



Rhode Island DEM's Brownfield Program

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Applicable Regulations & Laws

- Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases
- Short Title: Remediation Regulations
- RIGL, Chapter 23-19.14 – Industrial Property Remediation and Reuse Act

RIGL 23-19.14-7

Exemptions to Liability

- Persons who can show evidence that the Release was caused solely by an Act of God or an Act of War;
- Bona Fide Prospective Purchasers (BFPP) of, or tenants on, properties for which the following have been issued:
 - A Remedial Decision Letter has been Issued & are Engaged in Implementing a Remedial Action;
 - A Letter of Compliance has been Issued by DEM

Exemptions to Liability (Continued)

- An Enforceable Settlement Agreement & Covenant Not to Sue Exists
- Correspondence from DEM to the Tenant Acknowledging that the Lease Started after 1/11/02 and the Tenant Certified the Following:
 1. Due Diligence was Performed by the Tenant;
 2. The Tenant made an “All Appropriate Inquiry”;
 3. The Tenant will Provide All Legally Required Notices for a Release
 4. The Tenant will take Appropriate Care to Stop Ongoing Releases, Prevent Future Releases & Prevent Exposure to Human Health & the Environment

Exemptions to Liability (Continued)

5. The Tenant will Cooperate, Assist & Provide Access
 6. The Tenant will Comply with Any Institutional Controls
 7. The Tenant has No Affiliation with Any RP and Was Not Created Through a Reorganization of a Business Entity that was an RP.
- Persons who Maintain an Indicia of Ownership Solely to Protect a Secured Interest in Land and are Not Operators;

Exemptions to Liability (Continued)

- Persons who Act as Custodial Receivers or Can Establish that They are Innocent Landowners
- A Downgradient Receptor

Exemptions to Liability (Continued)

- A Unit of State or Local Government Which Acquired Ownership or Control Involuntarily:
 - Bankruptcy;
 - Tax Delinquency;
 - Abandonment; or
 - Other Circumstances-Government Entity Involuntarily Acquires Title
 - As long as Government Entity is Not a Responsible Party

Due Diligence

- Similar to what EPA would Require;
- Reports Regarding Environmental Conditions –Phase I's, Phase II's, Sampling Results, etc.
- Determine Whether Additional Investigation Work Needs to Be Done – Sneak Peek - (PCBs, asbestos, lead);
- File Reviews – DEM, EPA, Local Fire, Zoning, Building, Planning Departments

Due Diligence (Continued)

- Existing Permits;
 - Existing Violations;
 - Title Search;
 - Wetlands/Stormwater Issues
 - Adjacent Properties
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- **REQUEST A PRE-APPLICATION MEETING WITH DEM**

I Found Contamination **What Do I Do Next?**

- **Legal Notification Required Within 15 Days of Knowledge of Release – In Writing**
- **Notification of Release Form is Found in the Remediation Regulations and on the DEM Office of Waste Management’s Site Remediation Web Page**
- **Receipt of Release Form By the Department Marks the Beginning of State Process**
- **Establishes EPA’s Requirement of “Enrolling in the State Response Program”**

SUCCESSFUL REDEVELOPMENT

1. Schedule a Pre-Application Meeting;
2. Get Multiple Bids from Environmental Consultants Before Hiring One;
3. Have an Environmental Attorney in Place;
4. Look into the Funding Sources Available to Municipalities & Non-Profits
5. If you Have a Question, Call Your DEM Project Manager and Ask Before Moving Forward

Interaction With Developers

- DEM Will Meet As Often As Requested
 - Pre-application Meetings are a Great Place to Start
 - We Will Have AS Many Additional Follow-Up Meetings As Needed
 - We Will Meet Developers on Site

Funding Opportunities For Brownfields

- Targeted Brownfield Assessment (TBA) Program
- Brownfields Remediation and Economic Development Fund “Brownfields Grant Fund”
- Rhode Island Infrastructure Bank
 - Brownfield Remediation Revolving Loan Fund

