



**Virginia Brownfields Restoration and
Economic Redevelopment Assistance Fund**

**Site Remediation Grant
Guidelines and Application**

Virginia Economic Development Partnership

Fiscal Year 2023

Guidelines for the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund

Purpose:

The Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund (VBAF) was established pursuant to § 10.1-1237 of the Code of Virginia of 1950, as amended (the Code), to provide either grants or loans to local governments to promote the restoration and redevelopment of brownfield sites and to address environmental problems or obstacles to reuse so that these sites can be effectively marketed to new economic development prospects.

Administration:

The VBAF is administered by the Virginia Resources Authority (VRA).

The Virginia Economic Development Partnership (VEDP) directs the distribution of grants or loans from the VBAF to grant or loan recipients (VBAF Program), in consultation with the Virginia Department of Environmental Quality (DEQ) and based upon the priorities and procedures set forth in these Guidelines.

These Guidelines address the Site Remediation Grants available through the VBAF Program. Site Assessment and Planning Grants also are available through the VBAF Program and managed pursuant to separate guidelines.

It is expected that all awards made under the VBAF Program will be grants.

VBAF Program Priorities:

The VBAF Program is targeted toward projects or phases of work associated with the restoration and redevelopment of brownfield sites that by their completion will generate additional private investment and job creation in the immediate future.

Such projects or phases of work will be evaluated and grants will be awarded based upon meeting one or more of the following priorities:

- **Environmental benefits** – environmental issues can be resolved with grants from the VBAF Program and other available funding within a relatively brief period of time and the site redeployed.
- **Potential for redevelopment and reuse of the site** – sites with significant potential for redevelopment and reuse including demonstrable interest in the property for economic development purposes and appearance in the comprehensive plan of the community in which the property is located.

- **Economic benefits** – projects or phases of work with a specific relationship to a local or regional economic development strategy and where redevelopment could be a catalyst to larger revitalization projects and economic benefits to the surrounding community.
- **Use or reuse of existing infrastructure** – projects or phases of work that seek to repurpose or redevelop a property currently served by existing infrastructure, rather than property not so currently served.
- **Limited ability to draw on other funding sources** – small communities or communities with a local unemployment rate or poverty rate that exceeds the statewide unemployment rate or poverty rate and have limited ability to draw on other funding sources.

VBAF Site Remediation Grants:

Pursuant to § 10.1-1237 of the Code, the VBAF may be used to pay the reasonable and necessary costs associated with the restoration and redevelopment of a brownfield site.

VBAF Site Remediation Grants are to be used to help fill a financing gap for projects or phases of work for such restoration and redevelopment that have not already commenced. The VBAF Site Remediation Grant is not available to reimburse for costs already incurred for a project or phase of work that has begun or is already completed.

VBAF Site Remediation Grants are available, in amounts of up to \$500,000, to assist with the costs of:

- (i) remediation of a contaminated property to remove hazardous substances, hazardous wastes, or solid wastes;
- (ii) the necessary removal of human remains, the appropriate treatment of grave sites, and the appropriate and necessary treatment of significant archaeological resources, or the stabilization or restoration of structures listed on or eligible for the Virginia Historic Landmarks Register; or
- (iii) demolition and removal of existing structures, when necessary, to abate the hazardous material or other site work required to make a site or certain real property usable for new economic development.

VBAF Site Remediation Grant proceeds are to be used only for the necessary and reasonable costs incurred in accordance with the scope of work set forth in an applicant's VBAF Site Remediation Grant Application (Attachment A to these Guidelines) and the performance agreement setting forth the terms and conditions of the VBAF Site Remediation Grant.

VBAF Site Remediation Grant proceeds may not be used as a substitute for other funding already committed to the project or phase of work or for regularly recurring local fiscal obligations such as personnel, project management, administrative, and related costs. Up to five percent (5%) of VBAF Site Remediation Grant proceeds may be used to cover administrative costs specifically associated with a project or phase of work.

The award of a VBAF Site Remediation Grant is subject to the availability of funds in the VBAF and an appropriation of the Virginia General Assembly.

