

US EPA ARCHIVE DOCUMENT

# EPA Funding Available to Address Petroleum Brownfields



## What is a Brownfield?

Under the Brownfields Law (Public Law 107-118, “Small Business Liability Relief and Brownfields Revitalization Act”)\*, brownfields are defined (with certain exclusions) as real properties, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

## What are Petroleum Brownfields?

The Brownfields Law has a specific eligibility provision related to petroleum brownfields properties. To be eligible for Petroleum Brownfields funding:

- The property must be of “relatively low risk” compared with other “petroleum-only” properties in the state;
- There is no viable responsible party and the property will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the property; and
- The property is not subject to any order issued under Resource Conservation and Recovery Act (RCRA) § 9003(h)

*\*Signed in January 2002, for more information on Public Law 107-118 go to <http://www.epa.gov/swerosps/bf/sblbra.htm>.*

## Assessment, Revolving Loan Fund and Cleanup Grants (ARC)

ARC funding is available through a competitive grant process to inventory, assess, and clean up properties contaminated by petroleum and/or hazardous substances, controlled substances or mine scarred lands.

- Assessment for site-specific work – are up to \$200,000 per property with an option for a waiver request to increase the amount to \$350,000.
- Community-wide Assessment – up to \$200,000 to address brownfields with hazardous substance contamination and \$200,000 for brownfields with petroleum contamination.
- Assessment Coalitions – up to \$1,000,000 to address brownfields with hazardous substances and/or petroleum contamination.
- Cleanup Grants –\$200,000 for site-specific work which can include any combination of petroleum and hazardous substances not to exceed \$200,000; a 20% cost share is required.
- Revolving Loan Funds(RLF) – up to \$1,000,000 to loan and/or sub-grant funding to cleanup brownfields with hazardous substances and/or petroleum contamination which can include any combination of petroleum and hazardous substances not to exceed \$1,000,000; a 20% cost share is required.

## Targeted Brownfield Assessments (TBA)

The TBA program is a service provided through an EPA contract in which EPA directs a contractor to conduct environmental assessment activities to address the requestor’s needs. These assessments can address petroleum contamination.

## State and Tribal Response Programs (Section 128(a) programs)

Section 128(a) funding is available to all states, US territories and federally recognized tribes through a non-competitive grant process to establish and enhance a response program. These funds can include site-specific work (including oversight) to inventory, assess, and cleanup properties contaminated by petroleum and/or hazardous substances, controlled substances or mine scarred lands.

## LUST Trust Fund

Funding may be available through a state implemented LUST Trust fund to address “high priority releases” from leaking USTs. The funding provides money for overseeing and enforcing corrective action taken by a responsible party, who is the owner or operator of the leaking UST and provides money for the assessment and cleanups at UST sites where the owner or operator is unknown, unwilling, or unable to respond, or which requires emergency action (e.g., to mitigate fires, vapors and/or other immediate hazards).

# EPA Funding Available to Address Contamination Associated with Oil and Gas Exploration

## What is a Brownfield?

Under the Brownfields Law (Public Law 107-118, "Small Business Liability Relief and Brownfields Revitalization Act")\*, brownfields are defined (with certain exclusions) as real properties, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

## What are Petroleum Brownfields?

The Brownfields Law has a specific eligibility provision related to petroleum brownfields properties. To be eligible for Petroleum Brownfields funding:

- The property must be of "relatively low risk" compared with other "petroleum-only" properties in the state;
- There is no viable responsible party and the property will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the property; and
- The property is not subject to any order issued under Resource Conservation and Recovery Act (RCRA) § 9003(h)

*\*Signed in January 2002, for more information on Public Law 107-118 go to <http://www.epa.gov/swerosps/bf/sblbra.htm>.*

## Produced water

Produced Water (aka oilfield brine) is the predominant contaminant/pollutant byproduct or waste produced from the exploration and production of oil and gas. Produced Water is usually co-produced with crude oil or natural gas from oil and wells. It often has a high concentration of calcium and sodium salts and can contain high levels of other dissolved solids. Spilled oilfield brine can pollute soil and water resulting in a range of direct and indirect environmental impacts.

## Produced water as a pollutant/contaminant under CERCLA 101(33)

Produced water may be considered a pollutant or contaminant under CERCLA. Therefore, land contaminated with produced water (oilfield) can be eligible for brownfields funding. Properties contaminated with produced water would not be considered petroleum brownfields.

## Brownfields Funding Opportunities to Address Produced Water Contamination

### Assessment, Revolving Loan Fund, and Cleanup Grants (ARC)

ARC hazardous substance funding is available through a competitive grant process to inventory, assess, and cleanup properties contaminated with produced water.

### Targeted Brownfield Assessments (TBA)

The TBA program is a service provided through an EPA contract in which EPA directs a contractor to conduct environmental assessment activities to address the requestor's needs. These assessments can address produced water contamination.

### State and Tribal Response Programs (Section 128(a) programs)

Section 128(a) funding is available to all states, US territories and federally recognized tribes through a non-competitive grant process to establish and enhance a response program. These funds can include site-specific work (including oversight) to inventory, assess, and cleanup properties contaminated by produced water.

*For more information about EPA Petroleum Funding, please visit [www.epa.gov/brownfields/grant\\_info](http://www.epa.gov/brownfields/grant_info) and <http://epa.gov/OUST>*