

# Understanding Brownfields: Definitions, Law, and Policy

Iron Range Brownfields and Land  
Development Conference

April 3<sup>rd</sup>, 2025

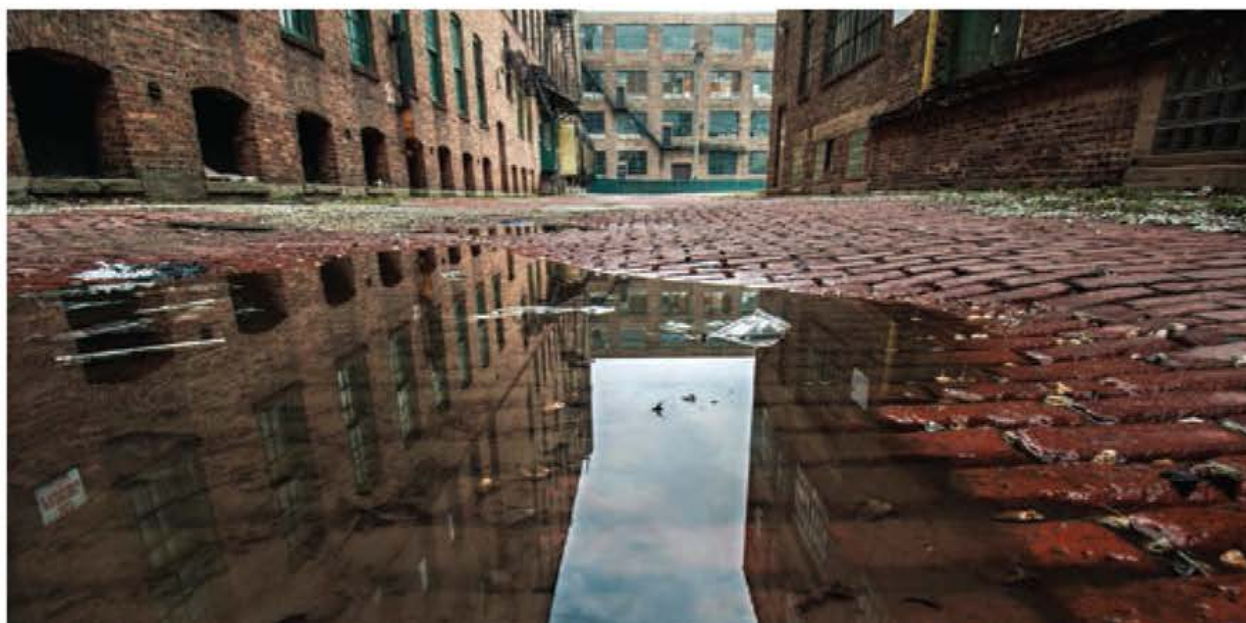


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# Legal Definition

- The U.S. EPA defines a brownfield as, “real property, the expansion, redevelopment, or reuse of which may be complicated by the presence of a hazardous substance, pollutant, or contaminant.”
- (Public Law 107 -118 (H.R. 2869) - “Small Business Liability Relief and Brownfields Revitalization Act”, signed into law January 11, 2002).



# Breaking it down...

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- A brownfield project is a redevelopment project that is often impeded by environmental concerns
- A site with low to moderate levels of contamination that can range in size
- Typical contaminants include petroleum, asbestos, lead paint, mold, meth lab contaminants, minescarred lands, and more

