



Understanding the Proposal Guidelines

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Presented by: US EPA Region 5 Brownfields Program http://www.epa.gov/R5Brownfields/

2

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# Agenda

- Brownfields Overview
- Types and Amounts of EPA Brownfields Grants
- Brownfields Competitive Grant Process
- Overview of Threshold Criteria
- ARC Threshold Criteria/Sub-Criteria
- Overview of Ranking Criteria
- ARC Ranking Criteria/Sub-Criteria
- Useful Application Preparation Tips
- Additional Resources and Final Questions



# **Brownfields Mission**

- EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse <u>brownfields</u>. The Program provides financial and technical assistance for brownfield revitalization, including grants for:
  - Environmental assessment
  - Cleanup
  - Job training

# **Brownfields Definition**

"... real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutants, contaminants, controlled substances, petroleum or petroleum products, or is mine-scarred land."

# "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



Providence, Rhode Island

#### **Benefits of Brownfields Revitalization** Increases local tax base ٠ Facilitates new job growth ٠ Utilizes existing • infrastructure Takes development pressure ٠ The revitalized Gateway District in Salt Lake off undeveloped land Prevents sprawl ٠ Supports cleaner air ٠ Reduces habitat destruction • Many more • 8/29/2008











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

- Assessment
- **R**evolving Loan Fund (RLF)
- Cleanup
- Grant types listed above commonly referred to as ARC Grants!
- Also referred to as:
  - 104(k) grants
  - Competitive brownfields grants
  - Pilots: out-of-date terminology















## Assessment Grant Program (con't)

### Assessment Coalitions

- Up to \$1 million for hazardous substance and/or petroleum (e.g. \$500k hazardous, \$500k petroleum)
  - ✓ 3 or more eligible entities
  - ✓ Must assess a <u>minimum</u> of 5 sites Coalition members are <u>not</u> eligible to apply for individual Community-wide or Site-specific Assessment grants in the year they apply as part of a coalition.



-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



•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





# **RLF Success Story – Fond du Lac, WI**

#### Former Georgetown Cleaners

➢ <u>Grantee</u> − WDNR

- **Borrower** Fond du Lac
- \$400,000 loan for contaminated soil removal and backfill
- Private investment of \$7.5M
- Unique Circumstances WDNR authorized cleanup prior to loan execution to accommodate developer's schedule---loan required City council approval







# **Cleanup Success Story – Milwaukee, WI**

• In 2004 the City of Milwaukee was awarded \$200,000 to remediate a former dry cleaning facility.

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- The result is five retail spaces and 21condominium units with parking.
- This project increased the land value over \$6,000,000.









# **Threshold Criteria – Must Pass**

• Applicant Eligibility (ARC)

- Letter from the State or Tribal Environmental Authority (ARC)
- Site Eligibility and Property Ownership Eligibility (Site-specific Assessment and Cleanup Only)
- Cost Share (RLF and Cleanup Only)
- Legal Authority to Manage a Revolving Loan Fund (RLF Only)
- Description of Jurisdiction (RLF Only)
- Cleanup Authority and Oversight Structure (RLF & Cleanup Only)
- Community Notification (Cleanup Only)



# Applicant Eligibility (con't)

(RLF/Assessment Applicants Only)

# **Coalition Applicants**

- Three or More Coalition Members (Assessment Only); Two or More Coalition Members (RLF only)
  - All Separate Legal Entities
  - All Eligible Applicants

Include in proposal:

- Documentation that all members are eligible entities
- Coalition Members' Letters agreeing to be part of Coalition

# Applicant Eligibility (con't) (Cleanup Applicants Only) Site Ownership

• *Must have FEE SIMPLE TITLE* by June 30, 2009.



- 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.
- If you are applying for multiple types of grant program activities, you need to submit only one letter acknowledging the relevant grant activities. *However, you must provide the letter as an attachment to EACH proposal.*
- Provide your state/tribal environmental authority sufficient notice.

\*Except for State or Tribal Environmental Authority
### Site and Property Ownership Eligibility (Site-Specific Assessment and Cleanup Applicants Only)

- 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.



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<sub>8/29/2008</sub>

2008 38

(Site-Specific Assessment and Cleanup Applicants Only) (con't)

- Hazardous Sites
  - EPA Is Decision Maker
  - Applicant Can Not Be Potentially Liable (CERLCA)
- Petroleum Sites
  - State Is Decision Maker (Except for Tribes)
  - State Petroleum Eligibility Letter
    - Request Early
    - Unique From State Acknowledgement Letter
    - Proposal Attachment

(Site-Specific Assessment and Cleanup Applicants Only) (con't)

#### • Ownership Eligibility

- Owner Liable Unless Exemption Applies
- Common Liability Exemptions/Defenses
  - Involuntary
    - Tax Foreclosure
    - Eminent Domain
  - Bona Fide Prospective Purchaser
  - Innocent Landowner
  - Contiguous Property Owner



(Site-Specific Assessment and Cleanup Applicants Only) (con't)

