



**CITY OF GREEN BAY
BROWNFIELD REVOLVING LOAN FUND (BRLF)**

POLICIES AND PROCEDURES

Approved May 2021



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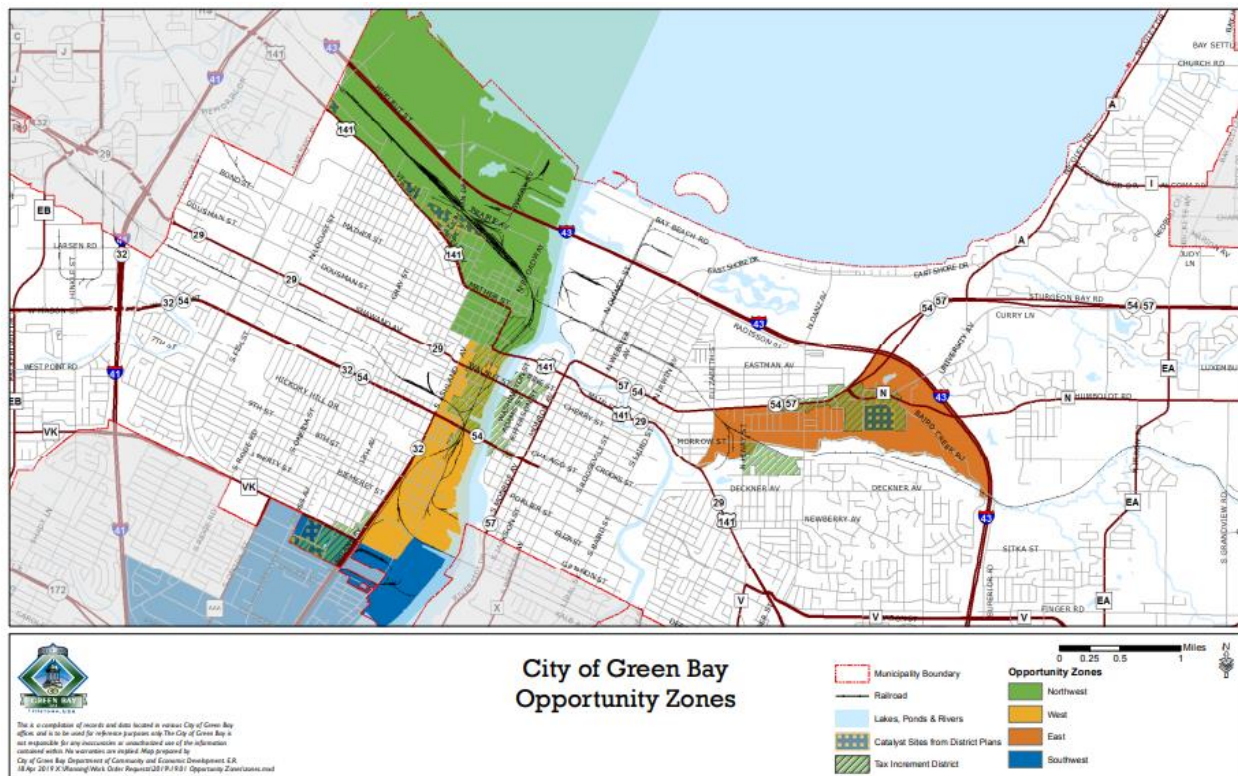
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BROWNFIELD REVOLVING LOAN FUND (BRLF) PROGRAM

Program Purpose & Overview

In 2020, the US Environmental Protection Agency (EPA) awarded the City of Green Bay an \$800,000 grant to establish a Brownfield Revolving Loan Fund (BRLF) to provide loans and/or sub-grants for environmental cleanup on publicly or privately owned property. The purpose of the City of Green Bay's Brownfields RLF is to facilitate the environmental cleanup and redevelopment of underutilized properties that may be contaminated with hazardous substances and/or petroleum. The program offers financing in the form of loans or sub-grants for environmental cleanup to qualifying entities on eligible sites. Applicants for environmental cleanup loans or sub-grants must provide a cost share (match) equal to or exceeding 20% of the loan or sub-grant amount.

