

# Understanding the Brownfields Proposal Guidelines

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**USEPA Region 9**



# Agenda

- Brownfields Overview
- Grant Types & Amounts
- Competitive Process
- Overview of Threshold Criteria & Sub-Criteria
- Overview of Ranking Criteria & Sub-Criteria
- Useful Application Preparation Tips
- Additional Resources
- Contact Information

# Brownfields Definition

*“ . . . . real property, where the expansion or reuse may be complicated by the presence or potential presence of hazardous substances, petroleum products or property that is a mine-scarred land”*



# Benefits of Brownfields Revitalization

- Increases local tax base
- Promotes Jobs
- Utilizes existing infrastructure
- Brings real estate back into productive use
- Prevents sprawl
- Supports cleaner air
- Reduces environmental and health risks
- Improves quality of life and preserves cultural values

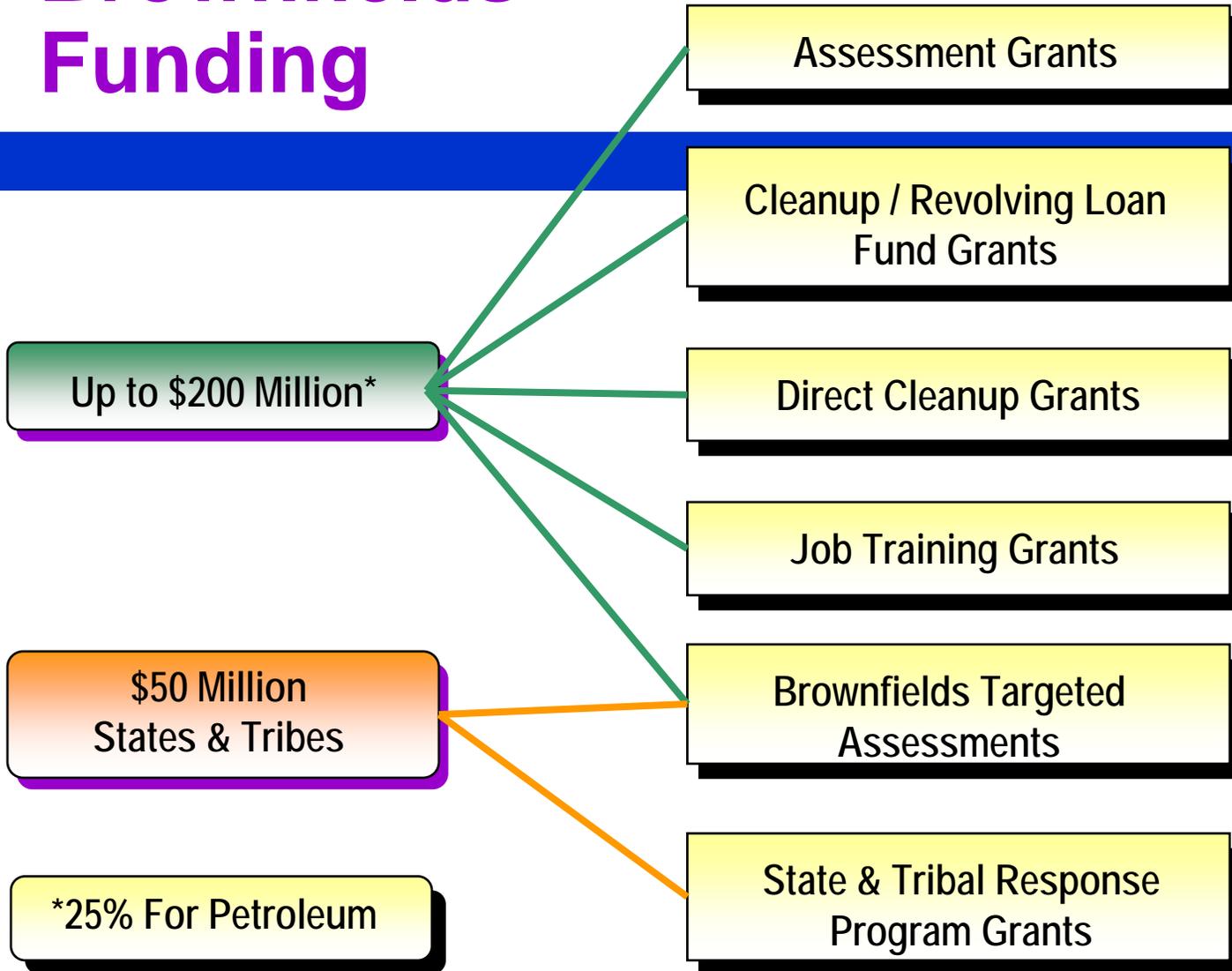
# EPA's Investment in Brownfields Grants

- Since 1995, EPA has awarded **1,911** brownfields grants totally more than \$595M
- **This has helped:**
  - Assess more than 11,779 properties
  - Leverage more than \$11 billion in brownfields cleanup and redevelopment funding from the private and public sectors
  - Generate more than 48,238 jobs

# Brownfields Grants in Nevada

- Clark County Redevelopment Agency
- Ely Shoshone Tribe
- Las Vegas
- Mineral County Parks and Recreation Commission
- North Las Vegas Redevelopment Agency
- Nye County
- Reno Redevelopment Agency
- Nevada Division of Environmental Protection
- State of Nevada

