

# Brownfields Eligibility Webinar Fiscal Year 2016

November 17, 2015

1:30 pm

EPA Region 10

Deborah

BurgesD

**Call-in:** 1-866-299-3188

**Access Code:** 3607539437#

AdobeConnect link:

<https://epa.connectsolutions.com/r9kjq35pwe2/>

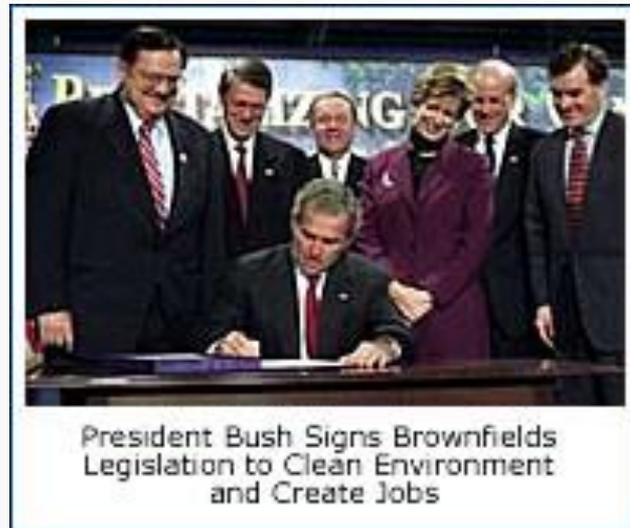
Seattle, WA  
Rainier Court  
Before and After



# Brownfield Statue 2002



- January 11, 2002 - Small Business Liability Relief and Brownfields Revitalization Act
- The Brownfields Law amended the Superfund law (CERCLA)
- Provides funds to assess and cleanup brownfields
- Clarified liability protection for new owners who are not responsible for contamination



# Brownfields Definition



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.



Priest River Landfill, Idaho

# Types of Sites



- Sites contaminated with hazardous substances
- Sites contaminated with petroleum
- Co-mingled sites



# Types of Grants



	Assessment	Revolving Loan Fund	Cleanup
Applicant Eligibility (see full list in Section III.A)	Government, Quasi Government, Regional Council, Tribes	Government, Quasi Government, Regional Council, Tribes	Government, Quasi Government, Regional Councils, Tribes, Non profit
Amount of funding available	<ul style="list-style-type: none"> <li>Up to \$400,000 for Community-wide</li> <li>Up to \$200,000 or up to \$350,000 for Site-Specific</li> <li>Up to \$600,000 for a Coalition</li> </ul>	<ul style="list-style-type: none"> <li>Up to \$1 M</li> </ul>	<ul style="list-style-type: none"> <li>Up to \$200,000 per site</li> <li>Up to 3 sites totaling \$600,000</li> </ul>
Cost share requirement	n/a	20% cost share	20% cost share
Period of performance	3 years	5 years	3 years
Common eligible grant activities	inventory, characterize, assess, reuse planning, cleanup planning, and conduct community involvement	provide loans and subgrants for cleanup, community involvement, and reuse planning	cleanup activities, reuse planning, and community involvement



## Sites NOT eligible for funding include:

- Sites proposed or listed on the National Priorities List (Superfund)
- Facilities subject to 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)
- Sites subject to RCRA Corrective Action

# Site Eligibility

(Site-Specific Assessment & Cleanup)



## Hazardous Substance Sites

- Sites contaminated with hazardous substances, contaminants, pollutants, controlled substances, and mine scarred land wastes.
- EPA will determine if site is eligible based on applicants' responses to criteria.

## Co-mingled Sites

- Sites with both types of contamination are considered Hazardous Substance sites.

## Petroleum Sites

- State or EPA will determine if site is eligible
- EPA will determine eligibility for Tribes
- Petroleum Eligibility Letter - attach to application



Determination should be done before submitting your application.

# Property Ownership Eligibility – Hazardous Substance Sites



**Applicant must not be responsible for contamination.**

**Cleanup applicants must own site by December 18, 2015.**

## 1. Who owns it?

## 2. How was it acquired?

- Did purchase include due diligence (all appropriate inquiry/Phase I)?
- Tax foreclosure, abandonment, or other government proceeding?

## 3. Who Contaminated it?

- If applicant, in most cases the site is not eligible.

## 4. Continuing Obligations: What happened on the property after acquisition?

- Did owner ensure no further contamination has taken place since they received title?

# Property Ownership – Petroleum Sites

## (Site-Specific Assessment & Cleanup)



- Must be low risk
  - Is the site relatively low risk?
- 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?
- If current or previous owner is responsible...
  - Are they financially viable?





- Cleanup Oversight
  - Describe oversight plan
  - Indicate if the loan/subgrant recipients will be required to enroll in state or tribal voluntary program
  - If enrollment isn't required, describe how you will provide or acquire the necessary technical expertise to conduct and oversee the cleanup
- Legal Authority to Manage a RLF
  - Letter from applicant's counsel with a legal opinion
  - Attach to proposal
    - Legal authority to access sites
    - Legal authority to hold funds/make loans/accept payments etc.
    - Opinion must cite relevant laws

# Questions

