DECD

BROWNFIELDS REVOLVING LOAN FUND

FUNDING APPLICATION

The Maine Department of Economic and Community Development (DECD) in conjunction with the Maine Department of Environmental Protection (MEDEP) is pleased to administer a Brownfields Revolving Loan Fund (BRLF) to provide below market rate loans and grants to facilitate cleanup of contaminated properties (Brownfields) in all areas throughout the State. The purpose of this program is to assist in the revitalization of these properties to promote jobs and a cleaner environment for the communities of the State. Loan funds are available to public, private, and nonprofit owners who comply with the eligibility requirements of the Environmental Protection Agency (EPA); grants are available to eligible Maine municipalities, Maine tribes, and nonprofit owners of Brownfield properties. NOTE: There is currently no requirement for matching funds with this loan/grant opportunity.

In applying for this funding, the applicant ensures that the following have been completed and submitted to MEDEP (subject to MEDEP review and confirmation):

* An ASTM and AAI compliant Phase I Environmental Site Assessment (ESA) was completed prior to taking ownership of the property (generally, there are some limited exceptions for municipalities as well as timing of ownership).
* A Phase II ESA has been completed that characterizes the Recognized Environmental Conditions (RECs) identified in the Phase I ESA.
* A draft Community Involvement Plan (CIP) has been approved and is being implemented. Note that this was previously called a Community Relations Plan (CRP), which is also acceptable.
* A draft Analysis of Brownfields Cleanup Alternatives (ABCA) has been made available for public review; and
* The site has entered the MEDEP Voluntary Response Action Program (VRAP) and the draft ABCA has been approved by MEDEP.

**NOTE: The applicant must show proof that they own the property prior to the date of submittal for this application.**

The applicant should respond to each of the above items in their application. The intent is to fund projects that are ready to move into the cleanup phase and preference will be given to such projects. If any of the above items have not been completed, the project may be ineligible for funding at this time. However, in certain instances, DECD may consider funding projects for which all of the above items have not yet been completed.

Please submit the following:

* An EPA eligibility checklist, subject to EPA concurrence. Applicants should provide a current EPA eligibility checklist completed to the best of its ability with its application (a current EPA eligibility checklist can be downloaded from DECD’s website).
  + An electronic copy of this application.
  + Development plan for the site.
  + A brief summary of the company/organization, its products and history.
  + A profile/resume of the owner and senior management.
  + Three years of financial statements and/or tax returns (for private firms) **OR** audits for the last three fiscal years (for municipalities and nonprofits).
  + If the year-end statements are over 90 days old, the most recent internally prepared financial statements.
  + The most recent accounts payable and accounts receivables aging.
  + For sole proprietorships – submit a personal financial statement along with three years of personal tax returns; and
  + A Schedule of Debt, including all existing loans and lines of credit, identifying the lender and terms, and the current balance.
  + While not required as part of the initial application, for-profit/private entities that are awarded loan funds will be required to provide the names and salaries of the five highest paid individuals in the organization as part of new federal reporting requirements.

**Submit** your completed application and other requested materials to Chris Redmond, MEDEP Brownfields Coordinator, at the following e-mail address: [christopher.redmond@maine.gov](mailto:christopher.redmond@maine.gov)

*Please be sure your application is complete and please submit prior to the due date listed in the email from MEDEP soliciting applications. While applications are accepted at any time during the year, if funding is available, applications received by the due date will be prioritized.*

**Directions:** Information may be typed into this form electronically, entered by hand, or included on attached sheets.

**I. APPLICATION TYPE (check both loan and grant if applying for both)** Applying for a  Loan  Grant

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| In the amount of: | $ |  |  | $ |  |

**II. APPLICANT/BORROWER**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Applicant (Owner)’s Name: | | | |  | | | | | | | |  |  | |
| Mailing Address: | | |  | | | | | | | | |  |  | |
| City: |  | | | | State: | |  | | Zip: |  | | | |
| Phone #: | |  | | | | Email: | |  | | |

Form of Ownership:  Corporation  Limited Liability Corp.  Partnership

Proprietor  Private

Nonprofit  Municipality

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Tax ID Number: | |  | | | Date of Incorporation: | |  | | |
| UEI#: |  | | |  | | | |  | | |
| (To obtain a Unique Entity Identifier (UEI) go to https://sam.gov) | | | | | | | | |
| Type of Business: | | |  | | |

*Purpose of Redevelopment*:

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*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*:

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**III. PROPOSED REVITALIZATION PROJECT***Location of the proposed project, including address and map/lot number(s)*:

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*Size and physical characteristics of the site*:

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*Please describe the zoning district in which the site is located and whether redevelopment plans are anticipated to comply with local regulations*:

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*Have all other federal, state, and/or local permits been obtained for this project [Site Location of Development Act (SLODA), Natural Resources Protection Act (NRPA), stormwater, waste management, access, etc.)*?  Yes  No

*If No, please explain*:

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**Project Description**

*Please provide a narrative description of the development concept, including the number of buildings and square footage, the anticipated building occupants, the terms of the leases, and anticipated tenant improvement costs (attach plans and addendum if needed).*

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**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 applicable.*

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**Economic and Physical Impact**

*Please describe other economic/physical revitalization that your project will encourage as well as any community benefits:*

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*How many (estimated) new jobs will be created as a result of this project?*