Though funds may be dedicated to sites throughout the City of Green Bay, priority will be given to sites within the City's qualified Opportunity Zones. The City of Green Bay has four federally designated Opportunity Zones which are mapped and further described below:



- Northwest (green): north of Velp and Walnut, east of Norwood, from the western City boundary to the Fox River
- West (yellow): between Ashland and the Fox River, south of Walnut to Lombardi
- Southwest (blue): between Holmgren and the Fox River, south of Lombardi to the southern City boundary
- East (orange): between University and Baird Creek, from Elizabeth Street to Interstate 43

Applicant Eligibility

Loan Applicants

Projects and borrowers are subject to EPA review and approval. Eligible loan applicants may be public or private entities, or individuals. A loan applicant does NOT need to be the site owner. If the applicant is or will be the site owner/operator during the EPA funded remediation, EPA requires that they must demonstrate one or more of the following CERCLA liability defenses:

1. Bona Fide Prospective Purchaser
2. Contiguous Property Owner, or
3. Innocent Landowner

For purposes of EPA RLF eligibility, it is very difficult to document the liability defense criteria for either Contiguous Property Owner or Innocent Landowner. As such, the City will only consider applications from those applicants who meet the Bona Fide Prospective Purchaser CERCLA liability defense criteria.

The applicant as a site owner must affirm and document that they:

- Acquired the property after January 11, 2002;
- Conducted “all appropriate inquiry” (as defined by the EPA) before purchasing the property;
- Has no affiliation with any party liable for the contamination;
- Acquired the property after the time of contamination;
- Have not caused, contributed to, permitted or exacerbated the release of contamination on the property;
- Have complied with land use restrictions and not impeded institutional controls;
- Have taken reasonable steps to manage releases;
- Have provided full cooperation/assistance/access for regulatory inquiries and actions related to the contamination at the site; and
- Have provided all legally required notices with respect to the discovery or release of contamination at the site.

If the applicant is a unit of local government, and cannot demonstrate the Bona Fide Prospective Purchaser liability defense, additional CERCLA exemption criteria may apply which could allow such borrowers to be deemed eligible to receive a loan, such as:

- Acquired the property from another unit of local government for purposes of advancing redevelopment;
- Acquired via escheat, tax foreclosure, and/or eminent domain to serve the general public; and
- Acquired the property prior to January 11, 2002.

Additionally, all applicants must meet all the following criteria:

- Applicant is authorized to incur debt and enter into legally binding agreements;
- Applicant is in good financial standing, current on all City, state, and federal financial obligations, and can demonstrate ability to repay the loan and complete the project successfully. The borrower needs to demonstrate that it has secured financing necessary to complete the project.
- Applicant has an economically viable remediation/redevelopment plan.

Entities that have been suspended, debarred or declared ineligible for Federal financial assistance programs are not eligible for program loans or sub-grants. The City, as part of the application vetting process, will check the System for Award Management (SAM.gov) for exclusion records for the entity. All entities receiving RLF funding will be required to be registered in SAM.gov prior to entering into a loan (or Sub-grant) agreement.

Sub-grant Applicant Eligibility

Entities eligible to apply for sub-grants are limited to states, political subdivisions (units of local governments), US territories, Indian tribes, and non-profit organizations with 501(c)(3) tax-exempt status. For-profit organizations and individuals are not eligible for remediation sub-grants. Eligible sub-grant applicants must meet the same criteria for loan applicants except Sub-grant recipients must own the site at the time of the funding award and must retain ownership of the site until completion of EPA funded portion of the remediation.

