



TAB
Technical Assistance
to Brownfields

KANSAS STATE
UNIVERSITY

Brownfields Grant Deep Dives: Day 2

THANK YOU for joining us for this webinar. We will get started in a moment.

Technical Notes

If you experience technical difficulties with your connection:



Dial 785.532.0783



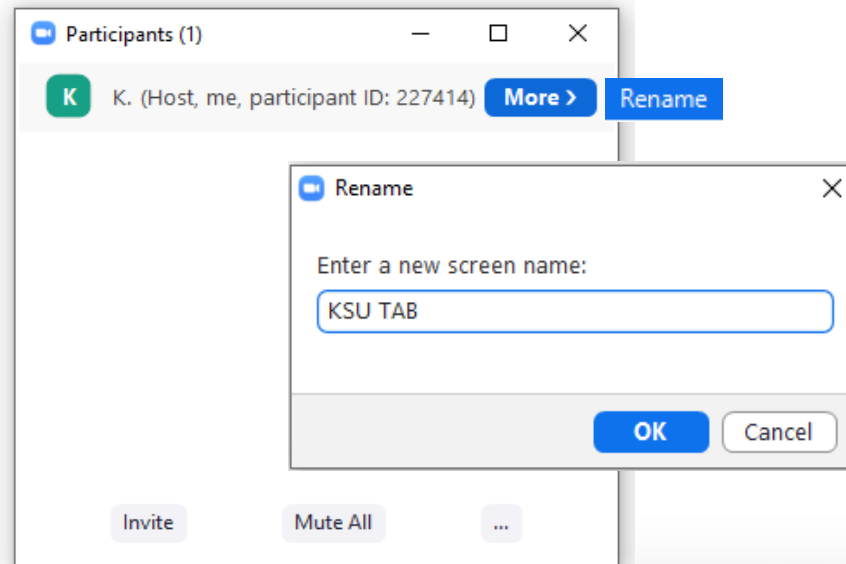
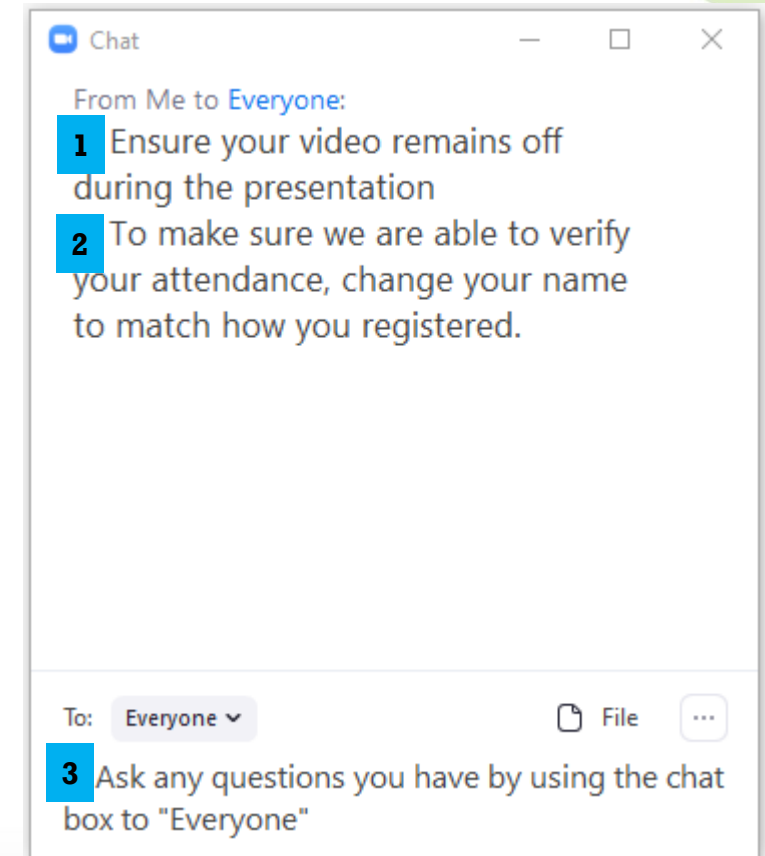
Email chsr@ksu.edu

Additionally, please note:

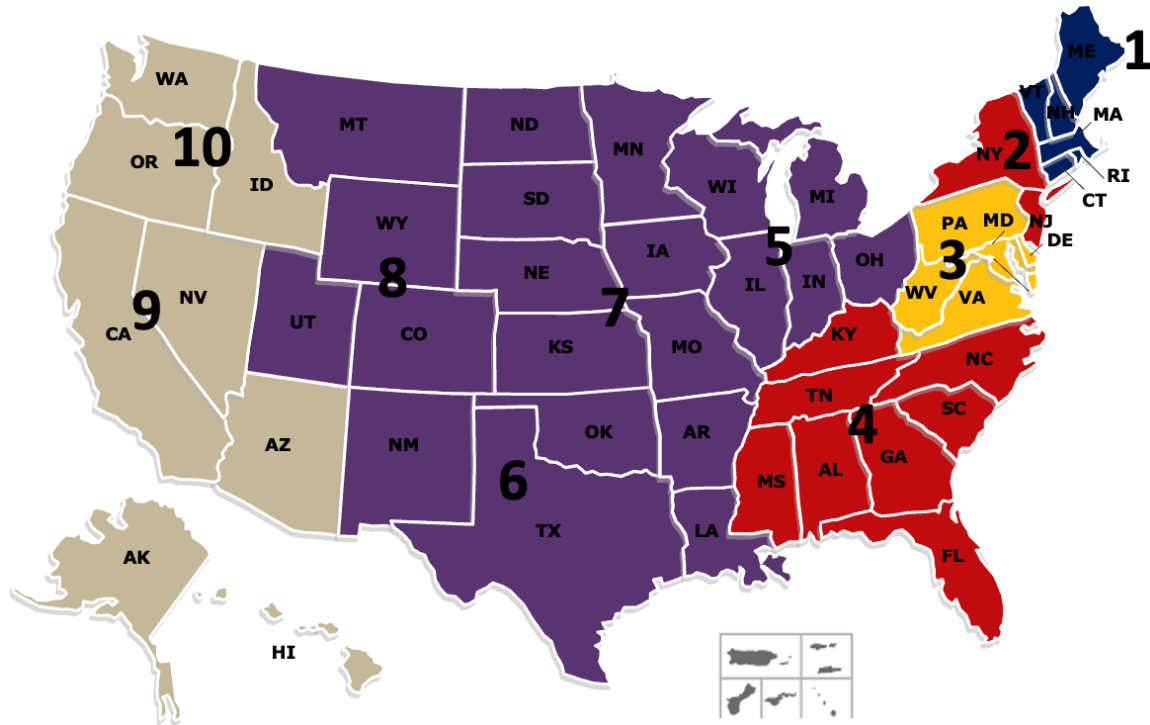


The presentation is being recorded and will be available on the website. The link has also been placed in the chat box.

Using Zoom – The Basics



Technical Assistance to Brownfields (TAB)



- A national program funded by U.S. EPA
- Dedicated TAB services provider for each EPA region
- Dedicated TAB services provider for all federally recognized Tribes & Alaska Native villages
- Services provided are **FREE** and tailored to address specific community needs
 - Assist communities and tribes with the brownfield assessment, cleanup and redevelopment process
 - Planning, environmental and economic development expertise
- Webinars, workshop, E-tools and online resources
- And much, much more...

