

# THE BROWNFIELDS MOVEMENT: THE FUTURE OF CORRECTIVE ACTION IN AMERICA?

**The brownfields movement has spurred a great deal of redevelopment, created a number of models, and brought a range of new stakeholders into the process. Although roadblocks remain, a groundswell of support is forming around the new Sustainable Brownfields Redevelopment Process. In this article, the author discusses the new redevelopment model and describes that through a multi-stakeholder process, brownfield sites can be redeveloped and communities can participate in revitalizing their neighborhoods.**

## Introduction

It has been approximately five years since the Clinton Administration launched the Brownfields Action Agenda which began with the U.S. Environmental Protection Agency identifying the first brownfields redevelopment pilots.<sup>1</sup> The Council for Urban Economic Development published a report in 1999 that demonstrated the economic potential to be realized through brownfields redevelopment in noting that for each public dollar expended, there were 2.48 private dollars attracted.<sup>2</sup> The report clearly demonstrated that EPA's Brownfields Action Agenda is one of the most successful, if not the most successful, EPA programs ever devised.

Even more important than the economic impact is the tremendous number of new voices that have become engaged in addressing the problems associated with brownfields, defined by EPA as "abandoned or underutilized sites where contamination is feared to exist." These new voices represent a cross-section of those who have an interest in the redevelopment process, which includes mayors, aldermen, ordinary citizens, local businesses, city economic and public health departments, as well as state and federal agencies. These groups form the foundation for the multi-stakeholder process that is critical to the successful and sustainable redevelopment of brownfields properties. However, while there are models of successful redevelopment shining across the land, there is no comprehensive approach or process to solve the problems associated with the redevelopment of many brownfields sites, particularly those sites that do not have strong economic drivers behind them.

In the lessons learned over these past five years, however, are the threads of an entirely new vision for overcoming the hurdles and burdens associated with developing abandoned and environmentally impacted sites. While the current corrective action programs are valuable, the existence of 465,000 brownfields sites is evidence of the unintended cause and effect of litigation and punitive approaches that stem from corrective action programs. What has not been considered in these approaches is the vast social and economic degradation or blight that has occurred around sites participating in these corrective action programs.

Blight has become an all too common term in our vernacular when looking at the neighborhoods around many brownfields sites. The term blight does not only represent a description of the visual condition of an area. It represents the social and economic conditions that corrode the very fabric of communities, creating the cavities where crime, poverty, and physical degradation grow like cancers. In these areas, whole neighborhoods, once the backbone of America's prosperity populated with highly skilled manufacturing workers, are engulfed by blight, leaving only underfunded social institutions and overburdened local government bureaucracies to fight the disease. Adding to this urban dilemma, the major players in the corrective action process generally are not part of these neighborhoods and communities and therefore fail to recognize the devastating corrosive effects and blight that result from the existence of underused or abandoned properties.

The development of the ASTM E-1984-98 *Standard Guide for Sustainable Brownfields Redevelopment* (SBR) was documented

In an article written last year. (See, EDDG Section 231:841.) That experience brought together industry, government, and community groups, states, the environmental justice community, banking, insurance, and many of the other stakeholders potentially involved in the brownfields redevelopment process. Through the development of the standard, a vision was created illustrating how the best practices in technical, financial, and legal arenas could be implemented in a multi-stakeholder environment. The process also created a tremendous amount of goodwill among the participants who had traditionally opposed each other. This model or vision is currently being tested on sites across America in the hopes that it will form the foundation for a new way to carry out corrective action at brownfields redevelopment sites and will recognize the effects on the quality of life of individuals living and/or working around the sites. This article will highlight a few of the pilot sites and experiences thus far. However, its primary intent is to draw together in one place many of the issues facing systematic implementation of the SBR process and how those hurdles might be overcome.

## **(A) The Land Use and Corrective Action Connection**

Charles Lee, while chairing the United Church of Christ's Commission on Racial Justice, once stated, "The future of its cities may well decide America's survival not merely as a society but as a civilization." <sup>3</sup> In a 1996 article for ASTM News, the author stated that the "greatest thing we might do as a society as we entered the 21st century is solve the Brownfields dilemma." <sup>4</sup> Although it was recognized that brownfields was an underlying structural impediment to prosperity and growth in the poorest sectors of our society, the intertwined nature of land use planning and environmental corrective action was not readily apparent. Nor was it clear that a rethinking of those processes could resolve environmental justice concerns and lead to cleaner, healthier more sustainable communities.