Site Eligibility

Sites eligible for cleanup activities with brownfields funding dollars must satisfy the definition of a brownfield site as defined by EPA. With certain legal exclusions and additions, the term "brownfield site" generally means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. The full definition of a brownfield is found in Public Law 107-118 (H.R. 2869), the "Small Business Liability Relief and Brownfields Revitalization Act", signed into law January 11, 2002. [View the text of the law \(PDF\)](#).

Additional site eligibility requirements include:

- Phase I and Phase II Environmental Site Assessments (ESAs) or their equivalents have been completed in accordance with ASTM standards;
- U.S. EPA-approval of the site and the borrower or sub-grantee;
- For petroleum contaminated sites, when applicable, WDNR-approved eligibility determinations.
- Comply with release or spill reporting requirements of and [Wis. Admin. Code Chapter NR 706](#).
- Comply with the response action requirements in Wis. Admin. Chapters NR 700 to 754.

Ineligible sites include:

- Sites for which the City of Green Bay is potentially liable under CERCLA;
- Sites listed or proposed for listing on the National Priorities List;
- Sites subject to unilateral administrative orders, court orders, administrative orders on consent or judicial consent decree issued to or entered by parties under CERCLA;
- Sites for which a loan or sub-grant applicant is potentially liable under CERCLA;
- Sites that are subject to the jurisdiction, custody of the United States government except land held in trust by the United States Government for an Indian tribe.

Should a site be subject to the jurisdiction of other EPA regulatory programs such as the Toxic Substances Control Act or the Resource Conservation Recovery Act, the site may still be eligible for receipt of EPA RLF funding with the EPA approval of a property specific funding determination. The prospective borrower or sub-grantee will be required to provide additional information as needed for the City to submit such a determination request to EPA.

Historic Preservation

Applicants must submit any pre-1946 buildings that may be impacted, or are adjacent to areas impacted by cleanup activities, to the EPA and State Historic Preservation Office (SHPO) for review for potential applicability of the National Historic Preservation Act (NHPA). If NHPA is applicable, applicant must comply with any requirements of the NHPA in implementing cleanup activities. Documentation of Section 106 compliance will be required prior to the disbursement EPA RLF funding.

Project Eligibility

RLF program funds may only be used for projects with substantial eligible costs that are directly associated with remediation activities. Those costs and activities are further described below; however, project eligibility should be confirmed by City staff or the City's contracted Qualified Environmental Professional (QEP) at the pre-application meeting, or before a formal application is submitted. Final authorization is contingent upon the RLF Committee and U.S. EPA approvals.

Borrower and Sub-grantee Eligible Activities & Costs

Eligible project costs include the following:

1. Costs associated with removing, mitigating, or preventing the release or threat of release of a hazardous substance, pollutant, contaminant, petroleum product or controlled substance into the environment including:
 - a. Fences, warning signs, or other security or site control precautions
 - b. Drainage control
 - c. Stabilization of berms, dikes, or impoundments or drainage or closing lagoons
 - d. Capping of contaminated materials
 - e. Chemicals and other materials or methods to slow the spread of the release or mitigate its effects
 - f. Excavation, consolidation, or removal of highly contaminated soils from drainage or other areas
 - g. Removal of drums, barrels, tanks, or other bulk containers that contain or may contain hazardous substances, pollutants or contaminants
 - h. Containment, treatment, disposal, or incineration of hazardous materials
 - i. Provision of alternative water supply where necessary immediately to reduce exposure to contaminated household water and continuing until such time as local authorities can satisfy the need for permanent remedy
2. Site monitoring costs, including sampling and analysis that are reasonable and necessary during the cleanup process, including determination of the effectiveness of a cleanup.
3. Costs associated with meeting the public participation, worker health and safety and interagency coordination requirements.
4. Costs associated with removal activities, including demolition and/or site preparation that are part of site cleanup.
5. Environmental Insurance Premiums.
6. Other approved cleanup costs deemed eligible by the City of Green Bay and the U.S. EPA. Preference will be given to cleanup activities required by WDNR or EPA.

