



City of Belfast Brownfields Cleanup Revolving Loan Fund Program

The City of Belfast was previously awarded a \$1,000,000 Brownfields Revolving Loan Fund Grant from the United States Environmental Protection Agency (USEPA) to capitalize a City of Belfast Brownfields Cleanup Revolving Loan Fund Program. The purpose of this program is to provide funding, in the form of below-market, flexible loans and/or subgrants, to facilitate the cleanup and redevelopment of contaminated properties (brownfields) located within the City of Belfast, resulting in the generation of social and economic development benefits, the promotion of environmental justice, and the furthering of community revitalization.

Loans are available to public entity, non-profit entity, and private for-profit owners of brownfield properties. Subgrants are available only to public entity and non-profit entity owners of brownfield properties. All owners/applicants and brownfield properties must meet certain eligibility requirements of the United States Environmental Protection Agency (USEPA) Brownfields Program. The amount of a loan and/or subgrant for which an applicant will be eligible will be at the sole discretion of the City of Belfast Brownfields Cleanup Revolving Loan Fund Program, based on individual project and financial considerations.

Please note, this is a two-step application process:

1. Using the information submitted under Part I (Project Description and Eligibility Information), a USEPA eligibility determination must be made and approved by the USEPA before the City of Belfast Brownfields Selection Committee will proceed with reviewing the full application document (see Part I- Project Description and Eligibility Information). To the best of your knowledge, please provide responses to all questions in Part I of the application. If you are unsure about a question, please feel free to contact the City of Belfast and/or its Qualified Environmental Professional for support and clarification.
2. When site and owner eligibility (Part I) has been approved by the USEPA, the City of Belfast Brownfields Selection Committee will begin review of the full loan and/or subgrant application under Part II (Cleanup Loan and/or Subgrant Application).

Please note, if you are unsure if you (as applicant or owner) and/or your site are eligible, you may feel free to submit only Part I for initial review and consultation on eligibility. Otherwise, you may wish to submit both Part I and Part II of the application at the same time.

Please provide both application parts and attachments, WITH THE EXCEPTION OF THE FINANCIAL INFORMATION REQUESTED IN SECTION J.2. FINANCIAL INFORMATION, via email to:

Thomas Kittredge,
Economic Development Director, City of Belfast
economicdevelopment@cityofbelfast.org

PLEASE PROVIDE THE FINANCIAL INFORMATION REQUESTED IN J.2. FINANCIAL INFORMATION VIA EMAIL TO ONLY:

Mark Bergelin
Financial Advisement Services Provider, City of Belfast Brownfields Cleanup Revolving Loan Fund Program
mrbergelin@hotmail.com

CITY OF BELFAST BROWNFIELDS CLEANUP REVOLVING LOAN FUND PROGRAM

APPLICATION - PART I - PROJECT DESCRIPTION AND ELIGIBILITY INFORMATION

Grant number: **BF00A00906**

Grant recipient: **City of Belfast**

A. BACKGROUND INFORMATION

1. Person providing information: _____ Date: _____
2. Property/site name: _____
3. Property address: _____
4. Current property owner: _____
5. Borrower/Subgrantee applicant name: _____
6. Borrower/Subgrantee applicant address: _____
7. Type of action: Loan and/or Subgrant
8. Proposed or requested amounts: Loan: _____ and/or Subgrant: _____

B. SITES ELIGIBLE FOR FUNDING

1. Does the site meet the definition of a brownfield (*a real property, the expansion, redevelopment, or reuse of which is complicated by the presence or potential presence of hazardous substances, pollutants, or contaminants*)? Yes No
2. Type of contamination present: Hazardous Substances Petroleum Co-Mingled
(If the site has both hazardous substances and incidental petroleum contamination, check the "co-mingled" box. If the site has hazardous substances and distinguishable petroleum contamination, approval must be obtained from the Maine Department of Environmental Protection (MEDEP) and USEPA.)
3. Describe the operational history and current use(s) of the site: _____
4. Describe the environmental concerns at the site, including when and how the site became contaminated and, to the extent possible, the nature and extent of the contamination: _____
5. Describe the proposed cleanup plan, to the extent possible: _____
6. Describe the proposed expansion, redevelopment, or reuse of the site: _____

C. SITES NOT ELIGIBLE FOR FUNDING

Please answer the following questions to the best of your knowledge:

1. Is your facility listed (or proposed for listing) on the National Priorities List? Yes No
2. Is your facility subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under the Comprehensive Environmental

Response, Compensation, and Liability Act (CERCLA)?