A committee of VEDP staff, DEQ staff, and environmental contractors (VBAF Review Committee) have the sole discretion to award grants from the VBAF Program.

Eligible Applicants:

Only political subdivisions of the Commonwealth of Virginia, including counties, cities, towns, industrial/economic development authorities, planning district commissions, and redevelopment and housing authorities, may apply for grants from the VBAF Program.

Applications:

The VBAF Review Committee will evaluate VBAF Site Remediation Grant Applications on a competitive basis and will award VBAF Site Remediation Grants based on the highest perceived merit and on the number of VBAF Program priorities identified in these Guidelines.

The emphasis of the VBAF Program is promoting the restoration and redevelopment of brownfield sites and addressing environmental concerns and obstacles to reuse. **Priority will be given to VBAF Site Remediation Grants Applications for remediation of a contaminated property to remove hazardous substances, hazardous wastes, or solid wastes.**

An applicant requesting funding for demolition and removal of existing structures should first contact the Virginia Department of Housing and Community Development to determine whether funding is available under the Virginia Industrial Revitalization Fund, which emphasizes such activities.

An applicant should submit an application for each project or phase of work. The proceeds of a VBAF Site Remediation Grant may be used for multiple properties so long as such properties are identified in the application and for which redevelopment is connected.

The property for which a VBAF Site Remediation Grant is sought may be publicly or privately owned as long as the property has public or private redevelopment potential. If privately owned, there should be an option agreement or some other documentation between the applicant and the private owner demonstrating involvement by both parties, such as a commitment to a competitive sale or lease price, monetary contribution to the project or phase of work, an agreement to permit access to the site, and a partnership to

market the property for economic development purposes. More evidence of joint commitments will cause the VBAF Site Remediation Grant Application to be considered more favorably. Though demolition and removal of existing structures are potentially eligible costs, projects that only include these activities will be deemphasized by the committee during the selection process.

Applications for VBAF Site Remediation Grants in Fiscal Year 2023 are due on or before November 18, 2022. Awards are expected to be announced in February 2023.

An applicant will be limited to no more than two VBAF Site Assessment and Planning Grant Applications and one VBAF Site Remediation Grant Application per fiscal year.

Local Financial Responsibility:

An applicant must demonstrate a commitment to a project or phase of work and evidence of adequate funding to complete the project for which a grant is made.

A local match of at least 100% is required (Local Match).

A Local Match may be funded from public and/or private sources and must either be:

- (i) cash in the form of actual cash contributions from the applicant or other cash or grants from federal (including EPA Brownfields Grant), other state, local, or private sources of funding; or
- (ii) documented reasonable and necessary costs incurred and in-kind contributions for the site where the VBAF Grant proceeds are to be expended that: (a) are associated with the project or phase of work; (b) will promote the restoration and redevelopment; or (c) will address environmental problems or obstacles to reuse.

Previously-awarded grants from the VBAF Program may not count towards such Local Match.

The Local Match must be specifically identified in an application and may include:

- (i) environmental and cultural resource site assessments;
- (ii) environmental testing;
- (iii) development of a remediation and reuse plan;
- (iv) purchase of a property;
- (v) remediation of a contaminated property to remove hazardous substances, hazardous wastes, or solid wastes; the necessary removal of human remains, the appropriate treatment of grave sites, and the appropriate and necessary

treatment of significant archaeological resources; or the stabilization or restoration of structures listed on or eligible for the Virginia Historic Landmarks Register;

- (vi) engineering, design, or architectural activities, as well as other costs such as public notices, permit fees, and inspections costs (or waivers of such) related to physical activities; or
- (vii) other costs associated with implementation of a remediation and reuse plan.

In-kind contributions must be directly related to the project or phase of work and may include land, equipment, and other property or goods.

Up to five percent (5%) of the administrative costs associated with the budget for a project or phase of work may be allocated for the Local Match if such use is outlined in a VBAF Site Remediation Grant Application.

A higher Local Match will cause the application to be considered more favorably.

It is the preference that a Local Match not have been paid or incurred any more than five years prior to the date of an application.

