
USEPA Brownfield Assessment Grant Program Policies

The Port of Greater Cincinnati Development Authority (Port Authority) is accepting applications for funding under its United States Environmental Protection Agency (USEPA) Brownfield Assessment Grant. Applications will continue being accepted through July, 2020 or until funds have been expended.

I. Introduction

The U.S. Environmental Protection Agency (USEPA) awarded the Port Authority a \$300,000 Hazardous Substance and Petroleum Assessment Grant to assess properties whose redevelopment is hindered by existing or potential environmental contamination. The Port Authority has engaged one (1) environmental consulting firms to develop ASTM and/ or Voluntary Action Program (VAP) Phase I and Phase II Environmental Site Assessments and Remedial Action Plans.

Of the \$300,000 allocation, \$200,000 is available for Hazardous Substance projects and \$100,000 is available for Petroleum projects.

- **Definitions:**

Brownfield Site – Real property, the expansion, redevelopment or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutants, contaminants, controlled substances, petroleum or petroleum products or is mine-scarred land.

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

The Port Authority will identify, evaluate and select specific properties on which to spend grant monies. The Port Authority’s intent is to leverage the grant funds and support and expand the Brownfield redevelopment efforts that are being driven by private and/or public sector organizations.

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III. Eligible Applicants

Eligible applicants include municipal corporations of Hamilton County, developers, private businesses and property owners or other agencies/entities with prior approval of the Port Authority. 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:

- Ohio Voluntary Action Program (VAP) Phase I Environmental Site Assessment
- Ohio Voluntary Action Program (VAP) Phase II Environmental Site Assessment
- ASTM Phase I Environmental Site Assessment
- ASTM Phase II Environmental Site Assessment
- Preparation of a Remedial Action Plan

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 previously conducted environmental site assessment less than 3 years old;
- Updates of ASTM reports for the sole purpose of making them VAP compliant;
- Preparation of environmental site assessment reports for projects only resulting in a residential reuse; and
- Preparation of environmental site assessment reports for projects only resulting in sustainable infrastructure.

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V. Geographic Eligibility

Brownfield sites located within Hamilton County, including the City of Cincinnati, are eligible for this program. Additional consideration is given to sites located within key commercial and industrial corridors.

VI. 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. Sites must be a Brownfield as defined by USEPA;
 2. Sites on the National Priority List are prohibited by USEPA to receive funding;
 3. Responsible parties (RP) and/or potentially responsible parties (PRP) are prohibited by USEPA to receive funding;
 4. Sites subject to court orders or enforcement actions requiring environmental investigation and/or clean up are prohibited by USEPA to receive funding;
 5. The applicant must meet all current financial obligations to the City of Cincinnati, Hamilton County and/or local jurisdiction and not be delinquent with any real or personal property taxes, fees, assessments, liens or other charges;
 6. The applicant must currently be in compliance with all applicable ordinances or statutory provisions of the City of Cincinnati, Hamilton County and/or local jurisdiction or have received approval of a plan to bring the site into compliance with said ordinances or statutory provisions.

VII. Evaluation Criteria

Highest consideration for grant funding will be given to projects with a plan for economic redevelopment and the removal of any known or discovered contamination.

Site selection criteria will be comprised of the following factors:

- Documentation of a completed conceptual redevelopment plan for the site;
- Documentation noting the site's location and proximity to existing infrastructure;
- Documentation of the project's readiness to proceed
- Project's overall impact on the environment (if known)
- Community development projects must substantiate and document job creation opportunity, supplemental private and/or public investment, and written support from the local governing body or community council to be eligible for consideration of assistance (e.g. a letter from the local community development office.)

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If a site meets the Site Eligibility Criteria, the site will then be evaluated by Port Authority, based on the above criteria. The Port Authority will make the determination for funding.

VIII. Exceptions

The Port Authority may consider exceptions to this policy at its sole discretion. Exceptions will be evaluated on a case-by-case basis.

IX. Application Process and Schedule

Applicants are required to schedule a pre-application conference call and/or meeting with the Port Authority to review project/site eligibility and the application process.

Applicants may apply for more than one eligible activity within an application. Sites will be evaluated accordingly and activities considered as the budget allows. Awards for eligible activities will be made sequentially and in phases based upon the outcome and recommendation of the preceding report and due diligence.

Application forms are available through the Port Authority and may be found at:
www.cincinnatiport.org

Applicants must submit one (1) electronic (PDF). *Incomplete applications may not be considered.*

Applications will be accepted on a rolling basis through July, 2020 or until funds have been expended.

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

Port of Greater Cincinnati Development Authority
Julie Banner
Senior Development Associate
3 East 4th Street, Suite 300
Cincinnati, Ohio 45202
Tel.: 513.621.3000

Applicants requesting funding must complete the following procedure:

1. Schedule a pre-application conference call and/or meeting with the Port Authority;
2. Complete and submit an Application for Financial Assistance along with required exhibits and attachments to the Port Authority;

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3. The Port Authority may request/conduct an initial project meeting(s) and /or site visit;
4. The Port Authority will evaluate the application using the site criteria listed in Section VI to determine initial eligibility;
5. The site will be presented to the USEPA and/or BUSTR for an eligibility evaluation;
6. The site will be evaluated by a Port Authority approved consulting firm and a project budget estimate will be prepared;
7. If approved for funding by the Port Authority, the Applicant will receive an approval letter indicating the eligible activity for which funds will be used

Application Schedule:

Once the application is received, it will be reviewed by the Port Authority's Brownfield Assessment Review Committee. Once it is reviewed and selected by the Committee, it will be sent to USEPA and/or BUSTR for an Eligibility Evaluation. After the Port Authority receives notice that the project is eligible, the applicant will be notified. This entire process can take up to 8 weeks.

X. Approved Consulting Firms

Eligible activities may only be performed by Terracon Consultants, Inc. The Port Authority approved consultant will be solely directed and engaged by the Port Authority for work performed at the project site(s).

XI. Site Access and Consent Agreement

Property owner(s) must agree to provide site access to the Port Authority and the selected Port Authority 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.

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

XII. Fees

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

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XIII. 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. The Port Authority will furnish applicant, upon its 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 the Port Authority.

XIV. Public Outreach

Per the requirements of the EPA grant, the Port Authority will conduct several 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.