



Brownfields

EPA's Brownfields Program

November 22, 2010

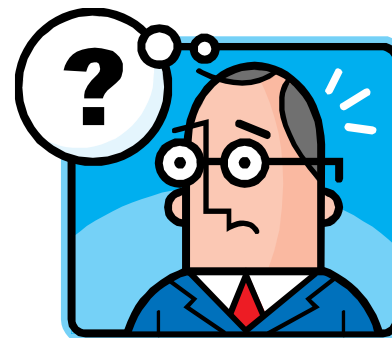


What is a Brownfield?

- Brownfields sites are “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.”
- This includes “low risk” petroleum sites and mine scarred land as well as meth labs.

Federal Liability Protection

- Even though the Brownfields Law was passed in 2002, there are still many potential property owners who are not clear about what to do prior to purchasing property.





Federal Liability Protection

- The Brownfields Law provides that under certain circumstances, simply owning contaminated property does not result in CERCLA liability.
- The law provides federal liability protection to a group we call “Bona Fide Prospective Purchasers” (BFPPs).
- A BFPP must do certain things prior to purchasing a property in order to be protected.
- Rule #1: Have an ASTM Phase I done prior to purchase.

Federal Liability Issues

- There are other things you must do as well after acquiring the property:
 - ▶ Exercise appropriate care by taking reasonable steps which includes:
 - Stopping any continuing releases
 - Preventing any threatened future releases
 - Preventing or limiting human or environmental exposure to the site.
 - ▶ Comply with land use restrictions.
 - ▶ Comply with information requests.

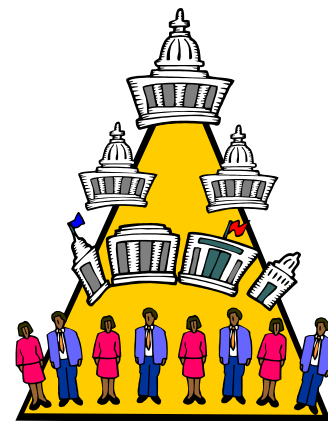
Federal Liability Issues

- Paying attention and doing these things ensures a higher probability of success when you apply for an EPA cleanup grant or try to borrow funding through an EPA revolving loan fund grant.



Eligible Entities for EPA Grants

- Eligible Entities
 - ▶ States
 - ▶ General Purpose Unit of Local Government
 - ▶ Tribes
 - ▶ Redevelopment Agencies
 - ▶ Land Clearance Authority
 - ▶ Councils of Government
 - ▶ Non-profits (cleanup only)



EPA Brownfields Grants

- Assessment Grants
- Revolving Loan Fund Grants
- Cleanup Grants
- Job Training Grants





Brownfields Assessment Grants

**\$200K
Hazardous Substances**

**\$200K
Petroleum***

**Community-Wide
Assessment**

Single Site **

- Inventory Brownfields
- Phase I / II Environmental Assessments
- Cleanup / Reuse Plans
- Community and Stakeholder Outreach

* Petroleum sites are eligible IF

- “Relatively low risk site” when compared with other petroleum contaminated sites
- No viable RP
- The site will be assessed or cleaned up by a person who is not potentially liable for cleaning up site
- Not subject to RCRA 9003 (h) order

** EPA approved waiver to \$350K



Coalition Assessment Grants

- Coalition assessment grants were first introduced last year.
- This grant allows for a coalition lead entity to join with other coalition partners and apply for up to \$1,000,000 in assessment funds.
- In FY09, the region awarded five coalition grants across New England: one in NH, one in RI and 3 in MA.



Site Specific Grants

- Although this grant type has been around for many years, not many applicants have taken advantage of it successfully.
- This grant type allows the applicant to apply for funding to assess just one site. The applicant applies with a specific site and has to pass threshold criteria. The applicant may request \$200,000 with a funding waiver of up to \$350,000.
- If you have a large site requiring much assessment work, it may be to your advantage to investigate this funding.



Brownfields Remediation Grants

Revolving Loan Fund Grants

- Up to \$1 Million grant*
- Requires 20% match

Cleanup Grants

- \$200,000 grant
- Requires 20% match



Brownfields Revolving Loan Fund Grants

RLF

RLF Loan

- 50%
- Provide no-interest or low interest loans for Brownfields Cleanups

Cleanup Sub-Grant

- 50%
- Do not require repayment

RLF Success Story

- North Dam Mill, Biddeford
 - ▶ Southern Maine RPC loaned funds for the cleanup.





Brownfields Cleanup Grants

- \$200,000 per site.
- Applicant must own the site for which funding is requested at the time of application.
- Non-profit organizations are eligible to apply.
- Applicants can not be potentially liable under CERCLA.
- 20% Cost Share.
- A cleanup grant applicant may request a waiver of the 20% cost share requirement based on hardship.



Job Training Grants

- Applicants may apply for \$200,000 to prepare trainees for future employment in the environmental field.
- Selected through a competition which is on its own annual cycle.



Coordination with NHDES

- EPA coordinates with NHDES in a number of ways:
 - ▶ NHDES assigns a staff person to work with each EPA grantee.
 - ▶ NHDES approves sites for petroleum eligibility.
 - ▶ Properties are assessed and cleaned up according to New Hampshire state regulations.
 - ▶ EPA provides the state with funding to establish and enhance its voluntary cleanup program.

Rural Areas

- EPA has successfully provided this funding to rural areas through outreach to regional councils of government.
- The COGs can do inventories, Phase I and Phase II work as well as remediation planning.
- A steering committee identifies and prioritizes the sites to receive the funding.
- COGs can do municipally-owned and privately-owned properties.
- They can assist small communities in preparing cleanup grant proposals.
- This has been a very successful targeted approach to reaching rural areas.



This Year's Competition

- The grant competition is held annually.
- Usually the “guidelines” (which are really the many questions to which you have to respond) are issued in August/September with due dates in October/November.
- Award announcements are made in April/May.



For More Information

- **Web Address:**
www.epa.gov/newengland/brownfields
- **Send us an email from the website and be put on our “What’s New” notification list:**
<http://www.epa.gov/region1/brownfields/whatsnew.html>



For More Information

- **If you have assessment questions:**

Chris Lombard

Lombard.Chris@epa.gov (617) 918-1305

If you have cleanup questions:

Jim Byrne

Byrne.James@epa.gov (617) 918-1389

(Call him first to discuss your site's eligibility before you prepare a cleanup proposal.)

If you have revolving loan funding questions:

Joe Ferrari

Ferrari.Joe@epa.gov (617) 918-1105

If you have job training questions:

Kathy Castagna

Castagna.Kathleen@epa.gov (617) 918-1429



Brownfields Team Call Us

