

**EPA Region 4 Brownfields Grant Writing Workshop  
Clu-In Session, November 7, 2006, 10-12p ET  
Attendee Questions**

**Readers Note:** To be instructive, at the end we've added the Questions & Answers from an EPA Region 5 Clu-In session held earlier this year.

**1. Can applications be submitted for a brownfields assessment even if you are unsure if any contaminants exist on the site? Must you have prior evidence of a contamination on the site?** Assessment is based on perception that there is contamination. You do not have to be sure, but you should have some reason to believe there may be contamination on the site.

**2. Please tell me more about the applicant holding title to the site. Can it be an option to buy or a letter of intent to purchase? Can the title be held by someone else and the applicant is an authorized agent of the owner?** At the time of the Cleanup Grant proposal, you do not have to officially own the property, but should have plans for purchase via having a fee simple title by June 30, 2007 (the awards announcement is in the Spring 2007). So, the Cleanup Grant program is designed so the resulting grantee must own the property ( per the Proposal Guidelines, the term "own" means fee simple title). The grantee must maintain such sole ownership until all of the cleanup work funded by the grant is complete. For an Assessment Grant proposal, you do not have to own the property, but you do have to describe how you are going to gain access.

**3. Can you give an example of the letter that would be issued by the State environmental authority? Is this from our Brownfields group in NC or our other agencies - Superfund, UST Section, Inactive Hazardous Sites?** A list of the State and Tribal Brownfields Contacts can be found at the Clu-In website, at <http://www.clu-in.org/conf/tio/r4bfgrantwriting/resource.cfm>. Please contact the State of North Carolina contact, Bruce Nicholson, to request this letter of proposal notification.

**4. If a parcel is owned by a private owner, can the county apply for an Assessment Grant on his behalf?** The County may apply for an Assessment grant to assess private properties. However, EPA does not give Assessment grants directly to private owners or developers. **Must the county purchase this parcel in order to apply for an assessment grant?** For an Assessment Grant, the County does not have to own the parcels that assessment activities are targeted for. Keep in mind that the grant requires that the applicant describe property access issues, especially if a county does not own the property.

**5. For petroleum Assessment Grants, if I am using state site eligibility criteria rather than the site eligibility criteria provided in the guidelines, do I have to provide that criteria?** **Note: I will not be including sites that are prohibited from funding.** Applicants (except for tribes) must provide site information to the state and request a determination of site eligibility from the state. The Guidelines also require the applicant to request that the state provide information regarding whether it applied EPA's Guidelines in making the petroleum determination, and if not, what standard it applied. An applicant must indicate the date upon which a state was requested to make the site eligibility determinations in its application and cover letter.

All information regarding site eligibility submitted to a state must be included in the application submitted to EPA. Any response received from a state to an applicant's request for a site eligibility determination must also be included in the application.

As indicated in the Guidelines, when an applicant has provided a state eligibility determination, EPA will rely on the state's determination in the absence of evidence that it is based on incomplete or inaccurate information, or violates the statute. Should EPA become aware of information relevant to the state's determination (e.g., information on a filed federal enforcement action at the site) it should be provided to the state for its consideration and re-evaluation of an applicant's eligibility. Regions are not tasked with conducting an independent eligibility determination at this stage of the process if an applicant has provided information indicating a state has adequately made all of the requested determinations.

**6. For petroleum assessment sites, I have identified approximately 15 specific sites in a community (the tanks were owned by a dissolved company). Should this assessment be addressed as a community wide grant, or a site-specific grant?** This example should be addressed with a community-wide assessment grant. Community-wide grants can achieve site-specific goals after the grant has been awarded.

**7. What is a subgrantee?** As shared, Revolving loan fund (RLF) applicants may allocate up to 40 percent of the awarded funds available as subgrants. Unlike loans, subgrants do not require repayment. Other restrictions also apply. The RLF grant recipient may not make a cleanup subgrant that exceeds \$200,000 per site. The RLF grant recipient may not subgrant to itself. And, as with loans, the RLF grants recipient cannot make a subgrant to a potentially liable party at the site. For additional information on subgrants, please see page 10 of the Proposal Guidelines.

**8. For RLF, if the application is for a Coalition, does a Legal Opinion need to be submitted from each member of the Coalition or only from the Applicant?** A coalition is a group of two or more eligible entities that submits one grant proposal under the name of one of the coalition participants. All members of the coalitions must submit letters agreeing to be part of the coalition. Only the lead coalition entity should submit one legal opinion that addresses criteria D and one that addresses F.