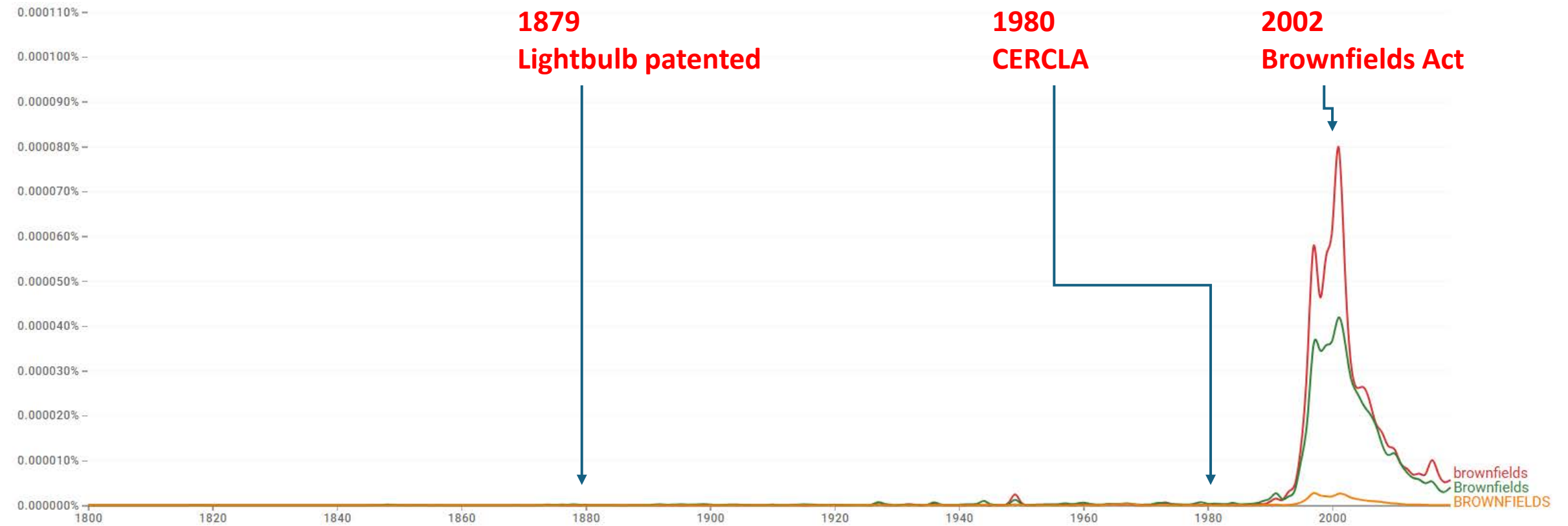
# History: CERCLA, RCRA, ETCETERA

- Globalization of economy (1950s-90s) raised significant liability issues that deterred cleanup and redevelopment of brownfield sites.
- Resource Conservation and Recovery Act (RCRA) applies to hazardous waste facilities; **passed in 1976**
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) applies to abandoned, uncontrolled hazardous Waste sites; **passed in 1980**
- Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law); **passed in 2002**
- Better Utilization Leading to Development (BUILD) Act; **passed in 2018**

# Prior to Brownfields...

- Late 1980s & early 1990s
- Communities repeatedly expressed need to revitalize contaminated sites in their neighborhoods
- Most sites didn't score high enough to rank on [EPA's National Priorities List](#)
- US Conference of Mayors asked EPA to address the challenge that brownfield sites cause blight and raise public health concerns in communities.

