

EPA Region 8 Brownfields On-Line Grants Workshop:

Understanding the Proposal Guidelines

August 29, 2007

Presented by:
US EPA Region 8
Brownfields Program
www.epa.gov/region8/brownfields



EPA Speakers

- Moderator
 - Karen Reed*, EPA Region 8 Brownfields Project Manager
- Presenter
 - Dan Heffernan*, EPA Region 8 Brownfields Coordinator

*Contact information @

http://www.epa.gov/region08/land_waste/bfhome/bfcont.html

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What to Expect

Brownfields overview

Discussion of types and amounts
of EPA Brownfields grants

Overview of threshold criteria

Overview of ranking criteria

Useful application preparation tips

Additional resources and final questions

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Brownfields Overview

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EPA's Mission

- ❑ The mission of the Environmental Protection Agency is to protect human health and the environment.

We believe that revitalization of contaminated properties goes hand-in-hand with our mission.

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Benefits of Brownfields Revitalization

- ❑ Increases local tax base
- ❑ Facilitates new job growth
- ❑ Utilizes existing infrastructure
- ❑ Takes development pressure off undeveloped land
- ❑ Prevents sprawl
- ❑ Supports cleaner air
- ❑ Reduces habitat destruction
- ❑ Many more

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Brownfields Definition

- *“...real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.”*

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“Hazardous Substances, Pollutants, and Contaminants”

- Hazardous Substances
- Petroleum Contamination
- Asbestos & Lead Paint are eligible
- Controlled Substances (e.g., Meth labs)
- Mine-Scarred Lands
- Other environmental contaminants

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EPA's Investment in Brownfields Grants

- Since 1995, EPA has awarded 1,620 community-based grants, worth \$524M. This has helped:
 - *Assess more than 8,509 properties*
 - *Leverage more than \$9.8 billion in brownfields cleanup and redevelopment funding from the private and public sectors.*
 - *Generate more than 44,362 jobs*

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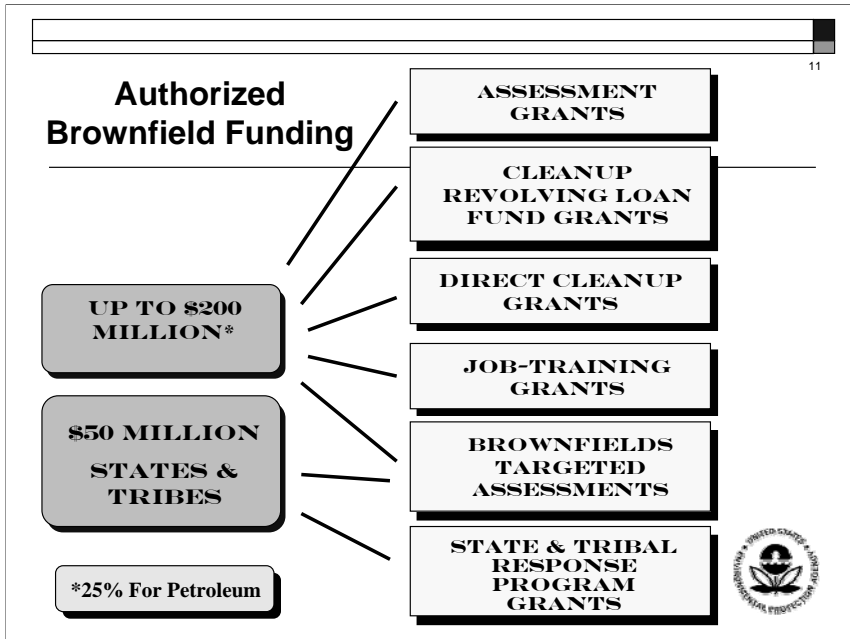


Types and Amounts of EPA Brownfields Grants

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The Competitive Grant Program



*These grants are very competitive.
Applicants should be prepared to
put time and effort into
constructing a winning proposal.*

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ARC Grants

- **Assessment**
- **Revolving Loan Fund (RLF)**
- **Cleanup**

- **Also referred to as:**
 - 104(k) grants
 - Competitive brownfields grants
 - Pilots: out-of-date terminology

