

RULES OF THE CITY OF NEW YORK
TITLE 43, CHAPTER 14, SUBCHAPTER 2
NEW YORK CITY BROWNFIELD INCENTIVE GRANT PROGRAM

§ 43-1415 Purpose and applicability.

a. *Purpose.* The New York city brownfield incentive grant (BIG) program is intended to promote the cleanup and redevelopment of brownfield properties in the city of New York.

b. *Applicability.* Brownfield incentive grants are available to provide financial assistance for

- (1) qualified brownfield properties,
- (2) preferred community development projects,
- (3) e-designation/restrictive declaration hazardous materials sites,
- (4) properties in designated coastal flood zones,
- (5) applicants pursuing a brownfield opportunity area grant,
- (6) a green property certification plaque,
- (7) green job training for participants in a job training program, and
- (8) recipients of brownfield opportunity area grants for the performance of pre-development services, assessments and investigations, environmental investigations, property remediation, environmental insurance purchase, and technical assistance services and for the development of work plans and applications.

§ 43-1416 Definitions.

a. "Affordable housing development" means a development that will be built by a developer on a qualifying brownfield property where at least twenty percent of the housing units are affordable to families that earn no more than eighty percent of the average median income of an area, as determined by the United States department of housing and urban development, and that has been issued a letter of interest from a federal, state, or local housing subsidy program.

b. "Brownfield opportunity area" means an area in the city of New York with a concentration of brownfields for which the New York state department of state has awarded a brownfield opportunity area grant to a recipient pursuant to general municipal law section 970-r or that has otherwise been identified by the Office as a place-based community brownfield planning area.

c. "Community based organization" means a community based organization as defined in section 970-r(1)(c) of the general municipal law.

d. "Community facility development" means a development that will be built by a developer on a qualifying brownfield property where the development provides specific benefits to the local community, including, but not limited to, a community facility use pursuant to the zoning resolution.

e. "Designated Coastal Flood Zone" means coastal flood zones designated by the Federal Emergency Management Agency (FEMA) or other coastal flood zones designated or recognized by the City.

f. "E-designation hazardous material site" means a property that has been designated with an (E) on a zoning map, pursuant to section 11-15 of the zoning resolution, because of potential hazardous material contamination.

g. "Grant administration contractor" means an entity under contract with the New York city economic development corporation, the department of environmental protection or the Office for administration of the New York city brownfield incentive grant program. The grant administration contractor shall provide oversight of the grant process, including, but not limited to, review of grant applications including evaluation of eligibility for grants; review of statements of work; establishment and maintenance of a list of qualified vendors; communication with grantees and qualified vendors; and performance of quality control of work products.

h "Grant payment percentage limit" means the seventy-five percent maximum payment by the Office for eligible costs for approved services and activities performed under a pre-development grant or an environmental investigation grant. The grant payment percentage limit is intended to ensure that the grantee bears some of the costs for pre-development and environmental investigation services and activities. The grant payment percentage limit shall not apply to City pre-enrollment grants awarded to City-funded affordable and/or supportive housing sites or to industrial and manufacturing sites supported by the New York city economic development corporation.

i. "Grantee" means an owner or developer of a qualifying brownfield property, including all parties with an ownership interest in the property, or a recipient of, or an applicant for, a brownfield opportunity area grant in New York city who has been accepted into the New York city brownfield incentive grant program.

j. "Office" means the office of environmental remediation.

k. "Person" means an individual, trust, firm, joint stock company, limited liability company, corporation, joint venture, partnership, association, a local development corporation, or a community development corporation.

l. "Preferred community development project" means a development proposed for a qualifying brownfield property that is: (1) an affordable housing development; (2) consistent with the strategic brownfield goals established in a brownfield opportunity area plan pursuant to section 970-r of the general municipal law, as evidenced by a letter from the recipient of a brownfield opportunity area grant pursuant to §43-1418(d)(4)(B)(i); (3) consistent with the strategic brownfield goals established by a place-based community brownfield planning organization recognized by the Office and as evidenced by a letter from the place-based community brownfield planning organization pursuant to §43-1418(d)(4)(B)(ii); or (4) a community facility development.

m. "Qualified vendor" or "vendor" means:

- (1) an environmental professional or consultant or firm thereof;
- (2) an architect, engineer, attorney, or other professional or firm thereof;
- (3) a community based organization preparing an application for a brownfield opportunity grant from the New York state department of state;
- (4) a community development corporation, local development corporation, community development financial institution, or another similar entity, that is qualified by the grant administration contractor to perform, subcontract, and/or supervise work eligible for reimbursement under the New York city brownfield incentive grant program;
- (5) a workforce development organization; or
- (6) a vendor under contract with the New York city economic development corporation, the department of environmental protection or the Office for eligible activities and services pursuant to §43-1419.

n. "Qualifying brownfield property" means:

- (1) for a pre-enrollment grant, a property that contains a recognized environmental condition;
- (2) for an enrollment grant, a track one bonus cleanup grant, a green property certification grant, and a property admitted to the City voluntary cleanup program;
- (3) for a climate change resilience bonus cleanup grant, a property admitted to the City voluntary cleanup program that is located in a designated coastal flood zone;
- (4) for an e-designation hazardous material remediation grant or a restrictive declaration hazardous material remediation grant, an e-designation hazardous material site or a restrictive declaration hazardous material site respectively;
- (5) for a technical assistance grant, a preferred community development project where the developer is a not-for-profit corporation, or a community based organization that seeks to apply for a brownfield opportunity grant from the New York state department of state or perform brownfield planning analyses for place-based community brownfield planning;
- (6) for a brownfield opportunity area strategic property bonus cleanup grant, a property that has been designated a strategic brownfield property within the New York state brownfield opportunity area program;
- (7) for a brownfield green job training grant, a property admitted to the City voluntary cleanup program or an environmental project recognized by the Office;
- (8) for a City pre-enrollment grant, a property to be used for affordable housing and/or supportive housing funded by the New York city department of housing preservation and development, an industrial or manufacturing development supported by the New York city economic development corporation or other project receiving substantial support from the City, or an environmental tax lien site designated by the New York city office of management and budget; and
- (9) for a City enrollment grant, a property that is enrolled in the City voluntary cleanup program or the New York State brownfield cleanup program.

o. "Restrictive declaration hazardous material site" means a property with an institutional control, arising from a City environmental quality review and recorded by the property owner, which requires a potential hazardous material condition to be addressed to the office's

satisfaction before the property can be developed or an action involving soil disturbance can be undertaken.

p. "Recognized environmental condition" means the presence or likely presence of any hazardous substances on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances into structures on the property or into the ground, ground water, or surface water of the property. The term includes hazardous substances even under conditions in compliance with laws. The term does not include de minimis conditions that generally do not present material risk of harm to public health or the environment.

q. "Strategic brownfield property" means a property within a brownfield opportunity area or place-based brownfield community planning area that has been determined by the community brownfield planning organization to be a strategic site within the brownfield opportunity area program or the place-based brownfield community planning area.