# Brownfields Funding



# Brownfield Grant Types

- **A**ssessment
- **R**evolving Loan Fund (RLF)
- **C**leanup

Grant types listed above commonly referred to as **ARC** Grants and are also referred to as:

- 104(k) grants
- Competitive brownfields grants
- Pilots: out-of-date terminology

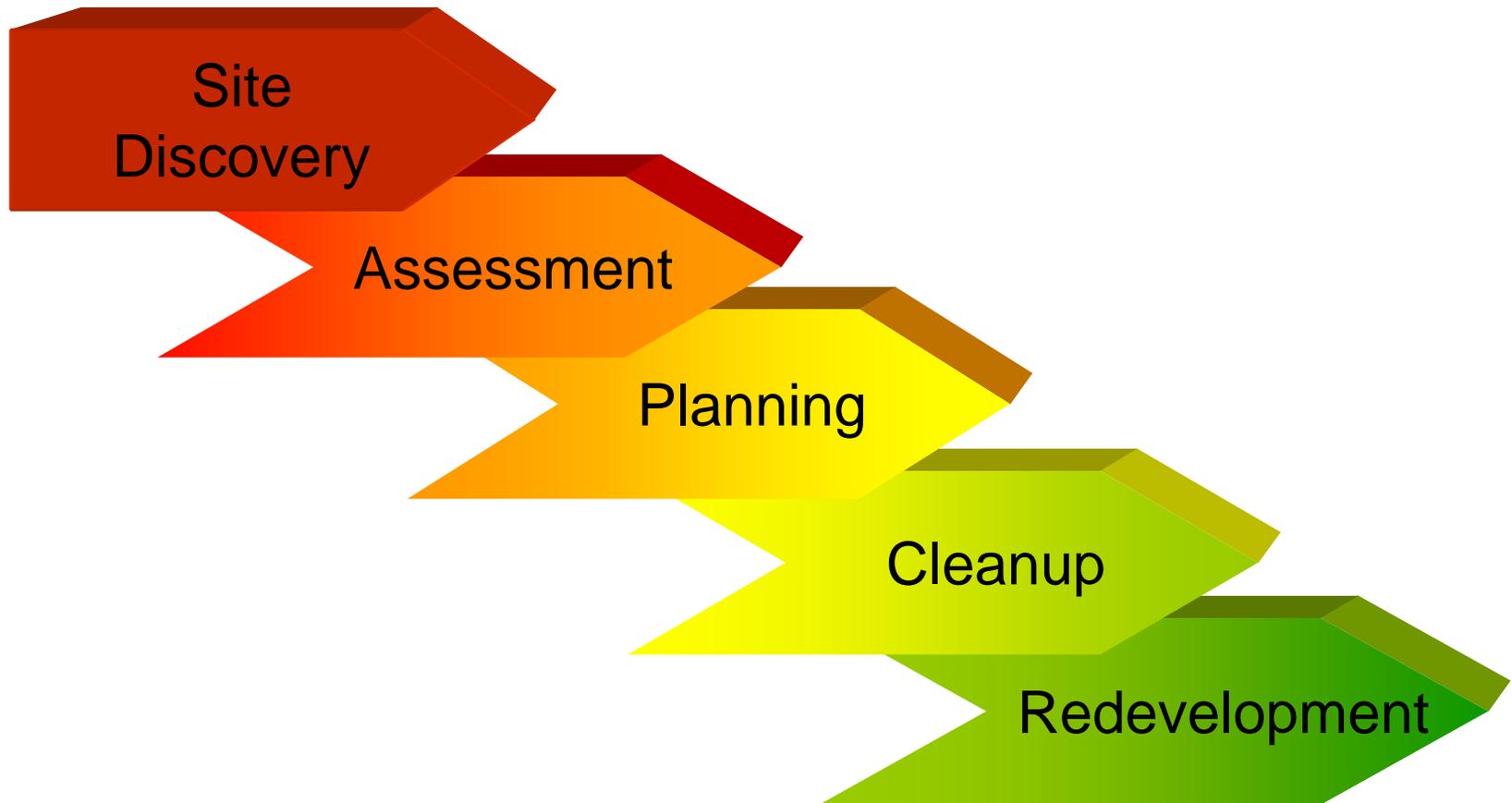
# FY2008 Brownfields ARC Grant Program

- EPA received over 845 proposals for funding
- Funded 314 grants nationally (\$74 million)
  - 194 assessment grants
  - 108 cleanup grants
  - 12 RLF grants
- **Region 9** received 99 proposals
  - 33 awarded - 11 Cleanups, 1 RLF and 21 Assessments

# Estimated Timeline

- Aug – Sept. 2008: New guidelines available
- Oct - Nov 2008: **PROPOSALS DUE 90 days after public notice**
- April - May 2009: Awards Announced
- April - June 2009: Work plans and grant paperwork submitted
- July - Oct 2009: Funds Available

# Steps to Brownfields Reuse



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# Steps to Brownfields Reuse