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FY2007 Brownfields ARC Grant Program

- EPA received over 800 proposals for funding
- Funded 294 grants nationally (\$70.7 million)
 - 189 assessment grants
 - 92 cleanup grants
 - 13 RLF grants
- Region 8 (MT, SD, ND, UT, WY, CO & 27 tribal nations)
 - 18 proposals (down year)
 - 1 assessment and 4 cleanups selected for funding

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FY2008 Application Timeline

- ❑ August 14, 2007 – ARC Request for Proposals
- ❑ October 12, 2007 – Proposal Submission Deadline
- ❑ Spring 2008* – Approx. \$72 million awarded nationwide

**tentative*

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Brownfields ARC Grants - Getting Started

- FY2008 Proposal Guidelines are @:
<http://www.epa.gov/swerrims/grants-funding.htm#EPA-OSWER-OBCR-07-09>
or @:
www.grants.gov

- This training is *NO SUBSTITUTE* for reading and closely following the detailed Guidelines!

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Assessment Grant Program

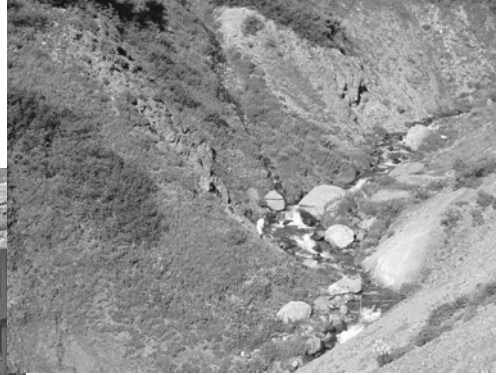
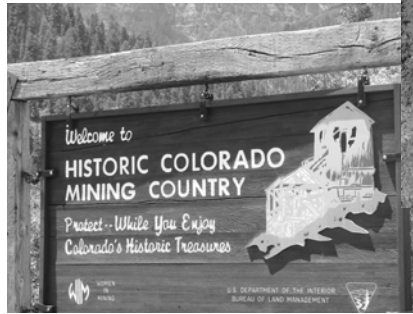
- To inventory, characterize, assess, and conduct planning and community involvement related to brownfield sites
- Community-wide or site specific (single site)
- \$200K hazardous substance (including asbestos, lead paint, other environmental hazards)
- \$200K petroleum-only contamination
- Up to \$350K per property with approved waiver
- No more than 2 applications per eligible entity
- Must apply separately for hazardous substances and petroleum

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Success Story: Assessment Grant

Canyon Creek Mine-Scarred
Land Assessment,
Ouray County, CO



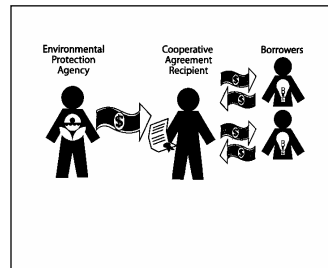
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- Canyon Creek** (2004-2007): Located in Ouray County, CO the project assessed 231 mining claims over approximately 2,200 acres. (*Assessment Grant*)
- Resulted in transfer of numerous claims to public ownership
- 10 claims with greatest envi impact IDed and sampled in advance of cleanup efforts

Revolving Loan Fund Grant Program

- ❑ To make low interest loans to carryout cleanup activities at brownfields properties.
- ❑ Up to \$1M per eligible entity
- ❑ Coalitions may apply
- ❑ (Minimum) 60% loans
- ❑ (Maximum) 40%-cleanup subgrants
- ❑ Cost share requirement of 20%



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•An eligible entity can apply for up to \$1M for a RLF grant. This grant is a three tier process, the funds flow from EPA-Grant Recipient-Loan Recipient. These funds are generally used to provide no-interest or low interest loans to Site Owners, Developers and others; including non-profit organizations

•Up to 40% can be used for RLF Cleanup subgrants and 60% or more to capitalize a RLF

