



Region 4 Brownfields Program Webinar

Applying for Cleanup Grants



- ❖ Eligibility/Threshold Requirements
- ❖ Site Ownership
- ❖ All Appropriate Inquiry (AAI)
- ❖ Grant Writing Tips
- ❖ Highlights from Successful Cleanup Grantees





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Applying for Cleanup Grants

Webinar Presenters

- ❖ Brian Gross, EPA Region 4
- ❖ Keriema Newman, EPA Region 4
- ❖ Camilla Warren, EPA Region 4
- ❖ Hale Booth, Bright Bridge Inc.
- ❖ Linda Grijalva, CSRA Regional Commission



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Good proposals begin with applicants who are well positioned for success

Some things to think about before you apply:

- Who will oversee your grant?
- Do you have a vision for your community?
- Have you engaged your community?
- Do you have political support?



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Description of a Cleanup Grant

- Applicant can apply up to \$200,000 per Brownfield site
- Applicant may apply for up to *three* properties: (must submit separate site-specific proposals for each property)
- Applicant must own site at time of application (grantee must maintain sole ownership of the site until the grant is closed out)
- Applicant may request up to \$200K to address hazardous substances and/or petroleum contamination



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Description of a Cleanup Grant

- The Brownfields Law requires cost share requirement of 20% (Applicant may request a waiver based on hardship)
- Cost share, which may be in the form of a contribution of money, labor, material, or services, must be for eligible and allowable costs under the grant and cannot include administrative costs
- The grant cycle is three years
- Applicants must have a **Phase II** site assessment report or equivalent investigation report complete
- An **Analysis of Brownfields Cleanup Alternatives** or ABCA must be completed



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Applying for Cleanup Grants

Who Can Apply?

- Local Governments (as defined under 40 CFR Part 31)
- Land Clearance Authorities/Quasi-Governmental Entities Under Local Governmental Control
- State Legislated Government Entities
- Regional Councils of Government or Group of Local Governments
- Redevelopment Agency (State Chartered/Sanctioned)
- States
- Tribes (Land held in **trust** by the government for a tribe is eligible for a cleanup grant)
- Nonprofit organizations (documentation of nonprofit status is required; IRS letter designating 501(c)3)



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What types of sites may be eligible for Cleanup Grants

- Abandoned Industrial/Commercial Sites
- Abandoned Gas Stations
- Asbestos & Lead Based Paint (indoor cleanups)
- Controlled Substances (e.g., Meth labs)
- Mine-Scarred Lands
- Other environmental contaminants





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Site Eligibility

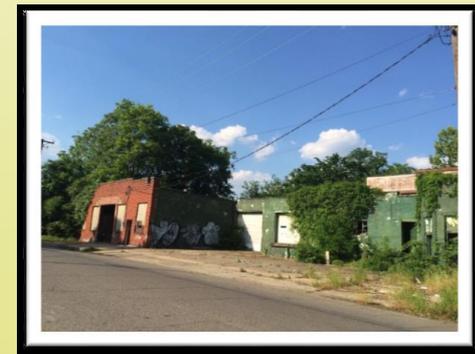
- To be eligible for a grant, sites must meet definition of a Brownfield

Brownfields are defined as:

“...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.”

Examples:

- Blighted, abandoned, derelict property
- Contaminated property
- Property that everyone perceives is contaminated
- Property where there are concerns for environmental liability





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Site Ineligibility

- Types of properties that are **ineligible** for a cleanup grant
 - Facilities listed (or proposed for listing) on the National Priorities List (NPL)
 - Facilities subject to unilateral administrative orders (UAOs), court orders, administrative orders on consent (AOCs) or judicial consent decrees under CERCLA
 - Facilities that are subject to the jurisdiction, custody or control of the US Government

FUDS (formerly used defense sites) **are** eligible



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Site Eligibility

- To be eligible for a cleanup grant, eligible entities who fall within one of the categories must demonstrate that they meet one of the **liability protections or defenses** set forth in CERCLA §107 (the Superfund law) by establishing that they meet the definition of any of the following:
 1. An innocent land owner
 2. Bona fide prospective purchaser (BFPP)
 3. Contiguous property owner
 4. Local or state government entity that acquired the property involuntarily by bankruptcy, tax delinquency, or abandonment or by exercising power of eminent domain

*To claim protection as any of the above 1-4, an **All Appropriate Inquiry (AAI)** must be conducted prior to acquiring the property.



