

US EPA Brownfields For Tribes Overview

PRESENTED BY:

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US EPA REGION 9 BROWNFIELDS PROGRAM

Definition: “Brownfield” (federal)

- ❑ *Real property*
- ❑ *Expansion, redevelopment, or reuse*
- ❑ *May be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant or property that is a mine scarred land*
- ❑ *Originated primarily for urban blight; now any site with potential environmental concerns for which a community can/will present a plan for reuse*

EPA's Brownfields Program

3

- ▶ NOT Enforcement Program
- ▶ Redevelopment Program
- ▶ Grants and Technical Assistance





Is This a Brownfields Site?

Examples of Brownfields Sites

- Old buildings
- Old feed lots
- Old gas stations
- Abandoned mines and tailings
- Illegal dump sites
- Suspected or actual illegal drug labs/
marijuana farm operations
- Buried tanks
- Other?



What are some typical contaminants & sites?

- Hazardous Substances
- Petroleum Contamination
- Asbestos Containing Materials & Lead Based Paint
- Substances used in illegal drug manufacturing (e.g. meth labs and marijuana farms)
- Mine-Scarred/Abandoned Mine Lands
- Other environmental contaminants (e.g. biological, animal/farm waste)



What is reuse?

- ▶ Must benefit the community/tribe overall
- ▶ Can be for economic, cultural, ecologic, spiritual purposes
 - ▶ Housing
 - ▶ School
 - ▶ Health Center/Clinic
 - ▶ Community Center
 - ▶ Manufacturing
 - ▶ Open Space
 - ▶ Agriculture
 - ▶ Ceremonial
 - ▶ Other?

Using your GAP Grant for Identifying Potential Sites

- ▶ B.5.1 A current baseline needs assessment or comparable planning document, such as a tribal Integrated Resource Management Plan, tribal environmental inventory, natural resource assessment that reflects:
 - ▶ (1) Environmental resources needing protection;
 - ▶ (2) Known information about existing/potential threats to human health and the environment within the tribe's area;
 - ▶ (3) An evaluation of the potential impact of these threats to tribal members and resources
 - ▶ (4) Strategic plan with long term program development and implementation goals identified; and
 - ▶ (5) Prioritization of activities by the environmental program to address identified threats.

Additional GAP Grant Eligible Activities

9

Tribal capacity-building activities should focus on:

- ▶ Assigning staff;
 - ▶ Acquiring initial training;
 - ▶ Compiling relevant data on which the tribe can make program development decisions;
 - ▶ Engaging the tribal community on contaminated land issues; and
 - ▶ Using this information to make decisions on further development of a tribal site response program.
- ▶ Note: GAP funds cannot be used to fund projects on a long term basis, as that would be considered “**program implementation**,” which is not the focus of GAP funding. Tribes that seek an ongoing program, or other long term air quality work, are encouraged to pursue or use other sources of funding to support implementation activities.

Preventing Contamination using GAP Grant

10

- ▶ B.7.13 A program to enter a site potentially subject to regulation – or in which records relevant to applicable program requirements are kept – in order to copy records, inspect, monitor emissions or take samples, or otherwise investigate compliance.
- ▶ B.7.19 A program to compel regulated entities to conduct monitoring or sampling and provide results to the tribe for the purpose of assessing compliance with applicable requirements.
- ▶ There are many more “enforcement” indicators in section B
- ▶ B.8.1 **Quality assurance and management plans.**

Targeted Brownfields Example: Environmental Concrete Concepts

11



Operations Warehouse TON Desert Diamond Casino

12



EPA'S BROWNFIELD GRANT PROGRAM



Brownfields Funding & Assistance Opportunities



Brownfields Assistance Types

15

Competitive

- ▶ Assessment
(Site Specific, Community-wide, Coalition Assessment)
- ▶ Cleanup
- ▶ Revolving Loan Fund (RLF)
- ▶ Job Training

Non-competitive

- ▶ CERCLA 128(a) State and Tribal Response Programs
- ▶ Targeted Brownfields Assessment (TBAs)