•With RLF grants, there is a 20% match share requirement, unless a hardship waiver is granted (Can be in the form of a contribution of labor, money, labor, material or services as well as fees from loan recipients)

•Grant funds can be use to purchase insurance

Success Story: Revolving Loan Fund



Idalia Court
Revolving Loan Fund Cleanup,
Aurora, CO

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Cleanup Grant Program

- ❑ To carry out cleanup activities at brownfield sites
- ❑ Up to \$200K per property
- ❑ Hazardous substances or petroleum-only contamination
- ❑ May apply for up to 3 properties: Separate proposals for each property
- ❑ Non-profits may apply
- ❑ Cost share requirement of 20%
- ❑ *Must have FEE SIMPLE TITLE* by June 30, 2008

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Success Story: Cleanup Grant

Phillips to the Falls
Assessment & Cleanup Grant
Sioux Falls, SD



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Other EPA Brownfields Programs

- Brownfields Job Training Grant Program
 - <http://www.epa.gov/brownfields/job.htm>

- Targeted Brownfields Assessment (TBA) Program*
 - http://epa.gov/region8/land_waste/bfhome/bftba.html

**non-grant program that provides direct
EPA assessment assistance to communities*

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Overview of ARC Threshold Criteria

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Threshold Criteria – MUST PASS

- Applicant Eligibility
- Site Eligibility and Property Ownership Eligibility
- Letter from the State or Tribal Environmental Authority
- Cleanup Authority and Oversight Structure*
- Cost Share*
- Description of Jurisdiction**
- Legal Authority to Manage a Revolving Loan Fund**

** RLF and Cleanup Applicants Only*

*** RLF Applicants Only*

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Applicant Eligibility

- ❑ General Purpose Unit of Local Government (as defined under 40 CFR Part 31)
- ❑ States and Tribes
- ❑ Quasi-government entities (e.g., regional councils, redevelopment authorities, economic development agencies, etc.)
- ❑ 501(c)(3) Non-profits for direct cleanup grants only

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Site and Property Ownership Eligibility

- Sites That Are *NOT* Eligible
 - Property on, or proposed for listing on, the National Priorities List
 - Property subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees
 - Property subject to the jurisdiction, custody, or control of the U.S. government*

**Lands held in Trust by the U.S. Government are generally eligible for funding*

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Site and Property Ownership Eligibility cont. 1

- ❑ The Brownfields Law prohibits EPA from providing grant funds to an entity that is considered potentially liable under CERCLA Section 107.
- ❑ CERCLA contains very broad liability provisions.
- ❑ Liability for site owners is highly dependent on *HOW* and *WHEN* the site was acquired.
- ❑ Therefore, site eligibility is dependent on *HOW* and *WHEN* the site was acquired.

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Site and Property Ownership Eligibility cont. 2

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- Most common acquisition scenarios:
 - Involuntary acquisition
 - Tax foreclosure
 - Eminent domain

 - Voluntary acquisition
 - Purchase
 - Donation

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Site and Property Ownership Eligibility cont. 3

- ❑ Involuntary acquisition = property is eligible for brownfields grants

- ❑ Voluntary acquisition = Must meet a CERCLA defense:
 - Bona Fide Prospective Purchaser (BFPP)
 - Innocent Land Owner
 - Contiguous Property Owner

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Site and Property Ownership Eligibility cont. 4

- To Qualify for CERCLA Defenses
 - Landowners must:
 - Have no affiliation with liable party
 - Conduct all appropriate inquiries (AAI)* prior to property acquisition
 - Satisfy “continuing obligations” after acquisition

**AAI can be satisfied either by following the AAI Rule or
by conducting Phase I Assessments in accordance with
ASTM E1527-05*

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Site and Property Ownership Eligibility (Cleanup Applicants)

- ❑ Requires an AAI compliant Phase I is complete
- ❑ Requires that a Phase II be underway or completed (ASTM E1903-97) prior to proposal submission.
- ❑ Should have enough assessment completed to describe cleanup plan and estimated costs.

