjacent to a river and immediately upstream of a hydroelectric plant. The building had been vacant for many years and had deteriorated to the point of being dangerous. The mill was at serious risk of collapse into the river or onto adjacent structures.

NH DES completed a Phase I Assessment of the property in 2002 and found it contained hazardous materials and lead-contaminated soils in the basement and around its exterior. Based on this assessment and a subsequent Phase II Assessment completed by the Lakes Region Planning Commission, the Town of Bristol was able to compete for and win a \$200,000 EPA Cleanup Grant for the demolition of this condemned building.

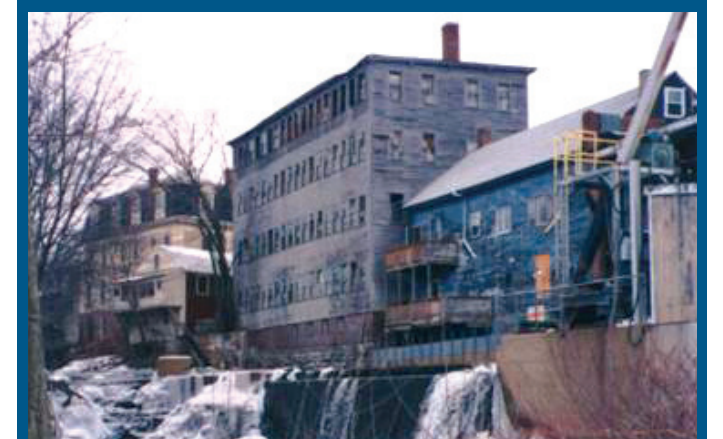
Because the EPA Cleanup Grant was not adequate to cover the costs of the cleanup, NH DES contributed an additional \$51,600 for the services of an environmental engineer to provide planning and oversight of the cleanup project. NH DES also provided a considerable amount of professional expertise and support. Due to the close collaboration among all of the project partners, the demolition project was successful, and the Town is constructing a community waterfront park on the site.

“The staff at NH DES went above and beyond my expectations in providing a professional and caring attitude towards something that was of a concern to our community. There is no question in my mind that without the group at NH DES, we wouldn’t have been as successful. The resources that they provided were immense – not just the supplemental funding to get the project completed – but most importantly, their technical guidance, counseling, reliability, and support. The end result is a safer and better community.”

— Mike Capone, Town Administrator, Bristol, NH

“The assistance provided by NH DES made this much more manageable for our small town and took a lot off our mind. We relied on them to provide technical expertise at no cost to the taxpayers of Bristol. I don’t know how other communities could do this work themselves.”

— Mike Capone, Town Administrator, Bristol, NH



Mica Building, Bristol, NH – before, during, and after demolition