§ 43-1417 Types of grants.

a. Pre-enrollment grants are awarded for services and activities performed at qualifying brownfield properties that are not yet enrolled in the City voluntary cleanup program.

1. Pre-development grants finance the services and activities that usually precede environmental field investigation and advance brownfield projects at an early stage of the project. Pre-development grants may be used for eligible services and/or activities, as provided in section 43-1419.

2. Environmental investigation grants finance the characterization of a property's subsurface contamination. Environmental investigation services and activities are typically performed after pre-development work and prior to environmental remediation on a brownfield property. Environmental investigation grants may be used for eligible services and/or activities, as provided in section 43-1419.

3. City pre-enrollment grants finance eligible pre-enrollment activities and services at publicly-owned sites, at affordable and/or supportive housing sites funded by the New York city department of housing preservation and development, at industrial or manufacturing development sites supported by the New York city economic development corporation or other project receiving substantial support from the City, and at environmental tax lien sites designated by the New York city office of management and budget.

b. Enrollment grants are awarded for activities performed at qualifying brownfield properties that are enrolled in the City voluntary cleanup program.

1. Cleanup grants pay for costs incurred in a property's remediation. They may be used for eligible services and/or activities, as provided in §43-1419, that are included in, and performed according to the terms of, a remedial action work plan approved by the Office.

2. Brownfield opportunity area strategic property bonus cleanup grants are a type of cleanup grant that is awarded to pay for eligible cleanup services and/or activities at strategic brownfield properties.
3. Track one bonus cleanup grants are a type of cleanup grant that provides funding for track one cleanups, as set forth in §43-1407(h)(1) of this chapter.
4. Climate change resilience bonus cleanup grants provide funding to accelerate designated coastal flood zone cleanup and are intended to enhance public and environmental protection.
5. Brownfield green job training grants provide funding for job training program participants to acquire work experience at sites enrolled in the City voluntary cleanup program or on environmental projects recognized by the Office.
6. Green property certification grants pay for a New York city green property certification plaque. To be eligible for a green property certification grant, parties must receive a notice of completion from the Office or a certificate of completion of the New York state department of environmental conservation.
7. City enrollment grants fund eligible cleanup activities at publicly-owned sites, at affordable and/or supportive housing sites funded by the New York city department of housing preservation and development, at industrial or manufacturing development sites supported by the New York city economic development corporation or other projects receiving substantial support from the City, and at environmental tax lien sites designated by the New York city office of management and budget. They may be used for eligible services and/or activities, as provided in §43-1419, that are included in, and performed according to the terms of, a remedial action work plan approved by the office or by the New York state department of environmental conservation.

c. Other Grants.

1. Technical assistance grants are awarded to a developer of a preferred community development project where such developer is a not-for-profit corporation, to a community based organization that seeks to apply for a department of state brownfield opportunity area grant, or to a community brownfield planning organization facilitating community brownfield planning activities and services in a place-based community brownfield planning area. The grant covers a range of technical services performed by a qualified vendor for project pre-development, management and technical assistance, as provided in section 43-1419.
2. Brownfield opportunity area local match grants are awarded to a recipient of a New York state department of state brownfield opportunity area grant or to a community brownfield planning organization identified by the Office that is facilitating brownfield planning activities and services for a place-based community brownfield planning area.

For recipients of a New York state brownfield opportunity area grant, this grant assists grantees that meet the local match requirement for a state brownfield opportunity area grant pursuant to general municipal law section 970-r.

3. E-designation hazardous material remediation grants and restrictive declaration hazardous material remediation grants provide funding for hazardous material cleanup at e-designation hazardous material sites and restrictive declaration hazardous material sites that are not enrolled in the City voluntary cleanup program, that have an approved remedial action plan, and that have received a notice of satisfaction from the office for remediation of hazardous material.

§ 43-1418 Eligibility.

a. General.

1. Grants are awarded within each fiscal year to grantees. Awards shall be made until brownfield incentive grant funds for a fiscal year are exhausted.
2. Decisions on eligibility for all grants are made by the office and are final.

b. Property eligibility.

1. A property shall be located within the city of New York. However, projects that are not supported by the New York city department of housing preservation and development, or the New York city housing development corporation for affordable and /or supportive housing, or are not supported by the New York city economic development corporation for industrial or manufacturing, or are not substantially supported by the City for other projects in Manhattan at or south of 96th Street or projects larger than 100,000 square feet that are not preferred community development projects are ineligible for pre-enrollment and enrollment grants, except for brownfield green job training grants and green property certification grants. Contiguous properties enrolled by the same developer are eligible for only one grant award.
2. A property shall meet the definition of a qualifying brownfield property for the type of grant(s) sought.
3. A property admitted to the brownfield cleanup program administered by the New York state department of environmental conservation is ineligible for a grant except for a City pre-enrollment grant as defined in §43-1417(b)(3), a City enrollment grant as defined in §43-1417(b)(7), a brownfield green job training grant as defined in §43-1417(b)(5), and a green property certification grant, as defined in §43-1417(b)(6).

c. Applicant eligibility.

1. An applicant is ineligible for a grant if the person is subject to any pending action or proceeding or order identified in section 43-1403(b) of this chapter relating to the property.
2. An applicant who has received a prior pre-enrollment grant or a technical assistance grant and did not submit information on the outcome of the brownfield project as required by section 43-1421(b)(5) is not eligible for any additional pre-enrollment brownfield incentive grant until such information is submitted.
3. An applicant who has received a prior pre-enrollment grant or a technical assistance grant for a property that required remedial action and was subsequently developed and that was not enrolled in a New York city or New York state remedial program is not eligible for additional pre-enrollment grants. However, at the discretion of the office, the applicant may still be eligible for an additional enrollment grant.
4. A grantee may receive grants for a maximum of three qualifying brownfield properties for any given City fiscal year. However, contiguous properties remediated by the same developer may not receive more than one grant. For the purpose of this subdivision, all grants issued for a single property are considered one grant that is received in the year of the initial award payment. For example, a grantee that receives the first payment on an invoice submitted for a pre-development grant award for a property in one fiscal year and an environmental investigation grant for the same property the next fiscal year is considered to have received only one grant issued in the first fiscal year.
5. A grantee may not receive a pre-enrollment grant for more than one qualifying brownfield property each fiscal year. However, if a qualifying brownfield property for which a pre-enrollment grant was obtained is subsequently enrolled by the grantee into a New York city or New York state brownfield cleanup program in the same fiscal year, the grantee may receive an additional pre-enrollment grant for a second qualifying brownfield property in the same fiscal year. If a grantee enrolls a second qualifying brownfield property (for which a pre-enrollment grant was obtained) in a New York city or New York state brownfield cleanup program in the same fiscal year, the grantee may receive an additional pre-enrollment grant for a third qualifying property. Pursuant to paragraph 4 of this subdivision, the grantee shall not receive a pre-enrollment grant for more than the three qualifying brownfield properties in such fiscal year.

d. Eligibility requirements for specific grants.