Assessment Grants

16

- ▶ \$200,000-\$750,000
- ▶ No Match Required
- ▶ 3 year grant- extendable to 5 yrs
- ▶ Government entities are eligible
- ▶ Assessments (Phase I & II)
- ▶ Community Outreach
- ▶ Cleanup Planning (i.e. ABCA)
- ▶ Context specific and flexible

* Applicant must not be responsible for petroleum contamination



Brownfields Assessment Grants

17

Site Specific

- \$200k Hazardous Substance or \$200k Petroleum or
- Up to \$350k with a waiver

Community-wide

- \$200k Hazardous Substance and/or \$200k Petroleum (total of \$400k)

Assessment Coalitions

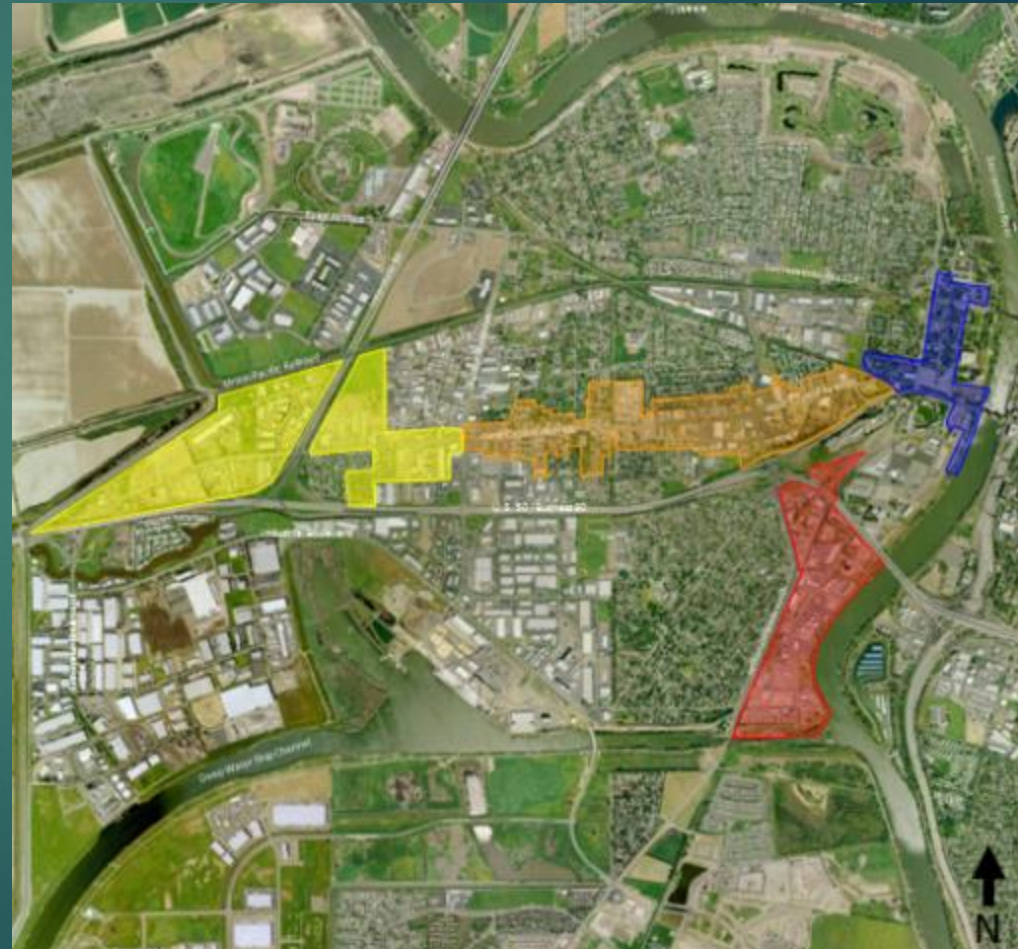
- \$600k for Hazardous Substance and/or Petroleum
 - Minimum 3 Coalition members and 5 sites assess
 - Can partner with other tribes and/or local municipalities

