APPENDIX D

CURRENT BROWNFIELD POLICIES AND PROGRAMS

OREGON REGULATORY POLICIES AND PROGRAMS FOR BROWNFIELD REDEVELOPMENT

Prepared for
METRO

BROWNFIELDS TECHNICAL REVIEW TEAM

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ACRONYMS AND ABBREVIATIONS

CERCLA	Comprehensive Environmental Response, Compensation and Liabilities Act
DEQ	Department of Environmental Quality
DLCD	Department of Land Conservation and Development
ECSI	Environmental Cleanup Site Information
TIF	Tax-Increment Financing
ICP	Independent Cleanup Pathway
NFA	No Further Action
OAR	Oregon Administrative Rule
ORS	Oregon Revised Statute
PPA	Prospective Purchaser Agreement
TGM	Transportation and Growth Management
TOD	Transit-Oriented Development
URA	Urban Renewal Area
USEPA	United States Environmental Protection Agency
VCP	Voluntary Cleanup Pathway
VHDZ	Vertical Housing Development Zone

1 INTRODUCTION

The cleanup and redevelopment of contaminated properties is managed through a set of local, state, and federal policies, regulations, and financial incentives.

Federal Context

The federal Comprehensive Environmental Response, Compensation and Liabilities Act (CERCLA or Superfund Law) established a federal role in the cleanup of contaminated sites and provided the model many states adopted in their own laws, including definitions of who is legally liable for contamination and the strict, joint and several liability regime. This liability structure has created great anxiety in the lender and developer community and has led to the unintended consequence of deterring investment in potentially contaminated properties, which became known as brownfields. CERCLA and state laws have been reformed over time to alleviate these concerns to some extent.

Who is a Potentially Liable Party?

Owners & operators—Past and present since hazardous substances released;

Arrangers—for the disposal of hazardous substances; and

Transporters of the materials.

What is Strict, Joint & Several Liability?

Strict—Responsibility applied regardless of fault

Joint and Several—All responsible parties can be forced to bear all costs of the cleanup regardless of the existence of other potentially liable parties

CERCLA is the primary regulatory framework for sites with high levels of contamination, which are put on the federal National Priorities List. The Portland Harbor was designated as a National Priorities List site in 2001, so many of the industrial properties in Portland fall under that jurisdiction. Analysis of the implications of the Portland Harbor Superfund listing is beyond the scope of this memo. Brownfield sites typically do not merit designation on the National Priorities List and are remediated under the jurisdiction of the state.

Oregon Cleanup Law

The Oregon Cleanup Law (Oregon Revised Statute 465), which is implemented by the state Department of Environmental Quality (DEQ), is the primary law regulating remediation of brownfields in the state. It establishes the procedural and technical requirements for remediation of contaminated properties. The Cleanup Law incorporates several fundamental policies designed to promote cleanup and redevelopment of brownfields. The most important of these are a risk-based approach to cleanup, the Voluntary Cleanup Program, and Prospective Purchaser Agreements.

Risk-based Approach—cleanup levels and remedial actions are selected based on the potential for human and ecological receptors to be exposed to contaminants. Site specific risk assessments often lead to remedial actions that are protective of human health and the environment, while also being more cost effective than the traditional approach of meeting uniform numeric standards for all sites.

Voluntary Cleanup Program—provides an expedited administrative process in which the schedule and level of involvement of the DEQ is controlled by the project proponent.

Prospective Purchaser Agreements—creates a mechanism for innocent parties to negotiate the extent of cleanup and liability settlement with the State before purchasing a brownfield property.

A number of financial tools have also been established at the federal, state, and local level to promote cleanup and redevelopment of brownfields. These include: public grants, public low-interest loans, tax-increment financing, and tax incentives.

These programs are described in greater detail in the following sections.

2 OREGON CLEANUP PROGRAMS

The DEQ offers multiple programs to help advance the organization's efforts in environmental cleanup and site restoration. The Cleanup Program's three administrative pathways allow property owners and government officials the flexibility to address cleanup based on site-specific criteria and the necessary level of agency oversight.