Borrower and Sub-grantee Ineligible Activities & Costs

Brownfields RLF funds cannot be used for many activities including the following:

1. Pre-cleanup environmental activities (e.g., Phase I and Phase II ESA, identification, and pre-remediation characterization with the exception of site monitoring activities)
2. Addressing public or private drinking water supplies that have deteriorated through ordinary use
3. A cleanup cost at a brownfield site for which the City of Green Bay and/or the sub-grant or loan applicant is potentially liable under CERCLA
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 component of the cleanup action

5. Construction, demolition, and development activities that are not cleanup related
6. Cost sharing or matching requirement for another federal grant (absent statutory authorization)
7. Support of job training unrelated to performing the cleanup
8. Payment of a penalty or fine
9. Payment as a cost of compliance with any federal law, excluding the cost of compliance with laws applicable for cleanup
10. Unallowable costs (e.g. lobbying and fundraising) under applicable OMB Circulars.

Green Bay Administrative Activities & Costs

Up to 5% of the EPA RLF award provided to the City is able to be used for certain direct and indirect administrative costs incurred to comply with 2 CFR Part 200 and 1500. These generally include the following:

1. Record-keeping associated with equipment purchases;
2. Preparing revisions and changes to budgets, scopes of work, and other activities;
3. Preparing payment requests and handling payments;
4. Non-federal audits; and
5. Closeout of the cooperative agreement with the exception of preparing the final performance report.

Green Bay Programmatic Costs

The following activities are considered programmatic costs and are NOT subject to the 5% EPA RLF award limitation described above. Eligible programmatic costs generally include the following:

1. Expenses for making and managing loans;
2. Expenses, including financial management expenses, for operating the revolving loan fund;
3. Performance and financial reporting (Quarterly Reports, Federal Financial Reports, etc);
4. Operation of public document repository associated with remediation of a site;
5. Title searches associated with making a loan or a sub-grant; and
6. Legal services for reviewing loan or sub-grant agreements.

Application Process

Pre-Application

Potential applicants are required to submit a Pre-application Form before a formal invitation to apply will be extended. City staff strongly encourages potential applicants to review all guidelines and application requirements and meet with City staff prior to compiling any pre-application information. City staff, the City's QEP, and the EPA will rely on the Pre-application Form to determine, to the extent possible, that the applicant, the site, and the project are all eligible. The City's designated staff will review the preliminary budget to gauge the project's financial viability and to confirm the minimum cost share requirements may be met.

Pre-Applicants are required to submit the following Pre-Application materials to City staff:

1. Remedial Action Plan (RAP) and any WDNR correspondence.
2. Proposed site redevelopment plan.
3. Preliminary budget demonstrating that the 20% cost share will be met.
4. Completed B-RLF Loan Pre-Application (Sections 1-8 of this document).

Application and Required Materials

After the Pre-Application is complete and an invitation to submit a Final Application has been extended by City staff, applicants are required to submit a completed RLF application form with the following attachments:

1. History of the business/entity and description of the management experience of the principals (i.e. resumes).
2. For loan applicants, three years of financial statements, Federal income tax returns, references and any other relevant market data.
3. For sub-grant applicants, documentation of being a 501(C) 3 non-profit or other eligible entity as well as information detailing how the project will significantly benefit the community, particularly how it will meet any of the considerations set for in the Sub-grant Parameters & Cost Share section above.
4. Compliance History – Applicants must submit information regarding the overall environmental compliance history at the site subject to the loan or sub-grant. This includes any penalties resulting from environmental noncompliance.
3. Phase I and Phase II Environmental Site Assessment reports and any supplemental investigation reports.
4. Documentation of site control. If the property has been or will be acquired, applicants must provide documentation of ownership to include how and when the property was/will be acquired.
5. Remedial Action Plan – A WDNR-approved technical plan of work to be done including any contracts (acquired or needed).
6. Detailed cost estimate of the remediation costs indicating which line items are expected to be provided as match contribution and which line items comprise the loan / sub-grant funding request.
7. Financial Plan – Pro-forma financial statements which demonstrate the economic viability of the project and identify sources of repayment for the loan.