[University of Connecticut](#) – EPA Region 1

[New Jersey Institute of Technology \(NJIT\)](#) – EPA Regions 2 & 4

[The West Virginia University](#) – EPA Region 3

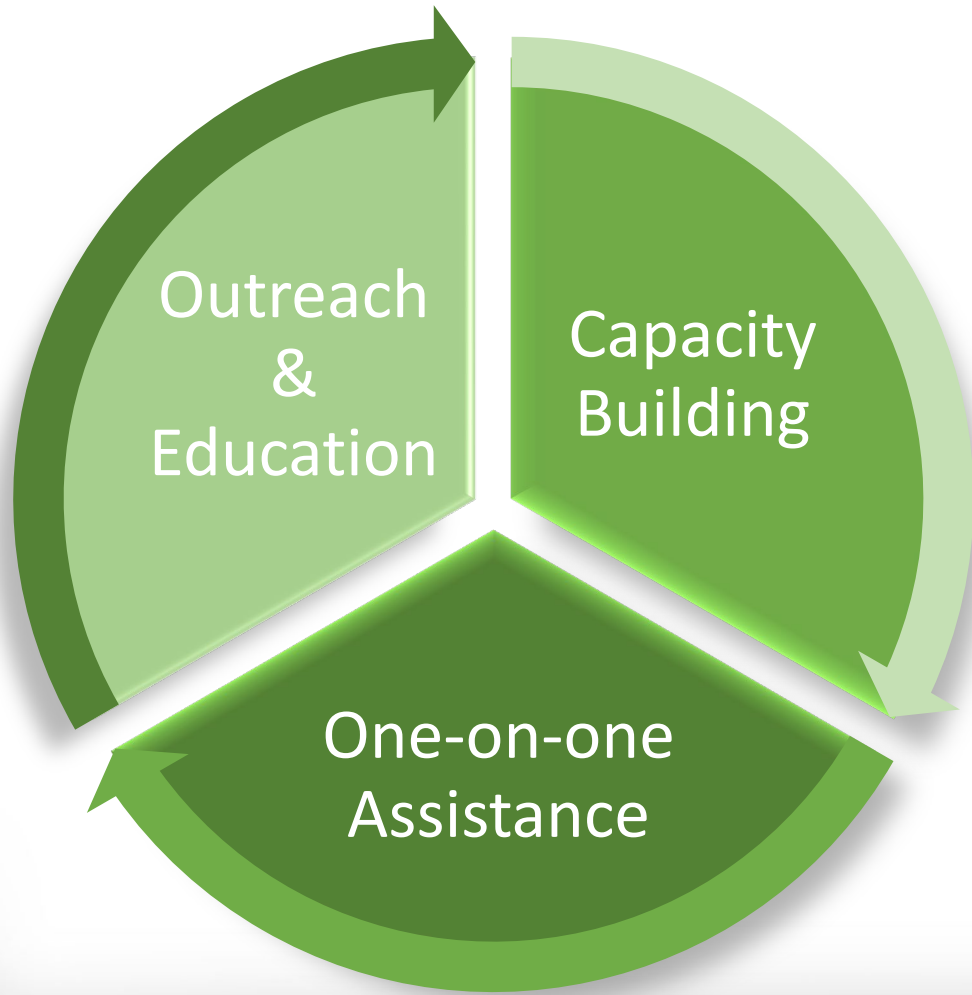
[Kansas State University](#) – EPA Regions 5, 6, 7 & 8

[Center for Creative Land Recycling \(CCLR\)](#) – EPA Regions 9 & 10

[KSU – ITEP – ANTHC](#) – Tribal TAB



KSU TAB Resources & Assistance



All services are FREE

**Services are provided by:
KSU TAB Staff & as needed,
KSU TAB Partners**

Three main categories of services



You've Got a Friend

KSU TAB can fill gaps and help support overall project goals.



We Want to Hear Your Feedback

Please provide feedback on today's event:

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One Final Note...

**The ARC Grant NOFO
has not yet been
released, so
information discussed
today is subject to
change**



Topic 1: Basic Cleanup Eligibility



Threshold Criteria

- Must pass or the rest of application will not be reviewed
- Make sure you are eligible!
 - **Get questions answered by EPA NOW!**
- Common mistakes:
 - forgetting to include the threshold criteria document
 - Not answer all questions and criteria - even it doesn't apply to you, still include/answer it
 - Missing proper documents for community meeting



Eligibility

- City, County, Tribe, State
- Governmental Entities – must attach documentation indicating your eligibility (e.g. resolution, statute)
- Intertribal consortium – attach documentation and meet requirements in [40 CFR § 35.504\(a\) and \(c\)](#) – **All members must authorize the application**
- 501(c)(3) Nonprofit organization – documentation required
- Community Development Organizations – documentation required
- Open Multipurpose Grantees must demonstrate 70% drawdown



Single Site Cost Waiver

May only submit 1 application: Single Site* or Multiple Sites

*Applicants that plan to only address one brownfield site may request a waiver of the \$500,000 limit and request up to \$650,000. EPA will consider requests on a case-by-case basis and intends to approve such requests on an extremely limited basis.



Site/Sites Selection & Requirements

- The Proposed Site/Sites must be new – sites where Brownfields Cleanup Grant funds were previously expended may not receive additional Cleanup Grant funding
- You must **own** the site/sites and demonstrate liability protections under CERCLA
- A written Phase II environmental site assessment or equivalent report
 - site investigation
 - remedial action plans developed for a State or Tribal cleanup program
 - Office of Surface Mining surveys for mine-scarred lands
 - Asbestos or lead-based paint building survey
- Analysis of Brownfields Cleanup Alternatives (ABCA)
- Understand contaminants and eligibility nuances
 - Petroleum vs hazardous substance
 - Is a property-specific determination required?
- When in doubt, ask EPA!

Applicable for a single site or multiple site application.