The connection between environmental justice concerns and land use planning has been a part of American culture for as long as the concept of "the other side of the tracks" was used to describe the separation of the poor, often minority, from more accepted segments of society. This relationship between accepted groups in society and those not considered acceptable was institutionalized in the 1930s under the Roosevelt administration, through a federal initiative to promote home ownership that made available low-interest mortgages. Under this initiative, the Home Owner's Loan Association (HOLC) implemented the first 30-year mortgages. Appraisers graded each neighborhood as to whether the inhabitants were acceptable risks for the government to guarantee mortgages. Areas where blacks and foreign-born whites were prominent were considered undesirable populations, were given grades of 'D,' where no loans were to be given. This was graphically depicted in *A Prayer for the City* written by Buzz Bissinger about Philadelphia,<sup>5</sup> in which a direct correlation between the maps depicting the geographic locations of blight in specific neighborhoods in Philadelphia today and the maps developed by appraisers for the HOLC in the 1930s could be drawn. The areas the appraisers had marked in red for "detrimental influences in a pronounced degree, undesirable population or an infiltration of it" were the same areas that industry began to leave for more competitive pastures in the 1960s and 1970s. The flight of industry, in many cases, contributed the final blow for social and economic degradation in these neighborhoods. And so, in dozens of communities like Philadelphia, the brownfields agenda finds itself struggling to reverse 75 years of decline.

The solutions to social and economic problems and to much of the environmental justice dilemma may lie in the implementation of fair and open environmental corrective action and land use practices, particularly where these two practices meet on an individual site or neighborhood. Through the brownfields program initiated within EPA's Office of Solid Waste and Emergency Response, stakeholders have begun to recognize how environmental decisions affect or influence land use and how land use can affect or influence environmental decisions. Even the superfund program has developed an initiative to recognize land use and redevelopment planning as part of their program, known as the Superfund Redevelopment Initiative.<sup>6</sup> When dealing with contaminated properties, the fact is that from the time the first sample is taken to the time the remedy is selected, assumptions are made about the current and future land use of the property. When integrated into the stakeholder involvement process, environmental corrective action and rethinking of land use creates the opportunity for improvements in the quality of life for those living, working, and/or affected by the redevelopment.

As the redevelopment of sites under state and federal programs is pursued, there is a great opportunity to ensure that redevelopment occurs in a sustainable manner. The SBR process is defined as a voluntary effort that actively engages property owners, developers, government agencies, and the community in conducting corrective action, economic evaluation and other actions to promote the long-term productive reuse of a brownfields property. Sustainability in the context of brownfields redevelopment, as outlined in the ASTM standard, begins and ends with stakeholder involvement. The recognition of this nexus between environmental decision-making and land use planning creates the opportunity to direct the redevelopment of environmentally impacted sites toward returning community benefit. Although constrained by overly prescriptive corrective action programs or closed or politically influenced land use planning processes, the opportunity to make a difference in the quality of life of those affected by blighted, environmentally impacted sites exists nonetheless. What better opportunity to practice sustainable development than on those sites that have had significant adverse effects on the neighborhoods in which they reside? These adverse effects include health concerns, drug dealing, crime and vandalism, and little or no tax revenue. Because these environmentally impaired sites take up valuable redevelopment space and offer little to no tax revenue or quality jobs, they act as great weights tied to communities that serve to submerge them below the rising tide of costs for increased crime prevention, quality schools, roads, parks and recreation---drowning them and their residents no matter how hard government agencies, nongovernmental organizations, or individual citizens struggle to keep them afloat. Who better to try to direct the benefits of site redevelopment than those who have suffered the effects of degradation?

## **(B) All Environmental Issues are Stakeholder Issues**

A former manager of a *Fortune* 10 environmental program is fond of saying that all environmental issues are ultimately stakeholder issues. This statement leads one to critique the current environmental processes that may form the basis for thinking about a comprehensive model that leads to sustainable redevelopment.