Cleanup projects that also include site redevelopment must also include the following documents:

8. Redevelopment site plans demonstrating location, size, and physical characteristics of site
9. Conceptual renderings or building elevation drawings of the proposed redevelopment
10. Detailed redevelopment timeline
11. Redevelopment narrative describing the overall project and addresses the following:
 - a. Developer experience and qualifications
 - b. Established project partners and leveraged funds secured
 - c. Estimated increase in property valuation (including how it has been calculated)
 - d. Compliance with established City Plans and zoning regulations
 - e. Mitigation of threats to human health or the environment
 - f. Impact on sensitive or disadvantaged populations
 - g. Estimated number and type of housing units to be created (if applicable)
 - h. Estimated number and types of jobs to be created and/or retained

- i. Environmental sustainability (e.g., proposed use of green infrastructure, sustainable building materials, energy efficiency, LEED certifications).

Remedial action plans and environmental reports must be prepared in a format and with necessary content approvable by the City's Qualified Environmental Professional and Wisconsin Department of Natural Resources.

Review and Approval

Applications will be reviewed by the Revolving Loan Fund (RLF) Review Committee for financial risk, environmental risk, and redevelopment potential. It is the goal of the program to respond to applicants in writing within 45 days of submission of a complete application. Once deemed complete, staff will score the application based on the following criteria:

1. Project Feasibility – The applicant has demonstrated progress beyond initial discovery and has solid preliminary findings to support overall project feasibility. The proposed timeline and project budget are reasonable to achieve successful project completion.
2. Leveraged Funds – The applicant has secured additional funds beyond the loan/sub-grant for site cleanup or redevelopment.
3. Experience – The applicant has provided detailed examples of similar projects they have successfully completed.
4. Compliance with Existing Plans – The project conforms to redevelopment goals established in existing City plans. Projects located within the Opportunity Zone Target Areas will be given preference, coinciding efforts with the implementation of their associated City Plans.
5. Mitigation of threats to human health or the environment – The project demonstrates a significant impact on environmental and public health.
6. Impact on Sensitive Populations – The project demonstrates a measurable positive impact to economically vulnerable and disadvantaged populations.
7. Impact on the Lower Fox River Watershed – The project will reduce contaminated runoff, benefiting the Fox River and its tributaries.
8. Neighborhood Revitalization – The project will significantly reduce blight and stabilize area property values.
9. Housing Creation – The project creates new housing units, with greater preference given toward projects that provide affordable housing (reserved for households at or below 60% of the area median income).
10. Job Creation – The project retains and/or creates permanent jobs.
11. Environmental Sustainability – The project implements sustainability principles that minimize environmental impacts. This may be achieved through incorporation of green infrastructure, sustainable building materials, renewable energy, energy efficiency, pervious surfaces, etc.

Application scores will guide staff in their recommendation for loan/sub-grant amounts, loan terms and interest rates, and ultimately the application's approval or denial. Staff recommendations will be considered by the RLF Committee, who will have final authority over approvals and denials.

General Loan Underwriting Procedures

Applicants must be current on all taxes including but not limited to withholding tax, sales tax, FICA, real estate tax or any tax when assessed. The City's Loan Administrator will perform the initial review to evaluate credit worthiness and economic impact of the proposal. If the initial screening process indicates that the loan may qualify, a credit check will be conducted. A report will be prepared and submitted to the Revolving Loan Fund Committee that will fully state all relevant facts of the proposal, its terms, structure, collateral, rate, and any other pertinent comments including a recommendation. Upon approval of the loan the City shall forward a copy of the loan commitment, which shall have a certain expiration date, to be executed by the loan recipient and the City. Upon receipt of a properly executed loan commitment, the Loan Administrator shall prepare the appropriate closing loan documents.