The Site Response Program is the original administrative process that occurs when DEQ discovers a highly toxic site. In this scenario, DEQ opts to take control of the remediation effort rather than wait for a responsible party to take action. Outside of the Site Response Program, participants interested in receiving DEQ oversight must decide between one of the following Voluntary Cleanup Program pathways.

2.1 Voluntary Cleanup Program

1) In the **Voluntary Cleanup Pathway (VCP)**, property owners willfully enroll. VCP sites may be of low, moderate, or high environmental priority. In this program, DEQ provides active oversight throughout the investigation and remediation through a collaborative process with the participant.

2) The **Independent Cleanup Pathway (ICP)** is a subset of all **Voluntary Cleanup Program** enrollees and is designed for property owners of low- to moderate- risk sites. The Independent pathway is similar to the VCP program in that participants voluntarily enroll. However, DEQ provides little to no oversight in the ICP, thereby leaving the participant responsible for more liability and risk.

The Voluntary Cleanup Program was authorized by the 1991 Legislature in order to provide willing parties DEQ oversight while they investigate and, if necessary, cleanup contamination from their properties. This cooperative process helps parties move through the process efficiently, and meet sometimes tight funding and redevelopment deadlines. If DEQ determines that the chemicals of concern have been adequately characterized and restored to a level protective of human health and the environment, DEQ will issue a No Further Action (NFA) letter to the responsible party. NFAs are only issued after cleanup activities are completed, reviewed, and approved by a public comment process.

The Voluntary Cleanup Program is the most common administrative pathway for cleanup of brownfield properties. In 2010, DEQ reported that

there were approximately 400 active Voluntary Cleanup Program sites, with approximately 300 sites following the traditional VCP, and approximately 100 in the Independent Cleanup Pathway program.

2.2 No Further Action Designations

The level of DEQ involvement throughout the remediation process is dependent upon the administrative pathway chosen. As stated, the VCP offers more agency oversight than the ICP. Additional DEQ oversight often results in a more time-intensive and costly process than an independent cleanup, but provides more certainty in the outcome of the project and a better chance of achieving a No Further Action designation (NFA).

During the 2010 fiscal year, DEQ issued NFA decisions at 51 sites. Since its inception in 1988, DEQ's Cleanup Program has made NFA decisions at 1,453 sites. This amounts to nearly one-third of all sites in the state's Environmental Cleanup Site Information (ECSI) database. Of these NFAs, approximately 787 were issued to sites within the VCP program, allowing far more NFAs than the Site Response Program could have completed alone.

A NFA represents a formal declaration from DEQ that the site has been restored to a level that no longer poses unacceptable risks to human health and the environment. Achieving a NFA means that property owners and developers can more confidently invest in their property and limits threats of future environmental regulatory measures.

However, NFA determinations may be rescinded or reopened under specific circumstances. In some instances, NFAs are issued on a conditional basis whereby the property owner must complete specific remediation efforts, engineering, and institutional controls as outlined by the NFA letter. If DEQ finds that these measures have not been successfully completed, the NFA may be revoked. Additionally, NFAs may specifically address individual contaminants and certify successful cleanup as it relates to those toxins mentioned by name in the NFA. If new hazards are discovered on-site, or advancements in scientific knowledge raise new concerns, DEQ may reopen the NFA and impose additional cleanup requirements. DEQ is very careful with regards to "re-openers" though, and only occasionally reopens cases when there is clear evidence of a new risk to human health or the environment.

The VCP is designed to help participants reach their environmental goals for a site as quickly and inexpensively as possible. However, with proper notification to DEQ, participants have the option of withdrawing from VCP, and if this occurs, DEQ is unlikely to take any follow-up action unless it considers the site a high environmental priority.

While very small, some risks do exist for participants who willfully enroll into the VCP program. For example, should the participant decide to drop out of the VCP or not perform cleanup requirements within a reasonable timeframe, DEQ is likely to move it to the Site Response program if the agency considers the site a high priority.

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3 PROSPECTIVE PURCHASER AGREEMENT

3.1 Definition & Purpose

A Prospective Purchaser Agreement (PPA) is a legally binding agreement between the Department of Environmental Quality (DEQ) and a prospective purchaser or prospective lessee, which limits the purchaser's or lessee's liability under state law for environmental cleanup at the property in exchange for providing a "substantial public benefit" (ORS 465.327).