Site  
Discovery

Assessment

Planning



**Reno, Nevada**

# Steps to Brownfields Reuse



Cleanup

Redevelopment

# Success Story: Cleanup Grant



**Capital Area Development Authority**  
Sacramento, CA  
**\$200,000 Cleanup Grant**

# Estimated Timeline

- August 2008: New guidelines available
- Oct - Nov 2008: **PROPOSALS DUE**
- April - May 2009: Awards Announced
- April - June 2009: Work plans and grant paperwork submitted
- July - Oct 2009: Funds Available

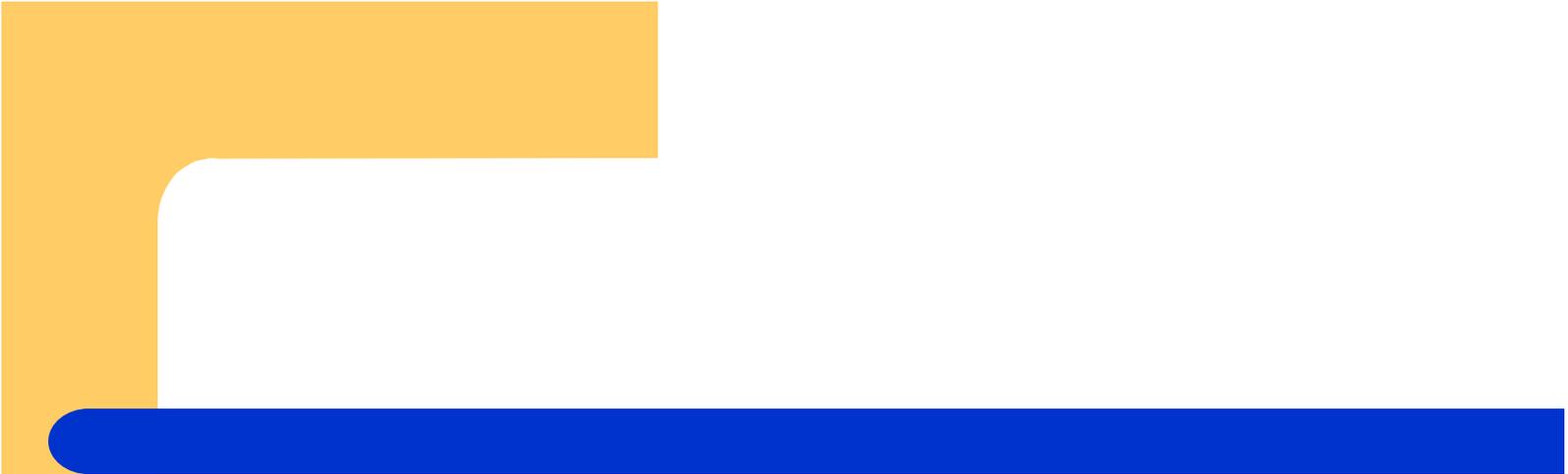
# Brownfields Job Training

- \$200,000 to provide environmental technician training to local residents
- Example training courses:
  - 40-hr. HAZWOPER
  - Lead/Asbestos Certification
  - Soil and water sampling
  - Intro Phase I assessment
  - 10-hr OSHA Safety Training
- Partner with local Workforce Investment Act/Board for life skills funds & assistance
- Ensure employers are willing to hire participants



# Targeted Brownfields Assessment Program

- Eligible entity submit on-line application to regional office  
*<http://www.epa.gov/region09/waste/brown/grants.html>*
- Identify potential reuse of property
- **Services only** - no funding
- EPA's contractors complete the Phase I or Phase II assessments and cleanup plan cost estimates
- Recipient is responsible for obtaining site access
- Revolving application process, no match required
- Private parties are not eligible



# **Threshold Criteria Overview**

# Threshold vs. Ranking

- **Threshold** – minimum eligibility requirements
  - **Ranking** – criteria for selecting proposals
- \* Applicants must pass Threshold Criteria to be considered for funding

# Threshold Criteria

## ASSESSMENT GRANTS

- Applicant Eligibility
- Letter from the State or Tribal Environmental Authority
- Site Eligibility and Property Ownership Eligibility (site-specific only)

# Threshold Criteria

## REVOLVING LOAN FUND (RLF) GRANTS

- Applicant Eligibility
- Letter from the State or Tribal Environmental Authority
- Cleanup Authority and Oversight Structure
- 20% Cost Share
- Legal Authority to Manage an RLF
- Description of Jurisdiction

# Threshold Criteria

## CLEANUP GRANTS

- Applicant Eligibility
- Letter from the State or Tribal Environmental Authority
- Site Eligibility and Property Ownership Eligibility
- Cleanup Authority and Oversight Structure
- 20% Cost Share
- Community Notification

# Applicant Eligibility

<b>Type of Applicant</b>	<b>Assessment &amp; A. Coalitions</b>	<b>RLF</b>	<b>Cleanup</b>
<b>Local Governments</b>	X	X	X
<b>Land Clearance Authority; Quasi-governmental entity OR General purpose unit of local government</b>	X	X	X
<b>Government Entity Created by State Legislature</b>	X	X	X
<b>Regional Council or group of General Purpose Units of Local Government</b>	X	X	X
<b>Redevelopment Agency chartered or sanctioned by a state</b>	X	X	X
<b>State</b>	X	X	X
<b>Indian Tribe other than in Alaska</b>	X	X	X
<b>Nonprofit organizations</b>			X

