



# LOCAL OFFICIAL'S GUIDE TO **BROWNFIELD REDEVELOPMENT**


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2024

## KENTUCKY BROWNFIELD PROGRAM

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 [EEC.KY.GOV/BROWNFIELDS](http://EEC.KY.GOV/BROWNFIELDS)

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## **PREFACE**

Local officials often find themselves on the front lines when addressing vacant, abandoned, or underutilized properties within their jurisdiction. Redeveloping these problem properties can offer great benefits, such as boosting the local economy and building a stronger community. Redeveloping brownfields, however, is often hindered by perceived liability, limited financial resources and lack of information. Overcoming these redevelopment barriers is the focus of this guidance manual.

## **ACKNOWLEDGEMENTS**

The ***Local Official's Guide to Brownfield Redevelopment*** was developed by the Kentucky Brownfield Program (KBP). The primary purpose of this guidance document is to provide clear, concise information to local officials, quasi-governmental agencies, nonprofit organizations and other community leaders who are interested in learning how to navigate the process of brownfield redevelopment. The secondary purpose of the guidance document is to serve as a companion to webinars, workshops, and outreach sessions provided by KBP.

## **CONTACTS**

The Kentucky Brownfield Program staff work closely with local officials, community members, and other stakeholders to provide guidance on the redevelopment process. Among other services, the Program offers free environmental site assessments, low- to no-cost cleanup loans, grant trainings, and insight for leveraging resources. For information about these services, please contact:

Kentucky Department for Environmental Protection  
Kentucky Brownfield Program  
300 Sower Boulevard  
Frankfort, Kentucky 40601

Help Desk: 502-782-6189

Email: [Envhelp@ky.gov](mailto:Envhelp@ky.gov)

Website: [Brownfields - Kentucky Energy and Environment Cabinet](#)

GIS HUB: [Kentucky Brownfield Program Hub](#)

## **DISCLAIMER**

*This document was developed by the Kentucky Brownfield Program. Information in this document is offered only as a guidance. Reliance on information from this document is not for use in enforcement actions or litigation. Please refer questions about regulatory requirements to the Kentucky Brownfield staff for further information.*

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## Chapter 1 – Fundamentals of Brownfields

### ***Section 1: Basics of Brownfield Redevelopment Process***

A brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Common examples of brownfield properties include former gas stations, auto repair shops, dry cleaners, industrial facilities, and vacant or abandoned buildings like schools or hospitals.

In 1995, the U.S. Environmental Protection Agency (EPA) established a Brownfields and Land Revitalization Program to help communities identify and redevelop contaminated or potentially contaminated properties. In 2012, Kentucky lawmakers passed a law to establish the Kentucky Brownfield Property Redevelopment and Reuse Program to further support redevelopment of brownfields. These programs work together to provide financial and technical assistance to communities across the Commonwealth.

Generally, there is a five-step process that should be followed when looking into redeveloping a potential brownfield site. Depending on the size and complexity of the site and other factors like property ownership, this process can be made more detailed:

#### **1. Site Identification**

There are brownfield sites in every community, both rural and urban. Generally, they exist in areas that are highly visible and in a preferred location for development. Local officials, planning commissions, area development districts and other similar organizations are great resources for identifying brownfield properties. Citizens also play an important role in identifying brownfields.

#### **2. Environmental Assessment**

Before the purchase or acquisition of a property, a Phase I Environmental Site Assessment (ESA) needs to be completed. This is most often requested by the potential purchaser of a brownfield property. A Phase I is key to being able to access liability protections and funding for brownfield projects. If the findings of a Phase I ESA suspect contamination, a Phase II ESA is recommended. During a Phase II, sampling is conducted to analyze the types and amounts of contamination on site. If contamination is determined to be present, then the prospective buyer often pursues liability protection through Kentucky's Brownfield Property Redevelopment and Reuse Program (also known as the 415 Program). Additional environmental assessment activities can include asbestos and lead-based paint surveys, as well as an Analysis of Brownfield Cleanup Alternatives (ABCA) document.

