



New York State
Department of State
Department of Environmental Conservation

Brownfield Opportunity Areas Program

Guidance for Applicants

Application Submission: Applications will be accepted on a continuous basis and must be sent to the:

BROWNFIELD OPPORTUNITY AREAS PROGRAM
Bureau of Fiscal Management, 11th Floor, Suite 1110
Contracts Administration Unit
New York State Department of State
99 Washington Avenue
Albany, New York 12231-0001

Facsimile and e-mail transmissions will not be accepted.

October 2008

New York State Brownfield Opportunity Areas Program Guidance for Applicants

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Please note that this Guidance for Applicants document supercedes all previous versions of the document and should be used by all BOA applicants.

October 2008

1. SUMMARY of the BROWNFIELD OPPORTUNITY AREAS PROGRAM

The Brownfield Opportunity Areas Program provides municipalities and community organizations (community based organizations and community boards) with technical and financial assistance of up to 90 percent of the total eligible project costs, to complete area-wide planning approaches to brownfields redevelopment. A “brownfield” or “brownfield site” is defined in New York State Environmental Conservation Law Article 27, Title 14, as any real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant. Through a community supported planning process, this program enables community leaders to establish a clear vision to revitalize and improve areas so they become economically and environmentally sustainable.

The Brownfield Opportunity Areas Program enables municipalities and community organizations to:

- address a range of problems posed by multiple brownfield sites;
- build consensus on the future uses for the area with an emphasis on strategic brownfield sites;
- establish sustainable development goals and objectives;
- establish the multi-agency and private-sector partnerships necessary to leverage assistance and investments to revitalize neighborhoods and communities.
- address environmental justice concerns for communities which may be burdened by negative environmental consequences. Environmental justice is defined as the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

Completion of this program leads to New York State’s designation of a Brownfield Opportunity Area. The program consists of the three program steps described below. Applicants may apply to enter the program at either Step 1 or Step 2. Applicants entering at Step 2 must prepare and submit a Pre-Nomination Study with the Step 2 application.

Step 1: Pre-Nomination Study - The Pre-Nomination Study provides a basic and preliminary analysis of the area affected by brownfield sites, including: a description and justification of the study area and associated boundaries; a basic description of current land use and zoning; descriptions of existing brownfield sites and other underutilized properties; and a description of the area’s potential for revitalization.

Step 2: Nomination - The Nomination provides an in-depth and thorough description and analysis, including an economic and market trends analysis, of existing conditions, opportunities, and reuse potential for properties located in the proposed Brownfield Opportunity Area with an emphasis on the identification and reuse potential of strategic brownfield sites that may be catalysts for revitalization. The Nomination concludes with a description of key findings and recommendations to advance redevelopment of strategic sites and to revitalize the area. Requires a Pre-Nomination Study be submitted with the application if entering the program at Step 2.

Step 3: Implementation Strategy (may include Site Assessments) - The Implementation Strategy provides a description of the techniques and actions to implement the area-wide plan, and compliance with the New York State Environmental Quality Review Act (SEQRA) regulations. Site assessments on strategic brownfield sites within the BOA may be eligible for funding if additional environmental information is required to assist in determining future land use.

2. ELIGIBLE APPLICANTS

Eligible applicants are municipalities, community based organizations and community boards as defined below:

Municipalities - Municipalities are defined as cities, villages, towns, counties, local public authorities and public benefit corporations, school districts, special improvement districts, and Indian nations or tribes recognized by New York State or the United States with a reservation wholly or partially within the boundaries of New York State.

Community Based Organizations - The community based organization must be a not-for-profit corporation under Section 501(c)(3) of the Internal Revenue Code at the time of application. In addition, its stated mission must be to promote community revitalization (reuse of brownfield sites) within the geographic area in which the community based organization is located; have 25 percent or more of its Board of Directors residing in the community in such area; and represent a community with a demonstrated financial need.

Community Boards - Community Boards are unique to New York City and are defined and described in Section 2800 of the New York City Charter.

Joint Applicants - Eligible applicants in a community are encouraged to submit a joint application.

3. SOLICITATIONS AND SOURCES TO OBTAIN A GRANT APPLICATION

Applications will be accepted continuously. Information regarding the solicitation of applications is available at the web address below. Requests for application material can be obtained via the web, e-mail or by phone.

Web Address: An electronic copy of the application is available at the Department of State's web site at: http://www.nyswaterfronts.com/BOA_package.asp

E-mail Request: Applications may be obtained through an e-mail request to: coastal@dos.state.ny.us

Telephone Request: You may call 518-474-6000 to request a paper copy of the application.

Contact Information: For general or technical questions about the BOA Program, the application, and Guidance for Applicants, you may call the New York State Department of State at (518) 474-6000.

4. PRE-APPLICATION CONSULTATION

Potential applicants are encouraged to schedule a pre-application consultation with their regional BOA representative at the Department of State to review the benefits, requirements and procedures for completing a BOA project. To schedule a pre-application consultation, please check the contact information at the Department of State's web site at: http://www.nyswaterfronts.com/BOA_contact.asp or call the Department of State at 518-474-6000.

5. APPLICATION SUBMISSION and NUMBER of COPIES

Send a cover letter addressed to the New York State Secretary of State and the Commissioner of the Department of Environmental Conservation, and six copies of the completed grant application: three paper copies including one signed original; and three compact computer disks to:

6. APPLICATION FORMAT REQUIREMENTS

These format requirements apply to application materials only.