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Site and Property Ownership Eligibility (Petroleum Sites Only)

- Non-Tribal* petroleum site applicants must provide answers to the petroleum threshold questions to the appropriate state contact in sufficient time for them to make an eligibility determination.
- The state will determine whether the site is of low risk, whether there is a viable responsible party and if there is a corrective action order under RCRA.
- See contact list for the name of the person in the state to call about your petroleum site.

*Tribal applicants submit their petroleum threshold answers to EPA with their proposal.

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Letter from the State or Tribal Environmental Authority

- Provide a *current* letter from the state or tribal environmental authority acknowledging that the applicant plans to conduct or oversee assessment and/or cleanup activities and to apply for grant funds.
- Provide your state/tribal environmental authority sufficient notice.

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Cleanup Authority and Oversight Structure (Cleanup and RLF Applicants Only)

- Describe how you will oversee the cleanup at the site. Indicate whether you plan to enroll in a state or tribal voluntary response program.
- (Cleanup only) Provide your plan to obtain access to adjacent or neighboring properties, if necessary.
- (RLF only) Provide legal opinion stating your authority to access and secure sites in the event of an emergency or loan default.

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Cost Share (Cleanup and RLF Only)

- ❑ Grant recipients are required to provide a 20% cost share.
- ❑ The cost share may be in the form of a contribution of money, labor, material, or services from a non-federal source.
- ❑ If contribution is labor, materials or other services, it must be incurred for an eligible and allowable expense.
- ❑ Applicants may petition for a hardship waiver.

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Description of Jurisdiction (RLF Only)

- ❑ Provide a description of jurisdictional boundaries
 - e.g. “the city limits of The City of ABC”

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Legal Authority to Manage a Revolving Loan Fund (RLF Only)

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- Provide an opinion from your legal counsel that demonstrates your legal authority to perform the actions necessary to manage a revolving loan fund. Provide as an attachment.
- Legal authority must include the ability to hold funds, make loans, enter into legally binding loan agreements, and collect repayments.
- This authority may be based on statute, regulation, or other authority.

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Overview of ARC Ranking Criteria

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Ranking Criteria

- Proposal must have passed the “Threshold Criteria” to be “Ranked”
- Proposal is reviewed and scored by national reviewers based on its own merit
- Each criterion is made up of sub-questions
 - Answer each individually!
- Point totals vary among ARC grant types

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Ranking Criteria

- Budget (10 pts)
- Community need (15 pts)
- Sustainable Reuse of Brownfields (12 pts)
- Creation and/or Preservation of Greenspace/Open Space (5 pts)
- Community Involvement (16 pts)
- Community Notification (12 pts)
- Reduction of Threats to Human Health & Environment (26 pts*)
- Leveraging Additional Resources (10 pts)
- Programmatic Capability (20 pts)
- Business Plan (24 pts – RLF only)
- Site Selection Process (6 pts) – assessment only

**This criteria has 27 possible points for Cleanup Applicants*

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Budget (10 pts)

- ❑ Include a short introduction before the budget chart outlining how you intend to spend the funding.
- ❑ After the budget chart, explain each of your tasks. Use clear and precise task descriptions. Don't use acronyms like "ESA" - spell it all out.
- ❑ Never use the word "administrative" to describe a task. Use "program development" or something similar.
- ❑ It is always useful (and strongly suggested) to explain and justify equipment and/or supply budget items.
- ❑ In the sample budget format provide a detailed description and narrative for each task.

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Budget (Assessment)

Sample Format for Budget

Budget Categories	Project Tasks					
	(programmatic costs only)	[Task 1]	[Task 2]	[Task 3]	[Task 4]	Total
Personnel						
Fringe Benefits						
Travel ¹						
Equipment ²						
Supplies						
Contractual ³						
Other (specify) _____						
Total						

¹ Travel to brownfield-related training conferences is an acceptable use of these grant funds.
² EPA defines equipment as items that cost \$5,000 or more with a useful life of more than one year. Items costing less than \$5,000 are considered supplies. Generally, equipment is not required for assessment grants.
³ Applicants must comply with the procurement procedures contained in 40 CFR 31.36, or for non-profits, with 40 CFR 30.40 through 30.48.