### **3. Reuse Planning**

Once the presence and extent of contamination is known, a Reuse Plan (often called a Brownfield Redevelopment Plan) can be properly prepared. The Plan should incorporate appropriate reuse of the site, necessary approvals and permits for land use and/or zoning, feasible remediation goals, timeframes to achieve goals, and cleanup techniques that meet regulatory requirements. In addition to preparing a Reuse Plan, step three involves securing a means for financing the project. Financing may be available through grants or low-interest loans. Tax incentives and tax credits for redeveloping brownfields should also be explored. Brownfield cleanup funding available from both the federal EPA and Kentucky's Cleaner Commonwealth Fund loan program is only able to be spent on cleanup of the contamination that is on-site. It cannot be used for demolition or construction activities.

### **4. Site Remediation**

After completing a Reuse Plan, the next step involves remediation and cleanup. The cleanup stage often incurs the most cost, but grants and loans are available to help with the expense. In addition to direct funding through grants and loans, there are a number of financial incentives that can help with the overall cost of the project. Furthermore, there are other financial resources available for additional phases of development.

### **5. Site Reuse**

After remediation is completed and institutional controls are established, the property can be redeveloped and managed for its intended reuse. The end-use of the site largely depends on the contamination that was found, community input and community need. It is possible to safely reuse brownfield sites and turn them into green space, residential housing, industrial facilities, mixed-use developments, and commercial spaces. Many times, the process of assessing and cleaning up a single brownfield site serves as a catalyst and spurs community interest to identify other sites for redevelopment.

## ***Section 2: Options for Technical Assistance and Financial Resources***

The Kentucky Brownfield Program offers a variety of technical assistance opportunities to local governments, quasi-governmental agencies and 501(c)(3) non-profits. Participants of the Targeted Brownfield Assessment (TBA) program receive reports following the environmental site assessments that were conducted including: Phase I reports, Phase II reports, asbestos and lead-based paint surveys, vapor intrusion risk assessment reports and an Analysis of Brownfield Cleanup Alternatives (ABCA) document.

Additionally, the KY Division of Waste Management's Superfund Branch can provide guidance on property management plans and assist eligible entities with liability relief when purchasing a contaminated property. The [Brownfield Redevelopment and Reuse \(415\) Program](#) and the

Voluntary Environmental Remediation Program (VERP) are two of the options available for prospective purchasers seeking to own and redevelop contaminated property.

The availability of financial resources varies by project. Assessments can be provided at no cost to eligible entities through the Kentucky Brownfield Program, EPA Region 4's Targeted Brownfield Assessment program, or through an entity that currently has an EPA Community-Wide Assessment Grant. Funding for cleanup projects is available through EPA's Brownfield Program on an annual basis or through the Kentucky Brownfield Program's Cleaner Commonwealth Fund (CCF). These funding options are explored further in Chapter 6.

### ***Section 3: Planning, Visioning and Public Participation***

Regardless of a community's size, history or number of contaminated properties, planning ahead is vital to the success of brownfield redevelopment. Whether your community's goal is to develop a comprehensive revitalization plan for multiple sites or redevelop one property, you must consider the resources available for environmental investigation and cleanup of the properties and determine how the properties will be redeveloped.

Community input and public participation are a vital part of this process. During the planning stages of brownfield redevelopment, it is important to engage community stakeholders, especially ones that have been affected by the presence of nuisance properties. Holding public meetings or visioning sessions early on can help communities identify potential sites for redevelopment, address health and safety concerns, and identify what the community would like to see be developed in place of the brownfield site.

After a project has begun, keep citizens involved in the redevelopment process by providing information about the progress of the projects being undertaken.

#### ***Is Your Community "Revitalization-Ready"?***

Planning for property reuse at contaminated or potentially contaminated sites can be a challenge for local communities. Having a thoughtful and inclusive plan for property reuse brings about exciting opportunities within the brownfield redevelopment process. EPA's Revitalization-Ready Guide provides a process for evaluating brownfield properties and identifying the actions needed to bring it back to productive reuse. This document, along with the provided digital workbook, provides insights and tools that help communities identify stakeholders, goals, property characteristics, land use characteristics and more.