Yes No

3. Is your facility subject to the jurisdiction, custody, or control of the United States government? (Land held in trust by the United States government for a Native American tribe is eligible.) Yes No

*Note: If you answered YES to any of the above (C. 1-3) your property is **not** eligible.*

D. SITES NOT ELIGIBLE FOR FUNDING WITHOUT A PROPERTY-SPECIFIC DETERMINATION

Certain properties cannot be approved without a "Property Specific Determination." Please answer the following questions to the best of your knowledge:

1. Is your site/facility subject to a planned or ongoing CERCLA removal action? Yes No
2. Has your site/facility been issued a permit by the United States or an authorized state under the Solid Waste Disposal Act (SWDA; as amended by the Resource Conservation and Recovery Act (RCRA)), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SDWA)? Yes No
3. Is your site/facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h))? Yes No
4. Is your site/facility a land disposal unit that has submitted a RCRA closure notification under subtitle C of RCRA or is subject to closure requirements specified in a closure plan or permit? Yes No
5. Has your site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA? Yes No
6. Has your site/facility received funding for remediation from the Leaking Underground Storage Tank (LUST) Trust Fund? Yes No

Note: If you answered YES to any of the above (D. 1-6), please contact the City of Belfast for additional information necessary for a property-specific determination on eligibility.

**** For petroleum sites, please proceed to Section F - Petroleum Only Sites**

E. PROPERTY OWNERSHIP ELIGIBILITY

1. Are there any known ongoing or anticipated environmental enforcement actions (at the federal, state, or local level) regarding the responsibility of any party for contamination or hazardous substances at the site? Yes No If yes, please explain: _____

Information on Liability and Defenses/Protections - Cooperative Agreement Recipient (City of Belfast)

2. Did the cooperative agreement recipient ever arrange for the disposal of hazardous substances at the site, or transport hazardous substances to the site? Yes No
3. Did the cooperative agreement recipient ever cause or contribute to any releases of hazardous substances at the site? Yes No

Information on Liability and Defenses/Protections - Applicant

4. How was the property acquired (or will it be acquired)?
- a. Negotiated purchase from a private individual
 - b. Purchase or transfer from another governmental unit
 - c. Tax foreclosure
 - d. Eminent domain
 - e. Donation
 - f. Other (explain): _____
5. What was the date when the property was acquired (or the anticipated date when it will be acquired)? _____
6. What is the name and identity of the party from whom the property was (or will be) acquired? _____
7. Describe all familial, contractual, corporate, or financial relationships or affiliations the applicant has or has had with all current and/or prior owners or operators of the property: _____
8. Did disposal of all hazardous substances at the site occur before the applicant acquired (or will acquire) the property? Yes No
9. Did the applicant ever arrange for the disposal of hazardous substances at the site, or transport hazardous substances to the site? Yes No
10. Did the applicant ever cause or contribute to any releases of hazardous substances at the site?
 Yes No
11. Did the applicant perform any environmental inquiry prior to the purchase of the property?
 Yes No
12. If a pre-purchase inquiry was performed, describe the types and dates of the assessments performed, indicate on whose behalf the assessments were performed, and indicate whether the applicant performed the pre-purchase inquiry in accordance with USEPA's All Appropriate Inquiry rule (or American Society for Testing and Materials (ASTM) E1527-21, or its equivalent at the time of purchase): _____

F. PETROLEUM-ONLY SITES - PROPERTY OWNERSHIP ELIGIBILITY

Petroleum-only sites are required to be submitted to MEDEP for eligibility determination. The City of Belfast or its representative will submit the request to MEDEP based on information provided in the questions below:

1. Did the current and/or immediate past owner dispense or dispose of petroleum or petroleum products, or exacerbate existing petroleum contamination on the site? Yes No
2. Did the cooperative agreement recipient dispense or dispose of petroleum or petroleum products, or exacerbate existing petroleum contamination on the site? Yes No

Note: If the answers to questions F.1 and F.2 are no, the site may be eligible.