1. Pre-enrollment grants.

A. Pre-development grants. For a qualifying brownfield property to be eligible for a pre-development grant, the applicant shall provide the office with evidence indicating that the property contains a recognized environmental condition that has not been remediated. Such evidence may include, but is not limited to, records of past use, records derived from fire insurance maps, information from direct

observation and testing, or findings from studies performed by the office or by other means acceptable to the office.

B. *City pre-enrollment grants.* To be eligible for a City pre-enrollment grant, a property must be an affordable and/or supportive housing site funded by the New York city department of housing preservation and development or the housing development corporation, an industrial or manufacturing development site supported by the New York city economic development corporation, other projects receiving substantial support from the City, an environmental tax lien site identified by the New York city office of management and budget or be public property in New York city whose investigation and/or remedial planning is managed by the Office.

C. *Environmental investigation grants.*

i. Submission of a satisfactory phase one investigation shall be required for a qualifying brownfield property to be eligible for an environmental investigation grant, except as provided in clause iii of this subparagraph. A phase one investigation is a search of records and government databases to determine whether prior land uses or processes were likely to have left behind contamination at a property. Phase one investigations shall be reviewed by the office and/or the grant administration contractor. Upon request of the applicant, the grant administration contractor alone, and not the office, shall review phase one investigations.

ii. To be eligible for an environmental investigation grant, a phase one investigation shall indicate that the property contains a recognized environmental condition.

iii. In lieu of a phase one investigation, recognized environmental conditions may be identified in studies performed by the office, or by other means acceptable to the office.

2. *Enrollment grants.* Enrollment in the City voluntary cleanup program is required for a property to be eligible for an enrollment grant except for a City enrollment grant as defined in §43-1417(b)(7), a green property certification grant as defined in §43-1417(b)(6), and a green job training grant as defined in §43-1417(b)(5) which may also allow enrollment in the New York state brownfield cleanup program.

A. *Cleanup grants.*

i. To be eligible for a cleanup grant, a qualifying brownfield property shall have an Office-approved remedial action work plan under the City voluntary cleanup program except for properties that are eligible for City enrollment grants which may have a remedial action work plan approved by the New York state department of environmental conservation.

ii. Cleanup services and/or activities that are eligible for awards under this grant are listed in schedule B.

iii. Cleanup services and/or activities that are eligible for awards under this grant shall be performed in accordance with an Office-approved or a New York state department of environmental conservation-approved remedial action work plan under the State brownfield cleanup program. If any cleanup services are performed in a manner that is not in accordance with an Office-approved or a New York state department of environmental conservation-approved remedial action work plan, all cleanup services and/or activities will be ineligible for any further awards under this grant.

iv. To be eligible for a climate change resilience bonus cleanup grant, a qualifying brownfield property must be located in a designated coastal flood zone and be enrolled in the City voluntary cleanup program.

v. To be eligible for a brownfield green job training grant, an applicant must employ a participant in a City, state, or federally supported non-profit work force development program for work participating in construction activities at a remedial action site regulated by the Office or the New York state department of environmental conservation or an environmental project recognized by the Office. Reimbursement is subject to the award limit set forth in §43-1422(c)(9)).

vi. To be eligible for a green property certification grant, a party must have received a notice of completion from the Office or a certificate of completion from the New York state department of environmental conservation in accordance with 6 NYCRR §375-3.9.

B. Brownfield opportunity area strategic property bonus cleanup grants. To be eligible for a brownfield opportunity area strategic property bonus cleanup grant, a qualifying brownfield property shall be eligible for a cleanup grant and shall be designated a strategic brownfield property by the BOA grantee in the New York state brownfield opportunity area program or a place-based community brownfield planning area identified by the Office.

C. Track-one bonus cleanup grants. To be eligible for a track-one bonus cleanup grant, a qualifying brownfield property shall be eligible for a cleanup grant and satisfy the requirements for an unrestricted use cleanup for soil pursuant to Table 375-6.8 of 6 NYCRR §375-6.8.

D. Climate change resilience bonus cleanup grants. To be eligible for a climate change resilience bonus cleanup grant, a qualifying brownfield property shall be located in a designated coastal flood zone and enrolled in the City voluntary cleanup program.

E. *Brownfield green job training grants.* To be eligible for a brownfield green job training grant, an applicant must employ participant(s) in a City, state, or federally supported nonprofit work force development program for work participating in construction activities at a remedial action site regulated by the Office or the New York state department of environmental conservation or an environmental project recognized by the Office.

F. E-designation hazardous material sites and restrictive declaration hazardous material sites are eligible for enrollment grants if the applicant enrolls in the city voluntary cleanup program, except E-designation sites and restrictive declaration sites that are enrolled in the New York state brownfield cleanup program are eligible for a City enrollment grant.

G. To be eligible for a City enrollment grant, a qualifying brownfield property shall have an Office-approved remedial action work plan and be enrolled in the City voluntary cleanup program or have a New York state department of environmental conservation-approved remedial action work plan and be enrolled in the state brownfield cleanup program.

3. *Other Grants.*

A. *Technical Assistance Grants.*

i. To be eligible for a technical assistance grant for a qualifying brownfield property that is a preferred community development project where a developer is a not-for-profit corporation, the applicant shall provide the Office with evidence that such developer is a not-for-profit corporation or qualifies for a real property tax exemption afforded by real property tax law §420-c and evidence required by paragraph four of this subdivision.

ii. Community based organizations that seek to apply for a brownfield opportunity grant are eligible for a technical assistance grant for the purpose of development of the brownfield opportunity area grant application. Community brownfield planning organizations that conduct place-based community brownfield planning in a geographic area with vacant or underutilized land identified by the Office are eligible for a place-based community brownfield technical assistance grant.

B. *Brownfield opportunity area local match grants.* For the recipient of a brownfield opportunity area grant to be eligible for a brownfield opportunity area local match grant, the applicant shall be a community based organization, have entered into a brownfield opportunity area contract with and have a work plan approved by the New York state department of state, and have submitted an invoice to the grant administration contractor for activities pursuant to such work plan. For a place-based community brownfield planning area to be eligible for a brownfield opportunity area local match grant, the applicant shall be a community

based organization, have a place-based community planning area identified by the Office, and have an agreement with the Office.

C. E-designation hazardous material remediation grants and restrictive declaration hazardous material remediation grants. To be eligible for an e-designation hazardous material remediation grant or a restrictive declaration hazardous material remediation grant respectively, a qualifying brownfield property shall have been remediated pursuant to an Office-approved remedial action plan for an e-designation hazardous material site or a restrictive declaration hazardous material site and have received a notice of satisfaction from the Office.

4. *Preferred community development projects.*

A. For a qualifying brownfield property to be eligible for a grant as a preferred community development project based on a proposed development of an affordable housing development, the applicant shall provide the office:

- i. evidence that at least twenty percent of the housing units are affordable to families that earn no more than eighty percent of the average median income of the area;
- ii. a proposal for redevelopment of the property; and
- iii. a letter of interest from a federal, state or local housing subsidy program.