When implemented properly, the ASTM standard provides some guidance for sorting through the messy task of who is and who is not a stakeholder in the brownfields redevelopment process. Two definitions provide guidance. First, stakeholders are defined as those directly affected or who directly affect the brownfields redevelopment process. Stakeholders include responsible parties, land owners or developers (should they be different), agencies responsible for ensuring that sites are protective of human health and the environment, local zoning, building and economic development officials, as well as local residents. The community, which is a subset of the stakeholders, is defined as those who live and/or work around the brownfields site. These definitions target the effort toward those who are directly involved, live and/or work around the site.

As a starting point, consider current land use and environmental corrective action programs. When are those who live and/or work around the site consulted? How should they be consulted? How often should they be consulted? How often do consultants and lawyers make decisions for those who are directly affected by the property? And when the community is asked to be involved, how many times are they supplanted with environmentalists or other special interests who seek to represent the community's interests but who may or may not be from the area and actually may have a more ideological view of what should be accomplished?

The current state and federal environmental programs generally are managed by technical professionals and lawyers who must implement decisions that protect human health and the environment. The current regulatory framework, however, according to William Shutkin in *The Land That Could Be*, is a uniform national standards approach or command and control system, established by EPA and implemented by the states.<sup>7</sup> This command and control system has prevented local communities from adopting environmental standards more responsive to local conditions. The notion of stakeholder involvement is generally limited to public comment. According to Shutkin, "The key actors under Superfund are EPA lawyers and engineers and the responsible parties themselves; the statute offers little room for local community involvement other than the requirements for public notice, comment on proposed actions, and public meetings in the areas near the sites."<sup>8</sup>

EPA has had a Public Participation Policy since 1981 that seeks to involve the public in program decisions (46 FR 5736, 1/19/81). Most agree the policy is sound, but question whether it has been implemented effectively. While the federal and state programs have prescribed opportunities for public comment, the opportunities for influencing decision-making is less clear. Models do exist where the agency has worked collaboratively with communities to achieve better solutions than the agency could have achieved on its own. However, culture change is afoot at EPA. Last year the agency requested comment on its 1981 Public Participation Policy. The challenge for the agency is to implement its Public Participation Policy and to work with Congress to ensure the legislation governing environmental statutes has strong public participation provisions. In implementing this policy, EPA must work to ensure that stakeholders, those directly affected or that directly affect the site, affect the decisions that are crucial to improving the quality of life around these sites.

## **(C) The Sustainable Brownfields Redevelopment Process**

Although stakeholder input is limited in these traditional models of public participation, the SBR process provides a viable alternative for stakeholders to impact a redevelopment project. The SBR process seeks to create a win-win situation for stakeholders. While it is not in vogue for one party to be left standing at the end of a negotiation in America, creating a process where compromise and give-and-take are the keys to a successful outcome may be the way to resolve the blight left by environmentally impacted sites and put our cities and former industrial areas back on a sustainability path.

### **(1) Stakeholder Involvement**

The SBR process, when applied locally, seeks to create opportunities for all stakeholders to work cooperatively toward the goal of sustainable redevelopment. Where public funds are necessary to help accomplish this goal, local, state, and federal entities become stakeholders and ultimately must work in a coordinated fashion to ensure the success of the project. Therefore the stakeholder process is not one monolithic "community advisory group" or "multi-stakeholder group" that meets at the local level, but a series of actions and events coordinated in such a way that each group or entity has input into the decisions that affect them. This process will result in a redevelopment that meets the needs of the stakeholders.

### **(2) Creating Vision for Redevelopment**

Obtaining stakeholder input in the development of land use milestones becomes a key element of implementing a sustainable approach to redevelopment. There are three significant milestones: actual land use or zoning, reuse planning, and developing a specific redevelopment plan. These milestones create opportunities for stakeholder input into the future use of the site and therefore, improvements in quality of life.