3. If the answer to either question F.1 or F.2 is yes, did the responsible party take reasonable steps to address the petroleum contamination on site? Yes No Explain: _____

4. If the answer to either question F.1 or F.2 is yes, is the responsible party financially capable to assess and clean up the site? Yes No Explain: _____

*Note: If questions F.1 or F.2 identified a responsible party who is liable for petroleum contamination at the site, and that party is financially viable to pay for the cleanup costs, then the site is **not** eligible. If the identified responsible party took reasonable steps to address the petroleum contamination at the site, and/or is not financially viable to pay for the cleanup costs, then the site may still be eligible.*

5. Is the site “relatively low risk” compared with other “petroleum-only” sites in the state:
- a. Is the site currently being cleaned up using LUST trust fund monies? Yes No
 - b. Is the site currently subject to a response under the Oil Pollution Act (OPA)? Yes No

Note: If the answers to questions F.5a and F.5b are no, the site would be considered to be of relatively low risk for purposes of determining eligibility.

6. Has any responsible party been identified for the site through, either:
- a. A judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or cleanup the site: Yes No
 - b. An enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or cleanup the site: Yes No
 - c. A citizen suit, contribution action or other third-party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site:
 Yes No
7. Is the site subject to any RCRA orders issued under 9003(h) of the SWDA?
 Yes No

*Note: If the answer to any of the questions in F.6 or F.7 is yes, the site is **not** eligible.*

G. NATIONAL HISTORIC PRESERVATION ACT COMPLIANCE

- 1. Is your site currently individually listed in the National Register of Historic Places and/or is it a designated National Landmark? Yes No
- 2. Is your site eligible to be individually listed in the National Register of Historic Places? Yes No
- 3. Is your site part of a designated historic district? Yes No
- 4. Will your project impact the viewshed of any adjacent or surrounding designated historic districts or register historic structures? Yes No
- 5. Does your project have the potential to impact archaeological resources? Yes No

Please note, in order to support your response to items 1-5 above, please provide any and all documentation from the Federal Government and/or the Maine Historic Preservation Commission (the state’s historic preservation officer) (i.e., MHPC determination letter which you may obtain independent of the USEPA or of this application process).

H. VULNERABILITY CONSIDERATIONS

1. Is the property located in an area with potential environmental justice issues? Yes No

To see if your property potentially impacts an area with these issues, see <https://www.epa.gov/ejscreen>.

2. Is the property or surrounding area potentially vulnerable to extreme weather and/or projected climate change? Yes No

Please note, climate change vulnerability must be considered as part of the analysis of cleanup alternatives for the site. If uncertain what to consider, more information can be found at <https://resilience.climate.gov/>.

3. Is there existing infrastructure potentially being reused, protected, and/or upgraded as a result of this project? Yes No

I. PROPERTY ELIGIBILITY APPROVAL (For City of Belfast and USEPA Internal Use Only)

(To be filled out by a representative of the Brownfields Revolving Loan Fund Grant recipient - City of Belfast)

The information provided above is accurate to the best of my knowledge.

Title:

Date

(To be filled out by the USEPA Project Officer)

The above-described property and applicant is eligible for a loan/subgrant: Yes No

USEPA Brownfields Project Officer

Date

Need for Attorney Consultation: Yes No Notes: _____

Additional Information: _____

CITY OF BELFAST BROWNFIELDS CLEANUP REVOLVING LOAN FUND PROGRAM

APPLICATION - PART II - CLEANUP LOAN AND/OR SUBGRANT APPLICATION

A. APPLICATION TYPE

Check both loan and subgrant if applying for both; please note, subgrant applications that also include a loan component may receive preferential consideration.