Paper copies of the application must conform to the following:

- Application materials must be bound in standard three-ring (maximum ring size of 2 inches) binders.
- Maps included in the application must be: 8 ½" x 11"; 8 ½" x 14" or 11" x 17" folded down to an 8 ½" x 11" size. Rolled maps will not be accepted.
- Prior studies may be included in the application as supplemental information and must be properly referenced and highlighted. Submission of pre-existing or stand alone data and reports will not be accepted as substitutes for information required in the application.

Compact computer disks containing the application must conform to the following:

- The application must be delivered on a standard CD which is CD-R type, a standard DVD, or a USP Memory Stick. Each disk should contain a single Adobe® Acrobat® Portable Document Format (PDF) file per compact computer disk.
- The PDF document should use 300 dpi scanning resolution. PDF must have an appropriate identifying short file name.
- The application must be contained in one file, that is all appendices, volumes, plans, drawings, etc., must be together, and the document must be searchable.

If an eligible applicant(s) intends to submit an application for more than one area, each application must be presented and submitted as a separate application with a separate budget and scope of work.

7. PROGRAM STEPS and ELIGIBLE ACTIVITIES

Municipalities and community organizations may apply to enter the Brownfield Opportunity Areas Program at either Step 1 or Step 2, whichever is most appropriate. The step that an applicant may enter the program is dependent upon the extent of information that is needed and the need for funding assistance. Activities eligible for assistance include the assembly and development of information required to complete each step which are described in the Appendices to this guidance. Funding may be sought to assemble and develop information for one of the following steps:

Step 1: Pre-Nomination Study

Intended For: Step 1 is intended for applicants that have minimal or no information about the proposed area, including potential brownfield sites that have caused significant adverse impacts to their community and need funding assistance to complete Step 1.

To Apply: Applicants that want to enter the program in Step 1 must complete and submit a BOA Program grant application.

Eligible Activities: Activities eligible to receive assistance include the assembly and development of basic information to better understand existing conditions and opportunities in the proposed BOA.

Final Product: The Pre-Nomination Study will contain a preliminary description and analysis of the proposed BOA. Refer to Appendix B, Step 1 for a description of the Pre-Nomination Study.

Use: The product will be reviewed by the New York State Departments of State and Environmental Conservation to determine if a community should proceed to Step 2.

Step 2: Nomination

Intended For: Step 2 is intended for applicants that have enough information to generate a Pre-Nomination Study on their own, but need funding to prepare a thorough area-wide inventory and analysis that clearly and accurately describes the proposed BOA and opportunities for revitalization.

To Apply: Step 2 applicants must complete a BOA Program grant application. Applicants that entered the Program at Step 1 must have completed a Pre-Nomination Study approved by the State prior to submitting a Step 2 Application. Applicants entering the Program at Step 2 must submit a Pre-Nomination Study prepared in accordance with Appendix B, Step 1.

Eligible Activities: Activities eligible to receive assistance include the assembly and development of a thorough and in-depth description and analysis, including an economic and market trends analysis, of existing conditions, opportunities, and reuse potential for properties located in the proposed BOA with an emphasis on the identification and reuse potential of strategic brownfield sites that are catalysts for revitalization.

Final Product: The Nomination will include: a thorough area-wide description and analysis of existing conditions and opportunities for revitalization; and may identify strategic brownfield sites as candidates for site assessments if additional environmental data on these sites is required to determine future land use. Refer to Appendix C, Step 2 for a description of the Nomination.

Use: The product will be reviewed by the New York State Departments of State and Environmental Conservation to determine if a community should proceed to Step 3.

Step 3: Implementation Strategy (may include Site Assessments)

Intended For: Step 3 is intended for applicants that need funding to complete an implementation strategy to achieve their revitalization objectives and to comply with the NY State Environmental Quality Review Act (SEQRA) regulations. Step 3 may also include funding for applicants that need to complete site assessments on eligible strategic brownfield sites to obtain required environmental information to assist in determining future land use.

To Apply: Applicants that want to advance to Step 3 must submit a BOA Program grant application. Applicants must have completed a Nomination approved by the State prior to submitting a Step 3 Application. Applicants requesting funding for site assessments for eligible strategic brownfield sites must submit a Step 3 Application Site Assessment Supplement form for each site assessment.

Eligible Activities: Activities eligible to receive assistance include: activities associated with completing an implementation strategy that describes the range of techniques and actions to implement the area-wide plan; compliance with the New York SEQRA regulations; and site assessments at eligible strategic brownfield sites.

Final Products: The Implementation Strategy will be based on the Nomination and, if applicable, the site assessment reports. The Implementation Strategy will include a description of: future land uses; land use techniques to achieve future uses; a description of implementation projects;

the management structure to ensure the plan's implementation; other programs that can assist in implementing the plan; and compliance with SEQRA regulations. Refer to Appendix D, Step 3 for a description of the Implementation Strategy. The Nomination and the Implementation Strategy will result in a complete BOA Plan.

A Site Assessment Report will be completed for each approved site assessment at strategic brownfield sites. Refer to Appendix E, Step 3 for information regarding site assessments.

Use: Final products include the BOA Plan, consisting of the Nomination and Implementation Strategy, and site assessment reports, if prepared under this program. These products will be reviewed by the New York State Departments of State and Environmental Conservation to determine if the area will be designated as a BOA.

8. ELIGIBLE AND INELIGIBLE COSTS

Eligible costs must be reasonable, relevant and directly related to the BOA Step scope of work. In order for these eligible costs to be reimbursed, they must be related to an approved work plan, executed State Assistance Contract and appropriately documented in accord with the BOA Record Keeping and Payment Guide. There is no minimum or maximum grant amount, however, the grant amount requested must be commensurate to the size and complexity of the proposed study area, the information and analytical needs of the study area, and the requested funding must be for eligible project costs.