Targeted Brownfields Assessments (TBA)

- RIDEM applies for Funds from EPA (Assessment, RLF, & Cleanup)
- Applicants may Apply to RIDEM for Assessments
- Limited to Municipalities & Non-Profits
- Requires High Level of Coordination & Cooperation Between Applicant, DEM, and EPA
- National Competitive Application Process
- Applications Accepted on Rolling Basis by DEM

Brownfields Remediation & Economic Development Fund

- First \$5 Million originated from the 2014 voter approved “Clean Water, Open Space, and Healthy Communities” Bonds (total of \$53 Million in bonds).
- Second \$5 Million from the 2016 voter approved “Environmental and Recreational Improvements” Bonds (total \$35 Million in bonds).
 - “Brownfield Remediation and Economic Development - \$5,000,000 / Provides up to eighty percent (80%) matching grants to public, private, and/or non-profit entities for brownfield remediation projects.”
- Request for Proposals (RFP) Closed on June 29th for remaining \$2.6 million in funding.
- 2018 General Election will include an environmental bonds question that will include funding for Brownfields Remediation.

Brownfields Grant Fund – Eligibility

- Public, Private, and Non-Profits
- Must have Legal Control of the Site
- Project must Propose a Reuse/Redevelopment of a Brownfield
- Reimbursement Grant - Requires a 20% Match
- Eligible Costs for Reimbursement are Limited to Those Associated with the Assessment and/or Remediation of the Brownfield

Brownfields Grant Fund - Proposals

- Competitive Application Process via RFP
- Application scoring based on:
 - Economic Impact/Jobs Created/ Benefit to the Public – 25%
 - Impact to the Environment – 20%
 - Timeframe/Project Readiness – 15%
 - Green Energy Implementation – 15%
 - Project Team Capacity/Fund Leveraged – 10%
 - (NEW) Request for RIIB RLF Funding – 10%
 - Estimated Costs – 5%

Brownfields Grant Fund – Administration

- Applications scored by 3 person team and 1 non-RIDEM person
- Applicant and RIDEM enter into a Grant Agreement
- 2 Year Term
 - Can make one request to extend the grant period
- Reimbursement Payments
 - Qualifying Expenses
 - Max of 3 payment requests (invoices)
 - Supporting documentation

Brownfields Grant Fund – So Far...

- From 2 Environmental Bonds, a total of \$10 Million was secured for Brownfield Redevelopment
- Grant Rounds and Results:
 - 2015 - \$3.7 Million / 14 Projects
 - 2016 - \$1.3 Million / 9 Projects
 - 2017 – \$2.4 Million / 10 Projects
 - 2018 - \$2.6 Million Available – Application End Date June 29, 2018
- \$7.4 Million awarded so far has leveraged \$630 Million* in other investments and support about 5,000 jobs

Brownfields Cleanup Revolving Loan Fund

- RI Infrastructure Bank has approx. \$900,000 in their new Revolving Loan Fund (RLF) dedicated to Brownfields Cleanup
- Offering below market rates on loans – terms determined on a case by case basis
- Application come to RIDEM/OWM
 - RIDEM/OWM required to maintain a running “Project Priority List”
 - RIDEM/OWM scores the project and refers it to RIIB

Combined Application for Brownfields Funding

- TBA, Brownfield Bond Funding, and RIIB RLF Applications All Go Through RIDEM/OWM
- While Each Funding Source Requires Its Own Unique Information, Much of It Does Over Lap
- Benefits of Utilizing Single Application:
 - Applicants Can Easily Apply for More than One Funding Source at a Time
 - Easier to Track Projects in Need of Funding (e.g. Match Them with Funding Opportunities that may not have been Considered) “Project Priority List”
 - All Brownfield Funding Applications are Submitted to One Point of Contact at RIDEM

Woonsocket Middle Schools



Woonsocket Middle Schools



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Any Questions?