## Chapter 2 – Identifying Brownfield Properties

### ***Section 1: Site Identification***

To successfully redevelop brownfields, local governments must first develop a strategy to identify sites, create an inventory, and assess the potential for reuse. At the most basic level, brownfields are abandoned, blighted, or underutilized industrial or commercial properties. In many cases, identifying brownfields can be as simple as reaching out to a local zoning agency or local redevelopment authority that may have a pre-existing list of blighted and vacant properties. It should be noted that while brownfields are neglected properties, they may or may not have issues with environmental contamination. As such, brownfield sites are distinctly different than Superfund sites. While Superfund sites are heavily contaminated sites that are cleaned and managed with some level of involvement from the federal government, brownfields are smaller parcels of land that may not have any contamination. Because the risks associated with brownfields are often easily mitigated or eliminated, there is a greater potential for redeveloping these sites as compared to Superfund sites.

Given that local officials are familiar with the problem properties in their communities, it is only natural that the local level is the best place to begin compiling and prioritizing a brownfield inventory. A brownfield inventory is basically a list of properties that meet EPA's definition of a brownfield and includes information such as ownership, address, and lot size. Inventories typically include properties that have been identified through code enforcement officers, local police and sheriff's departments, neighbor complaints, and visual surveys. Inventories are useful for information and planning purposes and can be a valuable tool to help prioritize properties for marketing. Brownfield properties located in business districts, for example, can be prioritized for assessment and cleanup since they have a significant impact on the local economy.

Although local officials tend to have the best insight into developing inventories for their community, state and federal authorities also maintain inventories of known brownfield sites. These inventories include sites that have been assessed or cleaned as part of a local, state, or federal brownfield program. Although no brownfield inventory is a complete list, local governments are encouraged to consult state and federal lists to get a better sense of the properties in their area that have known or suspected contamination.

While brownfield inventories are useful, it should be noted that the properties on the list may or may not have had an environmental site assessment. The list, therefore, serves as a starting point for understanding the next steps to take with environmental due diligence as it relates to property transactions. Local officials should also keep in mind that most owners of brownfield

sites do not want their properties stigmatized under the brownfield label and may not want their properties listed on the inventory. Owner permission should always be given before adding a private property to an inventory.

### ***Tips for Identifying Brownfields and Potential Sites for Redevelopment***

Resources for identifying brownfield properties, including inventories, web apps and mapping tools, can be found at the links identified below.

#### ***To explore various web apps and mapping tools:***

[Cleanups in My Community](#)

[RE-Powering America's Land - EPA](#)

[Kentucky Cabinet for Economic Development - Available Sites and Buildings](#)

[Brownfield Area Benefit Estimator \(BABE\)](#)

#### ***To request an inventory of sites associated with the state brownfield program:***

[Kentucky Brownfield Inventory - Open Records Request](#)

[Kentucky State Superfund List - Open Records Request](#)

**Note:** *Kentucky's Brownfield Inventory is not a comprehensive list; rather, it identifies properties that have received assessments or cleanups under federal, state or local brownfield programs.*

## ***Section 2: Ownership Status and Fear of Liability***

Brownfield properties may be owned by public or private entities. In some cases, if the owner cannot be identified or located, the property is considered abandoned. Publicly-owned brownfield properties often remain undeveloped because the community lacks local resources to invest in the site. Private owners of brownfields, on the other hand, often choose to do nothing with the property because they fear that they will be held liable for cleaning up environmental contamination that they may not have caused. In other scenarios, properties that have been abandoned tend to be in decline for many years before local government can finally take legal actions to remedy the situation.

The reasons for leaving properties unattended and undeveloped, however, are often unfounded and the result of being misinformed. In fact, many properties that have been left to sit idle are found to have little, if any, contamination. When owners allow their properties to be assessed for potential environmental concerns, they may come to realize that it is more marketable than originally thought. At the very least, properties that have been assessed are at an advantage for resale because they have already undergone the environmental due diligence process required by most lenders. Environmental site assessments, commonly referred to as a Phase I or a Phase II, are explored further in Chapter 3.



