

# Looking Beyond the Surface with Brownfields Funding

*NHMA Annual Conference and Exhibition  
November 16 - 18, 2022*

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# Introduction

- Understand what Brownfields are (If you don't already!)
- Learn about NHDES resources to assist with Brownfields and understand uncertainty
- Think about ways you can utilize Brownfields sites
- Create new opportunities for your municipality
- See examples of how these resources are applied



# What is a Brownfields Site?

- Brownfields sites are defined under the federal brownfields law, known as the Brownfields Revitalization Act of 2002, as "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."
  - Former gas stations, mills, factories, many others...
  - Abandoned and/or lack financially viable owners
  - The “back forty” and “urban legends” known to long time local residents
- *Cleaning up and reinvesting in brownfields can facilitate job growth, increases local tax bases, utilize existing infrastructure, reduces development pressures on open land, and improves the environment.*



# Complexities Surrounding Brownfields

- **Uncertainty!**
- **Uncertainty!**
- **Uncertainty!**
  
- How can you resolve uncertainty?

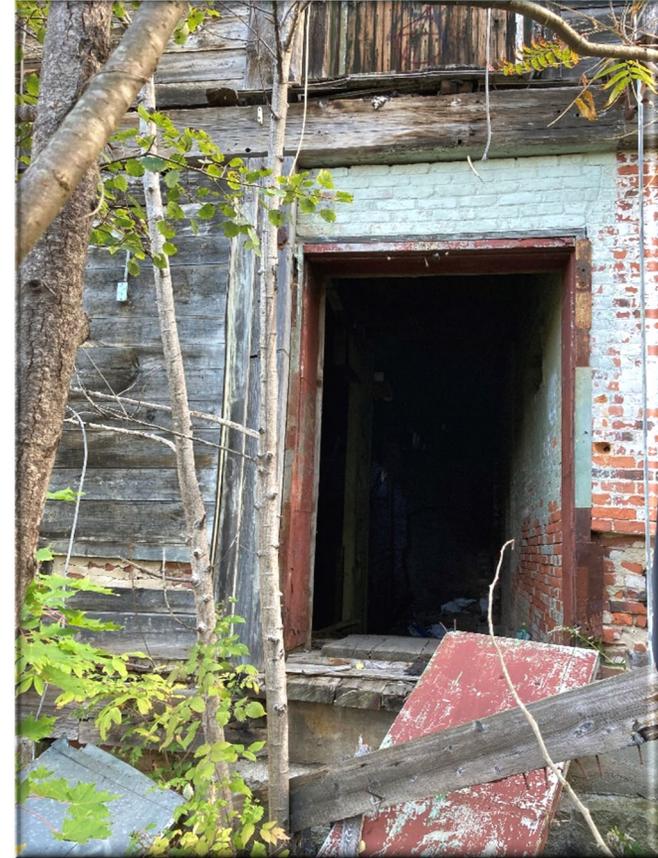


# NHDES Resources

## Opening doors to opportunity

The New Hampshire Brownfields Program encourages the redevelopment of contaminated properties through a variety of approaches that address the uncertainty and liability concerns associated with brownfields sites. These approaches include:

- Brownfields Covenant Program
- Brownfields Assessment Program
- Cleanup Revolving Loan Fund
- NHDES Cleanup Grants
- NHDES/USEPA Grantee Brownfields Partnership



# Liability Protections

- Federal - Bona fide Prospective Purchaser
  - Perform All Appropriate Inquiry **prior to acquisition**
  - Self-Implementing - Completed by a Qualified Environmental Professional



- Tax Deeding
  - The BUILD Act amended CERCLA's Section 101(20)(D) liability protection for state and local government acquisitions of contaminated property by adding a new category of exempt acquisitions and by **removing** a requirement that the properties must be acquired "involuntarily".
  - **Town acquisition is often not the preferred alternative but can be the most effective means to improving a property.**



# Brownfields Covenant Program

The objective of New Hampshire's Brownfields Covenant Program is to provide incentives in the form of liability protections for the investigation, cleanup and redevelopment of contaminated properties by those who did not cause or contribute to the contamination

- Covenant Not to Sue issued by NHDOJ in exchange for a NHDES-approved Remedial Action Plan
  - Formal process that involves NHDES and NHDOJ - can take “time”

## *NHDES Fact Sheet on Brownfields Covenant*

- <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/rem-8.pdf>



# Brownfields Assessment Program

NHDES assists municipalities, nonprofits and other public entities by providing funds to perform site assessments at potentially contaminated properties in their local communities

- NHDES recently awarded \$2 Million Assessment Grant from USEPA as part of Infrastructure Investment Jobs Act (IIJA) NHDES evaluates proposed projects to determine if they are eligible.
- The intent of this grant is to focus on communities that do not have the capacity to administer their own grant (typically due to municipal staffing limitations), rural communities.