From the purchaser's perspective, the PPA is a risk management tool that provides certainty about the requirements for cleanup and protection from potential claims. With these protections, a purchaser can have greater certainty about cleanup costs and liability for past releases. PPAs can also satisfy lender concerns and make it easier for a project to obtain outside financing.

PPAs are a frequently used tool for promoting cleanup and redevelopment of brownfields in Oregon. Between 1995 and 2010, DEQ had negotiated 128 PPAs.[1]

3.2 Structure

Eligibility—The state places a number of requirements on a purchaser to allow them access to the protections provided by a PPA.

- Innocent Purchaser—The prospective purchaser must not be responsible for contaminating the property. Under the strict, joint, and several liability regime, this means they cannot have caused the contamination as an operator of a facility or the transporter of hazardous materials, or be responsible as an owner of the property.
- Future Use—The proposed future use of the property will not exacerbate the contamination or interfere with necessary cleanup actions.
- Significant Public Benefit—This factor is evaluated on a case-by-case basis, but typically involves
    - Substantial new resources to facilitate cleanup
    - Substantial environmental cleanup activities

[1] Landman, C. Oregon Department of Environmental Quality. Personal communication. May 25, 2011.

- Productive reuse of a vacant or abandoned industrial or commercial facility
- Development of the property by a public agency or non-profit to addresses an important public purpose

Legislative Enhancements to PPAs in 2011 – New legislation signed by Gov. Kitzhaber and effective January 01, 2012 protects "innocent purchasers" (i.e., persons not responsible for prior contamination at a site) from litigation by third parties. It also expanded PPAs to include the release or spilling of oil (in addition to hazardous substances), and allows DEQ the option to streamline the process for PPAs by providing greater liability protection through administrative order than judicial decree.

Type of PPAs—The legislation described above has resulted in three different forms of PPAs: Administrative Agreement PPA, Consent Order PPA, and Consent Judgment PPA. The Administrative Agreement version is the simplest and quickest, but cannot provide third-party liability protection. The Consent Order and Consent Judgment versions do provide third-party protection, but both require a 30-day public notice and comment period. The fundamental difference between these two types is that a Consent Judgment is formally reviewed and executed in court while the Consent Order is accomplished administratively by the DEQ. Prospective purchasers decide which type to use based on their risk tolerance and schedule constraints.

Process—The following steps summarize the process for entering into a PPA.

1. Initial Meeting—DEQ determines whether a property and purchaser are eligible for a PPA, reach agreement on the type of PPA desired if possible, and discuss the type of "substantial public benefit" the purchaser would offer, on a conceptual level

2. Application—Prospective purchaser submits application form and cost recovery agreement to pay for DEQ staff time to review and process the PPA.

3. Environmental Investigation—Purchaser (or seller) completes necessary study to define nature and extent of contamination (if not already done) and propose remedial actions. DEQ will require that contamination issues be well understood before entering into negotiations on terms of PPA. Cleanup actions typically are conducted after the PPA is executed and land transaction is closed.

4. Drafting of PPA—DEQ and purchaser negotiate and agree on specific terms of the PPA. DEQ drafts the PPA for Administrative Agreements and Consent Orders. The Attorney General's office is always involved in Consent Judgment PPAs, and may also be

involved in other types, depending on the nature of the site and the outcomes desired.

5. Public Notice Period—Required for Consent Order PPA and Consent Judgment PPA, but not for Administrative Agreement PPA.

6. Execute PPA—For Administrative Agreement and Consent Order PPA, DEQ signs and executes. For Consent Judgment, the Attorney General's office files in circuit court which executes the agreement.

7. Recording—Purchaser records the PPA with the appropriate county.

8. Performing PPA Obligations—Cleanup actions are conducted on the property, and after review for completion, DEQ issues a letter (for Administrative Agreement PPAs) or a Certificate of Completion (for Consent Order and Consent Judgment PPAs).