**9. Will projects that tie into Environmental Justice (EJ) be given a higher rating?** This depends on how you write it up. EJ is incorporated into ranking in the Community Need Section, which calls one to provide a community description, demographics, sensitive populations, benefits, etc. If you have a well thought out proposal that fully describes the environmental/economic impacts on community, it will help.

**10. Under the budget section it said that 10% could be used for 'monitoring and enforcement of any institutional controls' please elaborate on what this phrase means and give an example that would be suitable for a community assessment grant.** This question is addressed in the answer to question number 23.

**11. Is there a preference given by EPA on community-wide vs. site-specific applications in the evaluation process?** No. If a proposal is targeting one or two properties, it is best to come in for site-specific. However, if you later find you can't get access to the site proposed in your site-specific application, you can't switch to another site after the grant is awarded, so it limits flexibility; therefore community-wide may be the way one would want to go. Community-wide grants can achieve site-specific goals after the grant has been awarded.

**12. Do you have any practical tips on how private developers interested in participating in State Brownfields Programs can apply for EPA site-specific cleanup or RLF grants?** You have to be a non-profit or government entity to apply for a cleanup grant. Private developers may obtain loans from Revolving Loan Fund (RLF) grant recipients. For a list of current RLF grantees, please see <http://www.epa.gov/brownfields/reg4.htm>. Private developers may partner and work collaboratively with EPA grantees anytime.

**13. It appears the community notification and input process has been shifted to after the grant has been awarded. Am I penalized during the scoring process if I do not have community input prior to submitting the application?** No, but your proposal should describe your plans for what kind of activities you are going to conduct with your community. Note that in the Ongoing Community Involvement Section subpart 4, asks you to provide a list of the community-based organizations that are involved in the project; so it is best to have partnerships and relationships already established before the proposal is submitted.

**14. We are involved in a greenway project. There are a number of brownfields along the way together with a number of community groups. Can an umbrella organization apply for the grants? Or, does each group, who owns the property need to apply for funds? Maybe if the umbrella organization, such as a greenway group, if they provide an agreement of cooperative action, could the umbrella be the applicant for specific sites?** We assume this question refers to a Revolving Loan Fund grant. Coalitions of eligible entities may apply together under one recipient for up to \$1,000,000 per eligible entity. One member oversees the grant agreement and the other members are partners to the coalition.

**15. Regarding the 20% cost share, can that be made up of in-kind services or supplies? Or, does the 20% needs to be real dollars?** If contribution is labor, material or other services it must be an allowable cost under the grant. You can use in-kind services, but it must be an eligible programmatic cost. See Appendix 2 of the Proposal Guidelines for additional information on prohibited costs. If you already have a HUD Community Development Block Grant (CDBG), you can use that as a cost share. Remember whatever source you use for a cost-share, you will have to track the use/spending of it via your Quarterly Report Budget.

**16. Slide 53 states that monitoring & enforcement of institutional controls is an allowable expense. How does monitoring over time relate to the grant budget period (date by which funds must be expended)?** Grant monies need to be used within the 3-year grant period.

**17. Wanda Jennings, please expound on requirements for 4 budget tables if some sites include petroleum?** If you are requesting both hazardous substances and petroleum funding and you plan to make loans as well as give subgrants, four separate budget tables should be submitted, see below:

- Hazardous budget table for loans
- Hazardous budget table for subgrants
- Petroleum budget table for loans
- Petroleum budget table for subgrants

**18. Our project site includes 3 city blocks and we propose to submit one proposal for each block. However, we may not purchase every parcel within each block. In the event full awards are made for each proposal, what happens if every parcel within each block is not purchased?** We are assuming this question refers to a Cleanup Grant. You are not going to be able to spend Cleanup Grant funds on properties that you do not own. You have to be able to show that you have title when awarded (i.e. by June 30, 2007). If it is not purchased at the time of the proposal, you need to clearly show in your proposal that you have a plan on how you are going to own it through some kind of agreement, etc by June 30, 2007. Funds can only be spent for cleanup on the properties (parcels) you own. Cleanup grants are limited to only 3 properties per applicant.

**19. For Community Wide Assessment Grants, Threshold Criteria, it appears only A. Applicant Eligibility & B. Letter from State Environmental Authority need to be completed, yes?** Yes.