Applying for a: Loan Subgrant
In the amount of: \$ _____ \$ _____

B. APPLICANT INFORMATION

Date: _____

Applicant's (Owner's) Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ Fax: _____ Email: _____

Form of Ownership:

- Corporation Limited Liability Corporation Partnership Sole Proprietor
 Private Non-profit Municipality

Tax ID Number: _____ Date of Incorporation: _____

Type of Business: _____

C. SITE INFORMATION AND ENVIRONMENTAL BENEFITS

1. Location of the proposed project: _____

2. Size and physical characteristics of the site: _____

3. Identify the types of contaminants found on the property (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Petroleum products | <input type="checkbox"/> Lead |
| <input type="checkbox"/> Asbestos | <input type="checkbox"/> Other metals (list) _____ |
| <input type="checkbox"/> Volatile Organic Compounds (VOCs) | <input type="checkbox"/> Polychlorinated Biphenyls (PCBs) |
| <input type="checkbox"/> Polycyclic Aromatic Hydrocarbons (PAHs) | <input type="checkbox"/> Other (list) _____ |

4. Identify the media affected (check all that apply):

- | | |
|-------------------------------|---|
| <input type="checkbox"/> Soil | <input type="checkbox"/> Groundwater |
| <input type="checkbox"/> Air | <input type="checkbox"/> Drinking Water |

Surface Water

Sediments

Other (list) _____

5. Has a draft Analysis of Brownfields Cleanup Alternatives (ABCA)* been prepared? Yes No

If yes, please attach a copy of the ABCA.

If no, when do you expect to have one completed? _____

* Please note, the draft ABCA must include the following:

- Information about the site and associated contamination (i.e., location and concentrations of known contaminants, exposure pathways, identification of contaminant sources, etc.); cleanup standards; applicable laws; alternatives considered; and the proposed/selected cleanup action.
- A comparison of alternatives relative to key evaluation criteria such as the effectiveness, implementability, and cost of the response proposed. The evaluation will include an analysis of reasonable alternatives including no action.

6. Has a Remedial Action Plan (RAP) for the selected or proposed cleanup action been prepared and submitted to the MEDEP for review and approval? Yes No

If yes, please attach/submit a copy of the MEDEP approval letter or MEDEP Voluntary Response Action Program (VRAP) No Action Assurance (NAA) Letter, if applicable.

If no, when do you expect to have one completed? _____

7. Has a Quality Assurance Project Plan (QAPP) been developed to accompany the RAP? Yes No

If yes, please attach/submit a copy of the QAPP.

If no, when do you expect to have one completed? _____

8. Briefly summarize your cleanup plan for the site and the proposed time frame. Attach cleanup plans and additional information, if available. _____

9. Protection of Human Health and Environment: describe how the proposed cleanup and redevelopment of the property will ensure that the property will be protective of human health and the environment and consistent with the planned reuse of the property. _____

10. Project Description: describe in a few sentences your proposed redevelopment of the site: (e.g., I propose to build a new mixed-use building consisting of 6 market-rate apartment units, 3 retail spaces of 1,000 square feet each, and the proposed redevelopment has a total anticipated investment of \$5 million dollars.) _____

11. Reuse or Protection of Existing Infrastructure: which types of existing infrastructure will be reused, protected, and/or upgraded as part of the proposed redevelopment (check all that apply):

- buildings
- roads/streets
- sidewalks/paths
- railways
- electric
- water

- sewer
- stormwater
- internet
- other (please specify):

D. SOCIAL AND COMMUNITY BENEFITS

1. Please describe the zoning district in which the site is located and state whether the redevelopment plan will comply with local zoning and planning regulations: _____

2. What are the anticipated social and community benefits of you proposed redevelopment (check all that apply):

- market-rate housing (please provide number of units):
- affordable/subsidized/workforce housing (please provide number of units):
- renewable energy (please specify energy type(s)):
- energy efficiency
- green building
- parks/greenspaces
- recreation areas
- open spaces
- motorized recreational trails
- non-motorized recreational trails
- wetlands
- nonprofit uses
- other (please specify):

E. ECONOMIC BENEFITS

1. What are the anticipated economic benefits of your proposed redevelopment (check all that apply):

- full-time permanent (not construction) jobs (please provide number of jobs):
- part-time permanent (not construction) jobs (please provide number of jobs):
- investment (please provide amount of investment):
- commercial space (please provide square footage):
- industrial space (please provide square footage):
- created/catalyzed additional economic development in the surrounding area
- increased economic activity amongst other existing businesses in the surrounding area
- increased tourism activity and spending
- other (please specify):

