



# *Overview of the Hawai'i Brownfields Program*

## **Introduction**

Across the country there are literally hundreds of thousands of “brownfields” properties in need of assessment, cleanup, and redevelopment. So, what is a brownfield? A brownfield property is simply any real property that is either *known* to be contaminated, or *may* be contaminated, and is not being used to its full potential. In other words, a “brownfield” is a property whose redevelopment may be hampered by environmental issues.

Beginning in the mid-1990s, the U.S. EPA created the national Brownfields Economic Redevelopment Initiative to encourage the cleanup and redevelopment of contaminated property and provide financial support to help build state brownfields programs. Based on EPA’s success, Congress passed the Small Business Liability Relief and Brownfields Revitalization Act in January 2002. This law amends the national Superfund statute and creates a series of grant programs to help states, counties, and others identify, assess, cleanup, and redevelop brownfields properties all over the country.

Hawai’i has been building its brownfields program since 1997 when the legislature enacted the Voluntary Response Program. This work has continued and the State has received at least one of every type of brownfields grant EPA has to offer. In addition, the Counties of Kauai and Hawaii and the City and County of Honolulu have received EPA Assessment Grants, and Maui County is a member of the cleanup revolving loan fund coalition. All this adds up to growing a brownfields program and a great deal of brownfields redevelopment activity in Hawai’i. The five major components of the Hawai’i Brownfields Program are described below.

## **Voluntary Response Program (VRP)**

This program provides a mechanism for prospective purchasers and developers of brownfields property to become exempt from liability for contamination they did not cause. VRP projects are treated as voluntary, collaborative undertakings and receive priority attention from staff at the Department of Health. Participants usually set the pace at which VRP projects are completed.

## **Brownfields Cleanup Revolving Loan Fund (BCRLF)**

This \$2 million revolving loan fund offers low and no interest loans to cleanup brownfields properties. The program is managed by the State Office of Planning and originated from a coalition grant to the City and County of Honolulu, County of Maui, and the State. Funds are currently available and the coalition is seeking parties that might benefit from such a loan. The interest rates and repayment schedule of BCRLF loans are negotiable.

### **Hawai'i Brownfields Inventory**

A goal of the Hawai'i Brownfields Program is to create an internet-based source of information on brownfields properties in Hawai'i. Today, there are various databases containing information on brownfields. These include the HEER Office Release Sites list and the Solid and Hazardous Waste Branch (SHWB) Underground Storage Tank (UST) Site list. In addition, as the State and counties complete work under their EPA Assessment Grants, they are also compiling lists of brownfields properties. Finally, there are landowners who have property they would like to sell or develop that may not appear on any list. These owners would be able place their property on Hawai'i Brownfields Inventory on a voluntary basis. Over the next year, the Hawai'i Brownfields Inventory project will make information on brownfields properties available at one convenient location to help interested purchasers and developers identify high potential properties.

### **Uniform Environmental Covenants Act (UECA)**

This law, currently before the State Legislature, would assure that controls and restrictions agreed to as part of the cleanup process are valid and enforceable. Covenants would likely be required in conjunction with "risk-based" cleanups in which removing all contamination is neither technically, nor economically feasible, and unnecessary to protect public health and the environment. Environmental covenants would facilitate the cleanup and redevelopment of brownfields property and assure that the public and the environment are protected from any contamination left onsite. Property owners, developers, and lenders would be protected from future misuse of the property or violation of environmental control measures.

### **U.S. EPA Brownfields Grant Assistance**

The national Brownfields Economic Redevelopment Program has been one most successful initiatives in the history of the U.S. EPA. The agency currently offers five different competitive grants and awards hundreds of millions of dollars annually for: 1) state program development, 2) environmental assessments, 3) brownfields cleanups, 4) revolving loan funds, and 5) job training. EPA and the State also have limited funding for noncompetitive site assessments. The Department of Health assists counties and nonprofits agencies with preparation of grant applications and by assuring that assessments and cleanups meet state requirements. To date, Hawai'i has received four assessment grants, one cleanup grant, a BCRLF grant, a job-training grant, a series of noncompetitive environmental assessments, and annual brownfields program development grant from U.S. EPA.

### **Hawai'i Brownfields Forum**

The *Forum* is the newest addition to the State's brownfields program. The *Forum* will encourage and facilitate the redevelopment of contaminated property in Hawai'i. The *Forum* will offer diverse stakeholders an opportunity to gather three time a year, hear presentations on current issues, and network productively. It is hoped that the *Hawaii Brownfields Forum* will help usher in a new era of collaboration and cooperation among all those who have a role to play in the redevelopment process. The goal of the *Forum* is to facilitate the identification, cleanup and redevelopment of contaminated property.

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