Performance Agreement:

The recipient of a FY 2023 VBAF Site Remediation Grant will be required to enter into a performance agreement with VEDP, as acknowledged by VRA and DEQ.

If the performance agreement is not executed within a reasonable timeframe, such award may be rescinded. The recipient will be entitled to reapply for a VBAF Site Remediation Grant thereafter, based upon the terms, conditions, and availability of funds at that time.

The performance agreement will be subject to negotiation. It is expected that the performance agreement will contain provisions for, among other things, the disbursement of the grant, the use of the grant proceeds, the Local Match, potential repayment obligations, and the form of reporting, as well as an exhibit outlining the expected scope of work and associated costs.

The performance agreement must be executed before any VBAF grant proceeds will be disbursed to the recipient.

VRA disburses the VBAF Site Remediation Grant to the recipient. VRA requires that a recipient will provide an Automated Clearing House (ACH) Authorization so that the grant proceeds may be deposited directly into the account designated by the recipient. VBAF Site Remediation Grant proceeds will be disbursed in one or two installments based on milestones identified in the Performance Agreement. Each disbursement will be made after sufficient evidence in the form of receipts, invoices, statements, or other

evidence of actual payment made or payment due is provided. Exceptions will be considered on a case-by-case basis.

Data and Report Requirements:

The investigation methodology, collection, sampling, laboratory analysis, evaluation, and report development and compilation are expected to be of the quality as would be required for submission to the Virginia Voluntary Remediation Program (VRP) or any environmental regulatory programs which may apply. Phase I work should follow ASTM International's E1527-13 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process." The recipient and its contractor are responsible for quality assurance for the report(s) developed as part of this process.

Enrollment in the DEQ VRP is required for recipients of a VBAF Site Remediation Grant unless a written waiver request providing rationale for not enrolling the site is submitted and approved or if the grant proceeds will be used only for lead paint and asbestos abatement. Furthermore, the site must apply to and be enrolled into the VRP prior to undertaking the remedial actions which are the subject of the grant request.

All tests, analyses, measurements, or monitoring required pursuant to the Commonwealth's air, waste, and water laws and regulations must be certified or accredited by the Virginia Division of Consolidated Laboratory Services (DCLS) Virginia Environmental Laboratory Accreditation Program (VELAP).

Upon conclusion of the performance period set forth in a performance agreement, the recipient of a VBAF Site Remediation Grant will be required to file a grant report that should include, among other things:

- (i) a brief summary of the outcome of the project or phase of work;
- (ii) any adjustments to the scope of work and associated costs;
- (iii) documentation of the Local Match, including invoices and other substantiating materials;
- (iv) copies of studies performed as a part of the project or phase of work, which will be subject to review and request for further supporting documentation;
- (v) a statement that data collected reflects certification by the VELAP;
- (vi) proof and enrollment into the VRP Program unless a waiver from this requirement has been granted, certification that the project or phase of work has met appropriate standards of care for reuse of the property in accordance with the VRP, copies of any reports to the VRP which were subject to grant funding, and a commitment that the recipient will maintain all records for facilitating potential future brownfields revitalization of the property to

- demonstrate appropriate care, and to facilitate potential future VRP enrollment if necessary;
- (vii) pre- and post-grant assessed property value;
 - (viii) any before and after photographs; and
 - (ix) for projects including the abatement of lead based paint and asbestos, detailed reporting of these activities will be required that meet the minimum standards set forth in Attachment B (Submission Guidance). Review of this documentation will be subject to third party review by appropriate experts.
 - (x) It is required that in order to avoid a conflict of interest, separate firms be retained to complete the asbestos inspections/surveys and clearance sampling from the firm that conducts the remediation mitigation.

Upon request of the VBAF Review Committee made any time after the filing of the grant report, the recipient of a VBAF Site Remediation Grant also will be required to file a status report providing an update on the site, including recent economic development activity at the site and surrounding properties since the grant was awarded, additional investment and job creation, and whether the site was successfully marketed to an economic development prospect.