# Frequency of the word “brownfields” in publication since 1800

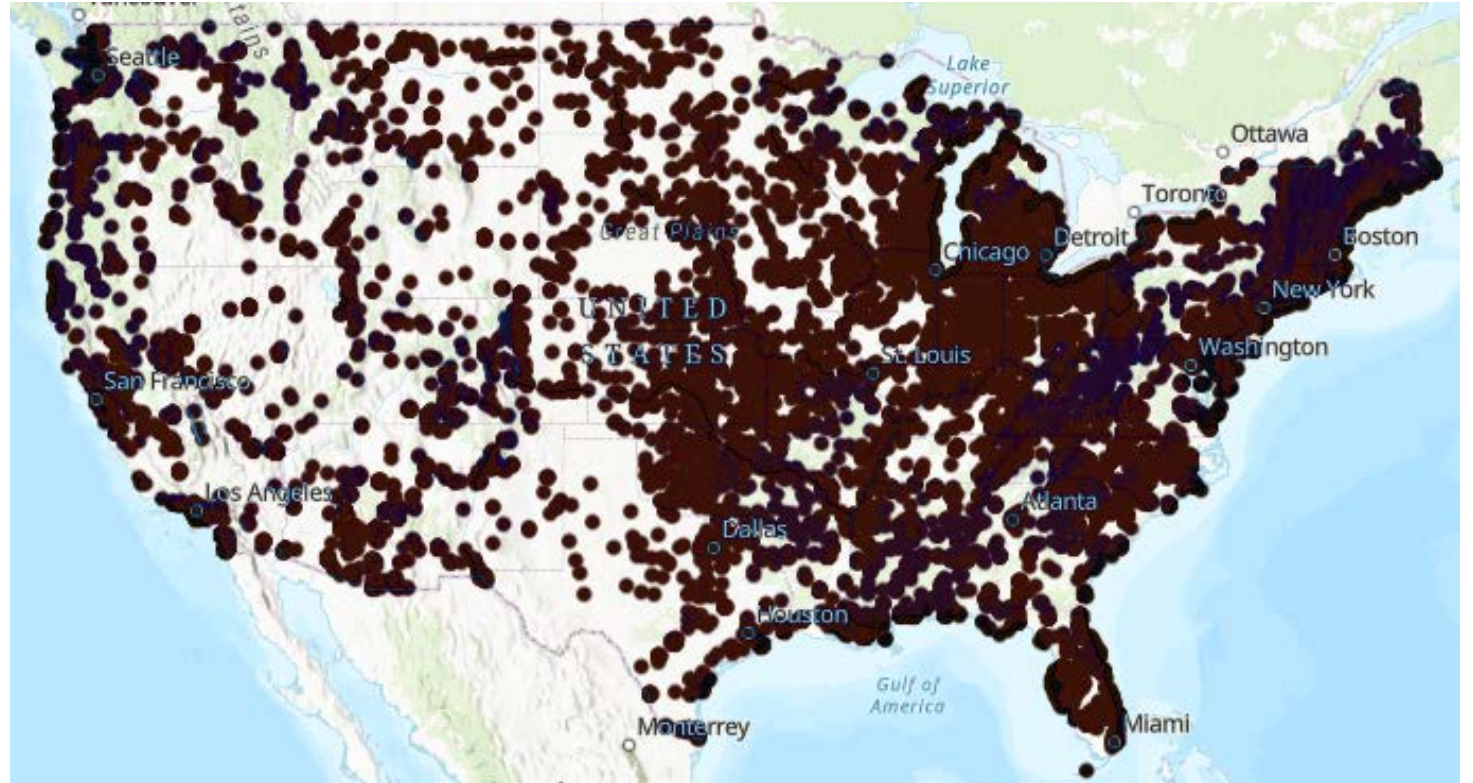


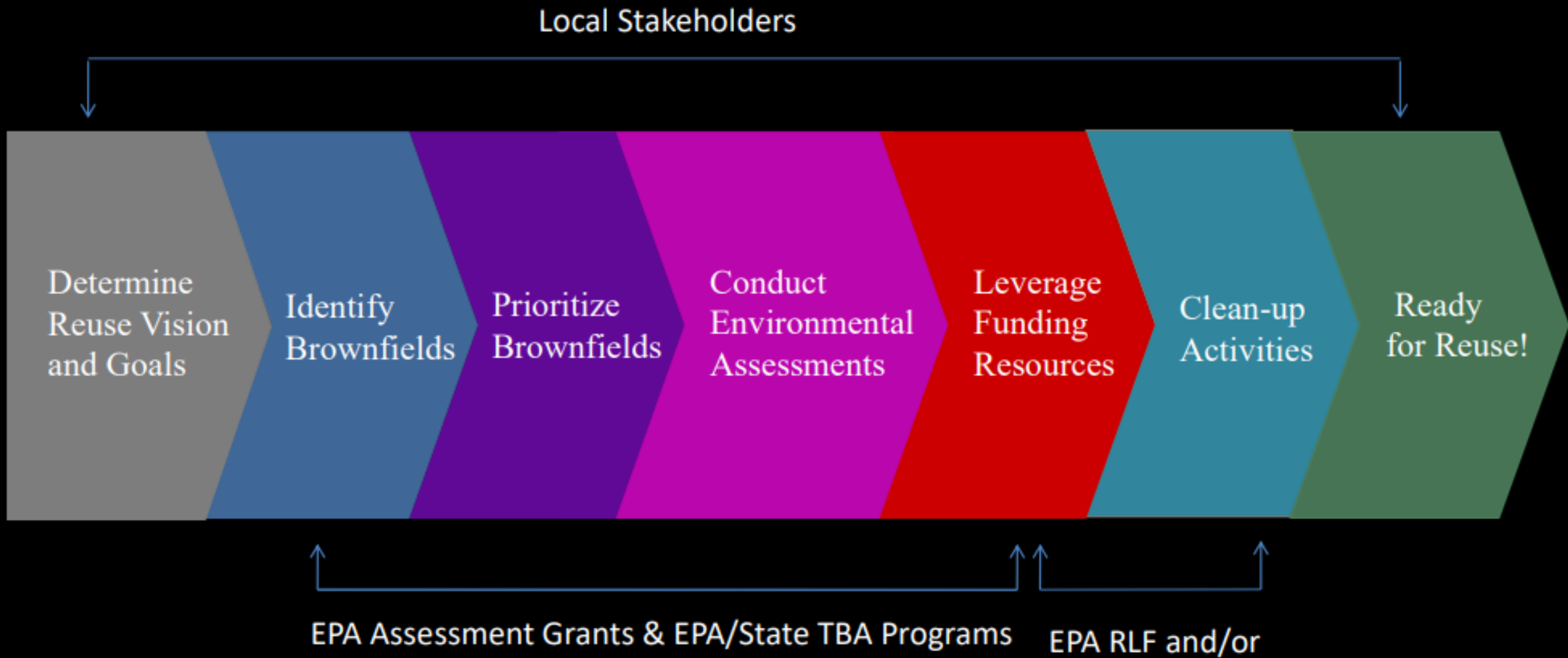


# Brownfields everywhere (as far as the eye can see!)

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- According to EPA, as of March 2025, the Region 5 Brownfields Program has assessed 9,625 properties, cleaned up 472 sites, leveraged more than \$7.75 billion, and created 53,159 jobs over the last 20 years.





Summary of Brownfields process

# MN Brownfields under MERLA

(Minn. Stat. § 115B, the Minnesota Environmental Responsibility Act)

## Voluntary Investigation and Cleanup (VIC)

- Created by MN Land Recycling Act of 1992 to encourage the reuse of abandoned or underused properties for redevelopment by providing liability protections.
- A fee for-service program for non-responsible parties
- Provides technical assistance and **liability assurance letters** under MERLA to promote investigation, cleanup, and redevelopment of contaminated property
- Applicants are referred to as *voluntary* parties because they are not responsible for the identified contamination per Minn. Stat. § 115B.03

## Superfund

- Investigation and cleanup of sites where contamination poses a threat to public health or the environment.
- Designates Responsible Parties (RP) as legally responsible for the cleanup. and provide funds for certain types of cleanups under MERLA.
- The RP then either cooperates or is forced to do clean up.
- Sites listed on the Minnesota Permanent List of Priorities are eligible for state cleanup dollars when there is no RP to pay.

**VIC = SuperFUN**

# MPCA Brownfields/VIC process

- Hazardous substances found on property
- Submit application to VIC program
- Applicant identifies as a non-responsible voluntary party ("VP")
  - MPCA evaluates application before acceptance.
- The VP establish boundary of site for investigation and clean up
- The VP conducts investigation and cleanup with technical assistance and liability assurances from MPCA

# Brownfields & Mine Land Reclamation

- Major local benefit and need to redevelop abandoned mine land across the nation and on the Iron Range.
- Investigation, clean up and & reclamation of abandoned mine sites has been historically complicated by technical, legal, and regulatory issues.
- Multiple agencies in Minnesota with authority over mine land reclamation
  - The DNR has authority and technical expertise for mine land reclamation for lands impacted after 1980
  - IRRR has authority for mine land reclamation on lands impacted prior to 1980
  - MPCA has authority over hazardous substances on mine lands
- The definition of Brownfields was expanded at federal level to include "mine-scare lands" in 2004 and there is lots of precedent for using Brownfields program to investigate, cleanup and reclaim mine land since.