Summary Comparison of PPA Types

Elements	Administrative Agreement PPA	Consent Order PPA	Consent Judgment PPA
State Liability Protection	State agrees not to require purchaser or future owners to perform or pay for cleanup actions beyond those defined in the PPA.	Same	Same
Contribution Protection	No contribution protection under state law.	Protects purchaser and future owners from contribution claims	Protects purchaser and future owners from contribution claims
Third-Party Liability Protection	No protection provided	Protects purchaser and future owners from third-party liability claims.	Protects purchaser and future owners from third-party liability claims.
Public Notice Requirements	None required for PPA. Future remedial action may require notice.	30-day public notice period required before executing PPA.	30-day public notice period required before executing PPA.
Administrative Process	Negotiated and executed by DEQ	Negotiated and executed by DEQ	Negotiated by DEQ. Attorney General's Office files with Circuit Court to be approved by a judge.

References

Prospective Purchaser Program Guidance. Oregon Department of Environmental Quality. December 2011. http://www.deq.state.or.us/lq/pubs/docs/cu/GuidanceProspectivePurchaserProgram.pdf

Fact Sheet: Key Information About Prospective Purchaser Agreements in Oregon. Oregon Department of Environmental Quality. December 2011. http://www.deq.state.or.us/lq/pubs/factsheets/cu/ProspectivePurchaserAgreement.pdf

4 TAX INCREMENT FINANCING

Tax Increment Financing (TIF) is the primary redevelopment and economic development tool associated with urban renewal areas (URAs). It helps Oregon cities and counties revitalize public and private properties and provide development-supportive infrastructure within URA boundaries. As such, TIF has been used to address environmental cleanup as this is one example of a blighting condition. TIF investments are guided by the goals outlined in the urban renewal plan for each URA. Urban renewal and tax increment financing enable local governments to focus resources on a particular area and stimulate much larger private investments. TIF offers a number of advantages over other funding alternatives: it is locally created and controlled; it can be invested more flexibly than general fund dollars; it provides a more certain and stable source of funding; and it leverages other public and private investments.

Urban renewal funds are primarily used to update and improve an area's infrastructure, including capital expenditures on transportation improvements and parks, and to provide incentives for desired development such as mixed-use projects, affordable housing, storefront improvement, and building rehabilitation. By leveraging TIF with private and other public investments these improvements help revitalize blighted areas.

4.1 Urban Renewal Plans

In order for land in Oregon to access TIF funding, a city or county must create an Urban Renewal Agency. Urban renewal agencies are enabled by state law (ORS Chapter 457), but are activated and approved by city council or county commission. The agencies become separate legal bodies from the council/commission, but in many cases, the urban renewal agency board is composed of members of city council/county commission.

In Oregon, all urban renewal areas must have an urban renewal plan which, among other criteria, needs to show how the area within the proposed boundaries is considered "blighted". The term is defined by ORS 457.010, as an area that by reason of deterioration, faulty planning, inadequate or improper facilities, deleterious land use, or the existence of unsafe structures, is detrimental to the health, safety, or welfare of the community. Many agencies choose to do a feasibility study prior to engaging in a URA plan. These feasibility studies usually include a preliminary assessment of blight as well as information regarding property values, projections of tax increment revenues, development conditions, the availability and condition of streets and utilities, and a preliminary listing of potential projects.

If the area is found eligible for urban renewal, the city council or board of commissioners must adopt a formal urban renewal plan and accompanying urban renewal report that declare the area blighted and define the issues, challenges, and opportunities within the proposed boundaries. The plan and report serve as a roadmap for public investment and capital improvement priorities and include elements such as estimates for completion date, when the property tax base is frozen, money needed for various projects, when indebtedness will be retired, and the fiscal impact on the taxing entities. The planning must involve citizens at every stage, especially when determining projects and activities to be undertaken. Plans can be approved only after public notice, hearing, and public testimony. The plan is then presented to the planning commission for recommendations and adopted by city council or county commission. In some communities plans are adopted only after a vote of the citizenry. Substantial changes must be approved according to the same process as the adoption of the original plan.

