



## New Federal Grants Available for Brownfields Sites

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### INTRODUCTION

The Small Business Liability Relief and Brownfields Revitalization Act was signed into law on January 11, 2002. Title II, Subtitle A of the Act provides new federal funds and more flexibility to municipalities and other entities in the assessment and cleanup of brownfields properties. These programs replace the Brownfield Assessment Pilot grants that many large municipalities utilized over the past few years to prepare brownfield inventories and conduct preliminary site investigations. The emphasis of the new grants is redevelopment of specific properties, rather than area-wide brownfield initiatives. As such, smaller municipalities, redevelopment agencies, non-profits and other entities may now be able to secure federal brownfield funding to promote re-use of sites that did not previously qualify for grants. Maximum awards for site assessment or cleanup, with some exceptions, will be \$200,000 per property and \$400,000 per applicant.

### KEY PROVISIONS

Key provisions of the new federal brownfield grants are as follows:

1. Brownfield is defined in the Act as “real property, the expansion, redevelopment or re-use of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant”. This broad definition will allow more properties and virtually any contaminant, including asbestos and petroleum, to be eligible for funding.
2. Cleanup of petroleum contamination from leaking underground storage tanks is eligible if no responsible party or other funding source is available, making this grant program suitable for addressing abandoned gas stations.
3. Local governments and redevelopment agencies are eligible entities for site assessment and cleanup grants, while non-profit groups are eligible for cleanup assistance. Demonstrated access or ownership (preferred) of the target property by the applicant will be required.
4. A holdover from the old pilot program, grants are still available for local governments and redevelopment agencies to capitalize low-interest loan programs. Below market-rate loans may then be offered to private end-users to assist in redevelopment costs. Contributors to the contamination may not benefit from the grant.
5. According to USEPA, the initial application will be brief. The USEPA Regional staff will perform initial scoring and request additional information later from the highest-ranked applicants. USEPA Headquarters will perform the final ranking and recommend awards based on the ten ranking criteria included in the Act.
6. The requirements for the initial application will be available around October 1, with applications due by November 1, 2002. Invitations for final proposals will be announced in January 2003, with the proposals due in February or March. Awards will be announced in May or June, with funds available for use by October 2003.

### SUMMARY

In summary, the new federal brownfields grants are an attractive program for eligible entities that own or have access to properties that need to be cleaned up to facilitate redevelopment. Given the short time frame to respond, first round applicants may stand a good chance of getting funded. For more info, please contact Don Fay or Dave Strayer at (513) 489-2255 or via e-mail at [daf@paynefirm.com](mailto:daf@paynefirm.com) or [dcs@paynefirm.com](mailto:dcs@paynefirm.com), respectively.