Loan & Sub-grant Parameters

Loan Parameters

The preferred loan amounts will be a minimum of one hundred thousand dollars (\$100,000); no maximum loan limit will be established to ensure flexibility. Loan details such as interest rate, terms, equity, and collateral will be flexible and determined by the RLF Committee on a project-specific basis. Brownfields RLF funding provides favorable financing terms to provide gap financing in support of redevelopment in Green Bay. Brownfield RLF loans shall have a fixed rate of interest of no more than 4.0%. All rates will be fixed at the time of the loan closing.

Loan Maturity

The maximum term of the loan will generally be 20 years with payments on a monthly basis. All loans will be on a full payout basis -- there shall be no penalties for early payoffs. Terms for interest only payments may be incorporated in the agreement for the period that the site is being remediated, not to exceed 24 months.

Loan Cost Share

Evidence of a cost share of at least 20% of the loan amount will be required of all loan recipients. Cost share may be in the form of a contribution of money, labor, materials, or services from a non-federal source. The cost share contribution must be for costs that are eligible and allowable under the Cooperative Agreement between the City and the EPA and must be supported by adequate documentation.

Loan Discounts

In order to encourage publically facilitated high impact cleanups, loan discounts may be offered on a project-by-project basis to eligible non-profit, state, and/or local governmental borrowers. Under no circumstances will loan discounts, also known as principal forgiveness, be offered to private, for profit entities. Loan discounts will be capped at 30% of a given loan amount and will not exceed \$200,000 per project. Loan discounts will not be used on projects in conjunction with sub-grant awards. The aggregate amount of loan discounts plus the amount of sub-granted funds will not exceed 40% of the total amount of EPA RLF funded awarded to the City of Green Bay.

Collateral

The RLF requires a shared priority mortgage and/or first lien position on the collateralized asset, with the RLF loan repayment proceeds authorized via a multi-party agreement between the participating

lender(s), the RLF, and the Borrower. Personal guarantees are required from owners with more than 20 percent ownership in the company or entity that borrows the funds.

The RLF Committee may consider, in appropriate circumstances, other types of credit enhancement, such as a shared priority mortgage. The RLF Committee will evaluate subordination in appropriate circumstances.

Possible Additional Financing Requirements:

- Corporate guarantees from related companies
- Full or partial letter of credit
- Life insurance on key business owners and/or managers

Personal Guarantees

All persons owning 20% or more stock ownership will personally guarantee the loan. From time to time, additional guarantees may be required if it is determined that this is an integral part of the credit extension.

Sub-grant Parameters

Sub-grant amounts will be determined on a case-by-case basis, depending on funding availability and application score. Sub-grant applications lower than \$38,500 and above \$77,000 will not be considered. Sub-grant award considerations will also include the extent to which the project:

- Will create/expand parkland, greenway, undeveloped property, recreational property, or other property used for non-profit purpose;
- Will meet the needs of a community that has the inability to draw on other sources of funding for remediation and redevelopment;
- Will facilitate the use of existing infrastructure; and
- Will promote the long-term availability of RLF funds for brownfield remediation.

Sub-grant Cost Share

Evidence of a cost share of 20% of the sub-grant amount will be required of all sub-grant applicants. The required cost share may be reduced, at the discretion of the Loan Review Committee. Cost share may be in the form of a contribution of money, labor, materials, or services from a non-federal source. The cost share contribution must be for costs that are eligible and allowable under the Cooperative Agreement between the City and the EPA and must be supported by adequate documentation.

Loan / Sub-grant Servicing Procedures

Loan / Sub-grant Disbursements

Loan/ Sub-grant disbursements are generally permitted via the following methods:

- Actual Expenditure Disbursement: Borrowers / sub-grantees provide actual invoices and associated documentation on a pre-established frequency to the City for packaging drawdowns and disbursements of the EPA funding;
- Milestone Disbursement: Disbursement of loan / sub-grant funding occurs on a pre-established schedule based on achievement of project milestones or at scheduled intervals. As this disbursement method is not necessarily aligned with actual project expenditures, care should be taken to ensure that the time between the disbursement and the borrower's / sub-grantee's

payment of incurred costs is minimized. A disbursement schedule shall be submitted to and approved by EPA.

