

NHDES Brownfields Program

Program Components and Funding

Lakes Region Planning Commission Meeting
November 22, 2010

John F. Liptak, M.Ed., P.G.

NHDES Brownfields Outreach Coordinator



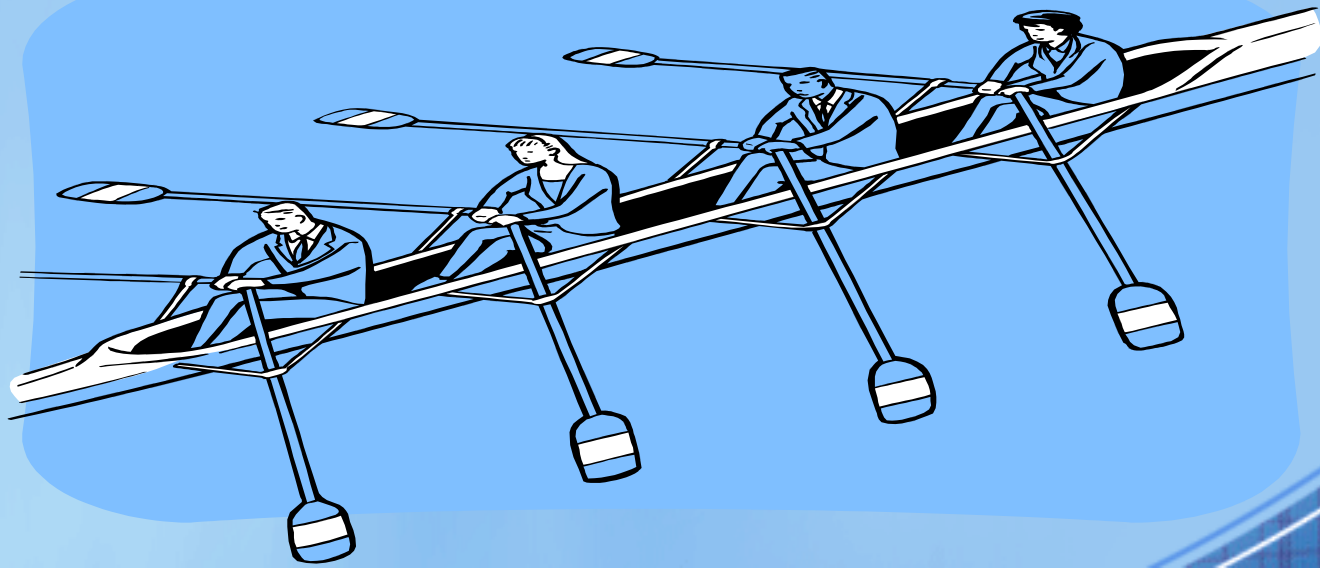
OVERVIEW

- Provide an overview of the NHDES Brownfields Program
- Summarize potential funding sources
- Discuss leveraging funding from multiple sources



BROWNFIELDS PROGRAM TEAM

- **Ralph Wickson - HWRB**
- **Mike McCluskey - HWRB**
- **John Liptak – HWRB**
- **Molly Stark – HWRB**
- **Gary Lynn – Supervisor, ORCB**
- **Jennifer Marts - ORCB**



BROWNFIELDS PROGRAM PARTNERING AGENCIES

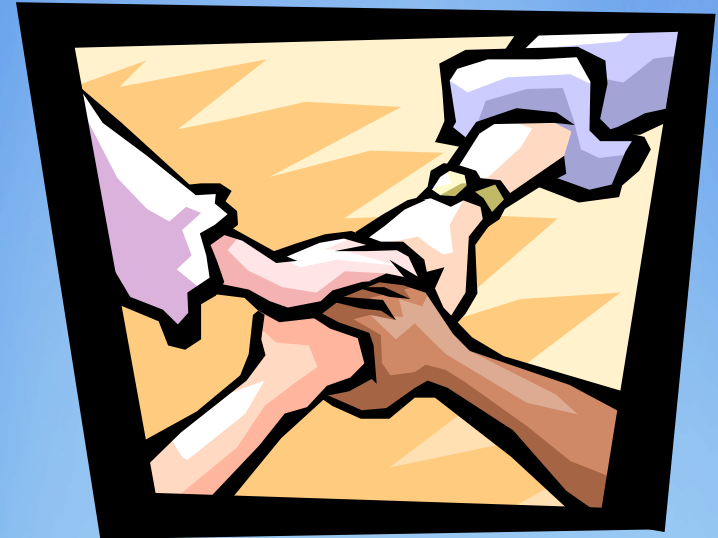
**United States Environmental
Protection Agency
(EPA) – Region 1**