### ***Section 3: Role of Local Government***

For local officials, the most desired outcome for neglected or underutilized private properties, is to work with the owner so that the property is maintained or marketable. Often, local governments must take measures through local laws, code enforcement, and tax liens to make owners take responsibility. Accordingly, they must work with their city and county attorneys to enforce local code, address tax delinquency, or resolve property disputes to hold property owners accountable. Tracking down owners and servicers of loans can be a challenging obstacle. If the owners are not responsive and the property poses a risk to public health and safety, local governments may be able to take control of the property and pursue the appropriate course, including rehabilitation or demolition and reuse. Local governments should be aware, however, that their authority may be constrained by state legislation. Although there are a variety of local government powers to address these problems, the fact remains that most of these properties are owned by private citizens whose rights are protected by law.

#### ***Addressing Problem Properties Through Local Authority***

Local governments are often on the front lines for dealing with brownfields. Some of the tools that local governments can use to legally address these properties are outlined below.

**\* Code Enforcement: KRS 65.8001-65.8839**

The Local Government Nuisance Code Enforcement Act allows cities to adopt a nuisance ordinance, establish an enforcement board, maintain a lien priority for neglected properties.

**\* Vacant Property Review Commission: KRS 99.705-99.730**

Vacant Property Review Commissions can be created to address abandoned and deteriorated properties by certifying them as blighted prior to the local government initiating eminent domain proceedings.

**\* Vacant Residential Property Registration Ordinances**

A Vacant Property Ordinance can be enacted by cities as a means of registering all vacant properties and discouraging property owners from underutilizing properties.

**\* Tax Liens for Recovering Demolition or Repair Costs**

Cities may choose to demolish or repair a dilapidated property after following certain statutory procedures. The city has the ability to impose a tax lien on the property for all fines, fees, and abatement costs and can either sue the property owner or foreclose on the property for collection. The properly recorded liens should also be paid if the owner ever tried to sell the property in the future.

**\* Expedited Sales of Foreclosed Property: KRS 426.205**

Cities that have imposed liens pursuant to KRS 65.8801 to 65.8839 or KRS 65.8840 may be able to expedite a sale if the property is determined by the court to be vacant and abandoned.

#### ***Section 4: Brownfields Utilization, Investment, and Local Development Act (BUILD Act)***

In March of 2018, Congress passed the BUILD Act. This act amends the Brownfields provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and provides more redevelopment certainty for governmental entities. Some entities, including local governments, are exempt from liability when properties are acquired under specific circumstances. This means that local governments are not required to have a Phase I ESA prior to acquisition of a property if ownership is acquired through seizure or otherwise in connection with law enforcement activity, bankruptcy, tax delinquency, abandonment, eminent domain, or other circumstances in which the government acquired title by virtue of its function as a sovereign, per CERCLA Section 101(20)(D).

#### ***Finding Out More About Exemptions to CERCLA Liability***

When possible, contact the Kentucky Brownfield Program staff before the local government acquires a brownfield property to determine whether a Phase I needs to be conducted prior to site acquisition.

For more information about the BUILD Act and CERCLA liability, view the fact sheet at [epa.gov/brownfields](https://epa.gov/brownfields) or contact Kentucky Brownfield Program staff.

## Chapter 3 – Conducting Environmental Site Assessments

### **Section 1: Environmental Site Assessments**

Once a brownfield site has been identified, the next step is to conduct studies in order to assess the site for contamination. These studies, known as Environmental Site Assessments (ESA's), are usually performed in phases with more detailed information collected in each progressive phase. The phases, typically defined as Phase I and Phase II, must be completed by an environmental professional. Local governments may be eligible to receive free environmental site assessments through state or federal Targeted Brownfield Assessment (TBA) programs or through federal grant opportunities for brownfield assessment. Local governments seeking assessment services through a private environmental consultant should be prepared to pay consultant fees.

#### **Applying for No Cost Environmental Site Assessments**

The Kentucky Brownfield Program offers environmental site assessments at no cost to qualified applicants through its Targeted Brownfield Assessment (TBA) Program. These assessments can be used to evaluate the environmental conditions of a property, and when contamination is identified, help determine if additional work is necessary to make the property safe for reuse.

#### **What properties are generally eligible?**

- Properties that are blighted or have known or suspected contamination.
- Properties that are difficult to market and redevelop due to environmental concerns.
- Properties must be accessible – meaning the owner must allow permission to access.