- Full Disbursement at Closing: This disbursement method is NOT recommended and should be avoided. Should it be employed, documentation of the need for this method shall be submitted to and approved by EPA. Additional terms governing the timing of the funding use and handling of any accumulated interest shall be added to the loan / sub-grant agreement.

Loan Collection / Default Procedure

Loan payments shall be deposited promptly into an account designated for the RLF. The Program Accountant is responsible for processing payments and posting to the General Ledger. Payment notices will be issued to loan clients. All payments are due according to the schedule in the note and loan agreement. If payments are not received within 30 days of the due date, a late payment notice will be sent to the client informing them of the delinquent status of their loan. If payment is not received in a timely manner, the Loan Administrator will contact the client to determine the reason for the late payment and report in writing to the RLF Committee. If payment is not received by the following month, the delinquency will be reported to the City's Law Department to determine method for collection. The City shall make reasonable efforts to enforce the terms of the loan agreement including proceeding against the assets pledged as collateral.

Incomplete Cleanups

If the borrower or sub-grantee did not complete their cleanup, the City is responsible for 1) documenting the nexus between the amount paid and the cleanup that took place prior to the default, and 2) securing the site and informing the EPA Project Officer and the State.

Borrower / Sub-grantee Compliance Requirements

For every project funded under the City's BRLF, the following shall be prepared by either the borrower, the sub-grantee, or by the City's QEP, as appropriate:

1. Analysis of Brownfield Cleanup Alternatives (ABCA) – Additional information regarding the ABCA is presented in the Community Involvement section below. ABCA's are subject to EPA review and approval.
2. Quality Assurance Project Plan (QAPP) – If any environmental sampling data is to be collected as part of the EPA funded cleanup or match requirement activities, a QAPP is to be prepared. A QAPP provides comprehensive details regarding quality assurance, quality control and technical activities to be undertaken with data collection efforts to ensure the integrity of the data. QAPPs are subject to EPA review and approval prior to any data collection activities occurring at the project site.
3. Community Relations Plan - Additional information regarding the Community Relations Plan is presented in the Community Involvement section below. Community Relation Plans are subject to EPA review and approval.
4. Signage – Should a sign be erected at the project site, the sign shall indicate that the project was funded wholly or in part by the EPA and by the City of Green Bay. The sign shall contain the logo of the EPA and the City. EPA logo specifications can be found at <https://www.epa.gov/grants/epa-logo-seal-specifications-signage-produced-epa-assistance-agreement-recipients>
5. Administrative Record – Additional information regarding the Administrative Record is presented in the Community Involvement section below.

6. Davis Bacon Act (DBA) – All sub-grant or loan projects must comply with DBA provisions. This includes providing current and appropriate DBA wage rates to contractors, posting notifications at the site, providing certified payrolls, and providing access to laborers for City compliance interviews.
7. Procurement requirements – All sub-grantees are subject to federal procurement requirements when contracting for the RLF funded contracts. Such procurement requirements do not apply to private borrowers.

Community Involvement

Community Relations Plan

Community involvement is an essential component of the Brownfields RLF Program. Through this process, the public has an opportunity to provide input on the proposed site cleanup and plans for redevelopment, to comment on the required documents drafted in preparation for the environmental cleanup, and to have these comments considered as part of the final cleanup decision.

Community involvement activities must be initiated prior to the cleanup of a site and continue throughout each step of the environmental cleanup process. Final cleanup decisions must not be made prior to carrying out the required community involvement activities. Brownfields RLF funds may be used to support community involvement activities as a programmatic cost. All environmental cleanups require a site-specific Community Relations Plan for involving and informing the community. The City's QEP will prepare the Community Relations Plan after the loan or sub-grant application is approved by the RLF Committee.