B. *Projects consistent with strategic brownfield goals.*

- i. For a qualifying brownfield property to be eligible for a grant as a preferred community development project based on a proposed development that is consistent with the strategic brownfield goals established in a brownfield opportunity area plan, the applicant shall provide the Office with a signed letter of support for the proposed development from the recipient of a brownfield opportunity area grant that has an executed brownfield opportunity area contract with the New York state department of state pursuant to §970-r of the general municipal law. The letter shall state that the brownfield property is located within the identified brownfield opportunity area and that its proposed redevelopment is consistent with plans established for the brownfield opportunity area by such recipient of a brownfield opportunity area grant.
- ii. For a qualifying brownfield property to be eligible for a grant as a preferred community development project based on a proposed development that is consistent with the strategic brownfield goals established by a place-based community brownfield planning organization, the applicant shall provide the Office with a signed letter of

support for the proposed development from the place-based community brownfield planning organization that is a recipient of a brownfield opportunity area local match grant or a technical assistance grant. The letter shall state that the brownfield property is located within the area identified by the Office or identified by the BOA recipient, and that the proposed redevelopment is consistent with plans for the place-based community brownfield planning area by the recipient of the brownfield opportunity area local match grant or the technical assistance grant.

C. For a qualifying brownfield property to be eligible for a grant as a preferred community development project based on a proposed development that is a community facility development, the applicant shall provide the office:

- i. a proposal for redevelopment of the property; and
- ii. evidence of the specific benefits the facility provides the community.

§ 43-1419 Eligible Services and Activities.

a. Eligible services and/or activities within each grant type for which grant awards may be issued are listed in Schedule B.

1. For pre-development grants, eligible services and/or activities shall include, but shall not be limited to, title insurance, title search, project feasibility study (i.e. market analysis, concept plans, pro forma financial analysis, zoning analysis, and permitting), community outreach, and phase one investigations.

2. For environmental investigation grants, eligible services and/or activities shall include, but shall not be limited to, development of a phase two/site characterization workplan; development of a remedial investigation workplan; study of soil, groundwater, and soil vapor; laboratory analysis of soil, groundwater, and soil vapor samples; and development of phase two/site characterization reports.

3. For City pre-enrollment grants, eligible services and/or activities include, but are not limited to, development of a phase two/site characterization work plan; development of a remedial investigation workplan; study of soil, groundwater, and soil vapor; laboratory analysis of soil, groundwater and soil vapor; development of phase two/site characterization reports; property appraisal; and development of an approved remedial action work plan or remedial action plan.

4. For cleanup grants, track-one bonus cleanup grants, brownfield opportunity area strategic property bonus cleanup grants, City enrollment grants, e-designation hazardous material remediation grants, climate change resilience bonus cleanup grants, and E-designation/restrictive declaration hazardous material remediation grants, eligible services and/or activities shall include, but shall not be limited to, activities required to develop or implement tasks required by a government-approved remedial action work

plan, including development of an approved remedial action work plan or remedial action plan; soil removal and disposal; tank removal and other removal actions; backfill; engineering controls (i.e., cap emplacement; cover system; vapor barrier system; sub slab depressurization system); institutional controls; documentation preparation; development of remedial action reports and the purchase of environmental insurance including cleanup cost cap insurance; and site management plans.

5. For brownfield green job training grants, eligible services and/or activities shall include any hourly work participating in construction activities at a remedial action site regulated by the Office, the New York state department of environmental conservation or an environmental project recognized by the Office by trainees, pre-approved by the Office, from a City, state, or federally supported nonprofit work force development program. Eligible services and/or activities shall also include any hourly work performed by such trainees in support of the Office's programs.

6. For green property certification grants, eligible services include the purchase of a New York City green property certification plaque.

7. For technical assistance grants for preferred community development projects and for community brownfield planning organizations conducting community brownfield planning in a geographic area identified by the Office, eligible services shall include consulting or other services for activities including, but not limited to:

A. assistance in the planning and execution of a brownfield project, including assessment of the viability of a brownfield project;

B. development and/or review of technical and legal documents required by the brownfield incentive grant program or the City voluntary cleanup program, including:

i. applications

ii. agreements

iii. insurance policies

iv. statements of work

v. scopes of work

vi. work plans

vii. reports;

C. development and/or review of design reports;

D. preparation of a budget;

- E. development of a pro forma financial analysis;
- F. development of a site re-use plan;
- G. project planning; and
- H. review of brownfield project sequencing and scheduling.

For technical assistance grants for community based organizations seeking to apply to the New York state department of state for a brownfield opportunity area grant, eligible services shall include consulting services for the development of such an application.

8. For brownfield opportunity area local match grants, eligible services and/or activities shall include those that are covered by a work plan approved by the New York state department of state associated with a contract executed with the New York state department of state. For community brownfield planning organizations conducting place-based community brownfield planning, eligible services for brownfield opportunity area local match grants include, but are not limited to, existing conditions and land vacancy studies, a community reuse plan, zoning analyses, Phase I environmental studies, and pro-forma financial analyses.

b. Except as provided in subdivision c of this section, the office shall require a statement of work before eligible services and/or activities may be funded using grant funds.

1. The statement of work may be submitted with or after the grant application.
2. The statement of work shall be submitted on a form and in a manner to be established by the office.
3. The grant administration contractor shall review the statement of work to ensure that the proposed services and/or activities comply with schedule B.
4. Eligibility for awards is contingent upon submission of an acceptable statement of work.

c. The Office shall require a remedial action work plan or remedial action plan, respectively, before eligible services and/or activities may be performed using the following grant funds:

1. For cleanup grants, track one bonus grants, and brownfield opportunity area strategic property bonus cleanup grants, the eligible services and/or activities shall be described in a remedial action work plan approved by the Office as part of the City voluntary cleanup program.

2. For City enrollment grants, the eligible services and/or activities shall be described in a remedial action work plan approved by the Office as part of the City voluntary cleanup program or by the New York state department of environmental conservation as part of the state brownfield cleanup program.

3. For e-designation hazardous material remediation grants and restrictive declaration hazardous remediation cleanup grants, the eligible services and/or activities shall be described in a remedial action plan approved by the office as part of the e-designation hazardous material and restrictive declaration hazardous material management programs respectively.

4. Eligibility for awards is contingent upon approval of a remedial action work plan or remedial action plan.

d. The grant administration contractor shall establish a list of qualified vendors for performance of eligible services and/or activities.

§ 43-1420 Applications.

a. Applications are required for all brownfield incentive grants.

b. Consistent with the provisions of this subchapter, applicants may submit a single application to request grant funding for eligible services and/or activities for one qualifying brownfield property for different grants at different stages of remediation of the property, or for the same grant at different stages of remediation of the property.

c. An applicant or a grantee may apply for another grant for the same qualifying brownfield property by submitting a modification to the original application with an additional statement of work.

d. Applications shall be submitted to the office in such form and manner and containing such information as the office may require.

e. All applications shall include:

1. the identity of all applicants. Where a limited liability company owns a brownfield project, all parties with a twenty-five percent ownership interest in the limited liability company shall be individually identified in the application.