Eligible Project Costs:

Eligible costs include the following:

- Personal Services: includes direct salaries and wages, and fringe benefits of the grantee.
- Non-Personal Services: includes direct costs for travel, supplies and materials, and equipment rental (not purchase) of the grantee. In addition, contractual services are eligible if the contract was appropriately procured and approved by the State.

Ineligible Project Costs

Ineligible costs include the following:

- Indirect or overhead costs of the grantee, such as rent, telephone service, and general administrative support.
- Salaries and other expenses of elected officials, even if directly related to the BOA Step scope of work, are not eligible.
- Volunteer or donated services are not eligible costs.

9. ADVANCING THROUGH the THREE PROGRAM STEPS

Municipalities and community organizations may advance through the Brownfields Opportunity Areas Program in the following way:

- An eligible applicant may apply to enter the BOA Program at Step 1 or Step 2.
- The applicant will be notified in writing when the BOA application is approved or disapproved.
- If the application is approved, the grantee will be provided a State Assistance Contract (SAC) for signature. The signed SAC must also be signed by appropriate State agencies and fully executed by the Attorney

General's Office and the Office of the State Comptroller, if the grant exceeds \$50,000. In addition, Article 15-A of the Executive Law pertains to Minority and Women-Owned Business Enterprises (MWBE)/Equal Employment Opportunity (EEO.) State contracts in excess of \$25,000 must comply with the EEO goals identified in the State Assistance Contract (SAC). Applicants selected to receive a grant will be required to document and certify their compliance with these regulations.

- The SAC is the mechanism under which the grantee will be reimbursed for 90% of eligible costs incurred up to the executed SAC amount. This is a reimbursement program, therefore the grantee is responsible initially for 100% of the eligible costs. Once costs are incurred, the grantee can request reimbursement for 90% of eligible costs if requested and documented in accordance with the BOA Record Keeping and Payment Guide. The remaining 10%, as well as any costs determined to be ineligible and/or not reimbursable due to non-compliance with the BOA Record Keeping and Payment Guide, will be the responsibility of the grantee. Grantees are eligible for an advance payment of up to 25% of the approved Step amount upon approval of the Step work plan. Requests for advances must be in accordance with the BOA Record Keeping and Payment Guide.
- A detailed work plan will be developed to implement the scope of work in the executed SAC.
- Upon the State's receipt and acceptance of the Step's final work products required by the SAC, the grantee may submit a BOA application for the next Step. If the application is approved, the existing SAC will either be amended or a new SAC executed for the next program Step.
- Primary factors that will determine if a grantee proceeds to the next step include: the degree to which the Application Evaluation Criteria are met; the grantee's performance and quality of work products under the previous BOA Step; and funding availability. If the applicant's performance and quality of work products under the previous Step are not satisfactory, the application to advance the project to the next program Step will not be recommended for funding.

10. SATISFACTORY PROGRESS

If an application is approved, it is imperative that the applicant complete the project as set forth in the approved work plan and schedule. Failure to render satisfactory progress or to complete the project to the satisfaction of the State may be deemed an abandonment of the project and may cause the suspension or termination of any obligation of the State. Satisfactory progress toward implementation includes, but is not limited to, signing the State Assistance Contract and providing all necessary documents for execution by the State, submitting timely payment requests in accordance with the Record Keeping and Payment Guide, completing satisfactory work products, or other tasks identified in the approved work plan. The Departments of State and Environmental Conservation may recover funds if satisfactory progress is not being made in accordance with the SAC language.

11. APPLICATION EVALUATION CRITERIA and SCORING SYSTEM

Applications will be reviewed and evaluated in the order they are received using the criteria listed below. The application must demonstrate that the BOA meets one or more of the Funding Preferences. If it does, the application will then be further evaluated and scored using the Budget Criteria, Secondary Rating Criteria, Criteria for Applications to Advance to the Next Program Step (if applicable), and Criteria for Step 3 Application Site Assessment Supplements (if applicable). If it does not, the application will not be evaluated and will not be recommended for funding.

Applications may receive a maximum score of 100 points. Applications that score 50 points or greater and receive a passing grade under Criteria for Applications to Advance to the Next Program Step (if applicable) will be recommended for funding. If sufficient funds are not available, projects will be held until funding becomes available, and projects will be placed on a list, ranked by score from highest to lowest. Applications that do not

achieve a minimum score of 50 points and/or receive a failing grade under Criteria for Applications to Advance to the Next Program Step (if applicable) will not be recommended for funding. If an application is not recommended for funding, the applicant will be notified of the deficiencies and may reapply. Applicants are encouraged to schedule a consultation with their regional Department of State representative prior to reapplying.

If an application is recommended for funding, but sufficient funds are not available, the application will be held until funding becomes available. These applications will be placed on a waiting list and approved for funding based on the highest down to the lowest score.

