



**WRITTEN STATEMENT FOR THE RECORD**

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**ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES**

**BACK FROM THE BRINK: RESTORING BROWNFIELD SITES TO ECONOMIC ENGINES**

**BEFORE THE SUBCOMMITTEE ON ENVIRONMENT AND CLIMATE CHANGE  
COMMITTEE ON ENERGY AND COMMERCE  
UNITED STATES HOUSE OF REPRESENTATIVES**

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WASHINGTON, D.C.**

Chairman Tonko, Ranking Member McKinley and distinguished members of the subcommittee, thank you for holding today's hearing on brownfields. I also want to thank the full committee Chairman Pallone and my Representative and Ranking Member McMorris Rodgers for their leadership. On behalf of the National Association of Counties (NACo) and the nation's 3,069 counties that they represent, thank you for providing the opportunity to testify.

My name is Michael Largent, and I am a county commissioner from Whitman County, Washington. Whitman County is rural with just under fifty-thousand residents. Located in the southeast corner of the state, my county encompasses nearly 2,200 square miles. My county's economy is driven by health care, retail trade and manufacturing.

Today's hearing addresses critical issues for county governments that are responsible for spurring economic development. Counties are at the forefront of ensuring the needs of all Americans are met. We have to support the agriculture industry, arts and culture, broadband connectivity, community and economic development, diversity, equity and inclusion, elections, environmental concerns, energy issues, land-use authorities, health, housing, human services, justice and public safety, labor and employment, public lands, resiliency and sustainability, taxes and finances, telecommunications and technology, transportation and infrastructure, and veterans' affairs.

We are also tasked with ensuring the stewardship of local resources and protecting the health and well-being of our residents.

Counties are highly diverse, not only in my state of Washington but across the nation. They vary immensely in natural resources, social and political systems, cultural, economic and structural circumstances, public health and environmental responsibilities. Counties range from 26 square miles (Arlington County, Va.) to 87,860 square miles (North Slope Borough, Alaska).

The population of counties varies from Loving County, Texas, with just under 100 residents, to Los Angeles County, California, home to close to ten million people. Of the nation's 3,069 counties, approximately 70 percent are considered "rural," with populations less than 50,000. Fifty percent of these communities have populations below 25,000. At the same time, there are more than 120 major urban counties, which collectively provide essential services to more than 130 million people every day.

Many county responsibilities are mandated by both the state and the federal government. While county responsibilities differ widely, most states grant their counties significant authorities to fulfill public services. These authorities include constructing and maintaining roads, bridges and critical infrastructure, assessing property taxes, record keeping, administering elections, and overseeing jails, court systems and public hospitals. Counties are also responsible for child welfare, consumer protection, economic development, employment and workforce training, emergency management, land use planning and zoning.

Among our numerous responsibilities, environmental stewardship and economic development are primary functions of county governments to ensure healthy, safe and vibrant communities for our residents. Beyond these responsibilities, counties work to maintain a safe and clean environment by working with our state and federal partners to remediate, safely clean up and sustainably reuse contaminated properties.

As a life-long wheat farmer and after spending sixteen years as a county commissioner, I have seen firsthand the significant role local governments play in protecting our environment by implementing the U.S. Environmental Protection Agency's (EPA) Brownfields and Land Revitalization Program, which plays a critical role in supporting the environment and local economies.

I live on a gravel road, twelve miles from the nearest town and one mile from my neighbor. As I look out at the rolling hills outside my window, I am reminded that my farm and my rural community has benefited over the years from the various industries, such as fertilizer plants, fuel depots and repair shops, all of which have created some of the brownfields we have in our county today.

However, these companies are now long gone, and my county simply does not have adequate resources to bring these sites back to usefulness.