Assessment Grants

Site-Specific Grant



Community-wide Assessment





Up to 33% of assessments indicate
no cleanup necessary

Cleanup Grants

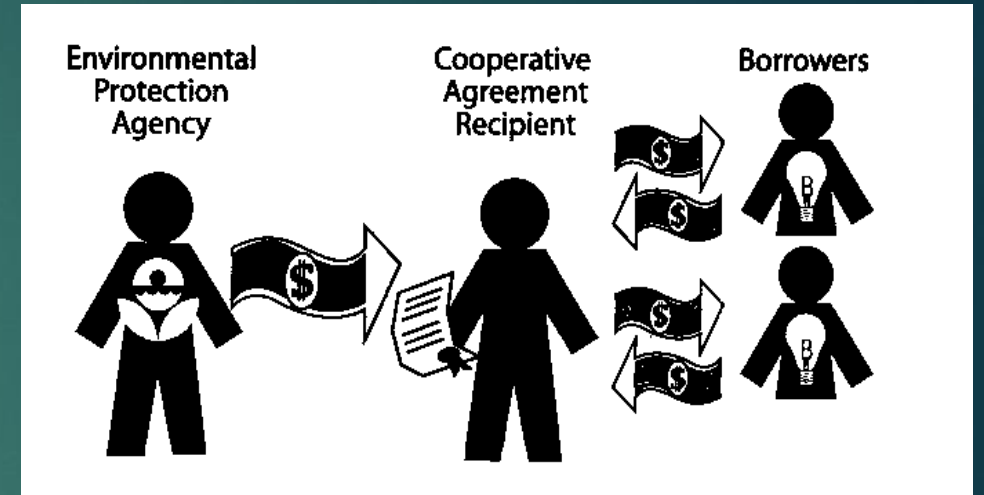
- ▶ \$200,000-\$600,000
 - ▶ Up to \$200K per site
 - ▶ Up to 3 sites per cycle (total of \$600k)
 - ▶ Separate proposals for each site
- ▶ 3 year grant- extendable to 5 yrs
- ▶ 20% Match (May request a hardship waiver)
- ▶ Govt. & Nonprofit
- ▶ Must Own Property
- ▶ Cleanup Planning
- ▶ Site Cleanup
- ▶ Phase II must be completed at time of application



Revolving Loan Fund

21

- ▶ Up to \$1M (\$700,000)
- ▶ 20% match (may request waiver)
- ▶ Government Entity
 - ▶ Coalitions may apply
- ▶ (Min) 50% loans
- ▶ (Max) 50%-cleanup sub-grants
- ▶ Cleanup only
- ▶ Grants and Loans
 - ▶ Loans to private entity
 - ▶ Grants to public and nonprofit entities that own the property and are not responsible for the contamination
- ▶ Loan amount and interest returns to grantee



Workforce Development

22

- ▶ \$200,000
- ▶ 3 year grant
(2 yrs for training & 1yr for placement)
- ▶ No Match
- ▶ Government & Nonprofit
- ▶ Environ. Technician Certifications
- ▶ Tailored training to market demand
 - ▶ Hazardous Cleanup
 - ▶ Lead/Asbestos Abatement
 - ▶ Solar Installation, etc.



Area-Wide Planning

- ▶ \$200,000
- ▶ No Match
- ▶ Gov. & Nonprofit
- ▶ Community Involvement
- ▶ Market Research
- ▶ Infrastructure Assessment
- ▶ Brownfield Area-Wide Plan