2. the street address of the property;

3. the location of the property, by borough, block and lot;

4. the zoning designation of the property;

5. a description of the development plan for the property;

6. the grant type(s) applied for; and

7. any other information requested by the office.

f. If activities to be reimbursed under a grant require that the grantee and its vendors and/or contractors have access to the qualifying brownfield property, the applicant shall provide certification of property ownership, a property access agreement, or certification that work will be done in accordance with an executed property access agreement.

g. If the applicant or grantee identified in an application for a brownfield incentive grant changes, a new application or modification to the existing application identifying the new applicant or grantee shall be submitted to the grant administration contractor.

h. To be eligible for a brownfield incentive grant available to qualifying brownfield properties in the City voluntary cleanup program, the E-designation program, the restrictive declaration program or the state brownfield program, an applicant must submit a complete brownfield incentive grant application with invoices and manifests, if applicable, within six months of receipt of a notice of completion or a notice of satisfaction from the Office or a certificate of completion from the State department of environmental conservation.

§ 43-1421 Agreements.

a. Brownfield incentive grants require an executed agreement between the grantee and the grant administration contractor prior to the disbursement of funds.

b. Brownfield incentive grant agreements shall include:

1. A grantee shall indemnify both the city of New York and the grant administration contractor for all services and activities to be performed in relation to the grant, including, but not limited to, all services and activities that will be reimbursed with grant funds.

2. A grantee must require its qualified vendors to indemnify both the city of New York and the grant administration contractor for all services and activities to be performed in relation to the grant, including, but not limited to, all services and activities that will be reimbursed with grant funds.

3. All eligible services and/or activities must be performed by a qualified vendor, except in the following circumstances:

A. A grantee may directly hire a contractor, other than a qualified vendor, to perform remedial work under an approved remedial action work plan, provided that the grantee requires the contractor to maintain insurance that is adequate for the nature and scope of the services and activities performed, as determined by the office. The insurance must name the city of New York, the New York city

economic development corporation, and the grant administrator contractor as additional insureds.

B. In select cases or categories, the office may waive the requirement that eligible services and/or activities be performed by a qualified vendor. In deciding whether to waive this requirement, the office will consider at a minimum:

- i. The degree of risk in the work performed, including the risk of injury to persons or damage to property or the risk of other claims, damages or losses;
- ii. Whether the work performed is adequately covered by insurance; and
- iii. Whether the office is assured that the work performed will be of sufficient quality.

4. A grantee shall accept all terms of the grant including, but not limited to, administration of grants by the grant administration contractor.

5. Project information required by the office. A grantee shall provide basic information required for each grant in a manner and form developed by the office for this purpose. Information required by the office may include:

- A. a schedule for work;
- B. details of the planned development;
- C. an estimate of the number of jobs to be created by the planned development;
- D. estimated costs of the planned development;
- E. basic development information, including, but not limited to, the square footage of residential, commercial, industrial, and open space to be created; and
- F. the number of residential affordable housing units to be created.

6. A grantee shall agree to office requirements for future reporting on projects related to each grant. Such reporting shall be submitted on forms developed by the office for this purpose and may include details of the outcome of each project after grant activities are completed, including, but not limited to:

- A. whether the proposed development was constructed;
- B. whether a government remediation program was utilized for the cleanup; and
- C. an update of information contained in paragraph 4 of this subdivision.

§ 43-1422 Grant Awards and Award Limits.

a. Brownfield incentive grants shall be paid to the grantee or the qualified vendor who performed the work upon receipt of invoices for eligible activities and/or services listed in schedule B, provided that brownfield opportunity area local match grants shall be paid to the grantee upon receipt of a copy of a work plan approved by the New York state department of state and a copy of a contract executed with the New York state department of state. Brownfield opportunity area local match grants shall be paid to a community based organization in a place-based community brownfield planning area identified by the Office upon receipt of an executed agreement with the Office identifying the work to be performed.

b. A grantee may be awarded brownfield incentive grants from one or more of the grant types for the same qualifying brownfield property. Total grant amounts awarded to the grantee, including costs for grant administration, may not exceed the award limits identified in subdivision c of this section.

c. *Award limits.*

1. *Generally.* Grants may be awarded for a qualifying brownfield property totaling up to the amount listed in schedule A, including the cost for administration pursuant to § 43-1423(a)(2). Activities and services in connection with pre-enrollment and enrollment grants can be performed by a qualified vendor under contract with the New York city economic development corporation, the New York city department of environmental protection or the Office.

2. *Preferred community development projects.* A grantee for a preferred community development project may be awarded: (1) a pre-enrollment grant of up to \$25,000, (2) a technical assistance grant of up to \$5,000, and (3) once the project is enrolled in the City voluntary cleanup program, an enrollment grant of up to \$35,000, including the sum of the pre-enrollment grant and excluding the sum of the technical assistance grant. A not-for-profit developer of a preferred community development project or a developer of a residential building where 100% of the units are affordable is eligible for an enrollment grant of \$50,000. The amount of the enrollment grant includes the sum of the pre-enrollment grant and excludes the sum of the technical assistance grant. The cost of grant administration shall not be deducted from grants awarded to a grantee of a preferred community development project.

3. *Brownfield opportunity area local match grant.* A grantee of a brownfield opportunity area local match grant may receive a grant of up to \$25,000 or ten percent of the brownfield opportunity area grant awarded from the New York state department of state, for step one of the brownfield opportunity area program, whichever is less, and \$25,000 or ten percent of the brownfield opportunity area grant from the New York state department of state for step two of the brownfield opportunity area program, whichever is less. A grantee of a brownfield opportunity area local match grant that is a community

based organization in a place-based community brownfield planning area may receive a grant of up to \$25,000. Activities and services on behalf of a community based organization that conducts place-based community brownfield planning through a brownfield opportunity area local match grant can be performed by a qualified vendor under contract with the New York city economic development corporation, the New York city department of environmental protection or the Office. The cost of grant administration shall not be deducted from grants awarded to a grantee of a brownfield opportunity area local match grant.

4. *Community based organization applicant for a brownfield opportunity area grant.* A community based organization that seeks to apply for a brownfield opportunity area grant may receive a technical assistance grant of up to \$10,000 for eligible consulting services. Community based organizations that conduct place-based community brownfield planning in areas identified by the Office may also receive a technical assistance grant of \$10,000. Activities and services on behalf of a community based organization that conducts place-based community brownfield planning through a technical assistance grant can be performed by a qualified vendor under contract with the New York city economic development corporation, the New York city department of environmental protection or the Office. The cost of grant administration shall not be deducted from grants awarded to a grantee of a community based organization brownfield opportunity area grant.

5. *Brownfield opportunity area strategic property bonus cleanup grant.* A grantee of a brownfield opportunity area strategic property bonus cleanup grant may receive a grant of up to \$10,000 for cleanup services and activities. This grant award may be in addition to pre-enrollment and other enrollment grants received under this program.

6. *Track-one bonus cleanup grants.* A grantee who achieves a track-one cleanup may receive a grant award of up to \$10,000. This grant award shall be in addition to pre-enrollment and other enrollment grants received under this program.