2. Business Plan: Please provide a description of the business goals, strategies, and action plans for the revitalization project. Attach a copy of the plan, if available. _____

F. PROJECT FEASIBILITY AND PROGRESS

1. When do you anticipate completing your proposed redevelopment:

2. Which milestones has your proposed redevelopment already achieved (check all that apply):

- conceptual redevelopment plan created
- architectural plans created
- engineering/site plans created
- business plan created
- market/feasibility plan created

- portion of needed financing secured
- entirety of needed financing secured
- permits applied for
- permits obtained
- other (please specify):

3. Which funding sources are you utilizing in your proposed redevelopment (check all that apply):

- owner/prospective purchaser equity
- other investor equity
- bank loan
- private loan
- tax increment financing credit enhancement agreement
- Opportunity Zone funding
- Historic Preservation Tax Credits
- United States Environmental Protection Agency grants
- Maine Department of Environmental Protection grants
- Maine Department of Environmental Protection loans
- Community Development Block Grants
- New Markets Tax Credits
- other (please specify):

4. Describe the applicant's capacity to develop and manage the proposed redevelopment project, including planned use of consultants. If the applicant is a developer, describe the real estate and management experience as it relates to the proposed project: _____

G. TOTAL PROJECT COSTS

Indicate the estimated total project costs (environmental cleanup cost estimates and overall redevelopment project cost estimates) below or on a separate page. Typical brownfields-eligible remedial actions and development cost categories have been listed below; however, please provide additional cleanup and redevelopment activities and costs below or attached, as necessary. Please be sure to indicate all items directly attributable to the cost of the project and attach a breakdown itemizing these costs where noted. An itemized budget will be required prior to project approval. *See Attachment A for eligible and ineligible cleanup/remediation project costs.*

Environmental Remediation (eligible for USEPA funding)

| | |
|--|-----------------|
| Soil Remediation/Removal | \$ _____ |
| Lead paint | \$ _____ |
| Asbestos | \$ _____ |
| Health and Safety Plan | \$ _____ |
| Other Remediation: _____ | \$ _____ |
| Soft Costs (e.g., engineering, permitting) | \$ _____ |
| Total Remediation Costs | \$ _____ |

Redevelopment/Rehabilitation/Construction (ineligible for USEPA funding)

| | |
|--------------|----------|
| Demolition | \$ _____ |
| Construction | \$ _____ |

| | |
|--|-----------------|
| Rehabilitation | \$ _____ |
| Landscaping | \$ _____ |
| Soft Costs (e.g., legal/finance fees, eng., permits) | \$ _____ |
| Other Construction/Redevelopment _____ | \$ _____ |
| Total Redevelopment/Construction | \$ _____ |

H. PROJECT FINANCING

To be eligible for a cleanup loan or subgrant, an applicant must show that sufficient financing is not available from other sources to complete the cleanup and redevelopment project. Please describe your efforts to secure financing from other private and/or public sources and summarize the reasons why participation in the City of Belfast Brownfields Cleanup Revolving Loan Fund Program is necessary (attach pages as necessary). _____

I. MATCHING FUNDS

At least 20% of the total funds used for eligible site remediation activities must come from sources other than a City of Belfast brownfields cleanup loan or subgrant. Please describe the source(s) of matching funds:

Total Site Remediation Costs: \$ _____

City of Belfast Funds Requested: \$ _____

List of Matching Fund Sources:

| | |
|-------|----------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |

J. FINANCIAL INFORMATION

1. Describe the degree to which other funding is or is not available for the cleanup of the site. _____

2. Provide the following applicant financial information, as applicable: ***(PLEASE NOTE, THESE MATERIALS ARE TO BE SENT ONLY TO MARK BERGELIN, FINANCIAL ADVISEMENT SERVICES PROVIDER FOR THE CITY OF BELFAST BROWNFIELDS CLEANUP REVOLVING LOAN FUND PROGRAM, AS NOTED ABOVE.)***

- History and description of the applicant’s business: type of business, owner(s), years in operation, products and services provided.
- Cleanup project costs (total and itemized cleanup costs), requested loan amount, and other committed or potential sources of financing.
- Resume of owner(s) and key management personnel.
- Occupation/Business License.
- Articles of Incorporation.
- Business financial statements for three (3) previous years, including Balance Sheets, Income Statements, and Notes to Financial Statement, and/or Tax Returns. For non-profits and/or

municipalities, provide annual budgets with sufficient detail to demonstrate that the loan can be repaid.