**20. Phase I Assessment Identified 19 possible 'problems' on our one site. For budgeting for a Phase II assessment, how is a budget determined.** Estimate sampling and analysis costs based upon a sampling plan. You may have to seek an estimate from an established environmental consultant firm. You may have to prioritize possible problems if the amount of investigation required will exceed the funding available in an Assessment grant.

**21. Slide # 92 states: You may use up to 10% of the grant for this use. Can you explain what this slide references.** Under the Brownfields Law, a local government may use up to 10 percent of its grant funds for monitoring the health of populations exposed to one or more hazardous substances, pollutants, or contaminants from a brownfield site and monitoring and enforcement of any institutional controls. More information on this is provided here: <http://www.epa.gov/brownfields/tools/finalphandbifact.pdf>.

**22. May RLF Coalitions be comprised of governmental and non-governmental (non-profit and for profit) entities? And, does it make any difference which entity manages the RLF?** Yes. And yes, it does not make a difference which agency manages the RLF grant. You must be a state, city, town, municipality or quasi-governmental entity.

**23. I asked the question about 10% of the budget being used for Institutional Controls. I wasn't sure what was meant by "institutional controls" i.e. is this referring to state regulatory agencies, to local planning, or something completely different?** Institutional Controls are administrative or legal instruments that help to minimize the potential for human exposure to contamination and/or protect the integrity of a remedy. They are generally used where contamination is left in place after the site is remediated. For example, in the case of a property with underlying groundwater contamination (or a monitored natural attenuation remedy), an institutional control such as a deed notice or a local ordinance requiring a well drilling permit would need to be in place to ensure that no future owner becomes unknowingly exposed to the contaminated groundwater by installing a drinking water well. If an engineering control were used, such as a parking lot to provide a cap over contaminated soil, an institutional control would need to be in place to assure that the parking lot is maintained and that the contamination is addressed in the event the parking lot is removed.

**24. Describe the possible members of a coalition group?** Several cities, counties, towns together. The state can oversee and be the lead coalition entity.

**25. Could you specify what constitutes a community? We have looked at Countywide as a large community, we are thinking you may be expecting a smaller community. If so, can we have multiple smaller communities combined as one community for a Community-Wide Assessment Grant?** Yes, you define community in your proposal.

**26. Specifically, what type(s) of community involvement is required, prior to the grant application submittal?** This year there is no requirement for community involvement. EPA does want specific plans on how you are going to have community involvement (i.e. steering committees). Note that the Ongoing Community Involvement Section subpart 4, asks you to provide a list of the community-based organizations that are involved in the project; so it is best to have partnerships and relationships already established before the proposal is submitted.

In Brownfields, you are encouraged to have meaningful community involvement, because in the long run, this has shown to increase the chances of redevelopment success.

**27. Grant term is 3 years. Does this apply to RLF projects, i.e., do RLF loans have to be placed within the 3-year period?** RLF has up to five years. In regards to making actual loan terms, it is negotiated between grantee and loan recipient.

**28. Note: slide 92 was 10% for health, see page 35 of application guidelines.** There are a variety of activities that can be involved with health monitoring. Be sure that you do not duplicate activities that the county health department is doing, but instead coordinate with them. This note applies to all grant types. Please refer to this fact sheet for additional information, including examples of public health activities that may be conducted under a grant: <http://www.epa.gov/brownfields/tools/finalphandbffact.pdf>.

**29. Our COG has finished a \$145,000 rail transportation study and some recommended passenger station sites were next to or in brownfields sites. Can we apply for funds to develop these sites (i.e., planning to present to developers)? Can we use the \$145,000 as matching funds?** You can apply for funds if you meet the definition of applicant eligibility, see page 13 and 14 of our guidelines. Matching funds under the grant can only be used for eligible activities as specified in the guidelines.