4.2 The Mechanics of TIF

Once an urban renewal plan is approved, a URA can be established. Funds are generated by the properties in the URA by freezing the assessed value of real property within the defined area of investment. The tax collected above the frozen base is the increment. The agency may collect property tax generated through appreciation of value of existing properties and any new taxable development that occurs, regardless of which taxing district would have collected them otherwise. The urban renewal agency acquires capital by issuing short term borrowings and/or long term bonds against the future projected increase in property taxes for that area. The bond proceeds are invested in improvements or projects within the area. These investments can be direct payments for public improvement as well as loans and/or grants to assist with private redevelopment projects. TIF serves as a strong financial incentive to stimulate additional investment in targeted areas so that blighted conditions can be addressed thereby enhancing its economic vitality and physical vibrancy.

4.3 Eligible Expense

Urban renewal agencies have authority to use TIF and other resources for: construction or improvement of streets, utilities, and other public uses; rehabilitation or conservation of existing buildings; acquisition and improvement of property; and/or resale and lease of property. A URA plan may authorize other projects and programs that fulfill economic development and jobs related goals, but TIF may only be used for the capital side of those endeavors. The renewal agency may provide assistance and incentives to enhance for-profit and non-profit business and/or property development using TIF loans and grants, or other funding programs. These projects are often supportive of wealth creation, economic development, and

employment plan goals of a community. Renewal agencies are also given powers regarding land disposition, and are authorized to sell, lease, exchange, subdivide, transfer, assign, or pledge land.

TIF is regularly used to invest in environmental cleanup projects in states like Montana, Massachusetts, Connecticut, and Wisconsin. While the practice is less common in Oregon, TIF has been used to address environmental cleanup as this is one example of a blighting condition. State statutes and administrative rules pose no obvious limitations on the use of TIF funds for such applications. According to ORS 457 and OAR 150-457, a URA project of any nature must simply demonstrate how improvements would benefit the neighborhood as a whole, improve property values, and leverage future investments.

State regulations do, however, make explicit mention of other limitations. For example, TIF cannot be used as a funding mechanism for social programs, operating expenses of non- or for-profit entities, or wage and income support. In addition, urban renewal funds cannot be used to condemn private property for private development.

4.4 Limitation Issues

Though they are a powerful tool for urban redevelopment, URAs are restricted in their application. Oregon law limits the percentage of land in a city that can be designated for urban renewal. In a large cities (population greater than 50,000), the area inside URAs may exceed neither 15% of a city's total area nor 15% of its assessed valuation. In smaller jurisdictions (population less than 50,000), URAs may not exceed 25% of a city's total land area nor 25% of its assessed valuation. These limitations do not currently affect communities like Tigard, which have just begun to tap into their URA allowance. Alternatively, the City of Portland has approached 14% of its land (15% total allowance), effectively meaning that an existing URA district would need to be reduced or discontinued before a large new one is established.

Other restrictions on urban renewal dictate that area boundaries cannot be expanded by more than 1% without new voter approval under the City charter amendment approved by voters in 2008.

Changes to tax laws over the past two decades have also placed limitations on TIF. Measures 5 (1990) and 50 (1997), affected how TIF is collected and categorized three types of urban renewal areas.

Tax increment financing also comes with its political challenges. Sometimes jurisdictions whose taxes are included in an urban renewal area oppose deferring property tax gains associated with TIF, as this can impact their

operating budgets. Recent state legislation has mollified this concern with a revenue sharing formula that is now incorporated into the creation of new or amended URAs. While this most recent change has helped earn more support from taxing jurisdictions that contribute their share of increment to URAs, it does limit the amount of TIF available to a URA over a longer term.

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5 TAX PROGRAMS

Tax incentives are financial tools that governments implement to encourage private investment to accomplish various economic and social objectives. The State of Oregon does not have tax incentives specifically targeted to brownfield cleanup and development, but there are several business tax credit and property tax abatement programs that may be applicable to certain brownfield projects. Tax incentives offer advantages to local governments by providing financial support to developers without directly taking money out of the current budget.

Oregon's property tax assessment framework includes a provision for reducing the assessed value of a property by the cost to cure environmental impacts. This valuation system has been used to reduce property taxes on some contaminated properties to nearly zero and is often critiqued as a policy that discourages cleanup of brownfields.