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Budget (Cleanup)

Sample Format for Budget

Budget Categories	Project Tasks				
	[Task 1]	[Task 2]	[Task 3]	[Task 4]	Total
(programmatic costs only)					
Personnel					
Fringe Benefits					
Travel ¹					
Equipment ²					
Supplies					
Contractual ³					
Other (specify) _____					
Total					
Cost Share					

¹ Travel to brownfield-related training conferences is an acceptable use of these grant funds.

² EPA defines equipment as items that cost \$5,000 or more with a useful life of more than one year. Items costing less than \$5,000 are considered supplies.

³ Applicants must comply with the procurement procedures contained in 40 CFR 31.36, or for non-profits, with 40 CFR 30.40 through 30.48.



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Community Need (15 pts)

- ❑ Provide a detailed description of the targeted community that the project(s) will benefit
- ❑ Explain how the targeted community will benefit from this grant
- ❑ Characterize the impact of brownfields on your community

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Community Need cont.

- ❑ Provide information on the difficult conditions (environmental, social, economic, etc.) in your community.
- ❑ Provide demographics and identify the source of your information.
- ❑ Use meaningful statistics which are available.
- ❑ Discuss the impact of closed factories, i.e. number of jobs lost, property tax impacts, etc.

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Community Need cont.

- The majority of applications are community-wide. Be clear who the targeted community is.
- Discuss the environmental, social and economic benefits that the community will enjoy if the brownfields sites are redeveloped. Be as specific as you can be here.

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Sustainable Reuse of Brownfields (12 pts)

- ❑ Describe how the grant will support the following three sub-criteria:
 - Prevent pollution and reduce resource consumption
 - Promote economic benefits
 - Promote a vibrant community characterized by mixed-use, appropriate density, housing choice and walkability

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Sustainable Reuse of Brownfields cont.

- Provide specifics on social, economic, and environmental improvements.
 - results in x% increase in tax revenues, x number of jobs
 - results in removal of x tons of contaminated soils
 - results in development of x acres of green space in a poor neighborhood
- Provide specifics on plans, regulations, policies, and programs that will help achieve these goals.
- Make an effort to tie back to local planning documents, local master plans.

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Creation and/or Preservation of Greenspace/Open Space or Nonprofit Purpose (5 pts)

- Describe the how the grant would facilitate the creation/preservation/addition to a park, greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.
- Be sure to identify specific regulations, programs or policies that will provide long-term management of such properties and assure preservation (e.g. county parks will manage the trail).

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If the application is community-wide, this is a good criteria as a factor in the site selection process.

By default, if you're redeveloping brownfields, you're likely preserving greenspace. However, a patch of green in a parking lot will not get you many points.

If the focus of the application is on economic redevelopment, are you helping to preserve greenfields? If so, tell us about it.

Can any of your efforts be tied to anti-sprawl concepts?

Pre-Award Community Notification (12 pts)

- ❑ Describe how the targeted community was or will be notified of your proposed plans should your proposal be selected. Describe your involvement and communication means.
- ❑ Explain why the notification method proposed above was/is the most appropriate.
- ❑ Describe comment period duration and efforts to encourage comment.
- ❑ Plans to address comments received.

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Pre-Award Community Notification cont.

- ❑ Actual notification need not take place prior to selection,
- ❑ Notification is to citizens or members of the public, NOT exclusively to government officials.
- ❑ If you already had notification, attach meeting notification, minutes, those in attendance.

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Ongoing Community Involvement (16 pts)

- ❑ Discuss the plan for involving the local community in cleanup decisions or reuse planning.
- ❑ Describe efforts to develop partnerships at the local or state level to ensure appropriate and sustainable cleanup and redevelopment of brownfields.
- ❑ Describe how you will communicate the progress of your project to citizens, including meeting *bilingual* needs or other efforts to reach targeted community as well as broader community.
- ❑ Provide a list of the community-based organizations involved, contact information, and a brief description of the organization's activities and representation.

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Ongoing Community Involvement cont.

