

**HEARING TITLE: SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

**CONTACT INFO: PATRICK KIRBY**

[PATRICK.KIRBY@MAIL.WVU.EDU](mailto:PATRICK.KIRBY@MAIL.WVU.EDU)

**304-293-6984**

**SCENE SETTING**

Thank you for the opportunity to be here today. I'm Patrick Kirby, Director of Brownfields Assistance Center at WVU and I'm here to talk about the US EPA Brownfields program and the BUILD Act. I was invited here to speak based on my experience with rural brownfield redevelopment. Specifically, I want to address

- 1) the impact of brownfields in rural WV communities,
- 2) the value that the redevelopment of brownfields sites adds to local and regional economies, and
- 3) redevelopment made possible, in large part, by the funding and support provided by the US EPA Brownfields program which would be enhanced through the BUILD Act.

**TITLE**

The BUILD Act Will Reshape Rural Appalachia

**OVERVIEW**

1. Why does the BUILD Act matter?
2. A story from my home state (TS&T Pottery)
3. Weighing the impact

**WHY DOES THE BUILD ACT MATTER?**

Brownfields are real property that is being hindered from redevelopment due to real or perceived contamination. West Virginia has thousands of brownfields properties across the state with a majority resulting from the decline of the steel and coal industries. Sites in the region range from large-scale steel mills, metal fabrication and processing plants, pottery and glass manufacturing facilities, chemical factories, and coal mining and processing sites, to small gas stations, dry cleaners, and old school buildings, to name a few.

Redevelopment of brownfields properties poses complex challenges including a lack of local leadership capacity, a lack of financial resources, a lack of redevelopment experience, and the presence of potential environmental challenges and other unknown risks on the site. While a number of programs and services exist to assist communities in different aspects of the redevelopment process, rural communities are challenged to access those resources due to administrative and financial constraints.

Projects across rural West Virginia and the thousands more across the country would benefit from the expanded brownfields assistance provided by the BUILD Act. Specifically, The BUILD Act expands the eligibility of certain types of property to apply for brownfields funds, expands eligible applicants to include non-profit

organizations which are often the entity in the community best suited to help move the project forward, and eliminates the prohibition of the use of the funds to cover administrative costs. This may seem like a small change, but federal grant administration, as you know is a big task, and in rural towns and counties that are struggling that complexity is a deterrent to apply for needed resources. These expansions and modifications will make these federal resources easier to access for small communities.

**POINT: The BUILD Act opens the door for more community partners at the redevelopment table, leading to more economic development in the communities that need it most.**

### **A STORY FROM HOME**

A prime example of the kind of project that would benefit from these changes is the Taylor, Smith, & Taylor site in Chester WV, home of the World's Largest Teapot. The TS&T site is an 8.65-acre former pottery manufacturing site that closed in 1982. For over 80 years, the factory onsite produced the famous Taylor, Smith, and Taylor ceramics and fine pottery. Located along U.S. Route 30, this brownfield site is the first image travelers see when crossing the Ohio River into West Virginia. The site sat vacant for more than 30 years until it was purchased by the local economic development authority in 2011. Structuring the deal was a massive undertaking involving the entire community, whose citizens stayed involved through a project Task Force that met monthly.

The TS&T site was assessed and cleaned up using EPA Brownfields grants, and the EDA is currently completing remediation of the river bank as the last phase of cleanup and preparing to build a \$2 million dollar building for lease by a prospect.

The BUILD Act would have helped this project in 3 ways:

1. A multi-purpose brownfields grant would have reduced the project time by as much as 3 years, bringing jobs and public health benefits to the community sooner with the same high environmental safety standards.
2. This project would have also significantly benefited from a higher maximum clean-up grant proposed by the BUILD Act. The total site remediation easily topped the current \$200,000 cap.
3. While this is a highly visible project being viewed by motorists as they cross from PA, to WV into Ohio, the Village of Chester is a rural community of 2,551 people and could utilize the technical assistance grants, and the Riverfront designation as an "other factor" in the grant process to compete with the applications from larger urban areas.

**POINT: The projects that will be impacted by the BUILD Act are not hypothetical – they are major opportunities for environmental remediation and economic redevelopment that exist in communities across rural America, and they are in need of the additional assistance this legislation would provide.**

## **WEIGHING THE IMPACT**

Much like Chester, the great majority of WV's rural towns and communities have been facing continued population losses, due primarily to the closing and down-sizing of steel mills and coal companies, for several decades. Many of the once-prevalent high paying jobs in the steel and coal mining industries are gone. As a result of these circumstances and the resulting reduction in taxes, communities have been faced with budget cuts and revenue shortfalls on a regular basis, resulting in reduced staff (many positions either eliminated or reduced to part-time) and limited services provided to residents. With extremely limited resources, these communities are not in a position to seek EPA Brownfields funding, nor able to undertake a large-scale remediation project without some sort of technical assistance.

West Virginia is lucky enough to have two unique Brownfields Assistance Centers, one at West Virginia University and one at Marshall University. The Assistance Centers help communities address two of the major challenges to Brownfield redevelopment: (1) capacity and (2) uncertainty. The lack of local capacity to identify all the necessary resources to tackle the project often leads to long project delays and frustration, and at times perpetuates false perceptions about project barriers. The uncertainty of a successful outcome to the project, due to concerns about liability, site conditions, and a fear of the public's reaction also contribute to problems engaging the right players and available programs and services to advance the project to completion.

The Brownfields Assistance Center at WVU partners with the West Virginia Department of Environmental Protection and the West Virginia Development Office to help communities access the federal brownfield resources needed to address a site's environmental uncertainty and potential liability concerns, and help with revitalization efforts to move forward with an appropriate site reuse. That re-use can range from important community assets such as libraries and recreation facilities to traditional job creators such as distribution, commercial and industrial facilities. We have worked on over 150 brownfields projects over the last 10 years, from former glass, pottery and steel factories to former gas stations, foundries and maintenance facilities. We are currently working on over 60 specific projects in 32 West Virginia communities spanning 23 counties. WV has used \$13 million in EPA grant dollars to leverage \$62.3 million in private and non-EPA funds. With 7.4 jobs being leveraged per \$100,000 of EPA's investment in WV, we can safely estimate the creation or retention of almost 1,000 jobs.

That is progress. But that are more sites to reclaim. More jobs to create, and more communities to revitalize.

With 60 active projects and 391 communities below 15,000 people in West Virginia alone, there are many more potential projects that the BUILD Act could and would impact...improving the rural landscape across the country.

**POINT: The EPA Brownfields program has already had a great impact in rural communities in West Virginia, but the potential for greater impact is there. With expanded technical assistance in the communities that need it most, the EPA can see a higher return on its investment, with more private and non-EPA funds leveraged, more acres remediated, and more jobs created.**

**MESSAGE STATEMENT:**

Brownfields redevelopment improves local economies, increases municipal budgets, creates jobs, spurs private investment, and protects public health and the environment. Again, thank you to the subcommittee for hosting this hearing and providing me the opportunity to share the positive impacts the BUILD Act would have on the rural communities of West Virginia.