Funding Preferences (40 maximum points)	
Concentration of Brownfields	10 points for areas impacted by a concentration of brownfield sites.
Strategic Opportunities	10 points will be awarded for areas with brownfield sites that present strategic opportunities to stimulate economic development, community revitalization, opportunities for new public amenities, or opportunities for environmental clean-up.
Indicators of Economic Distress	10 points for areas showing indicators of economic distress, including low resident incomes, high unemployment, high commercial vacancy rates, and/or depressed property values.
Community Partners	10 points for applications demonstrating community support and: <ul style="list-style-type: none"> - Applicants are a municipality and a community based organization working together and have submitted a joint application; and/or - Applicant demonstrates support from a municipality and community organization through letters attached to the application or other means.
Budget Criteria (21 maximum points)	
Eligible Costs	7 points for a budget with cost elements that are eligible under the program.
Relevant Costs	7 points for a budget with cost elements that are relevant and relate to the proposed scope of work.
Reasonable Costs	7 points for a budget in which the dollar value of the costs are reasonable (i.e., quotes, historic pricing).
Secondary Rating Criteria (39 maximum points)	
Each element under Economic Value, Partnership Value and Environmental Value will be scored using the following: <ul style="list-style-type: none"> • High (3 points - demonstrates significant value or benefit) • Medium (2 points - demonstrates average value or benefit) • Low (1 point - demonstrates little value or benefit) • Does not meet criteria (0 points - Demonstrates no value or benefit) 	

Economic Value (15 maximum points)

- Builds on or contributes to community/regional land use or economic development plans
- Is an integral part of a strategic set of actions designed to comprehensively address a community revitalization issue or opportunity
- Attracts new development to existing centers or to locally, state or federally designated economic development zones such as Empire Zones, Environmental Zones, Urban Renewal Districts, Industrial Parks, Business Improvement Districts, Federal Enterprise Zones, etc.
- Contributes to improving, redeveloping or revitalizing a regional center
- Makes efficient use of public investment in infrastructure

Partnership Value (12 maximum points)

- Documents support from local, regional, state and/or federal levels
- Demonstrates a record of developing or building public-private partnerships
- Enables community and/or region to make better use of public programs and funds
- Enables community to leverage financial resources to make better use of private funds

Environmental Value (12 maximum points)

- Leads to the enhancement of natural resource values in the built environment
- Leads to the protection or restoration of designated (local, state, or federal) natural resources
- Addresses environmental justice concerns to improve environmental quality in under served communities
- Leads to the development of an important public amenity for the community or region

Criteria for Applications to Advance to the Next Program Step (pass/fail evaluation)

- Project and associated tasks of previous Step were satisfactorily completed in a timely manner
- Project and associated tasks of previous Step were completed within budget

Criteria for Step 3 Application Site Assessment Supplements (pass/fail evaluation)

(Note: the pass/fail criteria only affects the site assessment supplement, not the entire Step 3 application)

- Site meets the eligibility requirements listed in Part II of the Step 3 Application Site Assessment Supplement
- The need for additional environmental information at the site is appropriately justified
- The scope of work, budget and schedule submitted for the site assessment are reasonable

APPENDIX A

Organization and Format Requirements For BOA Report Products

Organization and format requirements for report products generated as a result of the Brownfield Opportunity Areas (BOA) Program are listed below. These format requirements apply only to report products and are not to be used for application submissions (see Section 6 for Application Format Requirements).

Format for Print Copies:

Cover: A report cover that includes:

- Title (name the proposed Brownfield Opportunity Area and program step).
- Name of the municipality (city, town, or village and county) or municipalities in which the proposed BOA is located.
- Name of the entity submitting the study (municipality, community board, community based organization or joint application).
- Date and month the report was prepared.

Contents: A table of contents must be provided and be consistent with the description of content requirements in the work plan. The table of contents must also include a list of maps, tables, and appendices.

Sections: The report must include the sections described in the Step work plan. Each section must have a section cover page that states the section's title.

Pages: The narrative must be printed in an 11- or 12-point, Times New Roman, single space, on 8" x 11" paper with 1" margins and contain subject headings. Subject headings must be consistent with the content requirements in the work plan.

Pages must include footers that include the section name and page number. Page numbers must be numbered consecutively (i.e., 1, 2, 3, 4, 5, ...).

Limits: Draft and final reports submitted to the Departments of State and Environmental Conservation shall not exceed 150 pages, exclusive of the Executive Summary and appendices. Executive Summaries shall not exceed 15 pages. Appendices shall not exceed 150 pages.

Maps: Maps must be 8 ½" x 11", 8 ½" x 14" or 11" x 17" and be included in the body of the study. Maps that are 8 ½" x 14" or 11" x 17" must be folded down to an 8 ½" x 11" size. Maps that exceed the 11" x 17" size must be placed in a map pocket located at the end of the report. Rolled maps are not acceptable.

Binding: Documents must be bound in standard three-ring binders with a maximum ring size of 2 inches.

APPENDIX B

Step 1- Pre-Nomination Study

Pre-Nomination Study

The Pre-Nomination Study should be organized as outlined below:

Description of Project and Boundary

- Community Overview and Description
- Project Overview and Description
- Community Vision and Goals and Objectives
- Brownfield Opportunity Area Boundary Description and Justification
- Community Participation

Preliminary Analysis of the Brownfield Opportunity Area

- Existing Land Use and Zoning
- Brownfield, Abandoned and Vacant Sites
- Land Ownership
- Natural Resources
- Summary of Preliminary Analysis and Recommendations

Pre-Nomination Study Description of Contents

The Pre-Nomination Study should incorporate the requirements outlined below:

Description of Project and Boundary

Community Overview and Description - To provide context and setting, provide a brief summary description that includes: a description of the community, municipality, and region using demographic, social, economic, and employment indicators; a description of current community features and conditions; and a description of historical economic and land use development trends.

Map Requirements

Community Context Map - that shows the location and relationship of the community to the immediate municipality, county, and region.

Project Overview and Description - Describe the proposed Brownfield Opportunity Area (BOA) in terms of the number and size of brownfield sites and other abandoned, vacant, or partially developed sites located in the proposed BOA. A “brownfield” or “brownfield site” is defined in New York State law as any real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant. Describe the area's potential in terms of: providing new uses, businesses and housing; creating new employment opportunities; generating additional revenues; new public amenities or recreational opportunities; and improving environmental quality.