- Current Business Financial Statements: Balance Sheet, Income Statement, etc., not over 90 days old.
- Financial Projections for two (2) years, including Balance Sheet, Income Statement, and Cash Flow showing proposed financing.
- Personal Financial Statement(s) on Owner(s) and Income Tax Returns for three (3) years. If an applicant has already applied for financing with another lender and has completed a Personal Financial Statement for that lender, a copy of the already completed Personal Financial Statement will be accepted, if it is not more than 90 days old.
- Schedule of Existing Personal Debts.
- Schedule of Existing Business Debts (for all outstanding debts the applicant currently has on file).
- Personal Credit Bureau Report for all Principals (City of Belfast will request).
- List of Collateral offered to secure proposed loan, with outstanding loan balances (prior mortgages, etc.).
- If the applicant is a business that has not been established for at least 2 years, or if the applicant is an individual applying for a commercial property, include a Personal Financial Statement.
- Other financing associated with the project.

Please note, the Financial Advisement Services Provider for the City of Belfast Brownfields Cleanup Revolving Loan Fund Program may request additional relevant financial information that is not listed above, upon initial review of the application and financial information that have been submitted.

3. Describe any contingent liabilities, suits, or disciplinary actions, and indicate whether the applicant or any occupant has ever filed for bankruptcy or protection against creditors. If yes, please provide an explanation:

K. LEGAL FEES

The City of Belfast Brownfields Cleanup Revolving Loan Fund Program will be represented by legal counsel in the review of the terms of transaction documents and in any related legal matters arising prior to the issuance of a loan or subgrant.

L. LIABILITY

Applications to the City of Belfast Brownfields Cleanup Revolving Loan Fund Program may be rejected with or without cause, and the City of Belfast shall not incur any liability costs associated with the preparation of this application. No guarantee is intended or implied by reason of any advice given by the City of Belfast.

M. CERTIFICATIONS

The undersigned Applicant hereby represents and certifies to the best of his/her knowledge and belief as follows:

1. The Applicant has accurately disclosed to the City of Belfast all information known to it, or in its possession or control, which relates to responsibility for releases or threatened releases of hazardous wastes or materials at the property;
2. The information in this application, and all other documentation submitted in support of this application, is accurate and complete to the best of the Applicant's knowledge;
3. Neither the Applicant, nor any of its principals, owners, officers, directors, affiliates, or subsidiaries:

- caused or contributed directly or indirectly to any contamination or releases of hazardous wastes or materials at the property;
- currently operates or controls, or ever operated or controlled, a facility at the property for the storage, treatment or disposal of hazardous wastes or materials;
- disposed of, or arranged for the disposal of, hazardous wastes or materials at the property; or
- generated hazardous wastes or materials that were disposed of at the property.

4. The Applicant has never been suspended, debarred, or otherwise declared ineligible for Federal financial assistance programs;

5. The Applicant is authorized to incur debt and enter into legally binding agreements; and

6. The Applicant agrees that acceptance of any form of financial assistance from the City of Belfast Brownfields Cleanup Revolving Loan Fund Program constitutes its agreement to include the City of Belfast in any public relations events or materials related to the project, and to cooperate with and permit the City of Belfast to publicize its involvement, for marketing and public relation purposes, in the financing, including, but not limited to, signage, press releases, public events, website postings, and promotional materials.

As the duly authorized representative of the Applicant, I make the above statements based upon my personal knowledge and subject to applicable penalties for perjury and making false claims.