# Cleanup Revolving Loan Fund

- Low interest loans to local governments, non-profits and **private entities**
  - Flexible terms
  - Loan amount limited to available funds
- Subgrants to local governments and non-profits
  - Competitive grants
  - Up to \$200,000 per site
  - Plan to have grant competition every other year
- Just completed 2022 NHDES Cleanup Grant Competition - Next anticipated in 2024



# Current/Upcoming Brownfields Funding

## Historic \$1.5 B Investment in EPA's Brownfields Program



President Biden signed Bipartisan Infrastructure Law on November 15, 2021

**\$1.5 B over 5 fiscal years (FY22 – FY26) = \$300 M per year**

Authority	Infrastructure Funds		Infrastructure + Regular Appropriation Per Year
	Per Year	Over 5 Years	
Projects authorized by CERCLA § 104(k)	~ \$240 M	~ \$1.2 B	~ \$370 M
Activities authorized by CERCLA § 128(a)	~ \$60 M	~ \$300 M	~ \$107 M

- Up to 3% set-aside per year for salaries, expenses, and administration
- 0.5% transfer to the Office of the Inspector General for oversight of the funding
- Funds are held in Treasury and apportioned in equal amounts annually to the program through OMB
- Required to track and report to Congress on both Technical Assistance and Cooperative Agreement activities



# USEPA Brownfields Funding Opportunities

More information: <https://www.epa.gov/brownfields/types-epa-brownfield-grant-funding>

Grant Types	Regular Appropriated \$	Infrastructure \$*
Multipurpose Grants	Up to \$1 M	Up to \$10 M
Assessment Grants	Up to \$500K, \$200K/site cap	Up to \$10 M, no \$200K/site cap
RLF Grants	Up to \$1 M, 20% cost share	Up to \$10 M, no 20% cost share
Cleanup Grants	Up to \$650K, 20% cost share	Up to \$5 M, no 20% cost share

- **Assessment Grants** - provide funding for brownfield inventories, planning, environmental assessments, and community outreach.
- **Revolving Loan Fund (RLF) Grants** provide funding to capitalize loans that are used to clean up brownfield sites.

- **Cleanup Grants** provide funding for cleanup activities at brownfield sites owned by the applicant.
- **Multipurpose (MP) Grants** provide funding to conduct a range of eligible assessment and cleanup activities at one or more brownfield sites in a target area.



# FY 2022 IIJA Funding and Beyond..

- FY 22 IIJA funding added to the Brownfields Assessment Grants that were applied for in December 2021
- FY 23 IIJA funds will be added to the regular annual grant competition in the fall of 2022
- An ADDITIONAL 128(a) grant opportunity (i.e., our annual Brownfields State Response Program grant)
- Similar to the 104(k) grants, we anticipate additional 128(a) funding for the following 4 years.
- NHDES Cleanup Grant Competition 2024
- EPA Targeted Brownfield Assistance Grants