#### **(a) Land Use**

Depending on the regulatory program or status of a property, effective stakeholder involvement can change the actual or planned general land use or zoning to be consistent with an overall vision or plan for the community surrounding the brownfield site. For many cities that have suffered poor zoning enforcement or have had little or no control on land use, a wholesale reevaluation of land use is necessary. In many cases, spurred partially by the brownfields agenda, this reevaluation of land use is underway

**(b) General Reuse**

General reuse of one or more properties occurs as various redevelopment options are considered in public and private venues. Stakeholders, through proactive community planning processes that make use of "design workshops" and other forums, can significantly influence the reuse of the property. General reuse typically is coordinated with the environmental assessment process to ensure that potential, current, and future environmental risks are evaluated and that the appropriate risk assessment tools are applied. This coordination gives stakeholders a greater opportunity to influence the general reuse of the property as well as the corrective action process. Through an integrated and open process, stakeholders build a trust in corrective action decision-making. In addition, this stakeholder process provides the ability to incorporate additional factors, such as timelines and cost-effectiveness of corrective action, and helps to ensure that all decisions are protective of human health and the environment. The level of stakeholder involvement can range from participating in design workshops in which architects and work directly with stakeholders to create a consensus vision for the property to helping the developer determine which types of manufacturing are acceptable for a redevelopment site.

**(c) Redevelopment Planning**

Redevelopment planning is the actual engineering and architectural plan for the redevelopment of a property. There can be significant benefits to a project when engineering for the corrective action remedy is coordinated with the redevelopment plan. This coordination can be greatly enhanced through the multi-stakeholder process.

At the Avtex Fibers superfund site, the first Superfund Redevelopment Initiative pilot in the country<sup>9</sup> the corrective actions to be carried out in the 200-acre parcel located adjacent to the Shenandoah River are being coordinated entirely with a redevelopment plan developed through a design workshop process. This workshop process was carried out with a diverse set of stakeholders, including the community around the site. The redevelopment plan incorporates most of the stakeholder interests for passive recreation and access to the river. In addition, aspects of the remedy, including caps and covers, are protected by ecological restoration techniques appropriate to specific uses of the site. By integrating the redevelopment plan into the engineering specifications for the remedy, future uses are specifically addressed including the appropriate placement of walkways, bike paths, river access, meadows, ponds, and forest cover.

When construction commences, many of the park amenities, such as paths, open spaces, and plantings, will be carried out as part of the site remedy. Therefore, the cost of developing the 200-acre park will be limited to the cost of benches, boat launches, and interpretative elements. This planned coordination of the redevelopment with the corrective action remedy allows the responsible party to reduce the overall cost of a redevelopment plan and return community benefit at the same time.

**(D) Implementing a Risk-Based Approach**

The SBR process seeks to integrate risk-based decision-making into the redevelopment process by implementing best practices, creating public/private partnerships, and utilizing private mechanisms, such as environmental insurance and purchaser agreements, for limiting liability. Key to successful redevelopment is opening up the risk assessment and corrective action decision-making processes to all of the stakeholders, especially those that will be affected over the long-term. To ensure this, stakeholders are educated about the mechanics of the risk-based decision-making process and the corrective action process and are empowered to understand risk in the context of environmental impacts.

The Went Field Restoration and Expansion redevelopment project provides a good example of how a risk-based approach can be implemented successfully.<sup>10</sup> In the case of the Went Field project, stakeholders were engaged in public safety meetings held at the local police precinct. The park, overrun by criminal elements such as drug dealing and other illicit activities, destroyed most attempts at restoring the site. In addition, the park was adjacent to four blighted industrial buildings. These buildings provided refuge for criminals and homeless individuals. Furthermore, the industrial properties contained historical contamination and potential health risks to the surrounding neighbors.

In a series of meetings held in the evenings, residents and other stakeholders were asked to identify the risks in the neighborhood and impediments to redevelopment. Spanish-speaking interpreters were used to facilitate communications. These stakeholders identified and ranked risks that ranged from shootings to vandalism to environmental concerns. Since the police captain in the West End attended all the meetings, safety risks were addressed through a series of actions, which included improved lighting and regular targeted raids and arrests. The residents responded by forming block watches to support the efforts. After safety risks were addressed, environmental risks as they related to risk-based decision-making and corrective action were discussed. Exposure pathways then were explored; dose and toxicity were explained; and actions were

taken to address public concerns, including a series of investigations to explore potential exposure pathways. Efforts were made to reduce trespassing, which was the most likely current exposure scenario.

In a unique aspect of the project, a group of high school students have been involved with the corrective action process by filming the investigations and other steps in the process as well as working with the data. As the data was produced, stakeholders subsequently were involved in decision-making regarding corrective action.