#### **What assessment services are available?**

- Phase I Environmental Site Assessment
- Phase II Environmental Site Assessment
- Asbestos and Lead-Based Paint Surveys
- Analysis of Brownfield Cleanup Alternatives

#### **Who can apply?**

- Local Government
- Quasi-governmental Agencies
- Non-profit Organizations – 501(c)(3)

#### **How to apply?**

- Eligible applicants should contact the KY Brownfield Staff and complete a TBA application. To download an application, visit [Targeted Brownfield Assessments - Kentucky Energy and Environment Cabinet](#).

### ***Tips for Selecting an Environmental Consultant***

Site assessments and cleanup procedures can be complex, time-consuming, and costly. Since most communities do not have the resources and staff to provide technical and regulatory guidance for assessing and cleaning up brownfield sites, they must rely on environmental consultants. Although environmental consultants are critical to a redevelopment project, it is important to select a qualified consultant to perform the required tasks for assessment and clean up. A competent and experienced consultant can also help communities explore redevelopment options and the potential for leveraging resources.

When selecting a consultant, look for:

- Experience with brownfield projects
- Knowledge of financing options
- Familiarity with regulations and statutes

For a list of environmental consultants, refer to the [Consultants Directory](#) maintained by the Kentucky Pollution Prevention Center (KPPC) for a list of environmental consultants.

<https://kppc.org>

<https://kppc.org/resource-library/consultants-directory/>

### ***Section 2: Phase I: Determining Potential for Contamination***

A Phase I is a preliminary assessment that characterizes a site by evaluating current and historical land uses, surrounding land uses, and potential areas of contamination. Phase I activities include an inspection of the property, a review of historic records, and interviews with persons who may be familiar with the property. After completing these activities, the findings are presented in a final report. If the Phase I findings indicate that there is little to no evidence of potential contamination, then the property is ready for redevelopment. If the Phase I findings include recognized environmental conditions (RECs) that reveal known or potential contamination, then a Phase II is typically recommended.

It is important to note that a Phase I is conducted to determine the *potential* for contamination while subsequent assessments are conducted to determine the *presence* of contamination. The significance of the Phase I, however, is that the study can be used to identify potential sources of contamination from past activities. For this reason, a Phase I can be used to protect a property owner or prospective purchaser from assuming liability for contamination they did not cause. To be considered for liability protection, a Phase I must be completed prior to the purchase or transfer of property. It should also be noted that a Phase I must be completed prior to purchase in order to be eligible for cleanup funding through federal and state programs.

### ***Section 3: Phase II: Determining Presence of Contaminants***

While sampling is not part of a Phase I, a Phase II includes collecting and analyzing environmental samples to determine the presence, types, and concentrations of contaminants. If the sample results indicate that no contamination is present, then there is no need for further investigation. If the sample results indicate the presence of contaminants, then additional assessment may be necessary to further evaluate the location and extent of the contamination. A full characterization, sometimes referred to as a Phase III, may be required in order to delineate the contaminated areas of the property.

### ***Section 4: Exploring Options for Cleanup***

The primary goal in brownfield remediation is to protect human health and the environment by doing what it takes to limit exposure to harmful materials. Some of the common contaminants found on brownfields include lead, asbestos, petroleum, and metals, among others that may pose more health risks. If the contaminants are found to exceed regulatory standards, then recommendations will be made for cleanup, continuing obligations, or other actions based on regulatory requirements and intended use.

In brownfield remediation, there are two types of cleanups: complete and risk-based. A complete cleanup results in the removal of all contaminants to pristine condition. A risk-based cleanup focuses on reducing the risk by using techniques to remove some of the contaminants or to allow for the contaminants to remain in place as long as they are contained and managed.

When deciding on the type of cleanup to pursue, it is important to factor in technical and financial considerations. If a complete cleanup is not technically or financially feasible, a risk-based cleanup may be a viable option. While most brownfield cleanups are risk-based, the level of cleanup will depend on how the property will be reused. Risk-based cleanups take into account the site's anticipated future use such as for residential, recreational, industrial, or commercial purposes. A redevelopment project on a site that is intended to be reused for residential purposes, for example, will require more cleanup than a project that will be used for industrial purposes.