7. *E-designation hazardous material sites and restrictive declaration hazardous material sites remediation.* The award limits for e-designation hazardous material sites and restrictive declaration hazardous material sites shall be as follows:

A. A grantee of an e-designation hazardous material remediation grant or restrictive declaration hazardous material remediation grant may receive a grant of up to \$2,500 for cleanup services and activities. If the property subsequently enrolls in the City voluntary cleanup program and is awarded an enrollment grant, then the enrollment grant shall be reduced by the amount of the e-designation hazardous material remediation grant or restrictive declaration hazardous material remediation grant respectively.

B. A grantee for an e-designation hazardous material site or a restrictive declaration hazardous material site that has been admitted into the City voluntary cleanup program may be awarded an enrollment grant of up to \$25,000.

C. A grantee for an e-designation hazardous material site or a restrictive declaration hazardous material site that has been admitted into the City voluntary cleanup program and is a preferred community development project may be awarded an enrollment grant of up to \$35,000. The cost of grant administration shall not be deducted from grants awarded to a grantee of a preferred community development project.

8. *Climate change resilience grants.* An applicant for a climate change resilience bonus cleanup grant may receive a grant award of up to \$10,000. This grant award shall be in addition to a pre-enrollment and enrollment grants received under this program, and the costs of administration shall be deducted from grants awarded to the grantee.

9. *Brownfield green job training grants.* An applicant for a brownfield green job training grant may receive a grant award of up to \$6,000. This grant award shall be in addition to pre-enrollment and enrollment grants received under this program, and the costs of administration shall not be deducted from the brownfield green job training grant awarded to the grantee.

10. *Green property certification grants.* An applicant for a green property certification grant is eligible for a grant of up to \$1,000 to cover the cost of one New York city green property certification plaque for each eligible site pursuant to §43-1428. The cost of administration shall not be deducted from grants awarded to the grantee.

11. *City pre-enrollment grants.* City pre-enrollment grants are funded to a maximum of \$125,000 for pre-enrollment activities and services. The Office may award a grant higher than this amount where it determines that a City-supported affordable or supportive housing development or an industrial project supported by the New York City Economic Development Corporation incurs more than \$125,000 in investigation costs to enroll in the State brownfield program or obtain DEC's approval of its remedial action work plan. If such a project is denied entry into the State brownfield program and enrolls instead in the City voluntary program, it will be reimbursed for the cost of conducting a site investigation. Activities and services for a City pre-enrollment grant can be performed by a qualified vendor under contract with the New York city economic development corporation, the New York city department of environmental protection or the Office. The cost of grant administration shall not be deducted from the grants awarded to a grantee of a City pre-enrollment grant.

12. *City enrollment grants are funded to a maximum of \$250,000 for eligible services and activities including any City pre-enrollment grants.* If a City-supported affordable housing or industrial project is enrolled in the City voluntary cleanup program, the project is eligible for a cleanup grant of \$50,000. Activities and services for a City enrollment grant can be performed by a qualified vendor under contract with the New York City economic development corporation, the department of environmental protection, or the Office. The cost of grant administration shall not be deducted from grants awarded to a grantee of a city enrollment grant.

§ 43-1423 Grant Disbursements and Administration.

a. Administration of grants.

1. The grant administration contractor shall review all invoices and all other documents provided by the applicant pursuant to this subchapter prior to awarding grant funds, in order to ensure that services and/or activities comply with this subchapter.
2. The grant administration contractor may reduce awards, other than awards for a preferred community development project, a brownfield opportunity area local match grant, a green job training grant, a City pre-enrollment grant, a City enrollment grant and a technical assistance grant for a community based organization that seeks to apply for a brownfield opportunity grant or one that conducts place-based community brownfield planning, by a reasonable amount to cover costs of administering the New York city brownfield incentive grant program.

b. Disbursement of grants.

1. Grants are payable to the grantee or the qualified vendor, except that a green property certification grant is payable to the vendor who produced the certification plaque and a green job training grant may be paid to a workforce development organization or to a contractor associated with a project at a remedial site or to a party on an environmental project recognized by the Office that employs a participant from a workforce development organization for full-time work. A community based organization conducting place-based community brownfield planning can receive the technical assistance grant or the BOA local match grant on a lump sum basis if the organization has an executed agreement with the Office.
2. Grants are distributed on a first-come, first-served basis and based on available appropriations.
3. Enrollment grants may be reimbursed in the year following the award year if funds are no longer available in the award year and are available in the subsequent year.
4. Pre-development and environmental investigation grants are awarded subject to the grant award limits pursuant to section 43-1422 and subject to the grant payment percentage limit applied to eligible costs for approved services and activities in schedule B. A preferred community development project where the developer is a not-for-profit corporation is not subject to the grant payment percentage limit.

Schedule A Grant Awards and Award Limits

		Property Type ¹							BOA Development Grants	
Standard Grants		Qualifying brownfield properties not enrolled in VCP ²	Qualifying brownfield properties enrolled in VCP ^{2,3}	Preferred community development projects not enrolled in VCP ⁴	Preferred community development projects enrolled in VCP ^{4,5}	City-supported development properties ²	E-designation/restrictive declaration hazardous material sites not enrolled in VCP ²	BOA strategic property enrolled in VCP ⁴	Community based organization BOA grant applicant ⁴	BOA grant recipient with an executed state assistance contract ⁴
	Pre-development grant	Up to \$5,000	Up to \$5,000	Up to \$10,000	Up to \$10,000	N/A	N/A	Up to \$10,000	N/A	N/A
	Environmental investigation grant	Up to \$10,000 ⁷	Up to \$10,000 ⁷	Up to \$25,000 ⁷	Up to \$25,000 ⁷	N/A	N/A	Up to \$25,000 ⁷	N/A	N/A
	Cleanup grant	N/A	Up to \$25,000 ⁸	N/A	Up to \$35,000 ^{8,9}	N/A	N/A	Up to \$35,000 ^{8,10}	N/A	N/A
	E-designation hazardous material remediation grant or restrictive declaration hazardous materials remediation grant ¹¹	N/A	up to \$25,000	N/A	up to \$35,000	N/A	Up to \$2,500	up to \$35,000	N/A	N/A

	Standard grant award cap ¹²	\$10,000	\$25,000	\$25,000	\$35,000 ⁹	N/A	\$2,500	\$35,000 ¹⁰	N/A	N/A
Special Grants	Track one bonus cleanup grant	N/A	\$10,000	N/A	\$10,000	N/A	N/A	\$10,000	N/A	N/A
	Climate change resilience bonus cleanup grant	N/A	Up to \$10,000	N/A	Up to \$10,000	N/A	N/A	Up to \$10,000	N/A	N/A
	Brownfield green job training grant ⁴	N/A	Up to \$6,000	N/A	Up to \$6,000	N/A	N/A	Up to \$6,000	N/A	N/A
	Green property certification grant	N/A	Up to \$1,000	N/A	Up to \$1,000	N/A	N/A	Up to \$1,000	N/A	N/A
	City pre-enrollment grant ⁴	N/A	N/A	N/A	N/A	\$125,000	N/A	N/A	N/A	N/A
	City enrollment grant ⁴	N/A	N/A	N/A	N/A	\$250,000 ¹³	N/A	N/A	N/A	N/A
	BOA strategic property bonus cleanup grant	N/A	N/A	N/A	N/A	N/A	N/A	\$10,000	N/A	N/A
	Technical assistance grant ⁴	N/A	N/A	Up to \$5,000 ¹⁴	Up to \$5,000 ¹⁴	N/A	N/A	Up to \$5,000 ¹⁴	Up to \$10,000 ¹⁵	N/A

BOA local match grant ⁴	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	The lesser of \$25,000 or 10% of the BOA grant award ⁶
Maximum grant award	\$10,000	\$47,000	\$25,000	\$62,000 ¹⁶	\$250,000	\$2,500	\$72,000 ¹⁷	\$10,000	\$50,000	

VCP: The City Voluntary Cleanup Program administered by the Office of Environmental Remediation.