Based on the planned use of the site as a park, it was determined that no direct exposures are likely to exist for park users or maintenance workers. However, despite the low risk of exposure, activity use limitations and a ground water monitoring program have been proposed for the site. Activity and use limitations, commonly called institutional controls, many times are necessary for controlling the future use of a site.

Under the Went Field proposal, ground water monitoring will be conducted for a minimum of two years to determine whether any action other than monitoring for natural degradation is necessary. AULs will be necessary to protect against potential exposures to construction workers at depths greater than five feet. Therefore, no buildings, structures, or utilities will be placed on the site that require digging to depths of five feet or more. Ultimately, the stakeholders will be involved in the remedy selection and will actually become the "steward" of the long-term remedy should it be determined only to monitor the site. A system will be established for stakeholders to analyze data as it is collected to ensure that none of the remedy selection assumptions change over time.

## **Activity and Use Limitations**

Although institutional controls often are beneficial and reduce the costs of a redevelopment project by allowing some environmental impairments to remain, they also raise a number of concerns. The primary concern is ensuring that subsequent property owners, or the current property owner at a later date, do not change the activity and use on the site, do additional building, or make other changes inconsistent with the AUL. In addition, leaving contamination in place, however inaccessible, many times requires active management of the site. This management may include ground water monitoring, inspection of physical remedies, such as caps or covers, and other monitoring to ensure that the conditions surrounding the environmental impairments have not changed.

Stakeholders are recognizing that ultimately, no matter where the liability may lie, the public must bear some responsibility for the security of the institutional control. These stewardship issues are being resolved in a number of creative ways. For example, Oakland, Calif., with numerous brownfields, has developed a special database to log and track AULs along with building permits to ensure that any proposed use that conflicts with the AULs will require the environmental condition to be addressed before a building permit will be granted. For other sites where large numbers of stakeholders might have an interest in the property, interpretative elements, like those used at nature preserves and historical sites, are being developed to educate stakeholders about the site remedy and the AULs so that stakeholders become actively engaged in the stewardship process. Numerous educational opportunities abound around brownfield sites. In the case of Went Field, for example, the local high school will participate in the sampling process for the ground water monitoring and will be involved data interpretation and management under the supervision of experts from Tufts University provided through the Technical Assistance to Brownfields Program.<sup>11</sup>

## **(E) Challenges and Signs of Hope**

Numerous challenges exist for the brownfields program and the implementation of the SBR process. Many believe that the toughest sites have yet to be tackled. Some of these sites remain untouched due to infrastructure problems such as antiquated access routes. Many other properties contain environmental impairments with potentially high costs associated with them. While the brownfields program has begun to show people the benefits of integrating reuse with corrective action, most projects have been purely economically driven with little stakeholder involvement beyond the formal planning and zoning processes. In addition, although federal agencies have participated in coordinated efforts to direct resources towards brownfields through the federal Brownfields Partnership<sup>12</sup> some agencies, such as the Department of Housing and Urban Development, have begun to turn away from the brownfields issues, at a time when federal and state support is critical to making large, long-term impacts on sustainable development projects.

New incentives are needed to speed corrective action and redevelopment on sites where responsible parties are identified. The brownfields approach, specifically the SBR process, currently offers only limited incentive for corporations to move forward sooner rather than later, even when doing so might have great public benefit. As a result, corporations are not opting to redevelop properties that otherwise could help revitalize communities.

### **(1) Mothballed Sites**

Many industrial corporations continue to maintain closed facilities rather than transfer them to new owners because they fear potential liabilities they could face for new uses on these sites. These sites, often called mothballed sites, may be the greatest hurdle for cities and communities suffering from blight, lack of good jobs, scarcity of buildable space, and unsustainable tax

revenues. These sites, many times owned by the largest corporations, may not pose an immediate health threat and may be well cared for by their corporate owners. However, underutilization of mothballed properties is a major stumbling block for communities struggling to rebuild after years of economic loss and deteriorated infrastructures.

