

\$8 MILLION IN SUPPLEMENTAL FUNDS MADE AVAILABLE BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR BROWNFIELDS REVOLVING LOAN GRANT FUNDS

Hodgson Russ Environmental Alert
April 18, 2019

On April 3, 2019, the U.S. Environmental Protection Agency (“USEPA”) approved additional funds in the amount of \$8 million for fiscal year 2019. Those additional funds would supplement existing Brownfields Revolving Loan Fund (“RLF”) grantees who made a loan or subaward and have substantially depleted loan funds. While additional funds have been made available this fiscal year, those funds are supplemental funds for existing RLF grantees. USEPA will not be soliciting new RLF applications for this fiscal year. This is a summary overview of the supplemental funding process.

Under Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) as amended by the Small Business Liability Relief and Brownfields Revitalization Act (the “Brownfields Law”), USEPA may, among other things, award grants to eligible entities to capitalize RLFs and provide subawards for the cleanup of brownfields, and make additional grants to RLF grantees. Additional grants may be awarded for any year after the year in which the initial grant is made. Regional RLF Staff will advise of the availability of the funding for fiscal year 2019.

Applications for supplemental funding must be made by letter to your Regional Brownfields Coordinator, with a copy to Rachel Congdon, USEPA Headquarters, at congdon.rachel@epa.gov. Letters must be postmarked or sent by email by May 6, 2019. Supplemental funding after this deadline may be available subject to funding.

High demand is expected for these supplemental funds, and given the limited amount available awards will likely range generally from \$200,000 to \$500,000. Grantees seeking supplemental funds must show that they have “significantly depleted funds” (both USEPA grant funding and any available program income) and that they have a clear plan for quickly utilizing the requested supplemental funds.

In addition to depletion of funds, applicants need to show:

Attorneys

Richard Campbell
Joseph Endres
Michael Hecker
Julia Hilliker
Elizabeth Holden
Alan Laurita
Charles Malcomb
Paul Meosky
Daniel Spitzer
Jeffrey Stravino
Henry Zomerfeld

Practices & Industries

Brownfield Redevelopment
Environmental
Municipal

\$8 MILLION IN SUPPLEMENTAL FUNDS MADE AVAILABLE BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR BROWNFIELDS REVOLVING LOAN GRANT FUNDS

- (1) the number of imminent and potential projects in the RLF program pipeline, including the ability to make loans and subgrants for cleanup projects that can be started and completed, and quickly lead to redevelopment;
- (2) the ability to administer, preserve, and revolve the capitalization funding in the RLF grant;
- (3) the ability to use the RLF grant to address funding gaps for cleanup projects; and
- (4) the community benefits from prior and potential loans and subgrants.

Applications will be reviewed based on the quality and extent of the aforementioned considerations. USEPA encourages applicants to highlight innovative opportunities to maximizing revolving and leveraging with other funds and resources. Other information obtained by USEPA, including from USEPA files, will be considered to verify or supplement the information submitted.

USEPA Regions will review applications for eligibility and then submit an evaluation to the USEPA Office of Brownfields and Land Revitalization. The award of supplemental funds will be made by the Regional Administrator or delegate upon selection by the Assistant Administrator of the Office of Land and Emergency Management. Applicants for supplemental funding will be required to work with USEPA Regions to amend existing cooperative agreements, work plans, and follow applicable Integrated Grants Management System ("IGMS") procedures.

The availability of supplemental funds for existing RLF grantees is a significant opportunity to further incentivize brownfield cleanup and development. In fiscal year 2018, \$7 million were made available for RLF supplemental funds. With the additional \$1 million comprising the \$8 million available this fiscal year, it is expected that there will be an increase in applicants taking advantage of these supplemental funds.

If you are interested in the RLF supplemental funding or other grants issued by USEPA for brownfield cleanup projects, please contact an attorney from our Brownfield Redevelopment Practice.

If you received this alert from a third party or from visiting our website, and would like to be added to our Environmental Law mailing list or any other of our mailing lists, please visit us at: <https://forms.hodgsonruss.net/subscription-center-hr.html>