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All Appropriate Inquiry (AAI)

All appropriate inquiry refers to the requirements for assessing the environmental conditions of a property prior to its acquisition. Most of this information that will answer AAI questions are included in the Phase I.

- For more information on these liability protections or defenses, please refer to the following:
 1. [Brownfields Law \(Small Business Liability Relief and Revitalization Act\)](#)
 2. [April 2009 Fact Sheet entitled: "EPA Brownfields Grants, CERCLA Liability and All Appropriate Inquiries or](#)
 3. [EPA's AAI Final Rule \(70 FR 66070\)](#)
 4. March 2003, EPA guidance entitled [Interim Guidance Regarding Criteria Landowners Must Meet in Order to Qualify for Bona Fide Prospective Purchase, Contiguous Property Owner, Or Innocent Landowner Limitations on CERLA](#)



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Site Eligibility (Petroleum)

Specific criteria for petroleum sites is set forth by Congress as follows:

- Relatively low risk;
 - No viable responsible party can fund the cleanup;
 - Applicant cannot be potentially liable for cleaning up the site; and
 - Site must not be subject to a RCRA corrective action order
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- Generally, petroleum site eligibility will be determined by the EPA or the state. A petroleum determination letter is required.
 - EPA will make the determination in cases where the state is unable.
 - EPA will make the determination for tribes.



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State	State Contact	State	State Contact
AL	Larry Norris, LAN@adem.state.al.us 334-279-3053	MS	Willie McKercher, Willie_Mckercher@deq.state.ms.us 601-961-5731
FL	Kim Walker, kim.walker@dep.state.fl.us 850-245-8934	NC	Bruce Nicholson, Bruce.Nicholson@ncdenr.gov 919-707-8330 Tony.Duque@ncdenr.gov 919-707-8380
GA	Shannon Ridley, Shannon.ridley@dnr.ga.gov 404-463-0340	SC	Robert Hodges, hodgesrf@dhec.sc.gov 803-898-0919
KY	Herb Petitjean, Herb.Petitjean@ky.gov 502-564-0323	TN	Robin Heriges, Robin.L.heriges@tn.gov 615-741-4936



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Applicant Eligibility

- Applicants eligible for cleanup grant funds **cannot** be liable for contamination at the site.
- Applicants must demonstrate how they are an eligible entity for a cleanup grant
- To be eligible to receive a cleanup grant, the applicant must be **sole owner** of the site
- “Own” means fee simple title through a legal document
- The grantee must maintain sole ownership of the site until the grant is closed out



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Letter from the State or Tribal Environmental Authority

- Required for an applicant other than a state or tribal environmental authority
- Letter must be **current** and not from prior years
- If you are submitting multiple proposals, copy of the letter must be submitted with every proposal
- Request **adequate** time from the state or tribal authority
- Letter should acknowledge that the applicant plans to conduct cleanup activities and is applying for federal funds
- Failure to submit will result in rejection of a proposal



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Threshold Criteria for Cleanup Grants

- **Threshold criteria is pass/fail**
- **The determination includes site and applicant eligibility**
 1. Applicant Eligibility
 2. Letter from the State or Tribal Environmental Authority
 3. Site Eligibility and Property Ownership Eligibility (site specific responses may be required for subsections (a) – (i))
 - a. Based on type of site whether its hazwaste, petroleum, comingled plume, or a hazwaste and petroleum (distinguishable)
 4. Cleanup Authority and Oversight Authority
 5. Cost Share (20%; a hardship waiver may be requested)
 6. Community Notification

Applicants deemed ineligible will be notified within 15 calendar days of the ineligibility determination.

Hale Booth

Executive Vice President

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**Former Junk Yard, located on Main Street;
South Side of Chattanooga**



\$200,000 in EPA Cleanup funds + \$40,000 local match



Following cleanup, site was sold to local medical group,
Center for Integrated Medicine;

Currently generates >\$50,000 in annual property taxes and has
helped spur continued revitalization of Main Street Corridor



212 Cherokee Boulevard-North Shore of Chattanooga;
Former Filling Station with Residual Contamination



**\$80,000 of RLF Funds Loaned to Developer Yielded
\$3M in Leveraged Funds for Commercial/Residential Development
Produces > \$55,000 in Property Tax/Year**



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Ranking Criteria for Cleanup Grants

Please respond to all ranking criteria and sub-ranking criteria below regardless of whether the criteria applies to your application. Any criterion left unanswered may result in zero points given for that criterion.