Questions:

Please direct questions regarding the environmental or technical aspects of a project or an application to:

J. Meade R. Anderson, CPG
Brownfields & Voluntary Remediation Program Manager
Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218
804-659-1314 (phone)
j.meade.anderson@deq.virginia.gov

Please direct general questions regarding the administration of the VBAF Program to:

Leah P. Harrison
Grants Manager
Virginia Economic Development Partnership
901 East Cary Street, Suite 900
Richmond, VA 23219
804-213-6682 (phone)
lharrison@vedp.org

ATTACHMENT A

VBAF Site Remediation Grant Application

Instructions

Carefully review the VBAF Site Remediation Grant Guidelines and the application requirements before completing and submitting an application.

Applications for VBAF Site Remediation Grants will be evaluated on a competitive basis and will be awarded based on the perceived highest merit and the VBAF Program priorities identified in the VBAF Guidelines.

Applications for VBAF Site Remediation Grants will be accepted on or before November 18, 2022.

Only timely-filed, complete applications will be considered.

Use the Provided Format: Applicants must use the format provided and respond using a font size of no less than 12.

Use the Space Provided: All questions should be answered within the space and/or word limitations provided. Certain questions may require attachments. Such attachments, as applicable, must be placed at the end of the application and listed in order. In some cases, more than one document may be needed for a particular attachment. For example, with respect to Part III, 2 Scope of Work, proposals and past studies may be necessary. In this instance, please label the documents Part III 2-A, 2-B, and so forth.

Application Submittal: All applications and supporting materials should be submitted **electronically to both:**

Leah P. Harrison
Grants Manager
VEDP
lharrison@vedp.org and
vbafe@vedp.org

Meade Anderson
Brownfields Program Manager
DEQ
J.Meade.Anderson@deq.virginia.gov

Please submit large documents (over 10MB) via a file transfer protocol (FTP) site or other digital file transfer services, such as Dropbox or Google Drive. Any files over 50MB should be broken down into smaller files prior to submittal.

If electronic submission is not possible, please contact John Loftus, Sites and Buildings Manager, VEDP, at 804-545-5786 or jloftus@vedp.org.

Part I – Applicant

1. Applicant:

State the name of applicant.

2. Site:

Provide the name, address, and locality in which the site is located. Please also provide the latitude and longitude of the site. Note that additional site identification is required in Part II.

3. Prior VBAF Program Grants:

State whether the applicant previously was awarded a grant from the VBAF Program. Indicate, if applicable, whether (i) that project or phase of work was completed; (ii) the site was successfully marketed to a new economic development prospect; and (iii) the site generated any additional private investment and job creation. See Exhibit A for a template to track prior VBAF Program Grants and other previous Local Match allocations.

4. Primary Contact:

Provide the name and all relevant contact information, including physical and email addresses and contact numbers, of the primary contact for purposes of application and administration of the VBAF Site Remediation Grant. A secondary contact may also be provided.

5. Grant Request:

State the amount of the VBAF Site Remediation Grant request.

6. Certification:

To the best of my knowledge and belief, the information contained in this application is true and correct and the application has been duly authorized by the governing body of the applicant.

Name: _____
Title: _____
Date: _____

Part II – Site (40 points)

1. Site identification (100 words or less):

Provide the site's tax parcel identification or lot number. Provide a site location map if available. Provide the name of the property owner. Indicate whether the property is publicly or privately owned. Documentation of ownership may be requested. If privately owned, indicate whether there is an option agreement or some other documentation between the applicant and the private owner demonstrating involvement by both parties, such as a commitment to a competitive sale or lease price, monetary contribution to the project or phase of work, an agreement to permit access to the site, and a partnership to market the property for economic development purposes. Attach such documentation, if applicable.

2. Site Description (100 words or less):

Provide a brief physical description of the site on which the project or phase of work is located, as well as a history of previous uses at the site. Attach any detailed site plan(s). Include any photos available. Provide the site's current assessed or estimated value.