# Applicant Eligibility

- For-profit entities cannot apply for grants (but can borrow from an RLF grantee)
- Nonprofits can apply only for cleanup grants and/or (receive a subgrant/loan from an RLF grantee)
- **Assessment Coalition** - **need 3 or more to form**
  - Separate legal entities with documentation that all Coalition Members are eligible entities
  - Letters from Coalition Members agreeing to be part of Coalition

## Letter from State or Tribal Environmental Authority

- *Current* letter **acknowledging** that the applicant plans to apply for grant funds to conduct or oversee assessment and/or cleanup activities
- If applying for multiple types of grants, only need to submit **ONE** letter acknowledging the grant activities  
*Note: EACH proposal must have the letter as an attachment*
- State & Tribal authorities **do not** need to provide letter
- Provide your state/tribal environmental authority sufficient notice to submit letter for a complete application

## Site Eligibility

### Site-Specific Assessment & Cleanup Only

- National Priorities List (Superfund)
- Facilities subject to Court orders under CERCLA
- Facilities that are subject to the jurisdiction, custody or control of the US government (except land held in trust for Indian Tribes)

# Property Specific Determinations

- Prior to applying, if the site has a current action under: CERCLA, RCRA, FWPCA, TSCA, SDWA or LUST, contact EPA
- These properties may be considered for funding with a Property Specific Determination

# Site Eligibility

## Site-Specific Assessment & Cleanup Only

- **Hazardous Substance Sites**
  - EPA will determine if site is eligible
- **Petroleum Sites**
  - EPA and/or State will determine if site is eligible, whichever is appropriate (**except for Tribes**).
  - **Petroleum Eligibility Letter**
    - Make requests of EPA and State early
    - Different from State Acknowledgement Letter
    - Attach to the Proposal

# Site Eligibility

## Site-Specific Assessment & Cleanup Only

### Is it a Brownfields Site?

- Real Property ?
- Do you believe the site is contaminated?

- What are the contaminants?

Hazardous: solvents, pesticides, metals, drugs, mine tailings, radionuclides, etc. OR Petroleum: gasoline, diesel, motor oil

- What are the impediments for reuse?

## Site Eligibility

### Site-Specific Assessment & Cleanup Only

- Who Contaminated it?
  - If Applicant, in most cases the site is not eligible
  - Is there another Party?
- What happened on the property after acquisition?
  - Property Vacant / fenced
  - Leased to operator

## Site Eligibility

### Site-Specific Assessment & Cleanup Only

Generally, applicant must not be responsible for contamination. Answer the following questions:

- Who owns it?
  - Applicant
  - Private party
- How was it acquired?
  - Did purchase include due diligence / all appropriate inquiry?
  - Tax foreclosure, abandonment, or other government proceeding

## Site Eligibility - Petroleum Site-Specific Assessment & Cleanup Only

- 1) Must be low risk
  - Is the site relatively low risk? (ask the State)
- 2) Current and previous owner must not be responsible for contamination
  - Who are the current and previous owners?
  - Did the current or previous owner cause contamination?
- 3) If current or previous owner is responsible...
  - Are they financially viable?
- 4) Site cannot be subject to RCRA Corrective Action

# Property Ownership Eligibility

## Site-Specific Assessment & Cleanup Only

- Most common ACQUISITION scenarios:
  - Involuntary acquisition – property is eligible for grants
    - Tax foreclosure
    - Eminent domain
  - Voluntary acquisition – must meet a CERCLA defense
    - Purchase
    - Donation
- CERCLA defenses
  - Bona Fide Prospective Purchaser (BFPP)
  - Innocent Land Owner
  - Contiguous Property Owner

# Property Ownership Eligibility

## Site-Specific Assessment & Cleanup Only

- **What is a Bona Fide Prospective Purchaser (BFPP)?**
  - Performed All Appropriate Inquiry (AAI) prior to acquisition
  - Not responsible for contamination or affiliated w/responsible parties
  - Met continuing obligations not to exacerbate contamination
- **What is a Innocent Land Owner?**
  - Performed AAI prior to purchase and cannot know, or have reason to know, of contamination
  - Comply with land use restrictions and keep integrity of institutional controls
  - Take reasonable steps with contamination on property
  - Provide cooperation, assistance and access
- **What is a Contiguous Property Owner?**
  - Same as innocent land owner PLUS
  - Comply with information requests and administrative subpoenas
  - Provide legally required notices

# Cleanup or Legal Authority & Oversight Structure

- **Cleanup Oversight (Cleanup and RLF Applicants)**
  - Describe oversight & if plan to enroll in state or tribal voluntary program
- **Property(s) Access Plan (Cleanup only)**
  - Plan to obtain access to adjacent properties, if needed
- **Legal Opinion (RLF only)**
  - Letter from applicant's counsel describing legal authority to access/secure sites & to manage RLF (e.g. make and enter into loan agreements, collect repayment)
  - **RLF Coalition applicant** ensure adequate program performance of coalition members, borrowers, and/or subgrantees