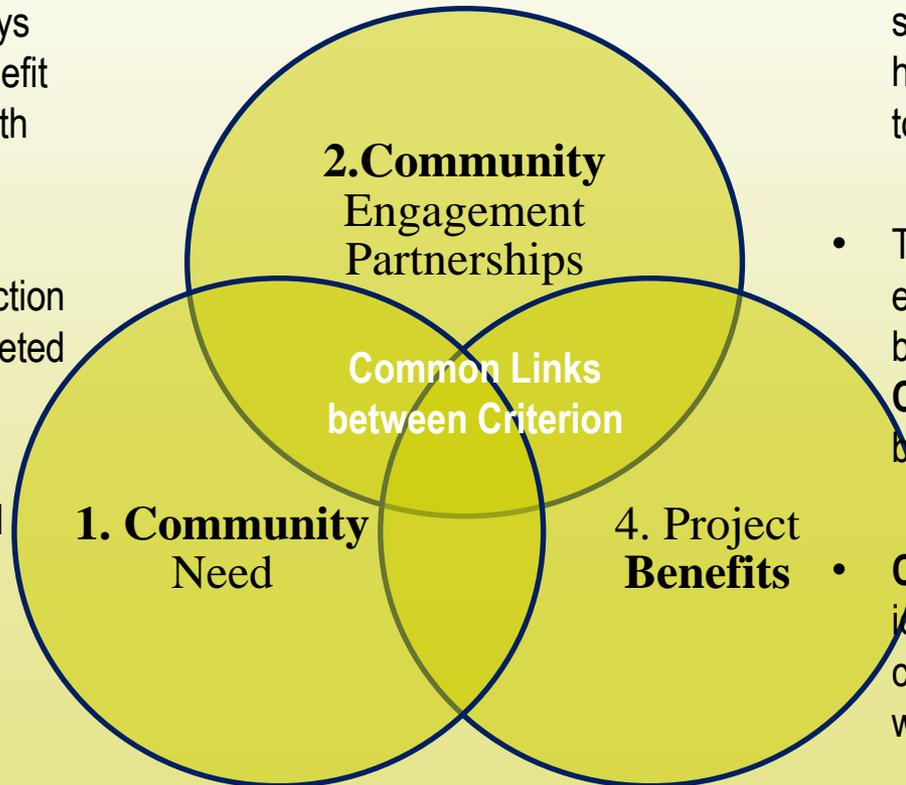
1. Community Need
 2. Project Description and Feasibility of Success
 3. Community Engagement and Partnerships
 4. Project Benefits
 5. Program Capability and Past Performance
- Each criterion is made up of sub-criteria
 - Answer each sub-criteria individually
 - Sub-criteria point totals vary per section



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- **Community Need** should provide the foundation of the sections on project benefits, planned community engagement and partnerships and the ways the project will ultimately benefit your targeted community (both outputs and outcomes).
- The **Community Need** section should identify your targeted community.
- The **Project Benefits** should address the challenges that were identified earlier, in the **Community Need** section.