# Funding Sources

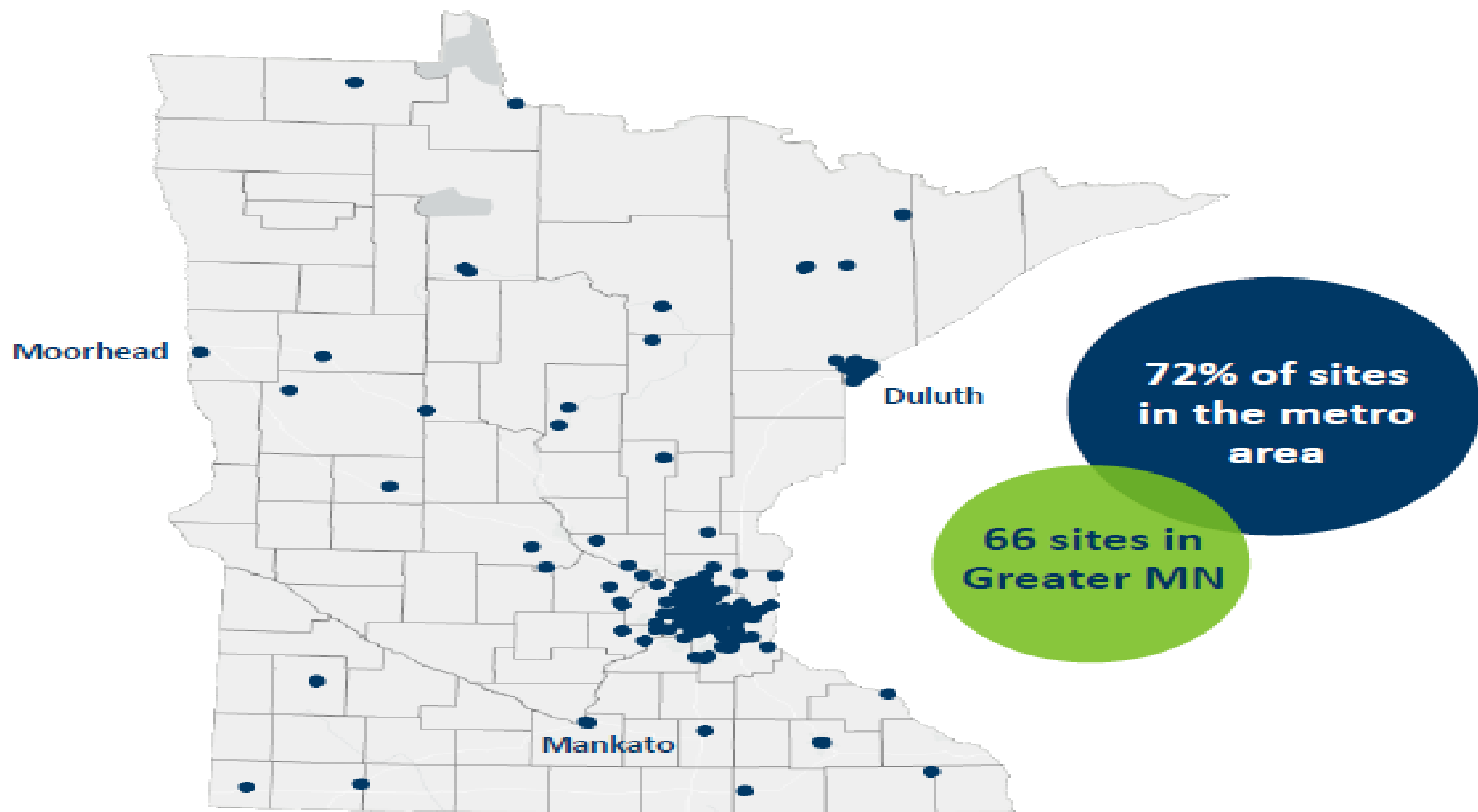
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- EPA
  - [EPA Assessment Grant](#)
  - [EPA Cleanup Grant](#)
  - [EPA Area-Wide Planning Grant](#)
- MPCA
  - [MPCA Targeted Brownfields Assistance Program](#)
  - [Funding for brownfield investigation](#)
- DEED
  - [DEED Investigation & RAP Development Grant Program](#)
  - [DEED Contamination Cleanup Grant Program](#)
  - [DEED Redevelopment Grant Program](#)
- IRRRB
  - [Commercial Redevelopment Grants](#)

# DEED Redevelopment Grant Awards 2205

- *Alexandria – Park and 3rd Alexandria LLC*
- *Duluth Economic Development Authority (EDA) – True North Goodwill Research and Training Center*
- *Moorhead – Downtown MCM Phase II*
- *Norwood Young America – Norwood Flats*
- *Oakdale – Tanners Lake Redevelopment*
- *Annandale – Larson Apartments*
- *Maplewood – Moose Lodge*
- *Red Wing – Central Research Property*

## 2024 new brownfield applications statewide



# Benefits of Brownfield Cleanup and Redevelopment

- **Removes health and safety hazards** – Eliminates contamination and reduces risks to public health.
- **Improves environmental quality** – Restores soil, water, and air quality.
- **Increases property values** – Cleanup and redevelopment lead to higher real estate values.
- **Expands local tax base** – Increased property values generate more local tax revenue.
- **Creates jobs** – Generates employment during cleanup and long-term site use.
- **Promotes infill development** – Reduces sprawl and encourages efficient land use.
- **Removes blight** – Enhances community appearance and reduces crime.
- **Attracts new businesses** – Makes the site more appealing for commercial use.
- **Provides community space** – Creates opportunities for housing, parks, and retail.
- **Boosts community confidence** – Reduces fear of contamination and increases civic pride.