Applicant: _____

Signature: _____

Date: _____

ATTACHMENT A

ELIGIBLE USES OF PROGRAM FUNDS INELIGIBLE SITES INELIGIBLE USES OF PROGRAM FUNDS

A. ELIGIBLE USES OF PROGRAM FUNDS

City of Belfast Brownfields Cleanup Revolving Loan Fund Program funds have been designated by the USEPA for site *cleanup* activities only, as defined in CERCLA §101(23) and as described in 40 CFR §300.415. These activities include but are not limited to those listed below:

1. Removing, mitigating, or preventing the release or threat of a release of a hazardous substance, pollutant, or contaminant;
2. Oversight of cleanup activities;
3. Installation of fences, warning signs, or other security or site control precautions;
4. Installation of drainage and dust controls;
5. Stabilization of berms, dikes, or impoundments; or drainage or closing of lagoons;
6. Capping of contaminated soils;
7. Using chemicals and other materials to retard the spread of the contaminant release or mitigate its effects;
8. Excavation, consolidation, or removal of contaminated soils;
9. Removal of drums, barrels, tanks, or other bulk containers that contain or may contain hazardous substances, pollutants, or contaminants;
10. Removal of source materials, including free product recovery;
11. Containment, treatment, or disposal of hazardous materials;
12. Site monitoring activities, including sampling and analysis that are reasonable and necessary during the cleanup process to determine the effectiveness of the cleanup;
13. Site assessment activities that are reasonable, necessary, and incidental to the cleanup process, such as confirmation sampling;
14. Costs associated with documenting the Analysis of Brownfields Cleanup Alternatives (ABCA);
15. Costs associated with meeting public participation, worker health and safety, and programmatic management requirements;
16. Cleanup actions associated with removing, mitigating, or preventing the release or threat of release of a hazardous substance, pollutant, or contaminant; and
17. Purchase of environmental insurance, if such insurance is necessary to carry out cleanup activities;
18. Preparation and submittal of cleanup response action documents required under the Maine DEP Voluntary Response Action Program (VRAP); and
19. Hiring a Qualified Environmental Professional to manage response actions.

B. INELIGIBLE SITES

City of Belfast Brownfields Cleanup Revolving Loan Fund Program funds may not be used for the following sites:

1. Properties listed, or proposed for listing, on the National Priorities List (Superfund sites);
2. Properties whose owners are currently or were previously in environmental non-compliance;
3. Properties whose owners have been suspended, debarred, or declared ineligible for federal financial assistance programs;
4. Properties whose owners are currently delinquent in taxes, loan payments, or other indebtedness to the State of Maine or any political subdivision;
5. Properties at which a removal action must be taken within six (6) months (i.e., time critical removal action);
6. Properties for which a federal or state agency is planning or conducting a response or enforcement action; or
7. Properties contaminated by petroleum products, except to address a hazardous substance contamination problem (e.g., co-mingled waste.)

C. INELIGIBLE USES OF PROGRAM FUNDS

City of Belfast Brownfields Cleanup Revolving Loan Fund Program funds may not be used for the following purposes:

1. Pre-cleanup environmental assessment activities, such as site assessment, identification, and characterization, with the exception of site monitoring activities as described in Section 3;
2. Cleanup of naturally occurring substances, products that are part of the structure of and result in exposure within residential buildings or business or community structures (e.g., interior lead-based paint contamination or asbestos which results in indoor exposure), or public or private drinking water supplies that have deteriorated through ordinary use, except as determined on a site-by-site basis and approved by U.S. EPA Headquarters, consistent with CERCLA §104(a)(3) and (4);
3. Cleanup at a Brownfields site for which the recipient of the loan is potentially liable under CERCLA §107;
4. 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 necessary or essential component of the cleanup action;
5. Construction, demolition, and development activities that are not cleanup-related actions (e.g., marketing of property or construction of a new non-cleanup facility);
6. Cost sharing or matching requirement for another federal grant (absent statutory authorization);
7. Support of job training;
8. Support of lobbying or fund-raising efforts of the borrower;
9. Payment of a penalty or fine; or
10. Payment of an administrative cost, whether direct or indirect. The Brownfields Law prohibits the use of any “part of a grant or loan” for the payment of an administrative cost.