# Cost Share

## 20% Match Required for Cleanup & RLF

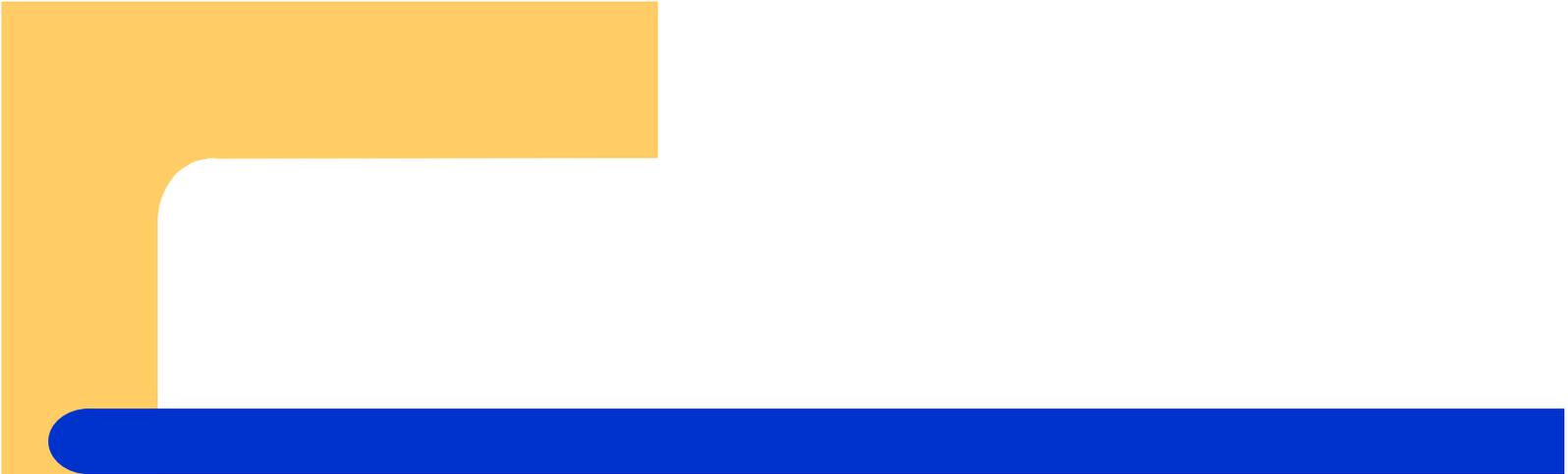
- Only a Plan Required
- Do not exceed requirement amount
- Leveraging and Match are different
- Match can be contribution of money, labor, materials, or services from a non-federal source
  - Only incurred for an **eligible & allowable** expense
  - HUD CDBG funds can be used as match
- Hardship Waivers can be requested
- **For RLF applicants** – 20% match can be passed along to borrower or subgrantee

# Community Notification

## Cleanup Applicants Only



- 1) Provide community with notice of intent to apply for brownfields grant
- 2) Provide an opportunity for the community to submit comments to your proposal by:
  - Place an ad (or equivalent) in local newspaper at least 2 weeks prior to submission
  - Provide a copy of the proposal for public review and indicate in ad where proposal is located (e.g. town hall library, website, etc.)
  - Host public meeting prior to proposal submission and provide date and time in ad



# Ranking Criteria Overview

# Ranking Criteria

- Proposal must have passed the “Threshold Criteria” to be considered for review and “ranked”

## 4 Ranking Criteria Sections:



1. Community Need
2. Project Description and Feasibility of Success
3. Community Engagement and Partnerships
4. Project Benefits

# Ranking Criteria

- Each criterion is made up of sub-criteria
  - Answer each individually
  - Sub-criteria may be the same OR different per Grant Type (e.g. assessment, cleanup, RLF)
  - Sub-criteria point totals may vary per Ranking Criterion per grant type
- 100 points for each grant type

*Clearly identify the  
TARGETED community!*

## Community Need

- Provide info on location, number and size of brownfields in the targeted community
- Describe health, welfare and environmental impacts of these sites:
  - typical contamination
  - sensitive populations (e.g. minorities, children, seniors, women of child-bearing age, etc.)
  - disproportionate environmental impact data (e.g. cancer and asthma rates)
- ***Identify information sources used (e.g. 2000 census data, local reports, etc.)***



# Community Need

- Describe the **economic impact** of brownfields on the targeted community and the **economic needs** of the residents
- **Provide** rates of poverty, household income, unemployment rate, and other widely available demographic information
  - Use current and relevant data sources
  - Compare to state and national data (use table format)
  - Discuss the impact of closed industry, i.e. number of jobs lost, property tax impacts, etc.
  - Provide factors explaining why other financial resources are not available for assessment/cleanup (i.e. fiscal condition, population size, etc.)