- Do not underestimate the importance of providing a list of community-based organizations (question 4). Take the time to list the contact person, and phone number. **LETTERS HELP.**
- List must include 'community-based organizations' (i.e., faith-based, environmental groups, civic organizations, business groups, non-profit economic development corps.)
- Make sure that your community partners have been given a chance to review and have input on your written proposal.
- EPA will check references.

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Ongoing Community Involvement cont.

- Specific plans for communicating progress include use of fact sheets, meetings, newspapers, websites, local access channels, radio, etc.
- Begin designing and implementing a strategy to meet this criteria *NOW*.
- Partnerships may be formal or informal.
- Community notification vs. community engagement: Discuss not only how you will inform the community, but *ALSO* how you will involve them in the decision-making process.

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Reduction of Threats to Human Health and the Environment (26 pts for Assess/RLF and 27 pts for Cleanup)

- ❑ How and to what extent will funds will be used to identify and address/facilitate the identification and/or reduce threats to human health and the environment within the target area.
- ❑ Describe whether you are working with your state/tribal and local public health department.
- ❑ Describe proposed cleanup plan for the site and the estimated costs to complete the cleanup. (Cleanup only)

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Reduction of Threats to Human Health and the Environment cont.

- For community-wide proposals, discuss your intention to use funds to identify sites and possible health risks.
- If possible, mention specific contaminants that concern your community and potential exposures.
- If the proposal is for petroleum funding, mention petroleum as the contaminant of concern!
- Do discuss how the project will mitigate human health risks identified in your response to the Community Need criterion.

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Reduction of Threats to Human Health and the Environment cont.

- ❑ Be careful about the disconnect between risk and your sites. Don't talk about general risks for the whole community if you have a focused target area.
- ❑ Make sure to utilize resources at the state and local departments of health to gather data.
- ❑ Discuss BOTH state and local department of health involvement in your proposal – use positive verbs.
- ❑ Call your health officials and discuss the proposal now.

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Leveraging of Additional Resources (10 pts)

- ❑ Identify the funds (e.g. general revenues, Tax Incremental Financing (TIF), staff time/in-kind) that your agency/organization has committed or will commit to meet the needs described above.
- ❑ Demonstrate ability to leverage funds and describe all other sources to ensure project success.
- ❑ RLF only (Sub-Criterion #1) - Program requires dedicated staff (minimum 50% of one FTE for multiple years). Explain how you will meet this need.

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Leveraging of Additional Resources cont.

- ❑ Include staff time and other in-kind services, particularly if that's all you have.
- ❑ Describe funding sources *you are pursuing* as well as those that have been committed.
- ❑ Describe possible state or regional resources. Include economic redevelopment resources as well as environment cleanup resources.

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Programmatic Capability (20 pts)

- ❑ Describe your ability to manage this grant and oversee the work, or describe the system(s) you have in place to acquire the requisite expertise.
- ❑ Describe your history of managing federal funds... any adverse audit findings...special "high risk" terms and conditions...
- ❑ Previous EPA Brownfields Grant Recipient? Provide information regarding your compliance with quarterly progress reports, brownfields reporting measures, and annual financial status reporting.
- ❑ Plans for tracking and measuring outputs and outcomes.

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Programmatic Capability cont.

- Identify key staff who will manage the brownfields work and years experience doing grants. Describe your procurement process.
- Absolutely respond to “adverse audit findings” and “high risk terms and conditions.” Don’t assume that if you say nothing reviewers will know that it means you have no adverse audit findings.
- Mention other federal grants at least by agency name and amounts.

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Business Plan – (24 pts RLF Only)

- ❑ Describe your business concept and main loan/subgrant product(s) you will offer...and how the balance of projected loans and subgrants will promote the long-term availability of the RLF.
- ❑ Present your market analysis and define target market. Detail the types of borrowers and subgrantees.
- ❑ Describe your process for selecting projects. Include how you will develop project selection criteria and ensure that site, subgrantee and borrower eligibility are in accordance with the Brownfields Law.
- ❑ Present the management and operational teams that will oversee the work under this grant, including qualifications of staff and institutions.

