

FAQs:

Q: If my site does not fall within the new definition of a "brownfields site," am I still eligible for funding?

A: Maybe. Certain sites that are excluded from funding eligibility because they fall within the scope of the statutory exclusions from the definition of a brownfields site may qualify for brownfields funding **if EPA makes a property-specific funding determination that the site meets the goals and criteria of the Brownfields program** and the criteria set forth in the statute. The recipient must demonstrate to EPA's satisfaction that financial assistance for cleanup activities at an excluded site **will** protect human health and the environment **and** either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, or other property used for non-profit purposes.

3.5 Eligible Activities. RLF funds are designated for cleanup activities at eligible brownfields sites.

Actions associated with cleanup include, but are not limited to:

- Documentation of the Analysis of Brownfields Cleanup Alternatives (ABCA);
- Development and implementation of RLF marketing strategy;
- Oversight of cleanup activities;
- Installation of fences, warning signs, or other security or site control precautions;
- Installation of drainage controls;
- Stabilization of berms, dikes, or impoundments; or drainage or closing of lagoons;
- Capping of contaminated soils;
- Using chemicals and other materials to retard the spread of the release or mitigate its effects;
- Excavation, consolidation, or removal of contaminated soils;
- Removal of drums, barrels, tanks, or other bulk containers that contain or may contain hazardous substances, pollutants, or contaminants, including petroleum;
- Removal of source materials, including free product recovery; and
- Containment, treatment, or disposal of hazardous materials and petroleum contamination.

The Brownfields Law also provides that RLF funds can be used for:

- Site monitoring activities, including sampling and analysis, that are reasonable and necessary during the cleanup process, including determination of the effectiveness of a cleanup;
- Site assessment activities that are reasonable, necessary, and incidental to the cleanup process, such as confirmation sampling; and

- Costs associated with meeting public participation, worker health and safety, and programmatic management requirements.

3.6 Ineligible Activities. RLF funds may not be used for pre-cleanup environmental assessment, cleanup of naturally occurring substances, monitoring and data collection for the purpose of permit compliance required under other federal and state laws, or development activities that are not part of the cleanup.

RLF funds cannot be used for the following activities:

- Pre-cleanup environmental assessment activities, such as site assessment, identification, and characterization with the exception of site monitoring activities as described above;
- Public or private drinking water supplies that have deteriorated through ordinary use;
- A cleanup cost at a brownfields site for which the recipient of the grant or loan is potentially liable under CERCLA § 107;
- Monitoring and data collection necessary to apply for, or comply with, environmental permits under other federal and state laws, unless such a permit is required as a component of the cleanup action;
- Construction, demolition, and development activities that are not cleanup actions (e.g., marketing of property or construction of a new non-cleanup facility);
- Cost sharing or matching requirement for another federal grant (absent statutory authorization);
- Support of job training;
- Support of lobbying efforts of the recipient; and
- In addition, the Brownfields Law includes the administrative cost prohibition which prohibits the use of any “part of a grant or loan” for the payment of an administrative cost. See Section 3.7, *Eligible Fund Uses* and Section 3.8, *Ineligible Fund Uses*.

FAQs:

Q: Can RLF funds be used for further investigation or assessment activities required by the cleanup process?

A: Yes. Investigation and assessment activities can be conducted as part of the RLF cleanup (and funded by RLF funds) for purposes of cleanup verification (i.e., to confirm the cleanup is adequate to address the scope of the release) and post-cleanup confirmation (i.e., to confirm the cleanup has adequately addressed the release). Such activities could include monitoring activities that are necessary to the cleanup process. For example, monitoring wells used during or following the cleanup to determine the effectiveness of the cleanup would be allowable costs. RLF funds cannot be used for pure assessment.