5.1 Tax Credits and Exemptions

Oregon offers a number of corporate and income tax credits and exemptions to encourage business investment in targeted sectors such as renewable energy and research. These include:

Oregon Investment Advantage—This income tax exemption program helps businesses start or locate in mostly rural counties by providing a multi-year deduction for all income-based taxes related to the new business operations, potentially eliminating state business tax liability during that multi-year period. General company eligibility requirements include: creation of at least five new full-time, year-round jobs that receive minimum level of compensation; facility operations need to be the first of their kind in Oregon for that company; and facility operations cannot compete within the local economy.

Business Energy Tax Credit—Eligible for costs including the building, equipment, machinery and other expenses related to the manufacturing of renewable energy products such as solar cells, wind turbines or components manufactured for the exclusive use in products using renewable energy. Businesses are eligible for a tax credit equal to 50% of up to $40 million in eligible costs. The tax credit may be monetized through transfer to individuals or companies with Oregon tax liability at a discount rate determined by the state

5.2 Property Tax Abatements

Property tax abatements allow cities or counties within the state to temporarily reduce property taxes for certain housing development and rehabilitation projects. These tax incentives are often connected to designation of special districts. These programs can be used to offset front end costs and support financial feasibility of brownfield redevelopment projects in these designated areas. Examples of these programs include:

Enterprise Zones—Enterprise zones exempt businesses from local property taxes on new investments for a period of three to five years (ORS 285C.050). Sponsored by municipal or tribal governments, an enterprise zone typically serves as a focal point for local development efforts. Portland has established an Enterprise Zone that encompasses North and Northeast areas of the City. The Portland Enterprise Zone is managed by the Portland Development Commission and provides five-year property tax abatements for industrial-based businesses making new investments.

A new building/structure, structural modifications or additions, or newly installed machinery and equipment may qualify for exemption, but not land, previously used property value and miscellaneous personal items. To qualify for the tax exemption, businesses need to meet a number of criteria, including:

- Increase full-time, permanent employment of the firm inside the enterprise zone by the greater of one new job or 10% (or less with special-case local sponsor waivers);
- Generally have no concurrent job losses outside the zone boundary inside Oregon;
- Maintain minimum employment level during the exemption period;
- Enter into a first-source agreement with local job training providers;
- Compensate new workers at or above 150% of the county average wage.

Vertical Housing Program—encourages construction or rehabilitation of properties in targeted areas called Vertical Housing Development Zones (VHDZs) by providing a tax abatement opportunity for higher density, mixed-use developments in these areas (OAR 803.013). This policy is designed to reduce front-end costs to promote additional investment based on the recognition that higher density projects often carry greater development costs.

VHDZs are established by local jurisdictions applying to the state for the designation. Approval is based on considering a number of factors such as

proximity to transit and location in city core areas. To receive the tax abatement, a developer applies directly to the state. Eligible projects must be located entirely in a VHDZ and meet a number of criteria focused on density and mix of uses.

All projects meeting state regulations receive the property tax abatement on the improvement value for a ten-year period. The number of floors constructed or rehabilitated for residential use in proportion to the total square footage of a project determines the tax exemption rate the developer will receive. The rate of the abatement ranges from 20 to 80 percent:

- 20 percent for one floor of housing
- 40 percent for two floors of housing
- 60 percent for three floors of housing
- 80 percent for four or more floors of housing.

5.3 Tax Assessment on Contaminated Property

The Oregon Department of Revenue developed an administrative rule to provide a methodology for valuing contaminated property for the purpose of assessing property taxes (OAR 150-308.205-(E)). The rule defines a "contaminated site" as real property that is on the USEPA National Priority List (a Superfund site), in the DEQ inventory of confirmed releases, an illegal drug manufacturing site, or demonstrated to have had a release of hazardous substances. The rule requires that all three commonly used appraisal methods, the sales comparison approach, the cost approach, and the income approach be used to determine real market value of a contaminated site. The property values derived from these methods are adjusted to account for a number of factors related to the contamination including:

- Cost to cure defined as "the discounted present value of the estimated after tax cost of the remaining remedial work specific to the subject property to remove, contain, or treat the hazardous substance. Cost to cure may include the cost of environmental audits, surety bonds, insurance, monitoring costs, and engineering and legal fees. The costs must be directly related to the clean up or containment of a hazardous substance"

- Limitations on use of the property due to the contamination or governmental restrictions

- Fiscal implications such as the increased cost to insure or finance the property.