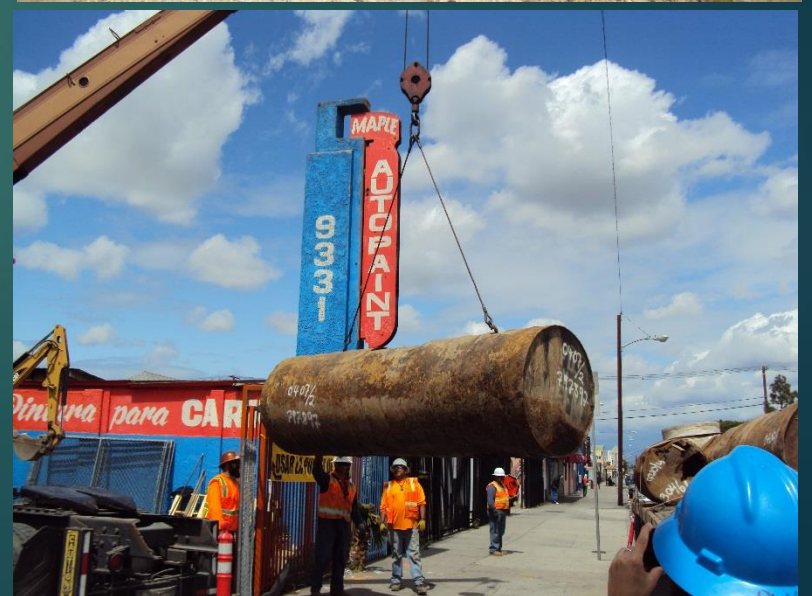


San Francisco Blue Greenway, San Francisco, CA

Targeted Brownfields Assessments

24

- ▶ Rolling Applications
- ▶ Apply online (only 2 pgs)
- ▶ Contractor Assistance
- ▶ Near-term redevelopment
- ▶ Smaller-scale
- ▶ Serve public good
- ▶ Limited funds



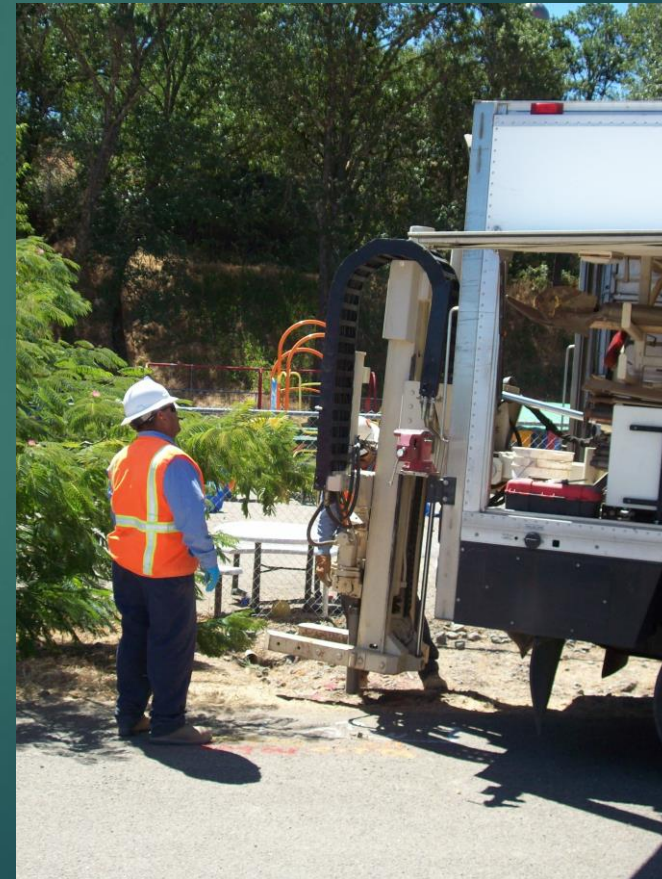
Pinoleville Targeted Brownfield Assessment

25

Soil Sample Collection



Groundwater Sample Collection





Pinoleville Community Garden

Indian Island- Wiyot (Multiple Resource)



State and Tribal Response Programs (aka 128(a) Program)

28

Purpose

A State or federally recognized Indian tribe may use a grant... to establish or enhance the response program of the State or Indian tribe”