### ***Section 5: Exploring Options for Liability Protection***

Liability at a brownfield is typically the legal responsibility for costs of cleaning up property that is contaminated. For lenders and prospective purchasers, concerns about liability issues are a primary concern with redevelopment. To ease these concerns, liability protections are offered through federal and state governments. In general, liability protection exempts an eligible person from liability for contamination that they did not cause. This incentive is designed to encourage the cleanup and redevelopment of contaminated properties. Kentucky's Liability Relief Program is the focus of Chapter 4.

### ***Section 6: Exploring Options for Redevelopment***

After identifying, prioritizing, and assessing brownfield properties, local officials can then begin to consider various routes to redevelopment. Private developers, public entities, or even public-private partnerships can lead redevelopment projects. Regardless of who leads a project, local governments play an important role because of the various interests to the community. Land-use planning, economic development, and public safety are just a few of the reasons why local governments should be actively involved with redevelopment projects.

In private-led redevelopment projects, the property is typically located in an area with a healthy market for redevelopment potential. In this scenario, the developer anticipates making a profit and therefore uses private financing to complete the project. Though the project is private-led, the developer will inevitably rely on other stakeholders such as environmental consultants, state regulators, and local officials to see that the project is successfully completed.

In a public-led redevelopment project, a municipality takes responsibility for assessing and cleaning up the property. Public development typically occurs with properties where there is little interest or potential for redevelopment. In this type of project, the public entity will take ownership of the property through voluntary purchase, foreclosure, or other means. This scenario is often dependent on the municipality receiving financial assistance through a state or federal brownfield program. Once the assessment and cleanup activities are completed, the municipality can either redevelop the site for public use or sell the site to a private developer.

In a public-private partnership, an agreement is made between the two entities in an effort to combine resources to complete the brownfield project. Typically, the public entity provides the initial support often for environmental site assessments. For public entities, environmental site assessments can be obtained through state or federal brownfield programs. Once the initial public investment is made, the private sector then funds the cleanup and redevelopment.

## Chapter 4 – Applying for Liability Protections

### ***Section 1: Kentucky's Liability Relief Program***

As noted in Chapter 3, liability concerns are one of the biggest challenges to redeveloping brownfields. Owners, as well as prospective purchasers, fear being held liable for pre-existing contamination that they did not cause. To help overcome this challenge, Kentucky provides for liability protections under a statutory program established in KRS 224.1-415. The Liability Relief Program, commonly referred to as the 415 Program, protects qualifying persons from being held responsible for assessment and remediation of contaminated property that they currently own or are seeking to own.

### ***Section 2: Qualified Person(s)/Bona Fide Prospective Purchasers***

Among other requirements, qualifying persons for Kentucky's 415 Program must meet criteria similar to those of a Bona Fide Prospective Purchaser (BFPP) as defined by EPA and listed below:

- Did not cause the contamination.
- Has conducted an All Appropriate Inquiry assessment (Phase I) before acquisition.
- Can certify that the contamination predates property acquisition.
- Has not caused or contributed to any release of contaminants into the environment.
- Is not affiliated with any responsible party for the contamination.
- Is in compliance with all land use restrictions.
- Will not impede with any institutional controls required for the property.
- Will continue obligations to maintain status as a qualifying person/BFPP.

### ***Section 3: Application, Property Management Plans and Continuing Obligations***

To enter Kentucky's 415 Program, the subject property must be a brownfield, and the potential purchaser must complete a Brownfield Liability Relief Eligibility Form. The applicant, as well as a professional engineer or professional geologist, must provide a signature to certify that the applicant satisfies eligibility requirements. The applicant must include a copy of the Phase I and a Property Management Plan (PMP) for the site. In general, a PMP must provide a reasonable description of the planned future use of the property, a description of any remedy in place, a description of engineering controls or institutional controls, a plan for construction management, if applicable, and a description of the methods used to ensure that the property use will not interfere with any remediation or expose the public or the environment to an unacceptable risk of harm. After acquiring property, owners must comply with continuing obligations during their ownership. To download an application for liability protection, visit [Liability Protection and Technical Assistance - Kentucky Energy and Environment Cabinet](#).