Map Requirements

Study Area Context Map - that shows the location of the proposed BOA in relation to the municipality, county, and region.

Community Vision and Goals and Objectives - Describe the community's vision and project specific goals and objectives to be achieved relative to community redevelopment and revitalization, providing new housing opportunities, improving economic conditions, addressing environmental justice issues, transportation, infrastructure, recreation opportunities, improving quality of life and environmental quality. Describe how the community's vision, and goals and objectives may reflect the principles of quality community development. Explain the relationship of the community's vision related to this project to any pre-existing community vision, revitalization strategies, and/or comprehensive plans.

Brownfield Opportunity Area Boundary Description and Justification - Describe the limits of the proposed BOA boundary. Describe and justify why certain borders were selected. The borders should follow recognizable natural or cultural resources such as but not limited to: highways, local streets, rail lines, municipal jurisdictions or borders, or water bodies. Project study areas should range between 50-500 acres. The borders must be justified in terms of:

- Land uses that affect or are affected by identified potential brownfield sites;
- Natural or cultural resources with a physical, social, visual or economic relationship to identified potential brownfield sites; and
- Areas necessary for the achievement of the expressed goals of the BOA.

Map Requirement

BOA Boundary Map - that clearly shows and identifies the proposed location and boundaries of the proposed BOA.

Community Participation

Describe the techniques or processes by which local participation in the development of an area-wide plan for the proposed BOA has been or will be sought.

Describe the partners or potential partners in terms of municipalities, community organizations, regional entities, private interests and other stakeholders that are involved or expected to be involved in the project.

Preliminary Analysis of the Brownfield Opportunity Area

Existing Land Use and Zoning - Provide a descriptive overview of existing land use and zoning in the proposed BOA including but not limited to:

- Location of study area as it relates to the community.
- Total land area, in acres and area of each sector or sub-area, in acres in the proposed BOA.
- Existing and adjacent land and water uses including but not limited to residential, retail and commercial, industrial, private and publicly owned land, vacant or underutilized, dedicated parks and open space, institutional uses and cultural uses.
- Land area committed to each land use category.
- All brownfield sites and other underutilized, abandoned, or vacant properties that are privately or publicly owned.
- Existing zoning and other relevant local laws or development controls guiding land use including historic districts.
- Local, county, state or federal economic development designations such as but not limited to Urban Renewal Areas, NYS Empire Zones, Environmental Zones, Federal Enterprise Business Zones, Business Improvement Districts, Industrial Parks, Special Assessment Districts, etc.

Map Requirements:

Existing Land Use Map - that shows the pattern of existing land use.

Existing Zoning Map - that shows the location and type of zoning districts.

Brownfield, Abandoned, and Vacant Sites - Identify and describe the size and condition of each relevant brownfield (relevant to reuse or redevelopment) , abandoned, or vacant site, including current ground water conditions, and potential contamination issues based on existing environmental information and reports, historic land use records, aerial photographs, from field observations, and any other known data about the conditions of the properties in the proposed BOA. Complete a site profile for each relevant brownfield and abandoned or vacant site. The site profiles will include tax map information (block, lot, section parcel numbers) as the primary means to identify each site.

Map Requirement

Underutilized Sites Location Map - that shows the location, borders, and size of brownfield sites and other underutilized, vacant or abandoned properties that are privately or publically owned.

Land Ownership - Identify and describe the private and public land ownership pattern including: land and acres held in public ownership (municipality, county, state, and federal); land held in private ownership; brownfields held in private or public ownership; and land committed to roads and rights-of-way.

Map Requirement

Land Ownership Patterns Map - that shows the pattern of public and private land ownership.

Natural Resources - Identify and describe natural resources and conditions including but not limited to: current groundwater use and conditions; surface waters and tributaries; wetlands; and any locally, state, or federally designated resources and open space areas.

Map Requirement

Natural Resources Map - that shows existing natural resources and environmental features.

Summary of Preliminary Analysis and Recommendations

- Identify and describe the reuse and development opportunities and needs in the proposed B OA with an emphasis on the identification, description, and recommendations for preliminary reuse opportunities for identified brownfield sites and other actions to revitalize the area.
- Include a description of anticipated end land uses including residential, commercial, industrial, or recreational and describe the anticipated future conditions and use of groundwater.
- Identify and describe any other public and private measures needed to stimulate investment, promote revitalization and enhance community health and environmental conditions in the proposed BOA.

Map Requirement

Actions for Revitalization Map - that shows and illustrates the location of key actions to be undertaken to revitalize the study area.

APPENDIX C

Step 2- Nomination

The Nomination (Step 2) and Implementation Strategy (Step 3) comprise the BOA Plan. The Sections outlined under Nomination (Sections 1-3) comprise the first three sections of the BOA Plan. The Sections outlined under Implementation Strategy (Sections 4 - 5) comprise the last two sections of the BOA Plan.