6 PUBLIC FUNDING MECHANISMS

A number of public grants and loans are available in Oregon through various federal, state, and local government agencies to help overcome financial obstacles associated with brownfield redevelopment. Successful brownfield projects often combine funding from a number of sources that are targeted for both cleanup and redevelopment. The following section provides a brief overview of the primary public funding sources for brownfield projects in Oregon. While these are identified as the primary funding sources, brownfield projects are often able to leverage funds from a variety of sources beyond those discussed in the memo.

U.S. Environmental Protection Agency

Assessment Grant—The Assessment grants provide funding to inventory, characterize, assess, and conduct planning and community involvement related to brownfield sites. Applications are solicited on an annual basis. The maximum award is $400k for a single applicant or $350k for a single assessment.

Cleanup Grant—These grants provide funding for the cleanup activities on brownfield sites. Applications are solicited on an annual basis. The maximum award is $200k per site.

Oregon Department of Environmental Quality

Brownfield Program—The Brownfield Program provides grants to public and quasi-public entities to promote redevelopment or property transfers. Grant awards typically equate to about $35k.

Site-Specific Assessment—The Site-Specific Assessment exists to provide technical assistance to assess sites for public and quasi-public entities. The assistance is provided by DEQ pro bono staff time.

Oregon Department of Land Conservation and Development

Periodic Review and Technical Assistance—DLCD awards grants and technical assistance for planning, economic development, planning and zoning processing, and other planning steps that can be used to leverage the redevelopment of various brownfield sites. The assistance is available to local, regional, and tribal governments.

Transportation and Growth Management Program—The TGM Program provides grants for planning, specific development and redevelopment, land use and transportation plans, infill and redevelopment strategies, and development design. Assistance is provided in the form of a matching grant to local, regional, and tribal governments, as well as some special districts, councils of governments, metro planning organizations and coalitions. TGM funds can be utilized by public agencies to address brownfields at a local or regional scale through specific policies that address blighted properties and/or encourage infill and redevelopment.

Oregon Housing and Community Services

Housing Development Grant— These grants are awarded for new construction, rehabilitation, and/or acquisition of low- and very-low-income housing units; predevelopment costs, planning, engineering or feasibility studies to government agencies, nonprofit community organizations, private individuals, and corporations. Thus, brownfield assessment and cleanup could be financed as a qualifying predevelopment cost. Grants are awarded in amounts up to $100k.

Oregon Business Development Department, Business Oregon

Oregon Coalition Brownfield Cleanup— Business Oregon awards loans and grants for brownfield site cleanup, similar to a revolving loan fund, to local governments, nonprofits, public, and private entities as a 20% cost share award in amounts up to $1 million.

Brownfield Redevelopment Fund— This fund provides for loans and grants for site assessment and cleanup projects in varying amounts to local governments, nonprofits, public, and private entities.

Oregon Metro

Brownfields Recycling Program— Oregon Metro provides environmental assessments and redevelopment plans for qualifying petroleum-contaminated sites within the Metro region. This program is funded through the U.S. Environmental Protection Agency. Currently, applications are not being accepted.

Transit-Oriented Development— TOD financial incentives are issued for the construction of multi-family housing, mixed-use buildings, commercial, school, senior housing, or retail uses, as long as there is a relationship to transit. Public, nonprofit, or private entities can be award grants and incentives up to $250k. The TOD funds can assist redevelopment of brownfield properties that meet the criteria for participation in the program.

City of Portland, Bureau of Environmental Services

Brownfield Program— The Bureau of Environmental Services Brownfield Program provides site assessments funded through the U.S. Environmental Protection Agency. The City is also in the process of initiating a new revolving loan fund, capitalized by an USEPA grant, for cleanup activities on privately or publically owned sites.