## Chapter 5 – Deciding Site Reuse and Cleanup

### ***Section 1: Risk-Based Cleanups and Intended Reuse***

Many brownfield sites are cleaned up using a “risk-based” cleanup method. These methods focus the resources needed for cleanup on areas of the project that reduce risk and prevent harm based on the intended reuse of a site. For example, the cleanup standards for a residential site are higher than for an industrial site. Oftentimes, because of financial and technical reasons, brownfield cleanups do not result in the removal of all contaminants. In those cases, engineering and institutional controls or land use restrictions may be implemented to reduce exposure to any remaining contamination on-site. For more information visit: [Risk-Based Cleanups at Brownfield Sites](#).

### ***Section 2: Involving the Public in the Decision-Making Process***

When undertaking property revitalization in a community, especially in ones where there may be sensitive populations, project leaders should actively seek to engage the impacted population in the effort to redevelop properties. Holding public meetings or visioning sessions early on can help communities identify potential sites for redevelopment, address health and safety concerns, and identify what the community needs in order to thrive (jobs, healthcare, food access, etc.).

### ***Section 3: Public Notification Process for Site Remediation***

Before applying for an EPA Brownfield Cleanup Grant, an applicant must provide the community with notice of its intent to apply and allow community members to comment on the draft application. The community notification, public meeting and other requirements must be current and related to the specific application. A public meeting must also be held to discuss the draft application and consider public comments prior to the submittal of the application. In addition to the public meeting, the applicant can choose to host additional outreach sessions to further engage the community about the project. Additional information about the public notification process for site remediation is available in the grant guidelines.

### ***Section 4: Public Notification Process for Site Development***

Site development typically includes permitting and construction that culminate with completion of the project. These activities may need local and/or state authorizations such as land use approvals, facility permits, and construction permits. These requirements should be integrated in the planning stages to ensure all issues are resolved so that the redevelopment process runs smoothly. It should be noted that many of these authorizations have established procedures for public notification and participation in the decision-making process.



## Chapter 6 – Financing Projects and Leveraging Resources

### **Section 1: Partnerships and Leveraging Resources**

Partnerships play a key role in brownfield redevelopment. A team of committed partners that are willing to collaborate with each other and their investors shows that the project can be sustainable. Sustainability is something that attracts additional partners and investors to a project. Multiple partners who have committed resources show investors that the project is likely to be a success.

In addition to including the relevant local representatives, consideration should be given to involving federal and state environmental and economic development agencies. Early involvement of project partners can help expedite any needed approvals and identify possible funding sources. When applying for state and federal grants, committed project partners can strengthen your application.

Like project partners, strategic investments in the beginning stages of redevelopment can attract additional investments by establishing a level of commitment to a project. This is referred to as “leveraging resources”. Local governments can use their own resources to purchase property, have environmental assessments completed, obtain brownfield funding and other activities to establish a community’s commitment to a project.

#### ***Setting the Stage for Leveraging Resources for Brownfields Revitalization***

EPA’s publication, *Setting the Stage for Leveraging Resources for Brownfields Revitalization*, details how to use existing resources to attract additional resources and funding in brownfield redevelopment projects.

### **Section 2: Cleaner Commonwealth Fund**

In 2012, the U.S. Environmental Protection Agency (EPA) granted funds to the Kentucky Brownfield Program to establish a revolving loan fund (RLF) for brownfield cleanups in Kentucky. This fund is known as the Cleaner Commonwealth Fund (CCF). The CCF offers low-interest or no-interest loans to eligible entities seeking to clean up brownfield sites. Public entities and nonprofit 501(c)(3) organizations can apply for loans designed to help offset the costs associated with cleanup activities during site remediation. Kentucky Brownfield program staff oversee and administer the CCF loan program.

Interest rates for the CCF range from 0% to 2% depending on the project and debt can be financed up to 15 years. Under certain circumstances, eligible entities can qualify for partial loan forgiveness.

### **Section 3: EPA Brownfield Grants**

Competitive grants for the assessment and cleanup of brownfield properties are made available by EPA each year. Multipurpose, Assessment, and Cleanup grants, as well as Job Training Grants and Revolving Loan Funds, are offered to provide funding for a wide range of brownfield redevelopment activities.