- Ownership Eligibility (continued...)
- Most common acquisition scenarios:
  - Involuntary acquisition
    - Tax foreclosure
    - Eminent domain
    - *Involuntary acquisition = property is <u>eligible</u> for brownfields grants*
  - Voluntary acquisition
    - Purchase
    - Donation
    - Voluntary acquisition = Must meet a CERCLA defense:
  - Bona Fide Prospective Purchaser (BFPP)
  - Innocent Land Owner
  - Contiguous Property Owner

(Site-Specific Assessment and Cleanup Applicants Only) (con't)

• Ownership Eligibility (con't)

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- Bona Fide Prospective Purchaser (BFPP)
  - Not Responsible For Contamination
  - Not Affiliated With Responsible Party
  - Jan 11, 2002, Criteria Not Applicable For Grant Purpose
  - Other Continuing Obligations
  - All Appropriate Inquiry
    - ASTM E1527 Ph I Environmental Site Assessment
    - Prior To Acquisition
    - Current

(Site-Specific Assessment and Cleanup Applicants Only) (con't)

- Ownership Eligibility (continued...)
- What All Appropriate Inquiry Standard Applies?
  - Depends On When Site Was Acquired
  - After Nov 1, 2006, ASTM E1527-05
  - Nov 1, 2005 Nov 1, 2006, ASTM E1527-97, 00, or 05
  - May 31, 1997 Nov 1, 2005, ASTM E1527-97 or 00
  - Before May 31, 1997, Case Specific
    - Totality of Information About Purchase & Price
    - Commonly Known Information
    - Site Visit Record
    - Etc...



(Site-Specific Assessment and Cleanup Applicants Only) (con't)

### • 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.
- State review based on statutory requirements to determine whether the site is:
  - Relative Low Risk,
  - No Viable Responsible Party,
  - Applicant Not Responsible Party, and
  - No RCRA Corrective Action.

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



# **Cost Share (Cleanup and RLF Only)**

• Cleanup and RLF Grant Recipients are required to provide a 20% cost share (e.g.,\$200,000 Grant has \$40,000 Match)

• Just A Plan Required

- Do Not Exceed Requirement Amount
- Know Difference Between Leveraging and Match
- No Federal Funds For Match
  - 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 <u>eligible and allowable</u> expense.
- Hardship Waivers Can Be Requested
- Cost Share Can Be Passed To Borrower (RLF Only)





- ✓ Indicating that you will accept comments on the draft proposal.
- ✓ Stating the date and time of a public meeting that you must hold <u>prior</u> to proposal submission.
- Applicants who are submitting more than one proposal may plan to have a single community notification ad and meeting. <u>However</u>, all targeted communities must receive the notification and be provided an opportunity to comment on the proposal(s) relevant to their community.



















- *ALL* <u>ARC</u> Applicants <u>must</u> describe the project they are proposing to be funded.
- For Cleanup Proposals, Also Describe
  - Proposed Cleanup Plan
  - Institutional and/or Engineering Controls, and
  - Site Reuse Plans



- For RLF Proposals, Describe
  - YOUR brownfields redevelopment program and how the requested RLF grant funding will be used to support that program
  - Fund Sustainability Plan
  - Expected Borrowers & Subgrantees
  - Marketing Plan For Customers & RLF Program
  - Plan For RLF Success
    - For Example: Staff or Program Manager Commitment, Entire Team, Organization, Customer Selection, Lending Practices, Protective Cleanups

# 2. Project Description/Feasibility of Success (ARC Applicants) (con't)

#### • Budget

- Table (USE Sample Format for Budget)
- Narrative
  - (Describe Each Task (Please No Acronyms e.g. ESA spell it all out)
  - Give Quantitative outputs (e.g., 5 Ph I, 2 Ph II) and associated costs where possible
- Know Cost Eligibility (Administrative Cost Ban, Purpose Of Grant)
  - <u>Never</u> use the word "administrative" to describe a task. Use "program development" or something similar.
- Equipment Costs
  - It is always useful (and strongly suggested) to explain and justify equipment and/or supply budget items. Equipment is generally expected for cleanup applicants only.

# 2. Project Description/Feasibility of Success (ARC Applicants) - Assessment Budget

Budget Categories (programmatic costs only)	Project Tasl	Project Tasks							
	[Task 1]	[Task 2]	[Task 3]	[Task 4]	Total				
Personnel									
Fringe Benefits									
Travel <sup>1</sup>									
Equipment <sup>2</sup>									
Supplies									
Contractual <sup>3</sup>									
Other (specify)	_								
Total:									
<sup>1</sup> Travel to brownfield-related training conference <sup>2</sup> EPA defines equipment as items that cost \$5,0 supplies. Generally, equipment is not r <sup>3</sup> Applicants must comply with the procurement	00 or more with a use equired for RLF grant	ful life of more the	an one year. Items	-					



