



KEYS TO SECURING BROWNFIELDS FUNDING

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Nevada Outreach Workshops



OVERVIEW OF THRESHOLD AND RANKING CRITERIA



Threshold vs. Ranking Criteria

- **Threshold** – minimum eligibility requirements
- **Ranking** – criteria for selecting proposals
- Applicant must pass threshold criteria to be considered for funding

THRESHOLD CRITERIA	Assessment	RLF	Cleanup
Applicant Eligibility	X	X	X
Site Eligibility	X	*	X
Property Ownership Eligibility	X	*	X
Letter from State or Tribal Environmental Authority	X	X	X
Cleanup Authority/Oversight /structure		X	X
20% Cost Share		X	X
Legal Authority to Manage RLF		X	
Description of Jurisdiction		X	
Phase I and Phase II ESA completed			X
Community Notification			X



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
- Cleanup Authority and Oversight Structure (**Cleanup Oversight**)
- 20% Cost Share
- Site Eligibility and Applicant Owns the Site
- Phase I and Phase II ESA must be completed
- **Community Notification**



Letter from State or Tribal Environmental Authority

- Need a Current **letter** (2010) from STATE to apply for grants.
- **ONE** letter even if applying for multiple grants. However, *EACH proposal* must have the letter attached.
- Give State at least two weeks lead time to write letter
- State & Tribal Authorities do not need to provide a letter for themselves.



Site Eligibility – Site-Specific Assessment and Cleanup Only

❑ **SITES NOT ELIGIBLE**

- 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)



Eligibility Site-Specific Assessment and Cleanup Only

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



Eligibility Site-Specific Assessment and 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?



Eligibility Site-Specific Assessment and Cleanup Only

- ✓ 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



Eligibility Site-Specific Assessment and 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 / leased
 - Leased to operator



All Appropriate Inquiry (AAI)

□ What is it?

- The process of conducting due diligence or a Phase I Environmental Site Assessment to determine:
 - ✓ Prior uses and property ownership
 - ✓ Environmental conditions on the property that may be indicative of releases or threatened releases of hazardous substances
- Establishes innocent landowner defense for liability claim



Property Ownership Eligibility

AAI requirements - Updates

- AAI Phase I must be performed within one year prior to acquisition
- Updates to AAI are required within 180 days prior to acquiring ownership. Address these:
 - ✓ Interviews or current and past owners
 - ✓ Review of government records
 - ✓ On-site visual inspection
 - ✓ Searches for environmental cleanup liens



Property Ownership Eligibility

AAI Requirements

- Conduct AAI prior to acquiring the property and
- Comply with all Continuing Obligations after acquiring the property
- *Involuntary acquisition of property* by State and local governments thru bankruptcy, tax delinquency, abandonment, or eminent domain, **do not** have to conduct AAI, but must exercise “due care” after acquiring the property.



Eligibility – Petroleum Site-Specific Assessment and Cleanup

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



Cleanup or Legal Authority & Oversight Structure

- ✓ **Cleanup Oversight (Cleanup and RFL Applicants)**
 - Describe oversight and if you plan to enroll in the state or tribal voluntary cleanup 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
 - ✓ RLF Coalition applicant must illustrate adequate program performance of coalition members, borrowers, and/or sub-grantees



Cost Share

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



Community Notification Cleanup Grant Only

- 1) Provide community with notice of intent to apply for Brownfields grant
- 2) Provide the community an opportunity to submit comments to your proposal:
 - Place an ad (or equivalent) in the 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 a public meeting prior to proposal submission; provide date/time in ad



Ranking Criteria Overview



Ranking Criteria

- Proposal **must pass all** Threshold Criteria to be forwarded for the ranking criteria to be reviewed 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 (cont'd)

- Each criterion is made up of sub-criteria
 - Answer each individually
 - Sub-criteria may be different per grant type (e.g., assessment, cleanup, RLF) and point totals may vary
 - Each grant type totals **100 points**.