*Get Creative and Forward Thinking!!*

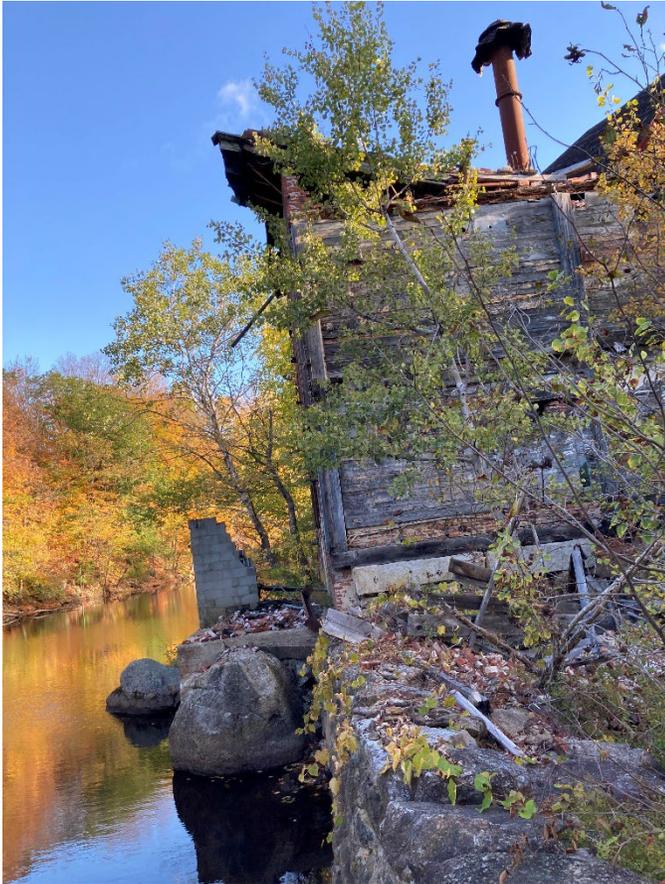


# Additional Resources

- EPA Removal Program
  - Coordinated through NHDES HWRB
- Targeted Brownfields Assessments
  - <https://www.epa.gov/brownfields/targeted-brownfields-assessments-tba>
- MtBE Remediation
  - <https://www.des.nh.gov/waste/contaminated-sites/mtbe-remediation>
- Petroleum Reimbursement Fund
  - <https://www.des.nh.gov/business-and-community/loans-and-grants/petroleum-reimbursement-fund>
- UConn Technical Assistance for Brownfields
  - [Homepage | Technical Assistance for Brownfields Program \(uconn.edu\)](https://www.uconn.edu/technical-assistance-for-brownfields-program/)



# Are you teetering on the edge? How do I get started?



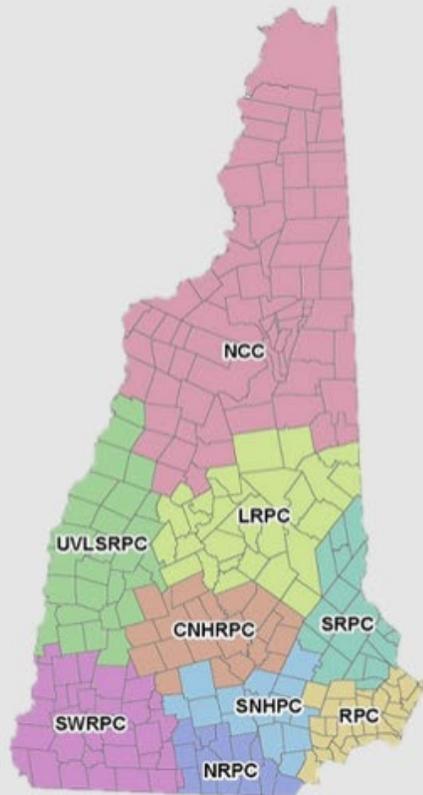
Brownfield success is about people. The most successful localities establish brownfields project teams, led by strong leaders from local government. Project teams should include:

- Prominent local leaders
- Brownfields “champions”
- Developers/Potential Funders
- Environmental Consultants
- Regional Planning Commissions
- Local Citizens - buy in, what do they want their community to look like in the future?
- Who else may be interested in this space?



# Check with your RPC!

Select Your Regional Planning Commission!



# Get Creative and Forward Thinking

- Leverage funding sources
- Marketing opportunities
- Solar development
- Redevelopment planning



- Flood plain restoration
- Green space / Trailheads
- Rail trail use/access
- Parking



# Potential for Solar on Underutilized Properties



- Positioned for opportunity....



# “Backyard” Junkyard to Residential Opportunity



# Former B&M Railroad Property Keene, New Hampshire



- EPA Brownfields Assessment Grant from Southwest Regional Planning Commission
  - \$42,970 for Phase I and II Environmental Site Assessment

- Brownfields Revolving Loan Funds
  - \$780,000 loan from NHDES
  - \$288,589 loan and subgrant from Capital Regional Development Council
  - \$405,506 loan and subgrant from Regional Economic Development Center



# Railroad Square

(Former B&M Railroad Property)  
Keene, New Hampshire



Leveraged \$42+ million in redevelopment costs and  
75 full time jobs thus far

# Questions?

New Hampshire Department of Environmental Services  
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