**New Hampshire Department
of Resources and Economic
Development**

Regional Planning Commissions

Municipalities

Non-Profits



BROWNFIELDS PROGRAM COMPONENTS

- Brownfields Technical Assistance
- Brownfields Cleanup Revolving Loan Fund
- Brownfields Covenants
- EPA Grantee Assistance



TECHNICAL ASSISTANCE

ASSESSMENT SERVICES

NHDES consultants provide:

- ASTM E 1527-05 compliant Phase I Environmental Site Assessments
- Phase II Site Assessments
- Historical Resources Assessments
- Hazardous Building Materials Surveys
- Cleanup Planning
- Bid Specifications Preparation

TECHNICAL ASSISTANCE

ASSESSMENT SERVICES

- Typical annual expenditures \approx \$100K to \$300K
- 2010 expenditures \approx \$1,286,574 (21 sites)
- \$3,785,661 spent on assessment/cleanup to date at 64 sites throughout New Hampshire

TECHNICAL ASSISTANCE

CLEANUP SERVICES

- NHDES has funding to provide cleanup assistance at Brownfields Sites
- NHDES consultants
 - prepare cleanup planning documents
 - conduct cleanups
 - prepare cleanup completion reports
- Previously reserved for “LOW HANGING FRUIT” sites
- Not expended each year but typically under \$100K per site

TECHNICAL ASSISTANCE

PAST ACCOMPLISHMENTS

Since 1996, 64 sites assessed resulting in 36 sites having either been cleaned up or having a remedy designed. Four sites are currently being assessed.

TECHNICAL ASSISTANCE

- How does NHDES interact with property owners?
 - Access agreements are required
 - No cost recovery for voluntary participation in Brownfields Program (when NHDES/Grantee does the work)
 - Work with property owner to facilitate a cleanup and redevelopment
 - An eligible party **must own** the property before NHDES cleanup funding is provided
 - Assessment services go to an eligible party and are provided on behalf of the eligible party

TECHNICAL ASSISTANCE

How does one apply for Brownfields Technical Assistance?

Download a Brownfields Assessment or Cleanup Application by GOOGLING NHDES Brownfields Home then click on Forms/Applications

Contact H. Keith DuBois at 603-271-2987

Keith.DuBois@des.nh.gov

For petroleum only sites:

Contact Gary Lynn at 603-271-8873

Gary.Lynn@des.nh.gov

BROWNFIELDS CLEANUP REVOLVING LOAN FUND (BCRLF)

- \$4.7+ million loan fund - low interest loans to public and private borrowers for cleanups - **No Assessment**
- Capitalized via two EPA grants (one grant has been closed)
- Provided nine loans to date: \$2.8 million+
- Funding remains for additional loans
- NHDES applies to EPA periodically for supplemental funding

BROWNFIELDS CLEANUP REVOLVING LOAN FUND (BCRLF)

- *Up to 40% percent of the current BCRLF grant can be used for cleanup sub-grants to eligible parties (in the form of a grant of funds or technical services)*
- First competitive round of cleanup sub-grant applications held in December 2007 – 3 awarded
- No competition rounds are planned in 2010 unless additional funds are received
- *Keep an eye on our web site for future competition rounds*

BROWNFIELDS CLEANUP REVOLVING LOAN FUND (BCRLF)

- Eligibility criteria for cleanup sub-grants?
 - Must be a **municipality, quasi-governmental agency, or a non-profit**
 - **Must own** the property prior to disbursement of funds or commitment of contracted services
 - **Cannot be a responsible party**
 - Must have completed an ASTM compliant Phase I and Phase II Environmental Site Assessment and have a good understanding of the cleanup costs

BROWNFIELDS CLEANUP REVOLVING LOAN FUND (BCRLF)

How do I apply for a loan?

Google **NHDES Brownfields Home** then click on Forms/Applications to download a loan application

Contact Mike McCluskey at 603-271-2183; or
Mike.McCluskey@des.nh.gov

BROWNFIELD COVENANT PROGRAM

- Statute allows NHDES to provide a “Covenant Not to Sue” to eligible parties to facilitate the cleanup and redevelopment of Brownfields Sites
- The “covenant” provides protections to eligible current owners or prospective purchasers for contamination issues identified at a site
- Eligible parties can back out of the site cleanup at any point with no liability provided they have not made the problem worse and have secured/stabilized the site
- Recorded covenants can be passed to successive owners



GRANTEE ASSISTANCE

NHDES provides technical assistance to EPA brownfields Grantees by:

- Providing staff to attend grantee's brownfields steering committee meetings
- Reviewing project related documents and budgets
- Expediting NHDES review of Brownfields submittals
- Coordinating reviews by other NHDES bureaus/divisions as appropriate

The level of assistance is determined by the Grantee.