Nomination

The Nomination should be organized as outlined below:

Executive Summary

Section 1 - Project Description and Boundary

- Lead Project Sponsors
- Project Overview and Description
- Community Vision, Goals and Objectives
- Brownfield Opportunity Area Boundary Description and Justification

Section 2 - Public Participation Plan and Techniques to Enlist Partners

- Public Participation Plan
- Techniques to Enlist Partners

Section 3 - Analysis of the Brownfield Opportunity Area

- Community and Regional Setting
- Inventory and Analysis
- Existing Land Use and Zoning
- Brownfield, Abandoned and Vacant Sites
- Strategic Sites
- Land Ownership
- Parks and Open Space
- Building Inventory
- Historic or Archeologically Significant Areas
- Transportation Systems
- Infrastructure
- Natural Resources and Environmental Features
- Economic and Market Trends Analysis
- Summary Analysis, Findings, and Recommendations of the BOA and Strategic Sites

Nomination Description of Contents

The Nomination should include the requirements outlined below:

Executive Summary

Provide an executive summary to describe the Nomination. The executive summary shall include: the community and project overview and description; the study area boundary; the community's vision for the area and major goals and objectives; the public participation process; existing conditions in the study area and key natural resources; key economic opportunities based in part on the economic and market trends analysis; strategic sites and associated redevelopment opportunities; and key findings and recommendations. Please note information in the Pre-Nomination Study approved by the State should be used in Step 2 as appropriate and not duplicated under Step 2.

Section 1 - Project Description and Boundary

Lead Project Sponsors - Describe the relationship and organizational structure between the sponsoring municipality and involved community organizations or the relationship and organizational structure between the sponsoring community organization and the municipality.

Project Overview and Description - Provide a project overview and description including: the relationship of the study area to the community and region; acreage in the study area; and the number and size of brownfield sites and other abandoned, vacant, or partially developed sites located in the proposed Brownfield Opportunity Area (BOA). Describe the area's potential in terms of opportunities for: new uses and businesses; creating new employment and generating additional revenues; new public amenities or recreational opportunities; and restoring environmental quality.

Map Requirements

Community Context Map - that shows the location of the BOA in relation to the municipality, county and region.

Study Area Context Map - that shows the location of the BOA in relation to the entire municipality.

Community Vision and Goals and Objectives - Describe the community's vision statement and specific goals and objectives to be achieved relative to community redevelopment and revitalization, improving economic conditions, addressing environmental justice issues, transportation, infrastructure, recreation opportunities, improving quality of life and environmental quality. The community's vision and associated goals and objectives will reflect, to the degree appropriate, the principles of sustainable community development, including, but not limited to:

- strengthening and directing development towards existing community centers;
- fostering distinctive, attractive communities with a strong sense of place;
- mixing land uses;
- taking advantage of “green” building design;
- creating a range of housing opportunities and choices, including affordable housing;
- reusing historic buildings and preserving historic sites;
- preserving open space, farmland, natural beauty, and critical environmental areas;
- providing a variety of transportation choices (public transit, pedestrian, bicycle, etc.);
- creating walkable neighborhoods;
- using best management practices for stormwater management;
- making development decisions predictable, fair and cost effective; and
- encouraging community and stakeholder collaboration in development decisions.

Brownfield Opportunity Area Boundary Description and Justification - Describe the proposed BOA boundary and describe and justify why certain borders were selected. The borders should follow recognizable natural or cultural

resources such as but not limited to: highways, local streets, rail lines, municipal jurisdictions or borders, water bodies, or other clearly recognizable features. Project study areas should be between 50-500 acres. The borders must be justified in terms of:

- Land uses that affect or are affected by identified brownfield sites.
- Natural or cultural resources with a physical, social, visual or economic relationship to identified brownfield sites.
- Areas necessary for the achievement of the expressed goals of the BOA.

Map Requirement

Brownfield Opportunity Area Boundary Map - that shows the entire BOA, borders, and location of brownfields sites and other underutilized, vacant or abandoned properties.

Section 2 - Public Participation Plan and Techniques to Enlist Partners

Public Participation Plan - Describe the public outreach methods and techniques used to ensure public participation throughout the course of preparing the Nomination. Methods and techniques may include, but are not limited, to: the use of steering committees; establishing and maintaining a project contact list; public informational or outreach meetings; vision sessions; design charettes; workshops; discussion groups; surveys; and public meetings and hearings.

Minimum Public Participation Requirements:

- Local Steering Committee to guide the plan's preparation.
- Three public presentations and informational meetings on the draft Nomination (Sections 1- 3). These meetings will provide opportunities for the general public to participate and be informed about the plan's preparation at key junctures during the plan's preparation.

Techniques to Enlist Partners

Partners - Describe the partners that have been consulted about the plan. Examples of partners may include: local, county, state or federal government agencies; property owners; private sector interests; not-for-profit organizations; academic institutions; and other stakeholders.

Consultation Methods and Techniques - Describe consultation methods and techniques used to inform project partners about the project's status and progress and to enlist their assistance in the process. Examples of consultation methods and techniques may include, but are not limited to: written correspondence; phone contact; and meetings and workshops involving local, county, state or federal government agencies, property owners, private sector interests, not-for-profit organizations, and academic institutions.

Describe meetings or workshops that have occurred at appropriate and key stages during the preparation of the Nomination. The purpose is to: improve communication and understanding about project objectives and needs; gain information about the status of on going remedial activities and the environmental condition of brownfield sites in the study area; gain information about funding opportunities available from government programs and private-sector or not-for-profit organizations to facilitate clean-ups, foster appropriate redevelopment, rehabilitate existing infrastructure or provide new infrastructure; gain support from government agencies for permitting and financing; and to coordinate government agency and private-sector actions.

Minimum Consultation Requirements (can be coordinated with the presentations above):

Presentation to partners on the Nomination (Sections 1- 3) that describes existing conditions, strategic sites, and summary analysis, key findings and recommendations.