Today, I will discuss several critical points for your consideration as the subcommittee assesses challenges and opportunities at the local level to improve the EPA's Brownfields and Land Revitalization Program:

- 1. Given that we uniquely benefit from the remediation of contaminated sites, county governments play an essential role in the EPA's Brownfield and Land Revitalization Program**
- 2. Counties appreciate Congress providing the resources needed to remediate brownfields with the passage of the historic bipartisan infrastructure law, also known as the Infrastructure Investments and Jobs Act (IIJA)**
- 3. The intergovernmental partnership and early, consistent, and meaningful engagement with counties are vital in developing and implementing the program's standards, policies, programs, and regulations**

**Given that we uniquely benefit from the remediation of contaminated sites, county governments play an essential role in the EPA's Brownfield and Land Revitalization Program.**

As both regulators and regulated entities, counties protect local air, water and land resources through delegated authority for state and federal laws. The Brownfields and Land Revitalization Program is a perfect example of how the intergovernmental partnership should work, including financial and technical assistance from our federal and state partners that support the work being done by counties.

In my home county, we have two brownfield sites of note – Palouse Producers in Palouse, Washington, and the steam power plant site in Pullman, Washington.

Work on the Palouse Producers site has finished, and it is going through the annual review process, which will continue through 2025. According to Washington's Department of Ecology, this site was used for over a century for commercial activities serving the agricultural industry. We believe that many of these uses could have contributed to the contamination. Additionally, Conoco operated a service station from 1955 to 1977. Five above-ground storage tanks and four underground storage tanks were installed during its operation. In 1977, Palouse Producers began operations and used the facility to fuel vehicles and store and distribute bulk fuel until approximately 1985.

According to state documents, the facility was poorly constructed to contain spills and drips from historical operations, and spills occurred on the site. In addition, tanks and piping appear to have leaked, and there is also evidence that these leaks may have reached the Palouse river through overland flow or groundwater contamination.

In 1992, all aboveground and underground storage tanks were removed. From 1984 to 1985, several efforts were made to clean up petroleum products that had entered the river from the site. The City of Palouse received an Integrated Planning Grant from the Washington Department of Ecology to investigate and clean up the remaining contamination.

In 2011, after the Cleanup Action Plan was created, the city has agreed to install and monitor three groundwater monitoring wells, restrict groundwater use at the property, enact a soil management plan to guide future uses, and remove contaminated soil to protect people the environment.

My county is not the only one that this situation has impacted. Macomb County, Michigan, is an urban county with 881,000 residents. The county's Brownfield Redevelopment Authority was created to promote the revitalization of environmentally distressed areas. Macomb County was awarded a \$300,000 EPA Brownfield Assessment Grant in 2020 and is currently taking applications for sites that require environmental site assessments. Macomb County Department of Planning and Economic Development uses the funds to assess sites where development will support environmental improvement initiatives, foster economic growth and enhance the quality of life for residents. In 2021, Macomb County announced that Amazon would build a one-million-square-foot warehouse distribution center in the Shelby Township. Remediation of the brownfield site was approximately \$9.1 million over 20 years of capturing tax increment financing. Remediating this site has led to Amazon hiring over 1,000 full-time workers and 300 part-time workers.

Regardless of urban or rural settings, brownfield remediation is vital to local economies and workforce strength. Counties encourage federal support for economic revitalization and environmental restoration programs in coordination with local governments. Through redevelopments, counties can ensure sustainable development, reduce urban sprawl, and strengthen economic revitalization while preserving green space.

Many brownfield sites remain underutilized because no funds are available to assess the presence and extent of contamination or clean up environmental hazards. Federal resources are essential for assessment and remediation and provide incentives for private investments. Flexibility in this type of federal assistance is critical because brownfields sites vary in their marketability, impacting the number of and types of investors.

**Counties appreciate Congress providing the resources needed to remediate brownfields with the passage of the historic bipartisan infrastructure law, also known as the Infrastructure Investments and Jobs Act (IIJA)**

Counties applaud the U.S. House and Senate for this much-needed, bipartisan infrastructure law, which will help rebuild our nation's infrastructure and economy by investing in locally owned infrastructure and preserving local decision-making.

The bipartisan infrastructure law provides \$973 billion over five years from FY 2022 through FY 2026, including \$550 billion in new investments. Counties play a significant role in America's transportation and infrastructure network, owning and operating 44 percent of public roads and 38 percent of bridges – more than any other level of government. Simultaneously, counties directly support 78 percent of public transit systems and 34 percent of airports that keep our residents connected in every corner of the country. Each year, counties invest \$134 billion in infrastructure construction and the maintenance and operation of public works.