Community Need

- Provide information on location, number and size of brownfields
- Describe health, welfare and environmental impacts:
 - ▣ Typical contamination
 - ▣ Sensitive populations (e.g., minorities, children, seniors, women of child-bearing age, seniors)
 - ▣ Disproportionate environmental impact data (e.g. cancer and asthma rates)
 - ▣ Identify information sources used (e.g., 2000 census data, local reports)

***Clearly identify the
TARGETED community!***



Community Need (cont'd)

- Describe brownfields economic impacts and the economic needs of the residents
- Provide rates of poverty, household income, unemployment rate and other demographic information
 - ▣ Use current and relevant data sources
 - ▣ Compare to state and national data (use a table format to show comparison)
 - ▣ Discuss the impact of closed industry, i.e. number of jobs lost, property tax impacts, etc.
 - ▣ Explain why other financial resources are not available (i.e., fiscal condition, population size, etc.)



Community Need – Example of table presentation of economic data

2000	Targeted Community	County	State	USA
Household Income	\$27,500	\$37,130	\$44,667	\$41,994
Per capita Income	\$15,900	\$16,976	\$22,168	\$21,587
Persons below poverty	17.1%	11.6%	10.5%	12.4%
Community	Poverty Rate	Low Income Rate	Median Income	Unemployment Rate
City	12.2%	22.5%	32,246	17.1%
City	16.5%	31.5%	32,273	14.9%
City	21.8%	39.8%	24,313	16.3%
City	20.8%	26.1%	30,972	10.5%



Project Description/Feasibility of Success

- Describe project activities and illustrate reasonable approach
- Demonstrate there are sufficient resources and capability to complete the project in a timely manner
- **For Community-wide Assessments** – Majority of budget is expected to be for site assessments rather than focusing on inventory or planning activities
 - ▣ **For this year, if focus is on planning activities, at least one site assessment must be done.**
- **For Assessment Coalitions** – discuss plans for assessing a minimum of five sites (required); discuss MOA for the coalition partners.
- **For Cleanups** – describe cleanup plan; institutional and/or engineering controls; and site reuse plans



Project Description/Feasibility of Success

- **For RLF Proposals describe:**
 - ▣ Your redevelopment program and how funded will be used to provide support
 - ▣ RLF Sustainability Plan
 - ▣ Expected borrowers and sub-grantees
 - ▣ Marketing Plan
 - ▣ Plan to achieve success by describing staff and program manager commitments, functions of RLF team and organization, selection criteria for loans/sub-grants, lending practices, how you plan to ensure protective cleanups



Assessment Budget Example

Budget Categories	Project Tasks					Total
	Program Management	Community Involvement	Site Inventory	Area-wide Planning	Phase I Phase II	
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	\$30,000	\$130,000	\$177,000
Other (Postage/printing)		\$1,000				\$1,000
Total	\$22,000	\$6,000	\$12,000	\$30,000	\$130,000	\$200,000



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
Cost share	\$25,000	\$5,000	\$5,000	\$5,000	\$40,000
Total	\$47,000	\$11,000	\$30,000	\$144,000	\$240,000



Project Description/Feasibility of Success - Budget

- Use sample format and develop budget narrative that spells out each task (no acronyms)
- Provide quantitative outputs (e.g., 5 Ph I, 2 Ph II and estimated costs)
- Equipment costs – provide justifications when budgeting for equipment and/or supplies
- Do not use word “administrative” to describe a task use program development or program management.



Project Description/Feasibility of Success

□ Leveraging

- describe the funding/resources (public and private) that will be sought to complete the additional work
 - Show us potential sources of funding that you will use to complete the work. (See example, next slide).
 - Provide examples of past leveraging to support your response.



Leveraging (example)

	Sources	How much (\$)?	Expected When?
Assessment	HUD CDBG	\$100,000	FY11
Cleanup Planning	Washoe County RDA	\$50,000	Available now and committed
Remediation, Institutional Controls	Washoe RDA Lucas Stilberg*	\$240,000 \$600,000	FY11
Reuse Planning and Redevelopment	Lucas Stilberg Development Corporation	\$7,000,000	An agreement was signed by the developer on --- which committed funds to the construction of building, park, etc.