Site Ownership

- Applicants who own the site in fee simple **must provide the date the deed was recorded.**
 - If the deed was not recorded yet, applicants **must cite the State or local law that establishes ownership has been conveyed and attach a copy of deed.**
 - Ownership documentation must be attached for any other ownership arrangement or property transfer method
- Multiple Sites: Ownership document **applies to each site proposed for clean up**

Other Ownership Arrangements

- quitclaim deed
- nominee agreement
- 99-year irrevocable lease



**MUST GAIN EPA APPROVAL
Connect with EPA NOW!!!**

Ownership and CERCLA Liability

Bona Fide Prospective Purchaser (BFPP)

- Acquired title after 11 Jan 2002
- Conducted all appropriate inquiries (AAI) – a.k.a Phase I Environmental Site Assessment (ASTM E1527-21)
- Must not be liable for contamination
- Exercise due care of the property
- Comply with land use restrictions & any continuing obligations and allow site access when necessary

Sites acquired before 11 Jan 2002

- Demonstrate environmental due diligence customary at the time
- Did not cause nor contribute to the contamination release



CERCLA Liability Exemptions

- Building materials (e.g. asbestos, LBP, etc) that has not been released into the environment.
- Tribes are exempt from demonstrating CERCLA liability.
- States and local units of government acquired the property through seizure, bankruptcy, tax delinquency, or abandonment AND did not cause nor contribute to a release of contamination.
- BUILD Act 2018: had control of the property prior to 11 Jan 2002 AND can demonstrate it did not cause nor contribute to a release of contamination.



Petroleum Site Eligibility

- No viable responsible party
- Applicant cannot be potentially liable for cleanup
- Site is not subject to RCRA correction action order

States can make petroleum eligibility determinations for non-tribal applicants.

Tribal applicants must provide petroleum eligibility documentation as an attachment for an EPA determination.



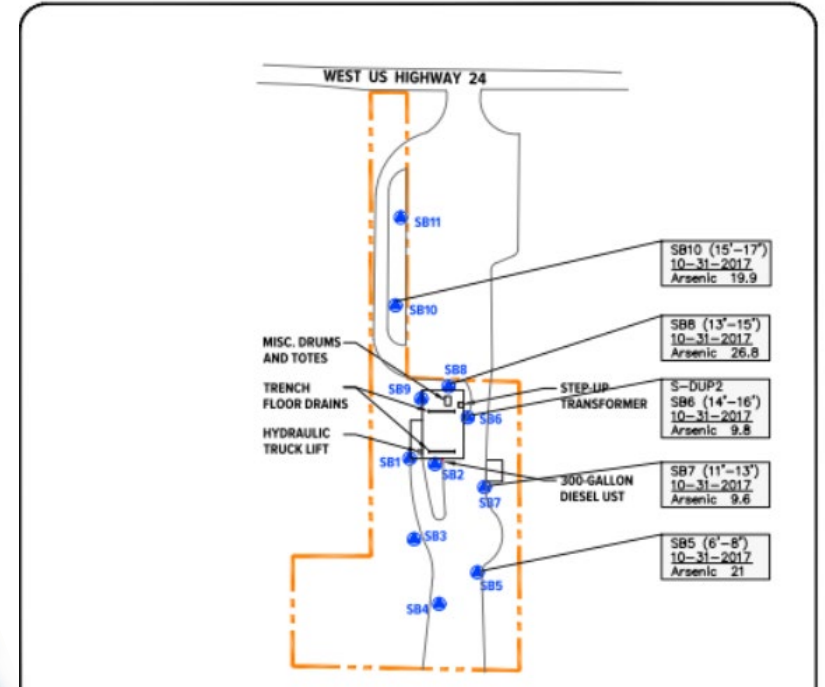
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Sufficient Site Characterization

- Characterization Letters are no longer required from State and Tribal Environmental Authority
- Applicants **must affirm that an Environmental Professional** (as defined in [40 CFR § 312.10](#)) has certified there is a sufficient level of site characterization for remediation to begin on the site(s), or affirm it will be sufficient before the grant is awarded.
- Cleanup authority and oversight must be described in threshold



<https://www.epa.gov/brownfields/marc-grant-application-resources>

Community Notification

- Applicants must hold a **public meeting** no later than **7 days before the application deadline** to discuss the draft application, including the draft ABCA (or ABCAs if proposing multiple sites), and consider public comments prior to the final submittal of the application.
- The community notification ad must be **published** no later than **7 days before the public meeting and state the following:**
 - that a copy of the grant application, including the draft ABCA(s), is currently available for public review and comment;
 - where the draft application, including the draft ABCA(s), is located (e.g., include a website link or the location where a copy is currently available, such as town hall or the library);
 - how to comment on the draft application; and
 - the date, time, and location of the public meeting(s).
- Community Notification – Must include **a dated copy** of the public meeting notification ad or equivalent (e.g. social media post, website post, listserv, etc.)