# Community Need

2000	County	State	USA
<b>Household income</b>	\$37,130	\$44,667	\$41,994
<b>Per capita income</b>	\$16,976	\$22,168	\$21,587
<b>Persons below poverty</b>	11.6%	10.5%	12.4%
<b>Community</b>	<b>Poverty Rate</b>	<b>Low Income Rate</b>	<b>Median Income</b>
City	12.2%	22.5%	32,246
City	16.5%	31.5%	32,273
City	21.8%	39.8%	24,313
City	20.8%	26.1%	30,972

# Project Description/Feasibility of Success

- Describe project activities to be conducted
- Illustrate the plan outlined is a reasonable approach
- Demonstrate there is sufficient resources to complete the project and there is capability to complete in timely manner
- More competitive if: budget majority of funds for conducting site assessments than solely focusing on inventory or planning activities
- For Assessment Coalitions – demonstrate plans for assessing a minimum of five sites (requirement)
- For Cleanups - describe (1) proposed cleanup plan (2) institutional and/or engineering controls and (3) site reuse plans



# Project Description/Feasibility of Success

- **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

## Project Description/Feasibility of Success - Budget

- Use sample format for budget
- Create budget narrative and spell out each task (no acronyms)
- Provide quantitative outputs (e.g., 5 Ph I, 2 Ph II) and estimated costs when possible
- **Do not** use word “administrative” to describe a task use program development or program management
- **Equipment Costs** - strongly suggested that justifications should be provided when budgeting for equipment and/or supplies
- **Equipment is generally expected for cleanup applicants only**

# ASSESSMENT BUDGET EXAMPLE

Budget Categories	Project Tasks				
	Program Management	Community Involvement	Site Inventory	Phase I Phase II	Total
Personnel	\$18,000				\$18,000
Fringe Benefits					\$0
Travel	\$3,000				\$3,000
Equipment					\$0
Supplies	\$1,000				\$1,000
Contractual		\$5,000	\$12,000	\$160,000	\$167,000
Other (Postage/ printing)		\$1,000			\$1,000
<b>Total</b>	<b>\$22,000</b>	<b>\$6,000</b>	<b>\$12,000</b>	<b>\$160,000</b>	<b>\$200,000</b>

# CLEANUP BUDGET EXAMPLE

Budget Categories	Project Tasks				
	Program Management	Community Involvement	Cleanup Planning (oversight)	Remediation Institutional Controls	Total
Personnel	\$18,000		\$ 8,000		\$26,000
Fringe Benefits					\$0
Travel	\$3,000				\$3,000
Equipment					\$0
Supplies	\$1,000				\$1,000
Contractual		\$5,000	\$25,000	\$139,000	\$169,000
Other (Postage/ printing)		\$1,000			\$1,000
<b>Total</b>	<b>\$22,000</b>	<b>\$6,000</b>	<b>\$33,000</b>	<b>\$139,000</b>	<b>\$200,000</b>

# Project Description/Feasibility of Success

## Leveraging

- If additional work is needed (e.g. assessment and/or cleanup), describe the funding/resources (public and private) that will be sought to complete the add't work
  - Describe any gap in overall project funding:
    - Assessment
    - Cleanup Planning
    - Remediation, Institutional Controls
    - Reuse planning and redevelopment
  - Describe **ALL** possible gap funding sources
  - Give evidence of past leveraging

# Project Description/Feasibility of Success

## Programmatic Capability

- Demonstrate ability to manage grant & oversee the work
- Demonstrate sufficient resources and **capability** to complete the project in a **timely manner**
- **Prior** Brownfields Grantee describe:
  - Past grant(s) management & performance
  - Funding expenditure
  - Compliance
  - Accomplishments
  - Adverse audit findings
  - Corrective action for past grant management issue

# Project Description/Feasibility of Success

## Programmatic Capability (con't)

- **Not a prior** Brownfields Grantee describe:
  - 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 Engagement and Partnerships

- Describe plan for engaging the targeted community in the project
- **Demonstrate extent to which you have identified and established partnerships to achieve stated goals**
- Ensure support letters provided by community-based organizations involved with the project demonstrate **specific** and valuable commitments

# Community Engagement and Partnerships

## Community Engagement

- **Describe your plan for Community Involvement**
  - Site Selection Criteria
  - Cleanup Planning process
  - Site Reuse Planning
- Discuss what past Community Involvement has taken place
- Describe the project progress reporting plan
  - How will you keep community informed, how will they be able to provide comments?
- Discuss how plan to address language barriers

# Community Engagement and Partnerships

## Partnerships

- Describe efforts and/or plans to develop partnerships with **both** local environmental and health agencies
  - Plan for partnerships
  - Past efforts toward partnerships
  - Demonstrate knowledge of State programs
  - Indicate plans to enroll in State or Tribal voluntary response programs