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Site Selection Process - (6 pts Assessment Only)

1. Describe how sites were/will be selected and selection criteria. Also describe how you will determine site eligibility under the statute.
2. Describe past or planned inventory, prioritization efforts or other activities.
3. If conducting assessment on privately owned, discuss access.

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Site Selection Process cont.

- ❑ Don't forget about community input into the site selection process.
- ❑ Don't overlook the site access issue for privately owned sites.
- ❑ Consider including selection factors relating to the other ranking criteria (e.g. sustainable reuse, creation/preservation of nonprofit purpose, reduction of threats, etc.).

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Useful Application Preparation Tips

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Encourage Good Basic Proposal Prep

- Read entire *NEW* Guidelines and follow directions.
- Get mentoring from prior grantees (listed @ <http://www.epa.gov/brownfields/bfwhere.htm>)
- Write as though the reader knows NOTHING about your community.
- Address *all* criteria – *if it doesn't apply say so and explain why.*
- Avoid using acronyms and technical/organizational jargon

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Encourage Good Basic Proposal Prep cont.

- Use “white space” and obey *18* page limits!
- 1” margins; 12 pt font; no binders; NO COLOR.
- Limit attachments to required and relevant documents and letters.
 - Avoid maps and photos.
- Submit a separate proposal for each grant type.

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Encourage Good Basic Proposal Prep cont.

- ❑ Contact State/Tribe/EPA with eligibility questions early.
- ❑ Contact partners for assistance in preparing and/or reviewing your proposal!
- ❑ Contact State if applying for petroleum.
- ❑ Set up public meeting and get meaningful public input.

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Additional Resources and Final Questions

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EPA Region 8 Brownfields Team

- Dan Heffernan*, Brownfields Coordinator
- Ted Lanzano*, Revolving Loan Fund Lead
- Bernadette Gonzalez*, Tribal Response and Job Training Lead
- Karen Reed*, State Response and Assessment Lead
- Bill Rothenmeyer*, Cleanup Lead
- Stephanie Wallace*, Montana Brownfields Lead

*contact information available @
http://www.epa.gov/region08/land_waste/bfhome/bfcont.html

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State Brownfield Leads in Region 8

- **Colorado Dept. of Public Health and Environment**
Dan Scheppers, 334-279-3053; daniel.scheppers@state.co.us
<http://www.cdphe.state.co.us/hm/rpbrownfields.htm>

- **Montana Dept. of Environmental Quality**
Laura Alvey, 406- 841-5062 ; lalvey@mt.gov
<http://www.deq.state.mt.us/Brownfields/Index.asp>

- **North Dakota Dept. of Health**
Curt Erickson, 701-328-5166; cerickso@nd.gov
<http://www.health.state.nd.us/wm/brownfields/index.htm>

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State Brownfield Leads in Region 8 cont.

- **South Dakota Dept. of Environment and Natural Resources**
Kim McIntosh , 605-773-3296; Kim.McIntosh@state.sd.us
<http://www.state.sd.us/DENR/DES/Ground/Brownfields/Brownfields.htm>

- **Utah Dept. of Environmental Quality**
Bill Rees, 801-536-4167; bree@utah.gov
<http://www.environmentalresponse.utah.gov>

- **Wyoming Dept. of Environmental Quality**
Vickie Meredith, 307-332-6924; vmered@state.wy.us
<http://deq.state.wy.us/volremedi/brownfields.asp>

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Web-Based Resources

-FY08 ARC Proposal Guidelines

<http://www.epa.gov/swerrims/docs/grants/epa-oswer-obcr-07-09.pdf>

-FY08 ARC Frequently Asked Questions (FAQs)

http://www.epa.gov/brownfields/fy08_grantfaq_final.pdf

-Regional Information on-line

www.epa.gov/region8/brownfields

-Headquarters Information on-line

www.epa.gov/brownfields

-Smarte – Online Sustainable Management Approaches and Revitalization Tools

www.smartepa.org

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Final Questions?

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Please complete our online feedback form.

Thank You



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