<https://www.epa.gov/brownfields/marc-grant-application-resources>

Cost Share – 20% Required

Potential Sources

- State funding
- Philanthropic funding
- Some federal programs
- General Fundraising
- Staff time not charged to grant (in-kind)

Government entities with populations of 50,000 or fewer, Tribes, eligible Tribal, and nonprofit organizations may request EPA to waive the 20% cost share requirement based on hardship.

- EPA will consider requests on a case-by-case basis and intends to approve such requests on an extremely limited basis



[CCLR Cost Share Webinar Recording](#)

Cleanup Site Tips and Considerations

Large Parcel Properties/Sites

- Subdividing property – each parcel is a described site
- Treating any buildings as separate

Describe the property(ies) targeted for cleanup, characterizing known contamination and site conditions (including structures), and relevant past and current land uses.

- Don't forget to describe the site layout
- Use the ABCA – summarize don't repeat

The site/sites and reuse/reuses should correspond to the brownfield challenges your community faces and described in Section 1 of the narrative (Target Area and Brownfields History and Challenges) – Weave your story

[Deep Dive Day 1: Target Areas, Priority Sites, and Geographic Boundaries](#)



We Want to Hear Your Feedback

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Topic 1: Q&A



Topic 2:
ABCAs & Coordinating
with Your State



Analysis of Brownfields Cleanup Alternatives (ABCA)

An evaluation of potential cleanup and remediation options for a contaminated brownfields site.

Goal: Remove the barrier hindering property reuse

- Determine the most effective, feasible, and cost-efficient approach for addressing site contamination and conditions hindering reuse.
- Selected remedy should be based on intended reuse.



ABCA Report

Introduction and Background

- site location
- past uses
- summary of assessment findings (Phase I and II environmental site assessments, site investigations, building materials surveys)
- project goals/reuse plan

Regulations and Cleanup Standards

- oversight responsibility - identify the entity/entities that will oversee the cleanup
 - State, Tribal Environmental Department, licensed site professional, other required certified professional
- summarize cleanup standards for contaminants (residential or industrial reuse)
- summarize federal state, Tribal, and local laws and regulations that are applicable to the cleanup



ABCA Report Cont.

Evaluation of Cleanup Alternatives: Minimum of two different alternatives plus a 'No Action' option.

- discuss the three cleanup alternatives considered
- include preliminary cost estimates for each alternative (ok to include a 10-20% contingency)
- describe the effectiveness and implementability for each alternative
- identify the recommended cleanup alternative and state why it is recommended



Coordinate with your State or Tribal Environmental Regulatory Authority

Establish a relationship early

Threshold: Must describe oversight and regulatory authority.

Site Characterization: Understand program requirements to meet desired end goal and receive no further action letter

ABCA Requirements: Oversight structure and Cleanup levels

Relationship Building: Friends not Regulators that will help you get to the finish line



FY27 EPA Brownfield ARC Grants (Anticipated)

<u>Grant Type</u>	<u>Maximum Amount Per Grant</u>	<u>Estimated Awards</u>	<u>Total Per Grant Type</u>
Community-Wide Assessment	\$500,000	30	\$15M
Assessment Coalitions	\$1,000,000	13	\$13M
CWAGST	\$1,000,000	12	\$12M
Revolving Loan Fund	\$1,000,000	10	\$10M
Cleanup	\$500,000	28	\$14M
https://www.epa.gov/brownfields/marc-grant-application-resources			

You've Got a Friend

KSU TAB Support

- ❖ Review draft ABCAs
- ❖ Review technical documents and help evaluate data gaps
- ❖ Assist with community notification ad – review, share examples
- ❖ Grant review
- ❖ Threshold questions should be directed to EPA



Topic 2: Q&A



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Breakout Discussion



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Upcoming Deep Dives

Thursday, November 5, 2026 – 1PM Central (11AM Mountain; 2PM Eastern)

Topic 1 - Establishing a Budget/Showing Your Work

Topic 2 - Finding a Match (Cleanup + RLF)

Thursday, November 12, 2026 – 12PM Central (11AM Mountain; 2PM Eastern)

Topic 1 - Programmatic Capability/Past Performance

Topic 2 - Designing and Marketing an RLF Program





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Thank You

For joining us for this webinar. Please get in touch if you have any questions or comments: katelucas@ksu.edu

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