# Community Engagement and Partnerships

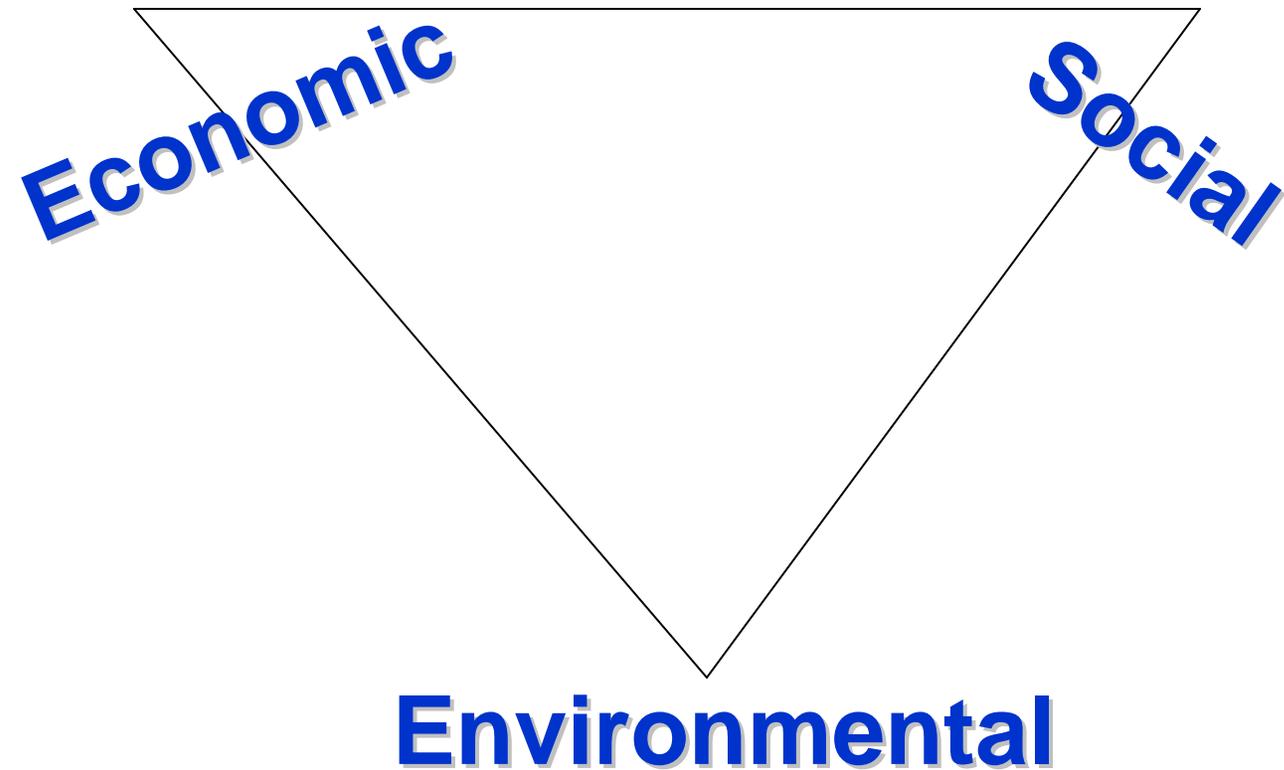
- Provide a **description and role of key** community-based organizations involved in the project
  - Describe commitments made by the organizations
  - Provide support letter from **EACH** organization
  - Letter must be attached to proposal and clearly describe organization's role and stated commitments
- Letters from Congress, elected officials or Mayor is NOT as effective as community-based organizations
- Support Letters are **required**
- Focus on unique contributions and strength of partnerships, **not** the number of support letters submitted

# Project Benefits



**How will your community benefit from this project?**

# Project Benefits



# Project Benefits

- Describe how the proposal will promote general welfare through the improvement of public health, the environment, safety and the local economy
- Demonstrate how the funding will contribute to the overall community revitalization “vision” of brownfield sites
- **Consideration will be given to:**
  - how public health issues are addressed during the project
  - the anticipated benefits of redevelopment
  - incorporation of sustainable practices

# Project Benefits

- Describe the environmental, social, and/or public health benefits anticipated from the redevelopment of sites assessed and/or cleaned under the proposal
- **Communicate all benefits including:**
  - Direct & indirect environmental and public health benefits from assessment, cleanup and site reuse
  - Reduction of exposure pathways, blight and environmental risks
  - Plan for community & sensitive populations protection from project contaminants (e.g. posting signs, installing fences, controlling dust, etc.)

# Project Benefits

- Explain how the proposal will produce economic and/or non-economic benefits
- **Describe all direct economic benefits that will be accomplished (be specific):**
  - Expected results in tax revenues (provide percentage), X number of jobs, X % increase in property values
- **Describe all other non-economic benefits:**
  - Nonprofit reuse, charitable reuse, X number of acres created for greenspace, open space, developed parks, recreational, preservation of open space on urban edge