Section 3 - Analysis of the Proposed Brownfield Opportunity Area

Community and Regional Setting - Describe the contextual relationship of the proposed BOA by providing a descriptive summary and overview of the municipality and region that includes, but is not limited to: community size, population, and location in relation to the county and region; key demographic information and trends; housing trends and needs; the area's economic history and current condition including income, dominant employment sectors, and unemployment figures; land use history and current status; transportation systems; infrastructure; and natural features. Complete this summary by relying primarily upon existing reports and plans.

Inventory and Analysis - The inventory and analysis must be completed for the entire brownfield opportunity area and provide an in-depth and thorough description and analysis of existing conditions, opportunities, and reuse potential for brownfield sites located in the proposed BOA with an emphasis on the identification and reuse potential of strategic sites that may be catalysts for revitalization. The inventory and analysis must include the information needed to develop specific and realistic recommendations for the use of land and groundwater in the proposed BOA and implementation projects.

Describe and characterize the BOA by conducting an inventory and analysis. Divide large areas into logical sectors or subareas to organize and facilitate the preparation of the inventory and analysis. Describe and characterize the study area, sectors, or subareas in terms such as: total acres; acres developed and vacant including strategic sites for redevelopment; percent of the total area or sector developed with specific land use types and percent of land area vacant. The inventory and analysis needs to include, but is not limited to, a description of the following:

Existing Land Use and Zoning

- location of study area as it relates to the community;
- total land area in acres and area of each sector or subarea in acres of the proposed BOA;
- existing and adjacent land and water uses including, but not limited to, residential, retail, commercial, water-dependent, industrial, publicly or privately owned land, vacant or underused sites, dedicated parks and dedicated open space, institutional uses, and cultural uses;
- land area committed to each land use category;
- brownfield sites and other underused, abandoned, or vacant properties that are publicly and privately owned;
- known data about the environmental conditions of the properties in the area;
- existing zoning and other relevant local laws or development controls guiding land use including historic districts; and
- local, county, state or federal economic development designations or zones (such as Empire Zones, Environmental Zones, Urban Renewal Areas, Federal Enterprise Business Zones, Business Improvement Districts, Industrial Parks, Special Assessment Districts, etc.)

Map Requirements

Existing Land Use Map - that shows the pattern of existing land use.

Existing Zoning Map - that shows the location and type of zoning districts.

Brownfield, Abandoned, and Vacant Sites - Describe the condition of relevant brownfield, abandoned, or vacant sites, including current ground water conditions, and potential contamination issues based on field observations, existing environmental information, historical land use records, aerial photographs, or other available data. For each relevant brownfield and abandoned or vacant site, a descriptive site profile shall be completed. For potential strategic brownfield sites, it is recommended that a Phase I report be prepared in accordance with American Society of Testing and Materials (ASTM) standards. See Appendix E, Step 3 Site Assessments Factors for Site Selection for factors used to determine eligible strategic brownfield sites. Sites will be identified using tax map information (block, lot, section parcel numbers) as the primary means to identify each site.

Strategic Sites - Provide a description and analysis to determine strategic sites for redevelopment that have been identified through the planning process. Factors that may be used to identify strategic sites can include but are not limited to: location, size, capacity for redevelopment, potential to spur additional economic development, potential to improve quality of life or to site new public amenities, owner willingness, and adequacy of infrastructure, transportation systems, and utilities.

Map Requirement

Underutilized Sites Location Map - that clearly shows the location, borders and size of relevant brownfield sites and other underutilized, abandoned or vacant sites that are privately or publically owned.

Land Ownership - Describe the private and public land ownership pattern including: land and acres held in public ownership (municipality, county, state, and federal); land held in private ownership; and land committed to road/rights-of-way.

Map Requirement

Land Ownership Map - that shows the primary public and private land ownership patterns.

Parks and Open Space - Description of all public (municipal, county, state, and federal) and privately owned lands that have been dedicated for, or committed to, parks or open space use.

Map Requirement

Parks and Open Space Map - that shows lands that have been dedicated or committed for park or open space use.

Building Inventory - Describe key buildings in the area including building name, levels, gross square footage, original use, current use, condition, and ownership.

Map Requirement

Building Inventory Map - that shows the location of key buildings.

Historic or Archeologically Significant Areas - Describe historic or archeologically significant areas, sites, districts, or structures.

Map Requirement

Historic or Archeologically Significant Areas - that shows resources of historic significance (may be shown as part of the Building Inventory Map).

Transportation Systems - Describe the types of transportation systems (vehicular, rail, subways, air, navigable waterways) and types of users (truck, car, bus, ferry, train, subway, recreational and commercial vessels, pedestrian, bicyclists, etc.).

Map Requirement

Transportation Systems - that shows primary transportation networks and systems.

Infrastructure - Describe infrastructure (water, sewer, stormwater, etc.) and utilities including location, extent, condition and capacity. Include parking lots and garages.

Map Requirement

Infrastructure and Utilities - showing primary infrastructure.

Natural Resources and Environmental Features - Describe and analyze the area's natural resource base, environmental features and current conditions including, but not limited to: upland natural resources and open space;

geologic, soil and topographic resources; surface waters and tributaries, groundwater resources and use; wetlands; flood plains; erosion hazard areas; fish and wildlife habitats; air quality maintenance areas; visual quality; agricultural lands; and locally, state, or federally designated resources.

Map Requirement

Natural Resources Map - that shows the location of primary natural resources and environmental features.