Project Description/Feasibility of Success

□ Programmatic Capability

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



Community Engagement and Partnerships

- Community Engagement
 - ▣ What is your plan for working with your community?
 - Site selection criteria
 - Cleanup planning process
 - Site reuse planning
 - How will you keep the community updated
 - How will they be able to provide comments
 - ▣ Don't forget to address language barriers
 - ▣ Discuss **past** Community Involvement



Community Engagement and Partnerships

- Community Engagement
 - ▣ Is there an EPA Job Training grant in your area. If so, explain how you may include the graduates in your project

 - ▣ Nevada Job Training Grantee:
 - Nye County



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-Based Organizations

Community Based Organization	Contact Information	Phone/email	Specific role on the project
New Day Ranchers Alliance	Bruce Almighty, Pres. 57 Appaloosa Way XXXXX, NV	XXX-XXX-0000 www.ndra.org almightyb@ndra.org	Host community meeting, distribute meeting notes to ranchers
Citizens for a Better Tomorrow	Bea Goodman, Exec. Director 48 Town Plaza XXXXX, NV	XXX-XXX-0000 www.citbetomorrow.org begood@citbetomorrow.org	Host community meeting, serve as representative on the Brownfields Advisory Committee
Neighborhood Development Corporation	Morgan Chance, Dir. 1004-B James Lick Way XXXXX, NV	XXX-XXX-0000 www.ndc.org Chance.morgan@ndc.org	Participate in reuse planning and redevelopment