The SBR process offers a means to sustainably redevelop mothballed properties. But what incentive does a corporate responsible party have to implement SBR when most corrective action programs focus solely on the remedial action and do not factor in the benefits of redevelopment? In addition, because many of these sites are regulated under more than one regulatory program, such as superfund, the Resource Conservation and Recovery Act, and the state voluntary cleanup programs, clarification is needed within these enforcement schemes to help reduce redundancy and define liability more clearly. If these issues are addressed, SBR will be a viable option for mothballed sites.

Because the brownfields program is currently part of the superfund program, strict, joint and several liability applies. Therefore, no incentives are offered to the responsible party to help with the redevelopment. However, incentives could be used to implement the SBR process. Because coordinating the cleanup with the redevelopment is actually a safer alternative since future reuse assumptions are known, programs should be devised to encourage responsible parties to incorporate reuse planning into their cleanup plans. Responsible parties that implement these coordinated approaches through a multi-stakeholder process should be provided with expedited review, less onerous reporting requirements, and possibly financial incentives that offset additional planning costs.

The good news is that companies already are beginning to move forward voluntarily even without public incentives or changes in the regulatory structure where the real estate marketplace creates an economic incentive to sell the property. This opportunity to divest property eliminates the carrying costs of the property and may generate income to pay for the remediation. Evidence of this change of policy can be seen in companies such as General Electric, that once stated publicly that it would not sell any of its former manufacturing facilities, has deals in the works or completed for the top 10 properties in their mothballed portfolio.

## ***(2) Updating the Corrective Action System***

Many corrective action laws were written when pollution was no longer bearable to the American public, and it was becoming clear that the time-tested waste disposal and discharge practices were resulting in significant negative consequences to human health and the environment. Today, while pockets of problems exist, corporations rarely intentionally dump wastes into the environment. While those who caused the contamination should pay for the corrective action, some allowance needs to be made that recognizes that sites redeveloped for economic and social purposes create tremendous benefits to the communities in which they reside, where they reduce sprawl, and serve to protect our natural environment. Some recognition should be provided in our settlement and corrective action processes for responsible parties who seek to foster redevelopment, especially when carried out as described in the SBR process. In addition, regulatory programs should complement each other, not create undue burdens of dual process or potential double jeopardy.

A true sign of hope for change beyond the federal and state brownfields programs is the Superfund Redevelopment Initiative. The initiative is beginning to include reuse planning as part of the cleanup process by funding municipalities to develop reuse plans that are then incorporated into remedy selection. While it helps the agency to ensure its remedy is appropriate for the reuse of the site, it also helps communities by supporting the redevelopment of sites once considered hopeless. Although only a baby step in terms of funding and initial effect, the integration of reuse issues into the corrective action process can only lead to a recognition of the benefits of such an approach, ensuring that it will be applied more broadly. If applied appropriately, refocusing the program to benefit those who have suffered from the blight of properties abandoned while litigation ensued and settlements were negotiated will generate great benefits to society.

## ***(3) Consistent, Focused Action***

While EPA has continued to name new pilots and administer grant money, other agencies' interest has begun to wane. Significant, focused, and continued public funding is needed to tackle the most difficult brownfields issues. This speaks broadly to the notion of continued investment in our urban and industrial centers as a means to recreate livable spaces for people and to reduce the effects of sprawl.

The current urban situation has many corollaries to the time in which Frederick L. Olmstead, the famous 19th century landscape architect, roamed the country, helping to create many of the original livable spaces that made our cities and towns sustainable into the 20th century. The time is ripe to consider broad redevelopment of our urban centers and brownfields sites, not just for revenue-generating activities so desperately needed to keep fragile budgets afloat, but for great public redevelopment projects that reinvigorate the American vision and help us to live humanely into the next millennium.

Bruce Katz of the Brookings Institute has called for a major reinvestment in our urban centers. This sentiment is echoed here particularly because such reinvestment provides tangible improvements in the quality of life for those who have lived and/or worked near abandoned or underutilized properties that are environmentally impaired.

#### (4) Smart Growth

If the brownfields program can operate smoothly, bring environmental issues to the forefront of the redevelopment equation, and require financing, infrastructure, and demolition solutions, it is possible that brownfields redevelopment can become a key driver in promoting redevelopment and rebuilding of our cities and towns. In an innovative process involving four towns along the Quinnipiac River in Connecticut, the Regional Growth Partnership, a non-profit arm of the Council of Governments for the region, intends to use brownfields redevelopment to catalyze support for regional economic cooperation, cleanup, and restoration of the river. It also utilizes a landmark set of smart growth principles that includes common land use guidelines and revenue sharing. Innovative solutions like these can become reality nationwide if cooperation between multiple stakeholders can be promoted and brownfields redeveloped for the common good of all participants.