## 2. Project Description/Feasibility of Success (ARC Applicants) - Cleanup Budget

Budget Categories (programmatic costs only)	Project Tasks						
	[Task 1]	[Task 2]	[Task 3]	[Task 4]	Total		
Personnel							
Fringe Benefits							
Travel <sup>1</sup>							
Equipment <sup>2</sup>							
Supplies							
Contractual <sup>3</sup>							
Other (specify)							
Subtotal:							
Cost Share							
<sup>1</sup> Travel to brownfield-related training conferences i <sup>2</sup> EPA defines equipment as items that cost \$5,000 to supplies. Generally, equipment is not requi- <sup>3</sup> Applicants must comply with the procurement pro- <sup>3</sup> Applicants must comply applied by the pro- <sup>3</sup> Applicants must comply applied by the procurement pro- <sup>3</sup> Applicants must comply applied by the pro- <sup>3</sup>	or more with a usefu red for RLF grants.	Il life of more that	n one year. Items co	-			



# 2. Project Description/Feasibility of Success (ARC Applicants) - RLF Budget

Budget Categories (programmatic costs only)	Project Tasks for Loans (at least 60 percent of amount requested)						
	[Task 1]	[Task 2]	[Task 3]	[Task 4]	Total		
Personnel							
Fringe Benefits							
Travel <sup>1</sup>							
Equipment <sup>2</sup>							
Supplies							
Contractual <sup>3</sup>							
Loans							
Other (specify)	-						
Subtotal:							
Cost Share							
<ol> <li><sup>1</sup> Travel to brownfield-related training conference</li> <li><sup>2</sup> EPA defines equipment as items that cost \$5,000 supplies. Generally, equipment is not required for</li> <li><sup>3</sup> Applicants must comply with the procurement pr</li> </ol>	or more with a useful r RLF grants.	life of more than a	one year. Items co	-			



# 2. Project Description/Feasibility of Success (ARC Applicants) - RLF Budget (con't)

Budget Categories	Project Tasks	Project Tasks for Subgrants (no more than 40 percent of amount requested)							
(programmatic costs only)	[Task 1]	[Task 2]	[Task 3]	[Task 4]	Total				
Personnel									
Fringe Benefits									
Travel <sup>1</sup>									
Equipment <sup>2</sup>									
Supplies									
Contractual 3									
Subgrants									
Other (specify)									
Subtotal:									
Cost Share									
Total									
Total Cost Share									
<ol> <li><sup>1</sup> Travel to brownfield-related training a <sup>2</sup> EPA defines equipment as items that c supplies. Generally, equipment is not r <sup>3</sup> Applicants must comply with the proce</li> </ol>	ost \$5,000 or more with equired for RLF grants.	a useful life of more	e than one year. Item						



## 2. Project Description/Feasibility of Success (ARC Applicants) (con't)

- **Leveraging** If you determine that additional work (*e.g.*, assessment and/or cleanup) may be required, describe the funding or resources (public and private) you have or will seek to complete the additional work.
  - Describe Any Gap In Overall Project Funding
    - Assessment,
    - Cleanup Planning,
    - Cleanup, and
    - Reuse
  - Describe ALL Possible Gap Funding Sources
  - Provide Examples Of Past Leveraging

# 2. Project Description/Feasibility of Success (ARC Applicants) (con't)

- Programmatic Capability All ARC Applicants must clearly demonstrate your ability to manage a grant and oversee the work (i.e. demonstrate sufficient resources to complete the project and a capability to complete the project in a timely manner).
  - **Prior** Brownfields Grantee

- Past Grant(s) Management & Performance
  - Funding Expenditure
  - Compliance
  - Accomplishments
- Adverse Audit Findings
- Corrective Action For Past Grant Management Issue



# 2. Project Description/Feasibility of Success (ARC Applicants) (con't)

- Programmatic Capability (con't)
  - Not a Prior Brownfields Grantee
    - Plan For Management & Performance
    - In-house or Plan For Expertise Acquisition
    - Prior Three Years Grant Management
      - Federal, State, Foundations
      - Adverse Audit Findings
      - Corrective Action For Past Grant Management Issue









- Community-based organizations are NOT your congress persons or other elected officials. It is NOT the Mayor's office.
- Support Letters Required

\*EPA will focus on the unique contributions and strength of partnerships, instead of the sheer number of letters an applicant submits.


## 4. Project Benefits (ARC Applicants) (con't)

- <u>Welfare and/or Public Health</u> Describe the environmental, social, and/or public health benefits anticipated from the redevelopment of sites assessed and/or cleaned up under this grant. Communicate all benefits including:
  - Direct & Indirect From Assessment, Cleanup, and/or Site Reuse
    - For Example: Exposure, Risk & Blight Reductions
  - Plan For Community & Sensitive Populations Protection From Project Contaminants
    - For Example: Signs, Fences, Dust Control

8/29/2008 73



## 4. Project Benefits (ARC Applicants) (con't)



















- Check <u>www.epa.gov/brownfields</u> for the following documents:
- FY09 ARC Proposal Guidelines
- FY09 ARC Frequently Asked Questions (FAQ)
- Fact sheet on changes to Brownfields ARC grant guidelines
- Fact sheet on Brownfield Assessment Coalitions
- Example MOA for Assessment Coalitions

8/29/2008 83