NHDES FUNDING SOURCES

- Brownfields State Response Program Grant
- Brownfields Cost Recovery Fund
- Brownfields Coalition Assessment Grant
- Brownfields Petroleum Assessment Grant
- Brownfields Cleanup Revolving Loan Fund Grant
- ARRA Funded Brownfields Cleanup Revolving Loan Fund Grant



CERLCA 128(a) Brownfields State Response Program Grant

- Managed by HWRB
- Annual funding received from EPA
- FY 2010 – nearly \$1.1 million
- Funding is declining on an annual basis
- Funds NHDES Brownfields Technical Assistance and Grantee Assistance
- Generally \$100,000 to \$300,000 annually is applied to assessment and cleanup work
- 2010 assessments/cleanups totaled \$1, 286,574 at 64 sites

Cost Recovery Fund

- Program Income from Brownfields State Response Program – invoice PRPs
- Used exclusively to directly fund Brownfield assessment and cleanup
- Funded \$127,654 in assessment/cleanup work in 2009
- Starting Balance for 2010 - \$330,654
- Anticipated income of \$120,000 annually
- Projected to expend \$450,654 in assessment and cleanup in 2010.

BROWNFIELDS PETROLEUM ASSESSMENT GRANT

- Managed by Oil Remediation & Compliance Bureau (Gary Lynn)
- \$200,000 assessment grant
- Phase I and Phase II assessments are underway

Brownfields Coalition Assessment Grant

- \$1M EPA Grant for Brownfield assessment, cleanup planning, and inventorying
- Coalition Partners are North Country Council and the City of Berlin
- Primarily focused on Grafton, Coos and Carroll Counties
- Funds statewide windshield surveys and inventorying
- Ability to also conduct limited assessment and cleanup planning statewide
- \$750,000 set aside for contractual work
- 3 year performance period

BROWNFIELD CLEANUP REVOLVING LOAN FUND

- Funded \$600,000 in cleanups this past summer (2010) via three cleanup sub-grants (City of Nashua, City of Lebanon, and Tri-County C.A.P.)

ARRA FUNDED BROWNFIELDS CLEANUP REVOLVING LOAN FUND GRANT

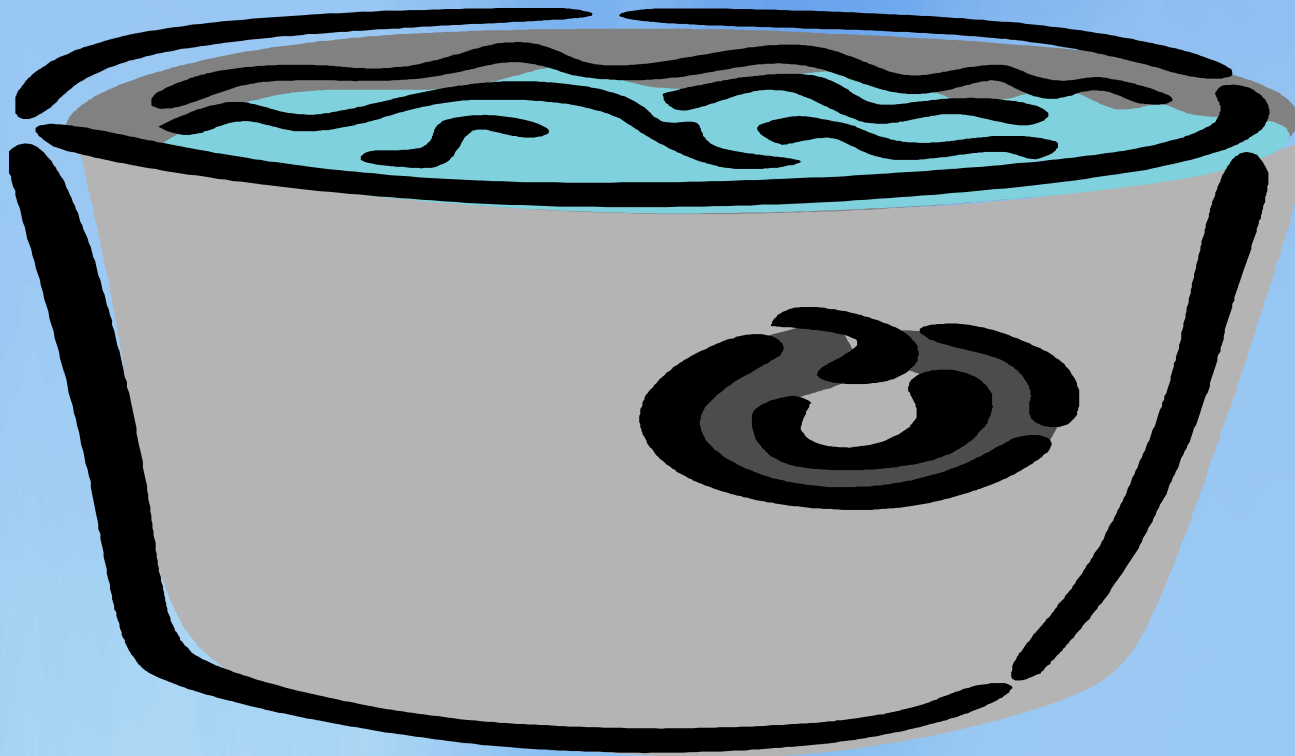
- \$1.8 Million EPA grant
- Ability to use 100% of grant for cleanup sub-grants
 - this is our intention
- Six sites are currently in the final evaluation stage for receiving a cleanup sub-grant
 - City of Rochester, Former Advanced Recycling
 - City of Berlin, Former Notre Dame High School
 - Town of Raymond, Former Regis Tannery
 - Town of Jaffrey, Former Elite Laundry Site
 - City of Concord, Former Allied Leather Tannery Site
 - Troy Mills Site