### Conclusion

These issues considered, the ultimate question is, Will we participate in such a rebirth and will we have the common vision to conceive it, the fortitude to see it through, and the foresight to implement it in such a way that it truly returns properties to their long-term productive reuse? The answer to the question lies in our recommitment to civil society and to the process of democracy. The best example of this commitment can be found in the statement of a professor emeritus of European history and German immigrant who fled Nazi Germany in 1933 and later Paris, only to return to fight for liberation as an American soldier. When asked about his life-long commitment and participation in civil society and democracy, his answer was simply, "Sine qua non: without that commitment and participation, there simply could not be any democracy or civil society."

<sup>1</sup> \* This article was written by Michael B. Taylor. Taylor is the president of Vita Nuova LLC, a firm working nationally to provide interdisciplinary support to corporations, cities, nonprofits, and federal agencies seeking to sustainably redevelop brownfields and superfund sites. He is vice chair of the Partnership for Sustainable Brownfields Redevelopment and a member of the Waste and Facility Siting Subcommittee of the National Environmental Justice Advisory Council, an advisory committee to U.S. EPA. He can be reached for comment at [Taylor@Vita-Nuova.com](mailto:Taylor@Vita-Nuova.com) or by calling (203) 270-3413. Editorial support for this article was provided by Jim Rocco, treasurer of the Partnership and principal of Sage Risk Solutions.

<sup>2</sup> *Brownfields Redevelopment: Performance Evaluation*, Council for Urban Economic Development, p. 2, 1999.

<sup>3</sup> *Environmental Justice, Urban Revitalization, and Brownfields: The Search for Authentic Signs of Hope - A Report on the Public Dialogues on Urban Revitalization and Brownfields: Envisioning Healthy and Sustainable Communities*. U.S. Environmental Protection Agency, National Environmental Justice Advisory Council, Washington, D.C., 1996

<sup>4</sup> ASTM, *Standardization News*, May 1997, p. 12.

<sup>5</sup> Buzz Bissinger, *A Prayer for the City*, Vintage Books, 1997.

<sup>6</sup> Launched by EPA in July 1999, the Superfund Redevelopment Initiative was created to help communities return superfund sites to productive use. The initiative puts into place a coordinated national program to ensure that there is an effective process at every cleanup site to fully explore the future use of a site before EPA implements a cleanup plan. Under the SRI, pilot communities can receive up to \$100,000 through cooperative agreements with local governments to conduct reuse assessments and public outreach to determine potential future uses of the sites.

<sup>7</sup> William Shutkin, *The Land That Could Be*, p. 103, MIT Press, 2000.

<sup>8</sup> *Id.* at 104.

<sup>9</sup> The Avtex superfund site is located in Front Royal, Va., about 70 miles west of Washington, D.C. The Avtex facility formerly produced rayon for the military, space exploration, and industrial uses. In July 1999, EPA Administrator Carol M. Browner announced that the agency would begin awarding Superfund Redevelopment Initiative pilot grants to restore superfund sites. The Avtex site was one of 10 pilot sites chosen to receive up to \$100,000 to conduct reuse assessments and conduct public outreach to determine future reuse for the site.

<sup>10</sup> The Went Field Restoration and Expansion is an EPA brownfields pilot site in Bridgeport, Conn. As part of the project, a park is being expanded over existing brownfields to meet the needs of 39,000 residents in the city's West End neighborhood. In addition, the park will provide athletic facilities to Bassick High School, which has functioned without

outdoor athletic facilities for 75 years.

<sup>11</sup> The Technical Assistance to Brownfields program is an EPA-sponsored program that provides expertise, typically through universities, to communities working on brownfields issues. The Went Field site is supported by the TAB program for the northeast located at New Jersey Institute of Technology with Tufts as its prime subcontractor.

<sup>12</sup> The Federal Brownfields Partnership Action Agenda is a coordinated effort led by EPA to direct federal resources from numerous agencies toward brownfields redevelopment.



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