## Region 5 Proposal Guidelines Workshop: Q&A Session

July 18, 2006

<http://clu-in.org/conf/tio/bfR5propguide/>

- 1.) **Are there any grants available for de-listed NPL sites? I am under the impression that NPL sites are specifically excluded from all Brownfields funding. Is that true?** Even though properties on or proposed for listing on the National Priorities List are ineligible Brownfields sites, de-listed NPL sites are eligible for property-specific determinations for funding under EPA Brownfields grants.
- 2.) **Once a letter from the State or Tribal Environmental Authorities is reviewed and passes Threshold Criteria, are these letters reviewed later as positive/negative indicators of the State partnership or support of the project?** Yes.
- 3.) **Are the petroleum threshold questions referred to on slide 34 new to the assessment grant applications this year? Would these questions make for non-identical applications for communities that are submitting both hazardous and petroleum community-wide assessment grants?** All of the content in the guidelines, including the criteria, are updated every year. Minor changes are made every year throughout the guidelines.
- 4.) **Is there an online database or search engine to look for or compare leverage information of communities?** Please contact the Region if you would like to connect with communities with similar projects. This type of information is not currently available on the Region 5 Web site.
- 5.) **Can we apply for two Cleanup grants for two adjacent sites (tax parcels) that are components of one redevelopment project?** Yes, you can. Some applicants apply for two adjacent parcels under two redevelopment projects.
- 6.) **Can the costs for the development of a cleanup plan that has been prepared for a given site, be recaptured with cleanup grant monies?** Sometimes. These costs can count as your match, provided it was done after the award date. You cannot count it as your match if it was performed before the award date.
- 7.) **Is mold considered an eligible contaminant? Has it been accepted before or will it?** Mold-related issues can be addressed by RLF or Cleanup grants. However, it's unlikely that an application based solely on mold remediation would receive high scores during the panel review process.
- 8.) **Even though EPA restricts support letters to a minimum, can you still send them in after proposals are due?** This depends on who the support letters are from. Support letters from coalition members should be sent in with information about their roles in the program attached to the proposal. Support letters from the governor/legislator can be sent in, but in reality will not be helpful during the review.

9.) **Do petroleum Phase I/II assessments conducted with grant monies utilize ASTM/AAI standards, or the more stringent state brownfields standards?** If the state standards are more stringent than ASTM and satisfy ASTM standards, go with the state standards because they are the ones who write the No Further Action letters. Also the labs performing the Phase II assessments should be at a level appropriate to state standards.

10.) **Is it possible to "piggy back" to submit a current round cleanup grant on a site that previously received a cleanup grant?** No. For a cleanup grant, \$200,000 is the maximum amount awarded to a site. However, for RLF cleanup loans there is more flexibility. Another important issue to address is defining the size of sites for a grant. Breaking a larger size property into smaller parcels often generates a higher degree of success.

11.) **Can clean up grants be utilized to remediate both buildings as well as sites? If so, what are the eligible activities that can be addressed in a building?** This depends on a case-by-case basis. For instance, if remediation work is needed to address contaminated soils beneath a building, often times, the only way to implement the soil clean up is by demolishing the building in order to access the soils. In this case, demolition of the building would be an eligible clean up activity. Remediation of lead-based paint and asbestos are eligible clean up grant activities.

12.) **Assuming a clean up project really is ready to go, it may be hard to wait a year to get the grant money. Can clean up grant be used to reimburse clean up costs incurred after the award date but before funds are actually disbursed?** This is negotiated on a case-by-case basis. Pre-award grant costs must be approved by the EPA Project Officer. The grantee takes the risk that the grant will be awarded within the next 90 days. If the grant is not awarded within 90 days, the grant funds cannot be used for pre-award activities.

13.) **Is it possible to utilize both RLF and cleanup grant monies to facilitate a given project?** Yes. Any project that can be addressed under a cleanup grant can be addressed under an RLF loan. However, the reverse is not true; cleanup grants have more limitations.

14.) **Can a coalition/committee apply for hazardous and/or petroleum assessment grants for multiple communities?** Yes. However a coalition will only be allotted \$200,000 maximum each for hazardous waste and/or petroleum assessment grants. There is talk about increasing the ceiling to \$500,000, but currently the maximum remains at \$200,000. It is important to note that only one member of the coalition is going to be the Grantee and responsible for managing the funds. Therefore, not all the coalition members will be able to access the funds. A good example of a grant with a coalition of multiple communities is Downriver Community Conference, MI.

15.) **Is there any advantage in applying for "community-wide" vs. "site-specific" grants?** Yes. Community-wide grants can help strengthen the ranking criteria for community needs by addressing key issues from numerous sites. Community-wide grants can achieve site-specific goals after the grant has been awarded.

16.) **Regarding the clean up grant, can the source of the match be private as well as public monies?** Yes, as long as the match is applied to eligible activities.



17.) **Regarding the RLF, can interest rates charged be as low as 0%?** Yes.

18.) **Is it possible to review the criteria ranking scores for a non-funded application, and compare to other scores?** The Region will be able to give a consultation about the reviewer's comments and suggestions for your own proposal application, but can not compare proposal applications because each one is unique.