ARRA FUNDED BROWNFIELDS CLEANUP REVOLVING LOAN FUND GRANT

- Additional sites will be considered if funds remain
- Grant set to expire on 9/30/2014

LEVERAGING FOR SUCCESS

Tap as many pots as possible!



LEVERAGING FOR SUCCESS

Eligible parties can combine the following funding sources to achieve success:

- NHDES
 - Brownfields State Response Program Grant (assessment & cleanup)
 - Cost Recovery Fund (assessment & cleanup)
 - Coalition Assessment Grant (assessment & planning)
 - Petroleum Assessment Grant (assessment & planning)
 - Petroleum Funds (assessment & cleanup)
 - BCRLF Cleanup Sub-grant (includes ARRA funds - cleanup)

LEVERAGING FOR SUCCESS (Continued)

- Regional Planning Commission Grants (assessment & planning)
- Municipal EPA Assessment Grants (assessment & planning)
- EPA Cleanup Grants (cleanup)
- Other Federal Program Grants (varies)

LEVERAGING FOR SUCCESS (Continued)

FUNDING LIMITATIONS

\$200,000 for assessment / funding source (pot) / legal parcel

Use available assessment funding for cleanup planning to save cleanup funds for cleanup

- Potentially up to \$600,000 from NHDES Brownfields (CAG, BSRPG, CRF)**
- All EPA Assessment Grants regardless of grantee are considered the same pot**

\$200,000 for cleanup / funding source / legal parcel

- Potentially up to \$600,00 from NHDES Brownfields (BSRPG, CRF, BCRLF Sub-grant or loan)**

PROTECT YOUR FUNDING ELIGIBILITY!

Always have an ASTM E1527-05 compliant Phase I Environmental Site Assessment (ESA) completed before voluntarily taking ownership of any property!

Otherwise eligible parties who voluntarily acquire a property without first completing a Phase I ESA forfeit their eligibility for EPA Cleanup Grants and NHDES BCRLF Cleanup Sub-grants or loans.

State Response Program Grant funding may still be available.

CONTACT INFORMATION:

Additional information concerning the NHDES Brownfields Program can be obtained from the following staff.

**H. Keith DuBois, P.G. (Brownfields Program Coordinator)
603-271-2987 or E-mail: Keith.DuBois@des.nh.gov**

**Michael G. McCluskey, P.E. (BCRLF/Covenant Program
Manager)
603-271-2183 or E-mail: Michael.McCluskey@des.nh.gov**

**Gary Lynn, P.E. (Petroleum Assessment Grant Manager)
603-271-8873 or E-mail: Gary.Lynn@des.nh.gov**

Time For Questions - Maybe?