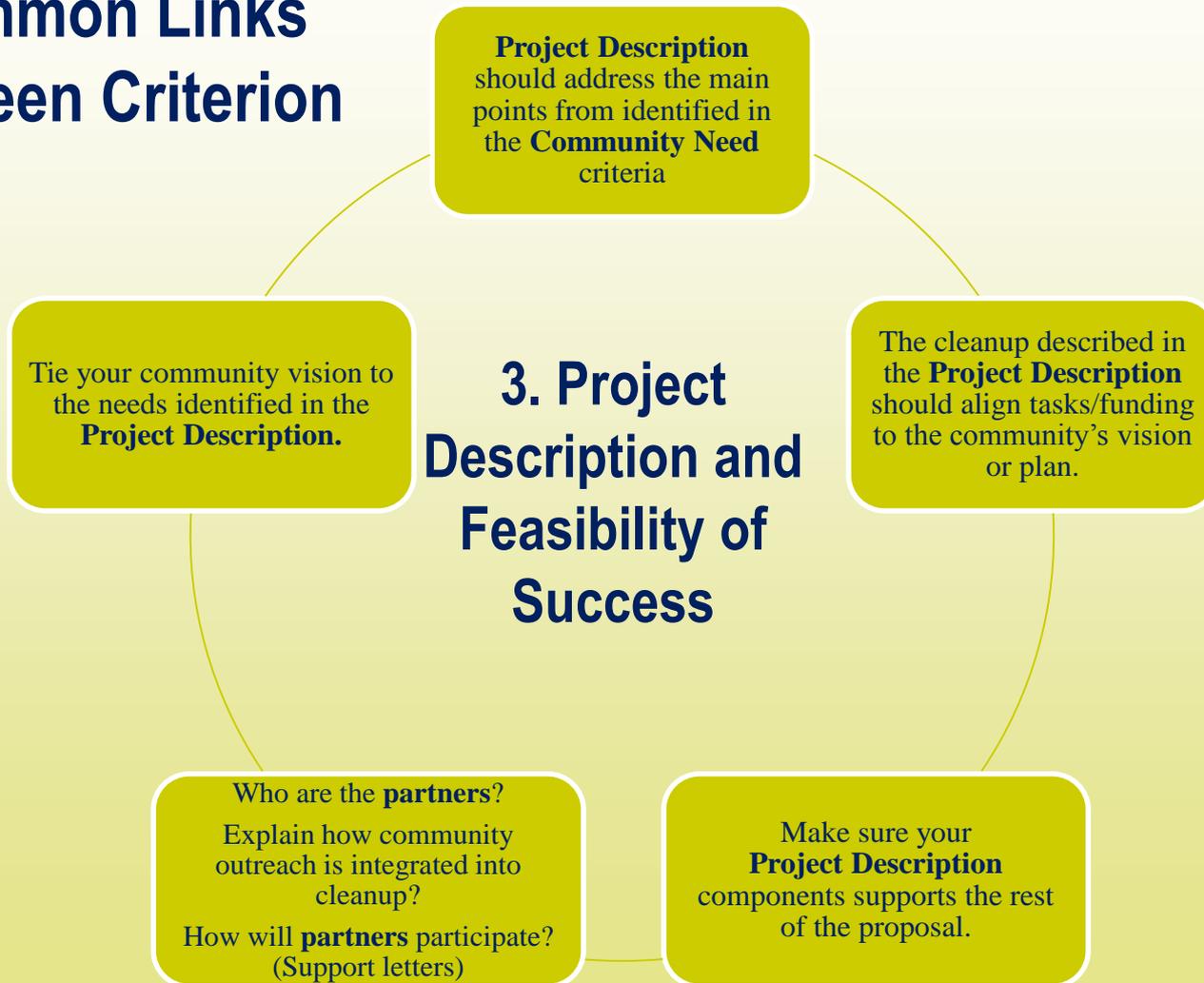
- Connect the **Community Need and Community Engagement Partnerships to Project Benefits** and these sections should all be centered around how the outcome will contribute to the community's vision.
- Tie Health, welfare, socio-economic, and environmental benefits identified in the **Community Need** section back to **Project Benefits**.
- **Community Partners** identified to work with the community should be in line with community's needs.



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Common Links between Criterion





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5. Programmatic Capability and Past Performance

- Demonstrate ability to manage the grant & project activities within the project period
- Demonstrate sufficient resources and capability to complete the project in a timely manner
- Identify Staff, and define their roles, expertise, and qualifications

Audit Findings

- Describe any adverse audit findings:
- Applicant must state that there is no adverse audit in proposal

If *Not* A Prior Brownfields Grantee, describe Current and/or Recent Grant History

- Management & Performance
- Federal, State, and Foundation Assistance
- Similar in Scope (if possible)
- No More Than Five
- Purpose and funding amount
- Accomplishments, Outputs and Outcomes
- Compliance
- Corrective Action for Past Grant Management Issue

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Success Story: Scenic By-Way Visitor's Center