# More benefits

## **Makes financial sense**

- Free money available for assessment, cleanup, etc.
- Using existing infrastructure
- Desirable locations that encourage a mix of land uses to provide services that may be lacking
- Increase local tax base and facilitate job growth

## **Less uncertainty with redevelopment outcome**

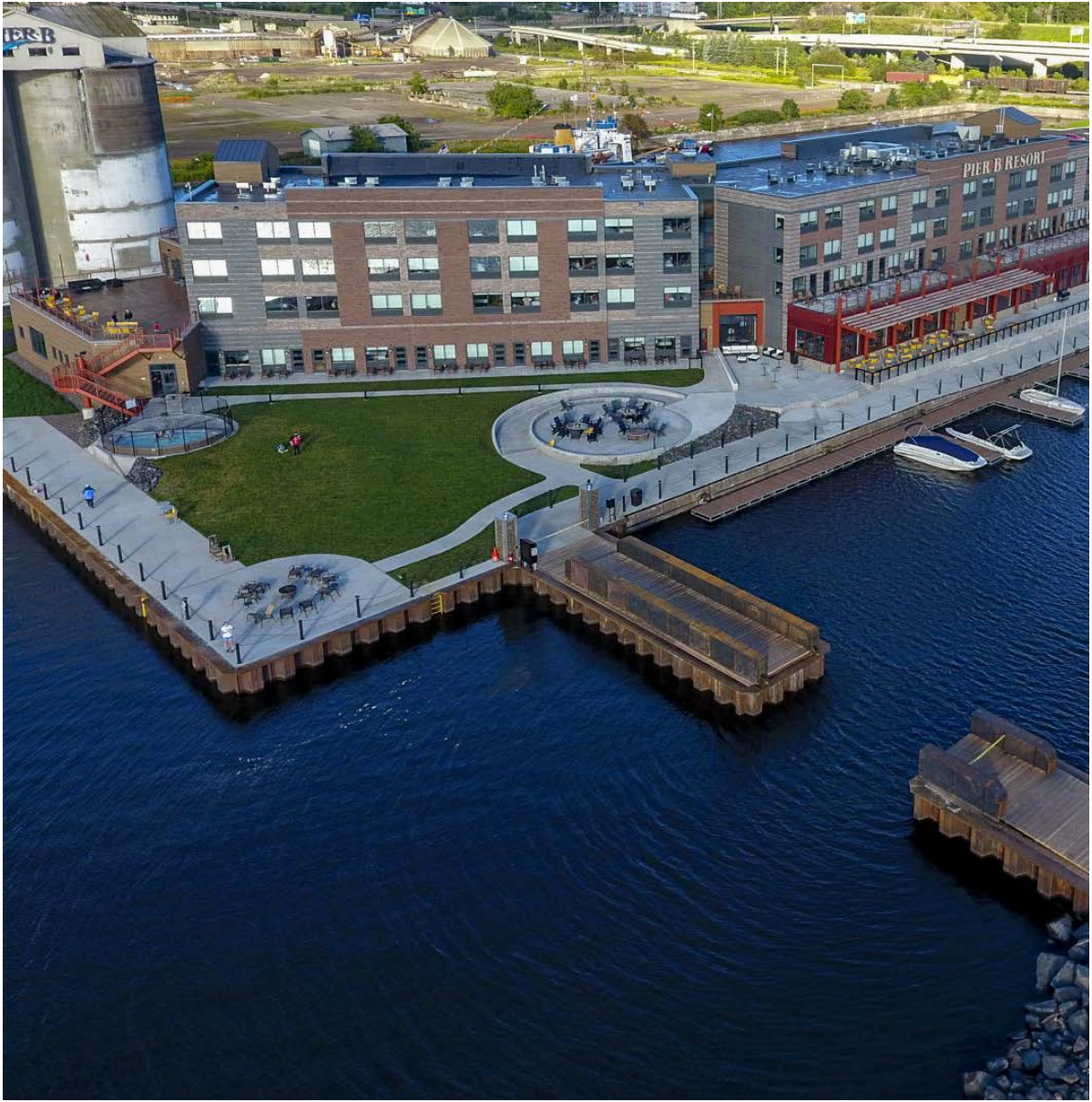
- Community involvement
- Identify phases and funding along the way











# Questions?