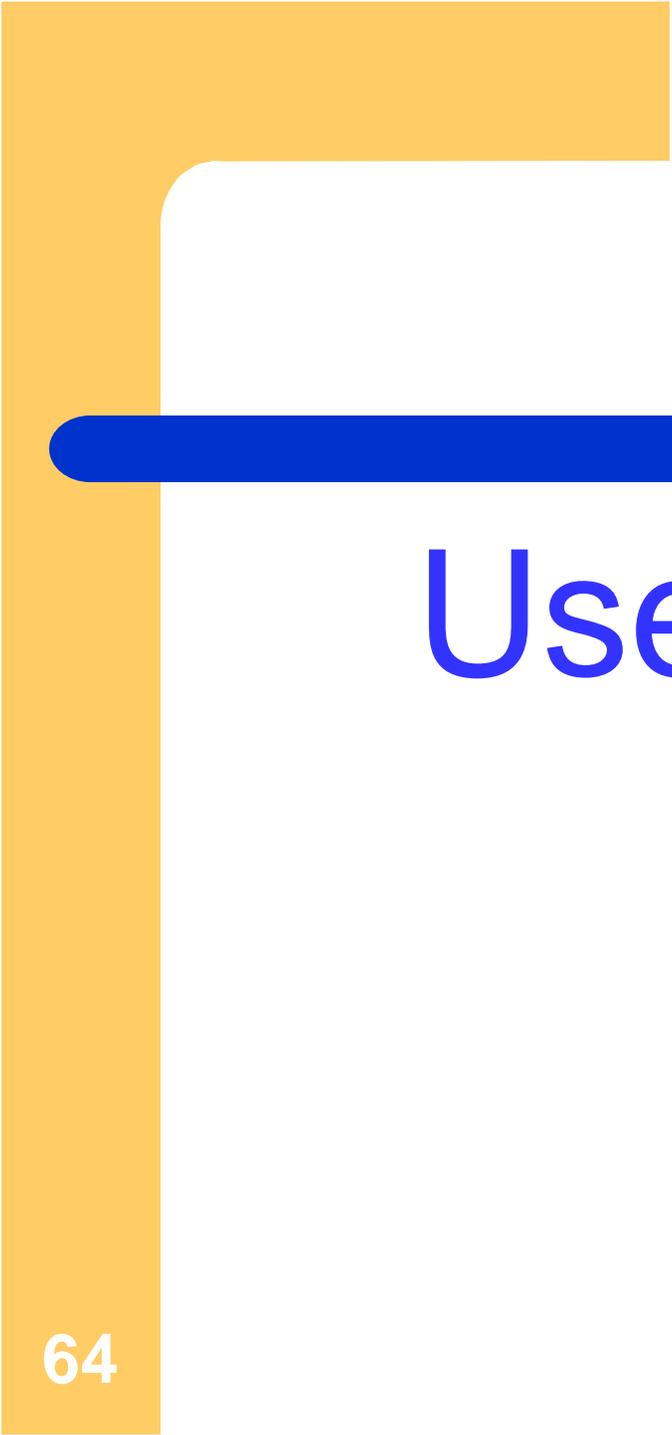
# Project Benefits

- Describe the environmental benefits from infrastructure and sustainable reuse. (Be specific!)
  - Use of existing water lines, sewers, roads, storm drains, proximity to public transit and reuse of existing buildings
- Describe how funding will facilitate sustainable reuse
  - Green building ordinances, energy efficiency requirements, LEED certification standards, building renovation, innovative storm water controls, community character, conserve resources, transit-oriented development, construction & demolition recycling\* and green cleanup\*

*\*RLF and Cleanup Only*

# Proposal Guidelines

- 18-page limit (does not include 2-page Cover Letter)
- 1" margins; 12 pt font; no binders
- Limit attachments to required/relevant documents and letters
- Avoid maps and photos – no color
- Use page numbers and footer title



# Useful Tips for Success

# Proposal Guideline TIPS

- Read entire NEW Guidelines and follow directions
- **Get mentoring from prior grantees (listed @ [www.epa.gov/brownfields/bfwhere.htm](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*
- **Use the Proposal Check Lists at the end of the Ranking Criteria section**
- **Avoid** using acronyms and technical/organizational jargon



## Proposal Guideline TIPS

- Contact State/Tribe/EPA with eligibility questions **early**
- Contact State if applying for petroleum – EPA can also assist if State is not able to
- Contact partners for assistance in preparing and/or reviewing your proposal
- Set up public meeting and get meaningful public input
- Hard copy or **electronic submission via [www.grants.gov](http://www.grants.gov)**

# Good Basic Proposal Preparation

- Use “white space” and adhere to 18 page limits (not including the 2-page cover letter)!
- Use 1” margins; 12 pt. font; no binders; no color
- Limit attachments to required/relevant documents and letters.
- Avoid maps and photos; no color
- Use page numbers and footer titles

## Website and Listserve

<http://www.epa.gov/brownfields/>

To view the Request For Proposals (RFP) announcement, click on: [Office of Solid Waste and Emergency Response's Grants and Funding Web](#)

<http://www.epa.gov/oswer/docs/grants/epa-oswer-obcr-07-01.pdf>

# Web-Based Resources

- FY09 ARC Frequently Asked Questions (FAQs) – [www.epa.gov/brownfields/applicat.htm](http://www.epa.gov/brownfields/applicat.htm)
- Fact sheet on **changes** to Brownfields ARC grant guidelines – [www.epa.gov/brownfields/publications/arc\\_factsheet.pdf](http://www.epa.gov/brownfields/publications/arc_factsheet.pdf)
- Fact sheet on Brownfields Assessment Coalitions – [www.epa.gov/brownfields/applicat.htm](http://www.epa.gov/brownfields/applicat.htm)
- Region 9 Brownfields Information Online – [www.epa.gov/region09/waste/brown/](http://www.epa.gov/region09/waste/brown/)

## Additional Resources

- Clu-in Webinar, Sept 17, 2008, 2:30 pm on the new grant guidelines
- Technical Assistance to Brownfields
  - Center for Creative Land Recycling
  - EPA's Technical Innovations Office
  - 104(k)(6) grantees provide assistance to grantees

# Contact information

For more information:

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**<http://www.epa.gov/brownfields>**