3. Community:

a) Briefly describe the size of the community where the project or phase of work is located. Indicate whether the locality in which the project will be located has an average unemployment rate above the statewide average unemployment rate **and/or** has an average poverty rate above the statewide average poverty rate. **(100 words or less)**

b) Briefly describe any unique assets on or near the site and the workforce, associated training and recruiting programs, and infrastructure that will support this property. **(100 words or less)**

4. Infrastructure:

a) Briefly describe existing utility infrastructure (water/sewer, electric, natural gas, and fiber) serving the property and whether and to what extent the project or phase of work will make use of such infrastructure. Provide details on location, capacities, and line sizes. Attach map(s) that show the utility infrastructure in relation to the property. If the property is not currently served by a particular utility infrastructure, describe the nearest infrastructure. Describe any utility infrastructure improvements planned for the site. **(100 words or less)**

- b) Briefly describe existing transportation infrastructure (road, rail, public transportation) serving the property and whether and to what extent a project or phase of work will make use of such infrastructure. Attach map(s) that provide the location of the transportation in relation to the property. If the property is not currently served by a particular transportation infrastructure, describe the nearest infrastructure. Describe any transportation improvements planned for the property. **(100 words or less)**

5. Environmental Concerns:

- a) Summarize any known or suspected soil contamination, water contamination, potential vapor intrusion, asbestos, or other environmental challenges at the property. **(100 words or less)**
- b) Indicate whether the property is currently subject to any federal or state environmental regulatory program. Briefly describe the current status. **(100 words or less)**

6. Virginia Voluntary Remediation Program (VRP) (100 words or less):

Indicate whether the property is already enrolled in the VRP or if plans include for it to be enrolled. Briefly describe the current status. Enrollment in the DEQ VRP is required for recipients of a VBAF Site Remediation Grant, unless such grant proceeds are to be used for lead paint or asbestos abatement or if a supported rationale for not enrolling the site is provided.

Part III – Project (30 points)

1. Project Description (100 words or less):

Describe the overall redevelopment project, including phase of work.

2. Scope of Work Description (200 words or less):

Describe the scope of work to be performed and for which the VBAF Site Remediation Grant will be used. Attach proposals or other descriptions of the scope of work. Summarize the basic findings of any environmental studies or reports describing environmental conditions (e.g., Phase I and Phase II ESAs, remediation reports) that have already been performed at the property and document the need for remediation. State the costs of such studies and include any invoices if the expenditures are to be included as part of the Local Match. Attach any studies or reports. See Exhibit B for a template to outline the scope of work.

3. Budget:

Provide the total budget for the project or phase of work, broken down by major categories of expense; include sources of funding. Attach estimates and any invoices for expenditures already made. See Exhibit B for a template to outline the budget and sources of funding.

4. Local Match (100 words or less):

Describe the type, amount, source, and timing of the Local Match. Attach documentation, including date, of any previously expended funds if applicable. If environmental studies or reports describing environmental conditions (e.g., Phase I and Phase II ESAs, remediation reports) have been already been performed at the property, state the dates and costs of such studies and include any invoices if the expenditures are to be included as part of the Local Match. Include documentation of any EPA funds to be used as part of the Local Match (EPA funds may only be used once for a Local Match; EPA funds used for previous projects or phases of work with VBAF Program Grants may not be counted toward this scope of work). See Exhibit B for a template to outline the Local Match.

5. Time-Frame (100 words or less):

Provide the expected time schedule for the scope of work, as well as for the entire project . See Exhibit C for a template to outline the time-frame.

6. Virginia Environmental Laboratory Accreditation Program (VELAP) (100 words or less):

Affirm that all data to be collected and submitted to VEDP and DEQ will reflect certification by the Virginia Division of Consolidated Laboratory Services (DCLS) VELAP. VELAP certification is not available for sampling for Asbestos Containing Materials (ACM) and lead based paint. For that data, please provide evidence that the data was analyzed appropriately through an accredited laboratory and provide such documentation.

Part IV – Potential Redevelopment and Reuse (30 points)

1. Potential Redevelopment and Reuse Plans (200 words or less):

Summarize documented plans for the potential redevelopment and reuse of the property and attach such plans. Discuss the realistic cleanup goals to be obtained, such as commercial or residential reuse and the type of institutional controls (deed restrictions/use limitations) to be placed on the property.