BOA: The brownfield opportunity area. This is a program for area-wide brownfield and community planning managed by the New York State Department of State.

N/A: not applicable.

¹ Properties for which a grant is pursued can fall into only one type. The property type may change as conditions change.

² The grant administration contractor may reduce the grant amount to cover the cost of administration.

³ Includes e-designation hazardous material sites and restrictive declaration hazardous material sites that are enrolled in the VCP.

⁴ Grants shall not be reduced to cover the cost of grant administration.

⁵ This property type includes e-designation hazardous material sites and restrictive declaration hazardous materials sites that are also preferred community development projects and enrolled in the VCP.

⁶ A BOA grant recipient with an executed state assistance contract by definition also has an approved work program. A BOA grant recipient is eligible for local match grants both for step 1 and step 2 of the BOA program. A place-based community planning area with an agreement with the Office is eligible for a \$25,000 BOA local match grant.

⁷ Limit includes all proceeds from pre-development grant.

⁸ Limit includes all proceeds from the pre- development grant and the environmental investigation grant. The grant amount reflects reduced funding of the BIG program. Projects that were enrolled in the city voluntary program by April 2013 receive larger BIG grant awards.

⁹ A not for profit developer of a preferred community development project, or a developer of a residential building where 100% of the units are affordable, is eligible for a \$50,000 cleanup grant, which includes all proceeds of the predevelopment and environmental investigation grants.

¹⁰ A not for profit developer of a preferred community development project which is a BOA strategic site is eligible for a \$50,000 cleanup grant, which includes all proceeds from the predevelopment and environmental investigation grants.

¹¹ For e-designation hazardous material sites and restrictive declaration hazardous material sites that are remediated pursuant to an Office-approved remedial work plan. The grant amount reflects the reduced funding of the BIG program. Projects that received a notice of satisfaction by April 2013 receive a larger BIG

grant award.

¹² Limit includes all proceeds from the pre-development grant, environmental investigation grant and cleanup grant. The grant amount reflects reduced funding of the BIG program. Projects that were enrolled in the city voluntary cleanup program by April 2013 receive larger BIG grant awards.

¹³ Limit includes all proceeds from the City pre-enrollment grant. If a City-supported affordable housing or industrial project is enrolled in the City voluntary cleanup program, the project would be eligible for a \$50,000 cleanup grant.

¹⁴ Technical assistance grants for preferred community development projects are limited to not-for-profit developers.

¹⁵ The grant pays for technical assistance with development of a BOA program application or, for a place-based community planning area, services and consultation in planning for the re-use of a development site.

¹⁶ The maximum grant for a not-for-profit developer of a preferred community development project is \$77,000.

¹⁷ The maximum grant for a not-for-profit developer of a BOA strategic site or a strategic site of a place-based brownfield community planning organization recognized by the Office is \$87,000.

Schedule B Eligible Services and Activities / Reimbursable Allowance ^{a, b}

Activity	Unit	Reimbursable Allowance for Non-Preferred Community Development Project ^c	Reimbursable Allowance for Preferred Community Development Project ^d
Pre-development			
Title Insurance/ Title Search			
full coverage	each	\$765	\$1,020
limited coverage	each	\$382.50	\$510
non-insured reports	each	\$255	\$340
Project Feasibility Study			
market analysis	each	\$765	\$1,020
concept plans	each	\$765	\$1,020
pro-forma financial analysis	each	\$765	\$1,020
zoning analysis	each	\$765	\$1,020
legal due diligence review	report	\$300	\$400
State BCP eligibility consultation	Each	\$1,000	\$1,333
Other Services			
community outreach	each	\$956.25	\$1,275
site survey	day	\$956.25	\$1,275
Phase I ESA	each	\$1,593.75	\$2,125
Environmental Investigation			
Workplans			
Phase II/site characterization workplan	each	\$1,275	\$1,700
remedial investigation workplan	each	\$1,593.75	\$2,125
Phase II (soil)			
geophysical survey report (GPR contractor)	1/2 day	\$765	\$1,020
geophysical survey report (GPR contractor)	day	\$1,116	\$1,488
geophysical anomalies investigation (excavator/operator)	day	\$606	\$808
soil boring Installation	1/2 day	\$637.50	\$850
soil boring Installation	day	\$956.25	\$1,275
soil sample collection/field screening	day	\$510	\$680
Phase II (groundwater)			
monitoring well installation (unconsolidated)	Well	\$1,593.75	\$2,125
monitoring well installation (bedrock)	Well	\$2,550	\$3,400
disposal of drill cuttings and transportation	drum	\$79.50	\$106
monitoring well survey	day	\$956.25	\$1,275
temporary well-point installation	each	\$382.50	\$510
groundwater sample collection	day	\$510	\$680
disposal of purge water and transportation	drum	\$51	\$68
aquifer test	each	\$382.50	\$510
Phase II (vapor)			
vapor probe installation	day	\$956.25	\$1,275
vapor sample collection	day	\$510	\$680
ambient air sample and collection	day	\$510	\$680

Activity	Unit	Reimbursable Allowance for Non-Preferred Community Development Project ^c	Reimbursable Allowance for Preferred Community Development Project ^d
Reports			
Phase II/site characterization report	each	\$1,275	\$1,700
remedial investigation report	each	\$1,593.75	\$2,125
grant project reporting	each	\$318.75	\$425
Lab Analysis			
Metals (soil/water)			
Priority Pollutant metals (13 metals)	sample	\$62.25	\$83
total RCRA metals (8 metals)	sample	\$39.75	\$53
Target Analyte List metals (23 metals)	sample	\$96.75	\$129
Organics (soil/water)			
base neutrals	sample	\$86.25	\$115
base neutrals + 10 or 15	sample	\$96	\$128
base neutrals/acid extractables (semivolatile organics)	sample	\$153	\$204
BTEX	sample	\$30.75	\$41
BTEX + MTBE + TBA	sample	\$30.75	\$41
Herbicides	sample	\$57.75	\$77
PAHs	sample	\$86.25	\$115
PCBs	sample	\$38.25	\$51
PCBs in oil	sample	\$30.75	\$41
Pesticides	sample	\$38.25	\$51
Volatiles	sample	\$51	\$68
volatiles + 10 or 15	sample	\$57.75	\$77
volatiles (drinking water)	sample	\$78.75	\$105
volatiles (drinking water) + 10 or 15	sample	\$86.25	\$115
target compound list (VO+10, BNAE+20, Pest/PCB)	sample	\$306	\$408
Organics (air)			
TO-15	sample	\$204	\$272
Group Tests			
ID-27 (TCLP metals, TPH, PCBs, reactive CN & S, Ignitability, pH)	sample	\$156	\$208
Priority Pollutants + 40 (VO+15, BNAE+25, pest/PCB, 13 metals, CN, phenol)	sample	\$401.25	\$535
RCRA characteristics (reactive CN & S, ignitability, corrosivity)	sample	\$38.25	\$51
TCLP-full (8 metals, VO, BNAE, pesticides, herbicides)	sample	\$381.75	\$509

