

Summit County Brownfields Program
USEPA Brownfields Assessment Coalition Grant
Program Procedures

This document presents information to potential applicants for brownfields assessment funds under the Summit County Brownfields Program. The Northeast Ohio Four County Regional Planning and Development Organization (NEFCO), in partnership with its coalition members, the Development Finance Authority of Summit County, and Summit County Public Health, is accepting applications for funding under its United States Environmental Protection Agency (USEPA) Brownfield Assessment Coalition Grant. Applications will continue being accepted through July 2017 or until funds have been expended. This information outlines pertinent programmatic policies of interest to interested parties. For more details, please contact Joseph Hadley, Jr., Executive Director, at 330-643-8514.

I. Introduction

The U.S. Environmental Protection Agency (USEPA) awarded NEFCO a \$600,000 Hazardous Substance and Petroleum Assessment Grant to assess brownfields properties where redevelopment is hindered by existing or potential environmental contamination. NEFCO has contracted with environmental consulting firms to undertake Phase I and Phase II Environmental Site Assessments, Remedial Action Plans and other assessment work. Funds are available for Hazardous Substance and Petroleum projects using NEFCO's contracted firms.

- Definitions:

Brownfield Site –An abandoned, idled, or under-used industrial, commercial or institutional property where expansion or redevelopment is complicated by known or potential releases of hazardous substances or petroleum.

Hazardous Substance Projects – Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substances are substances that are considered severely harmful to human health and the environment. In all, CERCLA designates more than 800 substances as hazardous, and identifies many more as potentially hazardous due to their characteristics and the circumstance of their release.

Petroleum Projects – A site predominantly contaminated with petroleum with “relatively low risk” and no viable responsible party. The applicant cannot be potentially liable for cleaning up the site and the site must not be subject to a Resource Conservation and Recovery Act (RCRA) correction action order.

II. Goals and Objectives

NEFCO, with assistance from coalition partners and the Brownfields Technical Advisory Committee, will identify, prioritize and select specific properties on which to spend grant monies.

NEFCO's intent is to leverage the grant funds and support and expand brownfield redevelopment efforts that are being driven by private and/or public sector organizations. Both economic (e.g. Commercial/Industrial) and non-economic (e.g. parks, community gardens) uses will be considered; however, economic end uses will hold a higher priority.

III. Eligible Applicants

Eligible applicants include local governments, developers, private businesses and property owners. No applicant may have caused or contributed to the contamination of the site. No funds are awarded directly to the applicant or property owner.

IV. Eligible and Ineligible Activities

a. Eligible Activities:

- Phase I Environmental Site Assessment compliant with the Ohio Voluntary Action Program (VAP)
- Phase II Environmental Site Assessment compliant with the Ohio Voluntary Action Program (VAP)
- ASTM-compliant Phase II Environmental Site Assessment
- ASTM-compliant Phase I Environmental Site Assessment
- Focused Phase II investigations
- Preparation of a Remedial Action Plan
- Risk Assessment
- Groundwater modelling
- Phase I Environmental Site Assessment Update
- Other work eligible under USEPA guidelines and accepted by NEFCO

b. Ineligible Activities:

- Demolition;
- Remediation;
- Reimbursement of previously conducted environmental site assessments, reports or due diligence;
- Reimbursement of previously conducted cleanup activities;
- Reimbursement of due diligence activities not conducted by a primary environmental consulting firms;
- Updates of ASTM reports for the sole purpose of making them VAP-compliant;
- Acquisition of properties
- Infrastructure construction/installation

V. Geographic Eligibility

Brownfield sites located within Summit County are eligible for this program. Additional consideration is given to sites located within key commercial and industrial corridors.

Site Eligibility Criteria

To be considered for grant funding, sites must be deemed eligible according to the requirements of the grant, including, but not limited to:

- *General Requirements:*
 1. Properties must be a brownfield as defined by USEPA
 2. Only properties that are deemed eligible by the USEPA and the Ohio Department of Commerce, State Fire Marshall, Bureau of Underground Storage Tank Regulations (BUSTR) may participate in the program
 3. Properties on the National Priority List are prohibited by USEPA to receive funding
 4. Responsible parties (RP) and/or potentially responsible parties (PRP) are prohibited by USEPA to receive funding (exceptions may be made)
 5. Properties subject to federal court orders or enforcement actions requiring environmental investigation and/or clean up are prohibited by USEPA to receive funding
 6. Sites for which an applicant will seek a VAP-compliant assessment must meet Ohio EPA's VAP-eligibility requirements
 7. The owner/applicant must meet all current financial obligations to Summit County and/or local jurisdiction and not be delinquent with any real or personal property taxes, fees, assessments, liens or other charges;
 8. The applicant must currently be in compliance with all applicable ordinances or statutory provisions of the Summit County and/or local jurisdiction or have received approval of a plan to bring the site into compliance with said ordinances or statutory provisions
 9. Applicants eligible for Ohio EPA's Targeted Brownfield Assistance program will be encouraged to apply first to the state for initial or stand-alone Phase I assessments. NEFCO will consider exceptions to this requirement

VI. Evaluation Criteria

Highest consideration for grant funding will be given to projects with a plan for economic redevelopment and those addressing the management or removal of any known or discovered contamination. Projects that are among the highest to score in a given round will receive consideration for grant funds.

Eligible sites will be evaluated by the Brownfields Technical Advisory Committee using the applicant's responses to the brownfields application and information provided by the community, and a recommendation will be made to NEFCO's General Policy Board. NEFCO's board will make the final determination for funding.

VII. Application Process

Applicants are required to submit a site nomination form and to contact NEFCO to review project/site eligibility and begin the application process. Nomination forms can be found on NEFCO's website at www.nefcoplanning.org

Properties will be evaluated accordingly and activities considered as the budget allows. Awards for eligible activities may be made sequentially and in phases based upon the availability of grant funds.

Application forms will be provided by NEFCO if the site is selected to move ahead in the application process. Provision of an application does not guarantee assessment funding.

Applicants must submit one (1) electronic (PDF) and one (1) original hardcopy, and five (5) copies of the application, exhibits and attachments. Incomplete applications will not be considered.

Completed applications, including cover letter, exhibits and attachments to should be returned to:

NEFCO
Joseph Hadley, Jr.
Executive Director
175 South Main Street, Room 211
Akron, OH 44308
JHadley@nefcoplanning.org
(330) 643-8514

Applicants requesting funding must complete the following procedure:

1. Submit a site nomination form
2. Complete and submit an Application for Financial Assistance along with required exhibits and attachments to NEFCO.
3. NEFCO may request/conduct an initial project meeting(s) and /or site visit.
4. NEFCO will evaluate the application to determine program eligibility.
5. The property will be presented to the Brownfields Technical Advisory Committee for a recommendation, and to the NEFCO General Policy Board for final consideration.
6. The property will be presented to the USEPA and/or BUSTR for an eligibility determination. Assistance from Ohio EPA may be requested for VAP eligibility evaluations.
7. If approved for funding by NEFCO, the Applicant will receive an approval letter indicating the eligible activity for which funds will be used.
8. A firm will not be assigned until an access agreement has been signed and returned to NEFCO.

9. NEFCO will request a cost proposal for the work on the site from its environmental consulting firms. Cost proposals will be reviewed by the Brownfields Technical Advisory Committee and the NEFCO General Policy Board. A firm will then be selected for the project.

VIII. Approved Consulting Firms

Eligible activities may only be performed by NEFCO-approved environmental consulting firms. The approved consulting firms will be solely directed and engaged by NEFCO for work performed at the project site.

IX. Site Access and Consent Agreement

Property owner(s) must agree to provide site access to NEFCO and the selected NEFCO approved consulting firm for the purpose of conducting work through the Site Assessment Grant. The property owner(s) will be required to submit an executed site access and consent agreement for each eligible activity at the time of application. A list of services for the site will be attached after site approval and a firm has been assigned for the work.

The applicant and owner understand and agree that the Property will be identified on government inventories, databases, and/or lists of Brownfield properties, including those receiving work funded by the Grant.

X. Fees

There are no fees associated with the application process for this grant.

Document Availability and Ownership

All documents created with public funds and submitted as part of this program may be public documents subject to review under applicable law. NEFCO will furnish applicant, upon request, with a copy of any final reports relating to the Property prepared as part of the Services. Documents may not be copied or disseminated without the express written approval of NEFCO.

XI. Public Outreach

Per the requirements of the EPA grant, NEFCO will conduct public meetings and issue announcements relative to the availability of funding. These announcements and meetings will include an overview of fundable activities and the application process. Projects that have received funding/assistance through this program may be presented at these meetings or in these announcements.