Current and previous solicitations for brownfield grants can be found at:

<https://www.epa.gov/brownfields/solicitations-brownfield-grants>.

#### **Assessment Grants:**

Assessment Grants provide funding to inventory, characterize and assess brownfield properties in your community. They can also cover a range of planning and community engagement activities and the development of site-specific cleanup plans. Community-wide Assessment grants are geared toward communities that are just starting to address their brownfield challenges as well as communities that have ongoing efforts to bring sites into productive reuse. More information about EPA's Brownfield Assessment Grants can be found at:

<https://www.epa.gov/brownfields/brownfields-assessment-grants>.

#### **Cleanup Grants:**

Cleanup Grants provide funding for cleanup activities at brownfield sites. Cleanup activities address the contamination found at the site(s) (hazardous substances, pollutants or contaminants (including hazardous substances co-mingled with petroleum). Funding cannot be used for demolition or construction activities.

It is a requirement that the eligible entity applying for a cleanup grant owns the property for which it is requesting funding. There are additional requirements for cleanup grants that can be found in the solicitation. Among those is providing community notification as discussed in Chapter 5. More information about EPA's Brownfield Cleanup Grants can be found at:

<https://www.epa.gov/brownfields/brownfields-cleanup-grants>.

Sites where Brownfield Cleanup Grant funds were previously expended are not eligible for additional Cleanup Grant Funding. Although, sites that have had cleanup expenditures incurred under a Multipurpose grant or a revolving loan fund loan/subgrant are eligible for cleanup grants through EPA.

#### **Multipurpose Grants:**

Multipurpose Grants provide funding to carry out both assessment and cleanup activities at multiple brownfield sites. This grant is appropriate for communities that have identified a target area such as a neighborhood, district or corridor that has one or more brownfield sites. More information about EPA's Brownfield Multipurpose Grants can be found at:

<https://www.epa.gov/brownfields/brownfields-multipurpose-grants>.

### **Job Training Grants:**

Job Training Grants provide funding for community organizations and local governments to recruit, train, and place unemployed or under-employed residents of areas affected by the presence of brownfield sites. More information about EPA's Job Training Grants and examples of job training programs can be found at: <https://www.epa.gov/brownfields/brownfields-job-training-jt-grants>.

### **Revolving Loan Funds:**

Revolving Loan Fund (RLF) Grants provide funding for recipients to capitalize a revolving loan fund of their own. With this, they can provide loans to carry out cleanup activities at brownfield sites. More information about EPA's Revolving Loan Fund Grants can be found at: <https://www.epa.gov/brownfields/types-epa-brownfield-grant-funding>.

### ***Competitively Procuring a Contractor***

The Office of Brownfields and Land Revitalization recently issued new guidance surrounding competitively procuring a contractor for brownfield grants. Before issuing a Request for Proposal (RFP) or Request for Qualifications (RFQ) for the services to be performed in connection with current and/or future EPA Brownfield Grants, it is important to be familiar with these guidelines. A Technical Assistance to Brownfields (TAB) provider or staff at [EPA Region 4](#) are available to review draft RFPs/RFQs before advertisement to ensure they align with current procurement standards.

[Brownfield Grants: Guidance on Competitively Procuring a Contractor](#)

[EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#)

EPA Region 4 currently has two TAB providers: [New Jersey Institute of Technology \(NJIT\) TAB](#) & [International City/County Management Association \(ICMA\) TAB](#)

### ***Section 4: Other Funding Opportunities***

The Kentucky Brownfield Program and EPA's Brownfields Program can provide seed money and services that are critical to starting a brownfield redevelopment project. This funding primarily addresses the environmental concerns at brownfield sites. Oftentimes, additional investment from both public and private sectors is needed to successfully reach the initial redevelopment goal. Funding sources may include local, state and federal government programs as well as nonprofit organizations, investors, developers and property owners.

***Tips for Identifying Additional Funding Opportunities***

Resources for identifying additional sources of funding for your brownfield redevelopment project can be found at the links identified below:

[Brownfield Federal Programs Guide](#)

[How to Leverage Funding and Other Resources for Brownfields Revitalization](#)

[Leveraging Resources for Brownfields Revitalization: Strategies & Support for Local Communities](#)