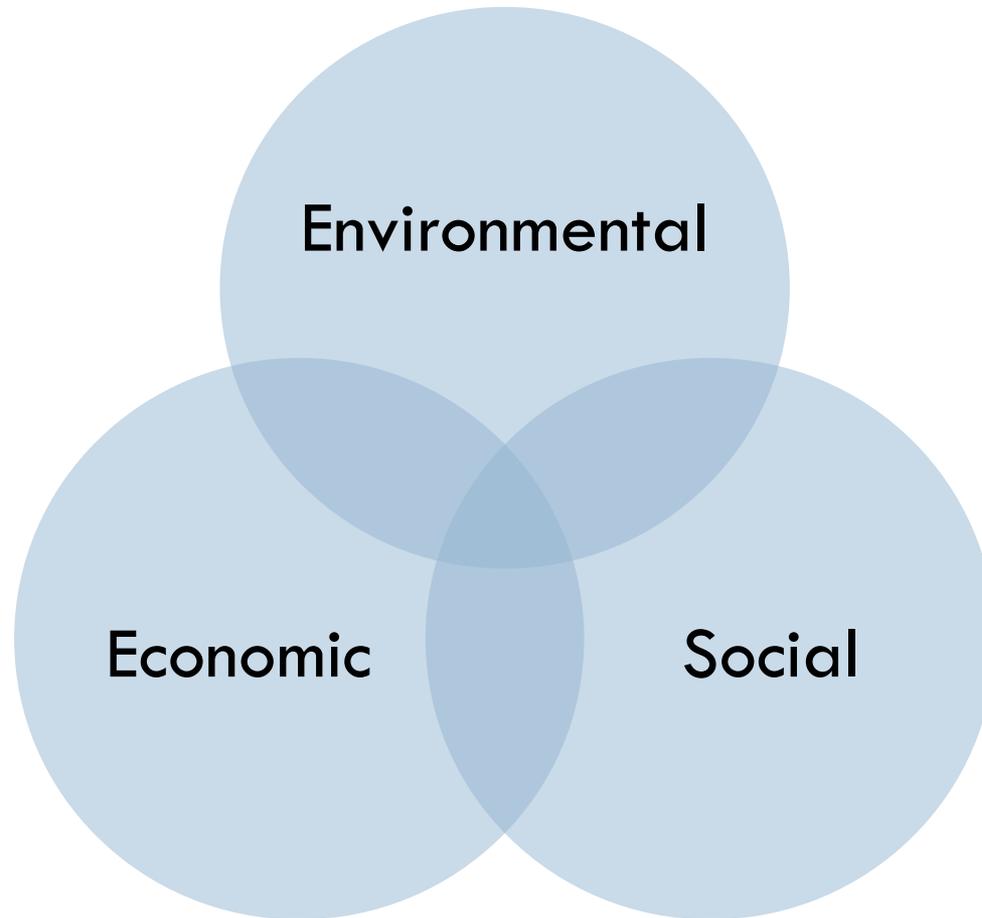


Community Engagement and Partnerships

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



Project Benefits



	Examples of Positive Proposal Components	Examples of Negative Proposal Components
Economic Benefits and/or Green space	<ul style="list-style-type: none"> -An opportunity for community groups to carry out gardening/landscaping, hold events, and encourage residents to be a part of park maintenance and beautification. -Benefits include a community parking lot, native landscaping, decorative lighting, and public art. - Good narrative that touches on economic and non-economic benefits - Good numbers and references 	<ul style="list-style-type: none"> -Did not provide information on economic benefits. -No discussion of green space, a comprehensive plan or smart growth. -Would have included economic benefits of preventing stated imminent threat of drinking water aquifer contamination. -No attempt to quantify the anticipated outcomes -Does not focus on site to be remediate.
Environmental Benefits from Infrastructure Reuse/Sustainable Reuse	<ul style="list-style-type: none"> -Utilities exist for the lighting and maintenance -Storm water management will be incorporated -Goal is to use 98% of demolition materials in accordance with LEED. -Will comply with city/state requirements for 	<ul style="list-style-type: none"> -Says they will follow and implement initiatives but not how this will be done. -Does not discuss infrastructure reuse. -No mention of construction & demolition recycling/reuse



Project Benefits

- Describe environmental, social, and/or public health benefits
- Communicate all benefits including:
 - ▣ Direct and indirect environmental and public health benefits
 - ▣ Reduction of exposure pathways, blight and environmental risks
 - ▣ Plan for community and sensitive populations' protection from project contaminants (e.g., posting signs, installing fences, controlling dust, etc.)



Project Benefits (cont'd)

- Explain how you will produce economic or non-economic benefits
- Describe economic benefits (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 from green space, open space, developed parks, recreational, preservation of open space on urban edge



Project Benefits (cont'd)

- Describe the environmental benefits from infrastructure and sustainable reuse
 - ▣ Use of existing water lines, storm drains, proximity to public transit and reuse of existing buildings, roads
- Describe how funding will facilitate sustainable reuse
 - ▣ Green building ordinances, energy efficiency requirements, LEED certification standards, innovative storm water controls, conserve resources, transit-oriented development, construction and demolition recycling and green cleanup



Proposal Guidelines

- 20 page limit (includes 2-page Cover Letter)
- 1" margins; 12 pt font; no binders
- Limit attachments to required/relevant documents and letters (i.e., state letter, community support letters)
- Possible maps and photos – no color
- Use page numbers and footer title



Proposal Guidelines TIPS

- ❑ Read entire Guidelines – 3 different booklets
- ❑ Check Frequently Asked Questions
- ❑ Seek mentoring from prior grantees (listed at
- ❑ www.epa.gov.brownfields/bfwhere.htm)
- ❑ Seek help from CCLR
- ❑ Write as though the reader knows NOTHING about your community
- ❑ Address ALL criteria – if it doesn't apply, say so and explain why



Proposal Guidelines TIPS

- Use the Proposal Checklists at the end of the Ranking Criteria section
- Avoid using acronyms and technical/organizational jargon
- Proposal submission can be hard copy or electronically
 - ▣ Applicants wishing to submit electronically should do so at www.grants.gov



Contact Information

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www.epa.gov/region9/brownfields