Environmental Remediation	Unit	Reimbursable Allowance
Workplans and Reports		
remedial action workplan	each	\$5,000
remedial action report	each	\$5,000
remedial investigation report and remedial action work plan: full service ^e	each	\$30,000
Remedial action report: full service ^f	each	\$30,000
site management plan	each	\$2,500
grant project reporting	each	\$425
field oversight ^g	half day	\$400
	day	\$1,000
environmental insurance ^h	premium	\$25,000/\$30,000
Soil Removal		
disposal - soil, non-hazardous (does not include transportation)	ton	\$102
disposal – soil, non-hazardous (does not include transportation)	ton	\$43
waste characterization: ID-27 (TCLP metals, TPH, PCBs, reactive CN & S, ignitability, PH)	sample	\$208
mobilization/demobilization - one time allowable per site per machine	each	\$425
loader/backhoe w/ operator	day	\$808
small-trackhoe w/ operator (J Deere 200LC or equivalent)	day	\$1,190
large trackhoe w/ operator (Cat 325 or equivalent)	day	\$1,445
skid steer loader w/ operator	day	\$595
dump truck w/ operator (approx. 12 yd. 3)	day	\$340
dump truck, tandem - triaxle w/ operator (25 yd. 3)	day	\$765
rolloff container (20 yd. 3)	each	\$510
vacuum truck w/ operator	hr	\$77
post-excavation soil sample collection	day	\$680
Backfill		
recycled concrete aggregate	ton	\$13
certified clean fill material	ton	\$17
top soil	cy	\$21
Engineering Controls (cap emplacement)		
clean fill/gravel	ton	\$17
top soil	cy	\$21
asphalt (2 in. compacted asphalt on 2 in. gravel base)	sf	\$3.80
cement paving (4 in.)	sf	\$4.25
sub-slab depressurization system passive	sf	\$7.00
sub-slab depressurization system active	sf	\$8.50
vapor barrier/water proofing (up to 39 mil)	sf	\$5.00
vapor barrier (40 mil and greater)	sf	\$6.00
Institutional Controls		
deed restriction preparation	Each	\$2,125
Lab Analysis		
Metals (soil/water)		

Environmental Remediation	Unit	Reimbursable Allowance
Target Analyte List metals (23 metals)	Sample	\$129
<i>Organics (soil/water)</i>		
Target Compound List SVOC's	Sample	\$204
PCBs	sample	\$51
Pesticides/herbicides	sample	\$51
Target Compound List VOC's	sample	\$204
target compound list (VO+10, BNAE+20)	sample	\$408
<i>Organics (air)</i>		
TO-15	sample	\$272
<i>Group Tests</i>		
ID-27 (TCLP metals, TPH, PCBs, reactive CN & S, ignitability, pH)	sample	\$208
RCRA characteristics (reactive CN & S, ignitability, corrosivity)	sample	\$51
TCLP-full (8 metals, VO, BNAE, pesticides, herbicides)	sample	\$509
Technical Assistance Grants		
<i>Professional Services</i>		
Attorney	hr	\$213
Architect	hr	\$128
planner, including peer advisory services	hr	\$128
professional engineers	hr	\$128
environmental consultants	hr	\$81
community based organizations	hr	\$81
Brownfield Opportunity Area Local Match Grants		
<p>For Brownfield Opportunity Area (BOA) Local Match Grants, eligible services and/or activities must be reasonable, relevant, and directly related to the BOA scope of work. In order for these eligible costs to be reimbursed, they must be related to a work plan approved by the New York State Department of State pursuant to an executed State Assistance Contract and be appropriately documented in accord with the BOA Record Keeping and Payment Guide. See the guidance for the BOA Program issued by the New York State Department of State for questions or clarification regarding eligible and ineligible costs. For a Step 1 BOA award and a step 2 BOA award, the total amount of reimbursable expenses may not surpass the grant limit of the lesser of \$25,000 or 10% for each Brownfield Opportunity Area Grant award. For Brownfield Opportunity Area Local Match Grants made to a place-based brownfield community planning organization, eligible services and activities must be set forth in the organization's agreement with the Office.</p>		

^a All listed prices are inclusive of all subcontractor, professional oversight, materials and equipment costs.

^b The Grant Allowance amounts presented in Schedule B represent the maximum amounts up to which specified activities may be funded. An eligible service and activity will not necessarily be funded up to that maximum amount.

^c Pursuant to section 43-1423(b)(4), predevelopment and environmental investigation grants, other than for preferred community development projects where the developer is a not-for-profit corporation, are reimbursed subject to the grant payment percentage limit of 75% for eligible costs for approved services and activities.

^d This column applies to preferred community development projects where the developer or community based organization is a not-for-profit corporation. Pursuant to section 43-1423(b)(4), such projects are not subject to the grant payment percentage limit.

^e Reimbursement up to \$30,000 subject to the project award cap. This payment is intended to cover all remedial investigation activities and all document preparation activities including: a remedial investigation work plan, a Phase I environmental site assessment, a remedial investigation report, sampling, field oversight, mobilization, monitoring, chemical analysis and a remedial action work plan. This activity can only be selected for projects that have enrolled in the City voluntary cleanup program and no other costs for remedial investigation or remedial work plan preparation may be claimed.

^f Reimbursement up to \$30,000 subject to the project award cap. This payment is intended to cover all remedial action oversight activities and all document preparation activities including: field oversight by staff, daily reports, CAMP monitoring and equipment, HASP monitoring, sample collection, and preparation of a remedial action report. It does not cover construction of remedial systems including engineering controls. This activity can only be selected for projects that have enrolled in the City voluntary cleanup program and no other costs for remedial action oversight or remedial action report preparation may be claimed.

^g Reimbursement for field oversight consists of oversight of active remedial work by a qualified environmental professional, CAMP monitoring equipment, HASP monitoring, and the collection of samples. The deliverable is a daily report that identifies the qualified environmental professional.

^h Eligible activities consist of the purchase of Pollution Legal Liability, Contractors Pollution Liability and Cleanup Cost Cap Insurance. The total amount of reimbursable expenses may not surpass the grant limits established in Schedule A. Purchase of environmental insurance for a project that subsequently enrolls in the City voluntary cleanup program is an eligible expense following program enrollment.