State and Tribal Response Programs

128(a) Program

29

- ▶ Non-competitive grant
- ▶ Approximately \$50k - \$75k for new grantees
 - ▶ Approx. \$50M authorized nationwide annually
- ▶ Funding applied for annually
 - ▶ Amount may change based on performance of grantee
- ▶ No cost share required
- ▶ Similar to block grant money
 - ▶ Develop own goals and tasks toward addressing the *Four Elements*

State and Tribal Response Programs

128(a) Program

30

Required Tasks

- ▶ Four Elements
 1. **Timely survey and inventory** of brownfields sites in state or tribal land
 2. **Oversight and enforcement** authorities or other mechanisms and resources
 3. Mechanisms and resources to provide meaningful opportunities for **public participation**
 4. Mechanisms for **approval** of a cleanup plan and **verification and certification** that cleanup is complete
- ▶ Establish and maintain the public record
- ▶ Enhance the response program
- ▶ Site-specific activities

Optional Tasks

- ▶ Environmental insurance
- ▶ Revolving loan fund

State and Tribal Response Programs 128(a) Program

31

- ▶ Must negotiate final work plan with EPA Project Officer
 - ▶ Can coordinate with solid/haz waste & other environmental prog. activities
- ▶ Eligible expenses include
 - ▶ Staffing costs
 - ▶ Equipment (\geq \$5000)
 - ▶ Supplies
 - ▶ Vehicle Leases
 - ▶ Contractual Services/ Training
 - ▶ Development of Ordinances & Environmental Laws
 - ▶ Assessments & Cleanups
 - ▶ Other non-traditional expenses
- ▶ Tribe should coordinate internally before submitting funding requests

GAP Emergency Response

- ▶ F.3.1 Tribe has established a staffing plan (position description & recruitment/retention/promotion plan) for who will serve as tribal program coordinator(s).
- ▶ F.3.3 Tribal response staff has completed & developed proficiency in OSHA-required HAZWOPER baseline & annual refresher training to qualify them to safely respond to spills & emergency incidents, & other appropriate training
- ▶ F.3.8 Tribe has established an EPCRA compliant tribal emergency planning organization (TERC, LEPC members, or SERC coordination).
- ▶ F.3.13 Tribe is conducting, alone or in collaboration with other governmental entities, annual hazmat or oil spill incident exercises (tabletop, functional or full-scale).

Brownfields Grant Schedule

33

Competitive Grants

Assessment, Cleanup & Revolving Loan Fund*

RFP released Sept/Oct 2015 (open 60 days)

Job Training

RFP released late Summer/early Fall 2016 (open 60 days)

Both at: www.epa.gov/region09/brownfields/

Non-Competitive

Targeted Brownfields Assessments (TBAs)

Soft Deadline in mid-July; rolling application thereafter

www.epa.gov/region09/brownfields

128(a) State & Tribal Brownfield & Response Program

Announcement out early December/ Funding Request & budget due January 2016

www.epa.gov/brownfields/state_tribal/index.html



Where Can I Get More Info?

34

State & Tribal Response 128(a) Program Funding

- ▶ www.epa.gov/brownfields/state_tribal/index.html
- ▶ Region 9 Tribes – 128(a): Jose Garcia, 213-244-1811, garcia.jose@epa.gov

Competitive Brownfields, 104(k) Grant Program

- ▶ www.epa.gov/region09/waste/brown/grants.html
- ▶ Noemi Emeric-Ford, Brownfields Coordinator, 213-244-1821, emeric-ford.noemi@epa.gov

Targeted Brownfields Assessments (TBAs)

- ▶ www.epa.gov/region09/waste/brown/grants.html
- ▶ Jose Garcia, 213-244-1811, garcia.jose@epa.gov

Job Training

- ▶ www.epa.gov/brownfields/job.html
- ▶ Noemi Emeric-Ford, Brownfields Coordinator, 213-244-1821, emeric-ford.noemi@epa.gov
or Nova Blazej, Project Officer, 415-972-3846, blazej.nova@epa.gov

Contact Information

35

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