2. Economic Impact (100 words or less):

Briefly describe how the restoration and redevelopment of this property for economic development purposes would positively impact the adjacent properties and surrounding area. Indicate how redevelopment could be a catalyst to larger revitalization projects.

3. Strategic or Comprehensive Plans (100 words or less):

Briefly describe the local or regional economic development strategic plan(s), including local or regional comprehensive plans, and describe the relationship of the project or phase of work to such plan(s), including the need for the property to meet economic development needs. Attach copies of such plans.

4. Zoning (100 words or less):

Provide the current zoning of the property. Describe any changes in zoning that may be required or planned for the property.

5. Prospects (100 words or less):

Briefly describe how the property would be successful in attracting local or regional targeted economic development projects. Describe the commitment to marketing the property. Describe past and current interest in the property for economic development purposes and include any relevant documentation.

ATTACHMENT B

Submission Guidance for Projects Including the Abatement of Lead Based Paint and Asbestos

1. Introduction and Project Description. Provide a brief summary of the asbestos abatement portion of the Project and its outcome (based on the Asbestos Survey Report):

2. Notifications. In the space below, describe any notifications received from the Environmental Protection Agency (EPA) and/or the Virginia Occupational Health and Safety Compliance Program (VOSH) (or check the box if no such notifications were received).

No such notifications were received in connection with the Project.

3. General Observations. In the space below, provide any general observations of which the VBAF Review Committee should be aware regarding the asbestos and any lead paint abatement processes for this Project.

4. Air Monitoring Reports. In the space below, generally summarize the findings set forth in the Asbestos Air Monitoring Report(s) obtained in connection with this Project, including any abatement and clearance.

5. Special Waste Shipments. In the space below, summarize any special waste shipments associated with the Project, including the identity of any hauling contractors involved.

6. Waste Disposal. In the space below, report the total quantities of waste materials that required or require disposal in connection with the Project and identify landfills utilized.

7. Attachments. Complete copies of all of the following Project documents **must be** labeled and attached to this Asbestos Abatement Report in the following order:

<u>Attachment</u>	<u>Description</u>
A	Accreditation Documentation (DPOR Licenses)
B	Site Map (Abatement Locations)
C	Daily Field Reports (Abatement Activities)
D	Asbestos Air Monitoring Reports (PCM)
E	Asbestos Clearance Reports (TEM)
F	Photograph Log (Abatement Process)
G	CDL Licenses (Special Waste Endorsement)
H	Shipping Documentation (DOT)
I	Disposal Records (Landfill)
J	Building Permit Application (City Code Compliance)
K	Asbestos Survey Report (Type and Location of Asbestos)

8. Note on ACMs and Lead Paint. Projects involving the removal of asbestos-containing materials (ACMs) and lead paint abatement may require specific permitting and licensing requirements and these criteria must be met. Please check with the Department of Labor and Industry at 804-371-2327 regarding notification requirements and the Department of Professional and Occupational Regulation at 804-367-8595 regarding licensing requirements. Removal of ACMs and lead paint abatement must be conducted pursuant to applicable federal and state laws and regulations including, but not limited to, the National Emission Standards for Hazardous Pollutants (NESHAP), Occupational Safety and Health Administration (OSHA); Residential Lead-Based Paint Hazard Reduction Act of 1992; Toxic Substances Control Act of 1976; VOSH; and the Virginia Regulations for Asbestos Emissions Standards for Demolition and Renovation.

CERTIFICATION BY A REPRESENTATIVE OF THE GRANTEE:

By my signature below, I hereby certify that: (i) I have examined this Asbestos Abatement Report and the information provided is true, correct, and complete in all respects, and all required documentation is attached; and (ii) all work and activities associated with the removal of ACMs and/or lead paint abatement and related to the Project were performed and conducted in all respects in full compliance with all applicable laws, rules, and regulations.

WITNESS the following signature.

Grantee: _____

Submitted by: _____
Signature of Official Title

Name: _____
Print Name

Date: _____