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**Public Benefit**

*Describe the extent the grant/loan will meet the needs of underserved and disadvantaged communities and the process for identifying and soliciting input from these communities. Describe how the final redevelopment will benefit members of the underserved or disadvantaged communities.*

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*Describe the extent the grant/loan will facilitate the use of existing infrastructure*:

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*Describe the extent the grant/loan will facilitate the creation of, preservation of, or addition to a park, greenway, undeveloped property, or other property used for nonprofit purposes*:

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**IV. ENVIRONMENTAL REMEDIATION**

*Briefly summarize your cleanup plan for the site,* *as described in the ABCA, and provide a schedule for expending the Brownfields funding. Only projects that are “shovel ready” and will begin proposed remedial actions with the funding within six months of executing the loan/grant paperwork will be considered.*

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The 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 cleanup.

The effectiveness, implementability, and the cost of the response proposed. The evaluation will include an analysis of reasonable alternatives including no action.

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

If No, when do you expect one will be completed?

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**Note: In conjunction with the proposed environmental remediation, the applicant must procure a Qualified Environmental Professional (QEP). All contracted services (i.e., QEP, contractors, etc.) must be procured in accordance with applicable federal regulations.**

**V. FINANCIAL INFORMATION**

***Please submit the following:***

* Three years of financial statements and/or tax returns for the company (if private), or audits (if public or nonprofit).
* If the year-end statements are over 90 days old, the most recent internally prepared financial statements.
* The most recent accounts payable and accounts receivable aging; and
* If it’s a sole proprietorship, a personal financial statement along with three years of personal tax returns.

*Describe any contingent liabilities, suits, or disciplinary actions, etc.:*

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*Indicate whether applicant/owner or any occupant has ever filed for bankruptcy or protection against creditors. If yes, please give an explanation:*

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**VI. TOTAL PROJECT COSTS**

*Indicate the estimated total project costs below or on a separate page. Please be sure to indicate all terms 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.***

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| Environmental Remediation (eligible for BRLF funding) | |  |
| Soil and/or groundwater remediation $ |  | |
| Hazardous building materials abatement $ |  | |
| QEP oversight and reporting $ |  | |
| Other remediation \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ $ |  | |
| **Total Remediation Costs $** |  | |

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| Rehabilitation/Construction (**not** eligible for BRLF funding) | |  |
| Demolition $ |  | |
| Construction $ |  | |
| Rehabilitation $ |  | |
| Landscaping $ |  | |
| Soft costs (i.e., legal, financing fees, permits, etc.) $ |  | |
| Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ $ |  | |
| **Total Rehab/Construction $** |  | |

**VII. PROJECT FINANCING**

*To be eligible for loan or grant funds, a project must show that sufficient financing is not available from other sources without financing from the BRLF and that a financing gap exists. Please describe your efforts to secure financing from other private and/or public sources and summarize the reasons why participation in the BRLF program is necessary (attach pages as necessary). Please include a basic description of the type and amount of funds that will be leveraged from other sources to complete remediation and/or redevelopment.*

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**IMPORTANT NOTICE REGARDING LEGAL FEES**

**The DECD 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 grant and for loan closing costs. All incurred legal fees for said representation shall be the responsibility of the undersigned even if the financing shall fail to close. Applicants are responsible for paying for their own legal fees incurred as part of the loan process.**

**CERTIFICATION**

The undersigned hereby represents and certifies to the best of his/her knowledge and belief that the information contained in the forgoing statement and exhibits, and attachments hereto is true and complete and accurately describes the proposed project. The undersigned further agrees to promptly inform the MEDEP of any changes in the proposed project which may occur. The undersigned agrees that acceptance of any form of financial assistance from the DECD constitutes agreement to include the DECD and MEDEP in any public relations events or materials related to the project, and to cooperate with and permit the DECD and/or MEDEP to publicize its involvement for marketing and public relation purposes including, but not limited to signage, press releases, public events, and promotional materials.

To the best of my knowledge, the data and information which I have submitted to obtain BRLF financing from the Department of Economic and Community Development are true and correct.

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| Borrower/Applicant: | |  | | | |
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| Signature: |  | | |  | Date: |  | |
|  | | | | | | | |
| Printed Name and Title: | | |  | | | |

No liability is incurred by the Department of Economic and Community Development by reason of any approval for BRLF funding. Approval by the Loan Servicing Agent and Site Manager under contract with the DECD is based on information supplied by the applicants. Applications may be rejected with or without cause, and DECD shall incur no liability costs associated with the preparation of this application. No guarantee is intended or implied by reason of any advice given by the DECD or its staff.

**ATTACHMENT A**

**ELIGIBLE AND INELEGIBLE PROJECT COSTS AND INELIGIBLE SITES**

**UNDER BROWNFIELDS CLEANUP REVOLVING LOAN FUND (RLF) PROGRAMS**

**A. ELIGIBLE USES OF PROGRAM FUNDS**

Brownfields Cleanup RLF 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.

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

**B. INELIGIBLE USES OF PROGRAM FUNDS**

Brownfields Cleanup RLF Program funds may not be used for the following purposes:

1. Pre-cleanup environmental assessment activities, such as site assessment, identification, and characterization, except for 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.

**C. INELIGIBLE SITES**

Brownfields Cleanup RLF 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).