Analysis of Brownfield Cleanup Alternatives (ABCA)

The City of Green Bay, in concert with its selected Qualified Environmental Professional (QEP), must conduct and document an analysis of brownfield cleanup alternatives (ABCA) considering the site characteristics, surrounding environment, land-use restrictions, potential future uses, and cleanup goals in order to ensure and document that the appropriate type of cleanup is selected to address the site. Brownfields RLF funds may be used to develop an ABCA as a programmatic cost. The ABCA or its equivalent must include:

1. Its purpose; information about the site and contamination issues (i.e., contaminants of concern, exposure pathways, identification of contaminant sources, etc.); cleanup standards; applicable laws; alternatives considered; climate change adaptation; and the proposed cleanup.
2. A comparative analysis of the alternatives being considered using the criteria of effectiveness, feasibility, and the cost of each alternative. At a minimum, the ABCA must include a comparison of the proposed cleanup action and the "no action" alternative. As appropriate, additional cleanup alternatives may be included in the analysis. The ABCA should discuss whether/ how each alternative would achieve cleanup standards and applicable laws.
3. Cleanup method chosen must be based on this analysis.

Prior to the finalization of the ABCA, a public meeting must be held whereby the public is provided with an opportunity to review and provide input for the proposed cleanup plans. A record of all public comments / questions and respective responses will be made and included as an attachment to the Final ABCA.

Decision Document

After the public comment period is complete, the City of Green Bay, in concert with its QEP, will issue a

decision document that selects the final cleanup action for the site. The decision document shall outline the selected cleanup plan to be implemented at the site.

Establishing the Administrative Record

The City of Green Bay is responsible for establishing an administrative record including all relevant site information and documents that form the basis for the selection of a cleanup. The administrative record must be available for review at a location convenient to the public, such as on the City's website, and make it available for inspection. The Administrative Record for each site must be maintained for three years after the termination of the City's Cooperative Agreement. The administrative record shall include:

1. The eligibility determination of the site, the borrower, and the proposed cleanup activities.
2. An ABCA or its equivalent.
3. A site-specific community relations plan for involving and informing the community during the cleanup process
4. Documentation of community involvement.
5. Documents or other information that form the basis for selection of a cleanup. Such information may include sampling data, quality control and assurance documentation, site inspection reports, Phase I and Phase II assessment reports, public health evaluations or risk assessments, and other technical and engineering documents as deemed appropriate by the City of Green Bay and/or the borrower.

Conducting the Environmental Cleanup

The cleanup should be performed in accordance with the final cleanup plan and in a manner that is protective of human health and the environment. The remediation should be completed consistent with requirements of Wisconsin Administrative Code Chapters NR 718-NR 726. During the cleanup process, the borrower/ sub-grantee must provide milestone updates to the City's QEP, at a minimum.

The City's QEP will serve as an On Scene Coordinator on behalf of the City. Depending upon the nature of the cleanup being conducted, the sophistication level of the borrower/sub-grantee, and the duration of the cleanup activities, the City's QEP will coordinate with the borrower / sub-grantee and will make periodic site inspections as needed to ensure that the cleanup activities are progressing. The City's QEP will be responsible for filing site inspection reports to the City and keeping the City apprised of any issues which may arise with RLF funded cleanup efforts. The borrower/sub-grantee, the City of Green Bay, and the City's QEP shall ensure the adequacy of each RLF cleanup as it is implemented by ensuring that environmental cleanup activities conform to the cleanup plan and meet criteria set forth in the plan.

After the RLF funded environmental cleanup is completed, the borrower/sub-grantee must formally document the activities conducted. This must be done through a final report or letter, or other documentation, as appropriate. This document needs to be included as part of the administrative record. The cleanup completion documentation should be reviewed by the City and the City's QEP for concurrence and submitted to other interested parties, as appropriate, such as the WDNR.