IIJA includes \$1.2 billion over five years to carry out brownfields projects authorized under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This CERCLA funding will be available in grants, interagency agreements, and associated program support costs. Counties are directly eligible to apply for multipurpose grants, assessment grants, revolving loan fund grants, cleanup and job training grants, technical assistance, training, and research grants under CERCLA.

Often, counties cannot afford the remediation work on their own, and the money authorized under the IIJA will allow us more opportunities to take on the much larger and more expensive projects. Counties look forward to partnering with the EPA to start remediation of brownfields in our communities.

**The intergovernmental partnership and early, consistent, and meaningful engagement with counties are vital in developing and implementing the program's standards, policies, programs, and regulations.**

Congress plays a crucial role in developing policies that guide our local level and significantly impact our local economies and environment.

Counties can provide our federal partners with data to help inform the decision-making process. For example, many counties are responsible for facilitating the clean-up of brownfield sites. By cleaning up and reinvesting in these properties, counties will see an increase in local tax bases, job growth, reusing existing infrastructure, taking development pressures off open land, and improving and protecting the environment.

As county officials, we are often the level of government closest to the people and directly accountable to our constituents. As a result, meaningful consultation with counties and local governments early and often in the legislative and rulemaking process is imperative to reduce the risk of unfunded mandates and produce more pragmatic and successful strategies for implementing federal policies, including any around brownfield revitalization.

For intergovernmental consultation to be truly meaningful, Congress and federal agencies must engage local governments as partners, who actively participate in the planning, developing and implementing federal rules. The federal government should recognize local governments' decision-making roles and responsibilities specifically related to land use. As with any potential new policy, program, or regulation, counties believe we should have a seat at the table as many of the provisions being discussed impact our ability to serve our residents are crafted. We must have a robust federal-state-local partnership that preserves local decision-making as any legislation is promulgated around services that are a function of county government.

Counties urge the subcommittee to provide direct, flexible federal funding options to local governments that can be used to remediate brownfield sites at the local level. Furthermore, counties support the redevelopment of abandoned or under-utilized industrial and commercial sites, which are frequently contaminated due to past practices, through programs designed to allow these sites to be once again economically viable. We also support federal funding for environmental clean-up of these areas, and clean-up standards should be based on the level and type of contamination and the intended reuse purpose.

As we see an increased role for county public health departments in brownfields clean-up, federal funding for these services should increase as duties expand. We urge our federal partners to provide incentives for counties to identify and remediate contaminated, abandoned or substantially underutilized industrial and commercial land as a catalyst for redevelopment of economically distressed areas. In trying to do the right thing by remediating these sites, counties must be protected from liability for potential future environmental problems related to inadequately cleaned-up brownfields.

NACo urges that a portion of EPA funds be used for revolving loans for cleanup activities, as well as for site assessments. Funds allocated under the U.S. Housing and Urban Development (HUD) and U.S. Economic Development Administration (EDA) should be used to plan projected uses and redevelopment of sites. Local governments should be given flexibility in determining appropriate uses for these dollars. HUD funds for brownfields should be freestanding instead of a set-aside out of Community Development Block Grant funding. Beyond both HUD and EDA support, counties support the direct distribution of EPA's Superfund dollars – preferably grants rather than loans – that would support site assessments and brownfield site clean-ups.

We believe that the Brownfields and Land Revitalization Program should continue to be a primary responsibility of the EPA while working with state and local governments.

## **Conclusion**

Counties stand ready to work with our federal partners to develop policies that continue the revitalization of our brownfields, improve our environment, sustain our economy and ensure the resiliency of our local communities. Federal policies and programs developed without meaningful consultation with state and local partners put the ability of local governments to fulfill our responsibilities to our residents at risk.

Counties continue to serve as reliable partners in implementing federal regulations and policies to meet our shared federal, state and local goals and protect our residents. All levels of government have a shared responsibility to educate the public on environmental remediation and the importance of eliminating contamination. At the local level, we remain committed to serving our residents best. We urge the committee to reauthorize the Brownfields and Land Revitalization Program and fully fund the grant programs associated with facilitating the necessary work to clean up our environment.

Counties look forward to further strengthening the intergovernmental partnership to create healthy, vibrant communities for all Americans. Thank you again for the opportunity to testify on this critical topic.