Linda D. Grijalva

Director of Community Development

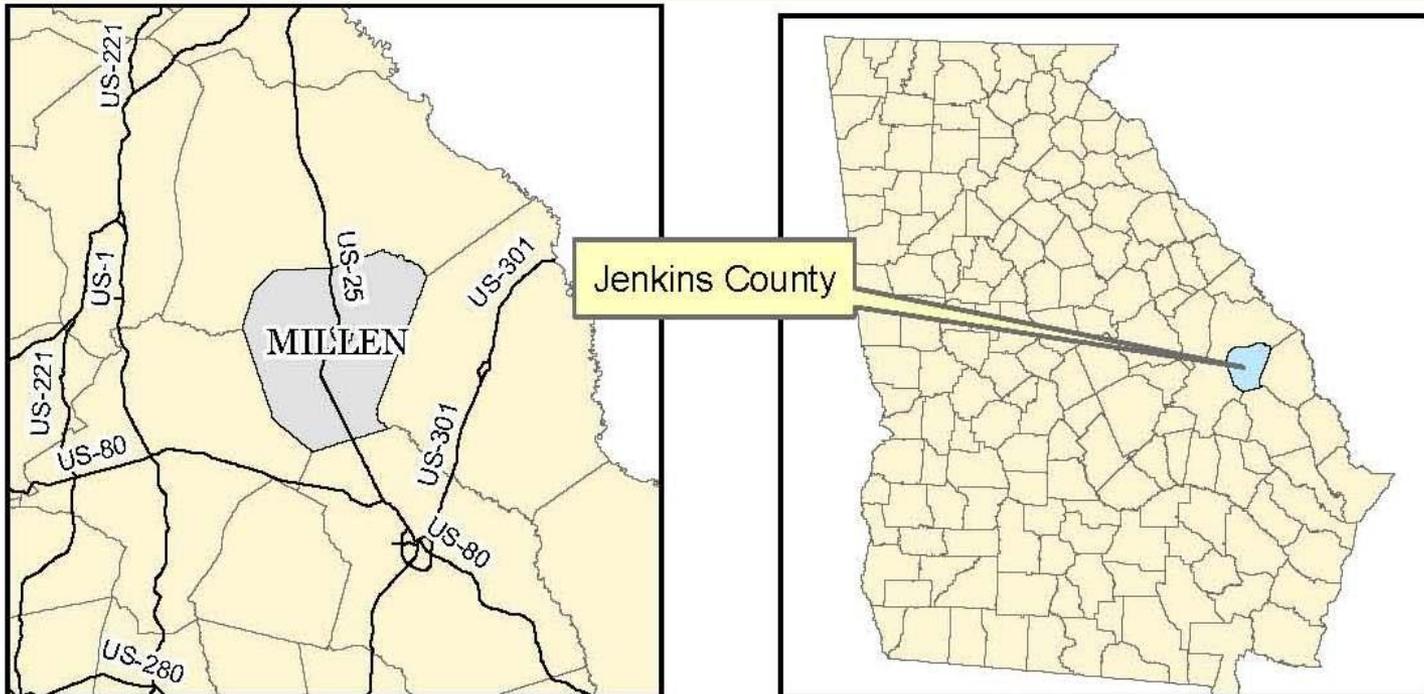
Central Savannah River Area Regional Commission





Success Story: Scenic By-Way Visitor's Center

Site Location





Success Story: Scenic By-Way Visitor's Center

	Jenkins County	City of Millen
Population	8,346	3,312
Per Capita Income	\$16,191	\$16,223
Median Household Income	\$26,672	\$23,840
Poverty Rate	30.40%	34.30%
Unemployment Rate	18.2%	18.3%



Success Story: Scenic By-Way Visitor's Center





Success Story: Scenic By-Way Visitor's Center

2010 EPA Clean-up Grant





Success Story: Scenic By-Way Visitor's Center





Success Story: Scenic By-Way Visitor's Center

Leveraging Funds

FUNDING SOURCE	AMOUNT
EPA Assessment Grant	\$200,000
EPA Clean-up Grant	\$200,000
Private Funds	\$35,000
DOT Scenic Byway	\$677,784
City Funds	\$224,000
Total	1,336,784



For More Information

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Linda D. Grijalva

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Resources



<http://www.cdfa.net/cdfa/cdfaweb.nsf/pages/brownfieldsmarketplace.html>

Communities will have a dedicated time to present their brownfield project to a panel of technical assistance advisors during the times listed below. In addition, project boards detailing a community's brownfield site will be left on display during the course of the National Development Finance Summit for conference attendees to view at will.

Marketplace Presentation Times:

Wednesday, November 4, 2:00pm - 5:00pm

Thursday, November 5, 10:30am - 12:00pm

Friday, November 6, 8:30am - 11:00am



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Training Hosts EPA Region 4

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