Economic and Market Trends Analysis - Describe and analyze economic conditions and market trends that, when combined with the inventory and analysis, sufficiently justify a range of realistic future land uses to occupy the area and strategic sites that are targeted for redevelopment. Describe future land uses that are economically viable, compatible, and appropriate for the area targeted for redevelopment. The economic analysis shall include existing and projected socio-economic conditions within the municipality and the region and consider the following: population; labor force and earnings; employment (public and private); transportation factors; land available for development; types of potential future land uses most appropriate for the study area; development impacts; and a description of benefits such as employment, impact on the area targeted for redevelopment, municipal tax revenues, economic benefits from construction and subsequent business operations, and economic multipliers to the municipality and region from desired end land uses. The economic and market trends analysis may consist of a macro and micro analysis, including a micro-economic and real estate trends analysis that addresses issues and opportunities at the municipal, neighborhood and block levels relevant to the proposed BOA.

Summary Analysis, Findings, and Recommendations of the BOA and Strategic Sites

The summary analysis and subsequent findings shall be provided and include, but are not limited to, the following:

- an analysis and findings based in part on the economic and market trends analysis, that provides an in-depth and thorough description of existing conditions, including an assessment and summary of existing land use and zoning;
- an analysis and findings of reuse and development opportunities and needs for properties located in the proposed BOA, with an emphasis on the identification and description of reuse and redevelopment opportunities for strategic sites that have been identified by the community as catalysts for revitalization;
- an identification of strategic brownfield sites that are potential candidates for site assessment grants;
- an analysis and findings that shall include anticipated end or future land uses including residential, commercial, industrial, recreational or cultural, and a clear comparison of proposed uses and necessary or desired zoning changes to existing land use and zoning;
- an analysis and findings regarding publicly controlled and other lands and buildings which are or could be made available for development or for public purposes;
- anticipated future use of groundwater; and
- an analysis and findings of necessary infrastructure improvements and other public or private measures needed to stimulate investment, promote revitalization, and enhance community health and environmental conditions

Following the summary analysis and findings, a series of key recommendations will be provided. These key recommendations will serve as the basis for the Implementation Strategy.

APPENDIX D

Step 3- Implementation Strategy

The Nomination (Step 2) and Implementation Strategy (Step 3) comprise the BOA Plan. The Sections outlined under Nomination (Section 1-3) comprise the first three sections of the BOA Plan. The Sections outlined under Implementation Strategy (Sections 4 - 5) comprise the last two sections of the BOA Plan.

Implementation Strategy

The Implementation Strategy should be organized as outlined below.

Section 4 - Implementation

Defining Future Uses

- Future Uses Defined and Described
- Reuse of Strategic Sites: Cost Benefit Scenario
- Design Alternatives and Illustrations for Strategic Sites
- Profiles of Strategic Sites for Marketing Purposes

Land Use Implementation Techniques to Ensure Desired End Land Uses

- Zoning and Other Local Laws
- New or Modifications to Existing Economic Districts or Designations
- Design Standards and Guidelines
- Graphics and Illustrative Materials
- Best Management Practices to Minimize Impacts to Natural Features

Implementation Projects

- Preconstruction Activities
- Construction Projects
- Studies, Reports, Investigations, or Feasibility Assessments

Local Management Structure to Implement the Brownfield Opportunity Area

Regional, State, and Federal Actions and Programs for Implementation

Section 5 - Compliance with the NYS Environmental Quality Review Act

- Purpose of SEQRA
- Reasons to Prepare a Generic Environmental Impact Statement
- Incorporating a Generic Environmental Impact Statement Into the BOA Plan
- Advantages to Preparing a Generic Environmental Impact Statement in a BOA Plan

Implementation Strategy Description of Contents

The Implementation Strategy should incorporate the requirements outlined below:

Section 4 - Implementation Strategy

Describe the implementation strategy and specific techniques that will be used to ensure the plan's objectives for the proposed Brownfield Opportunity Area (BOA) and strategic sites are achieved.

Describe the specific techniques, range of projects, local management structure, and other actions that are necessary to achieve the desired revitalization objectives in the proposed BOA. Categorize and describe the actions in priority order, and include the short, intermediate, and long-term private and public actions and investments necessary to redevelop the area or achieve the desired changes. Describe a time-frame and schedule for when actions will be taken, estimated cost, responsible entity, and potential funding sources.

Defining Future Uses

Future Uses Defined and Described - Define and describe the most appropriate range of future land uses for the entire BOA and individual strategic sites based on the area-wide analysis, including the economic and market trends analysis, site assessment reports, public outreach and informational meetings, consultations with government agencies, and discussions with private-sector interests. Describe the anticipated use of groundwater in the BOA.

Map Requirement

Proposed Land Use Map - that shows future uses for the entire study area.

Reuse of Strategic Sites: Cost-Benefit Scenario - Describe specific land use alternatives for the strategic sites that are targeted for redevelopment. The land use alternatives shall be based upon the area-wide analysis, and the most recent environmental information available. For specific strategic sites, descriptions will include:

- the most appropriate and realistic land uses;
- the economic benefits (in terms of tax revenues, jobs created, and associated economic generators);
- the range of estimated costs (such as purchase, remediation, and redevelopment) to the community or private sector that are associated with the desired future land uses;
- necessary or desired infrastructure improvements needed to support the proposed development alternatives, such as improvements to transportation systems, infrastructure and utilities, improving environmental conditions (such as containing runoff through grading or drainage structures);
- the magnitude of overall costs for comparative purposes;
- associated issues and impacts; and
- overall advantages and disadvantages.

Map Requirement

Proposed Land Use Map for strategic sites

Design Alternatives and Illustrations for Strategic Sites

Describe and illustrate site plan design alternatives for strategic sites to demonstrate where identified end-land uses and associated parking areas, landscaping, and walkways can be located.

Illustration Requirement

Schematic Site Plan Design Layouts for strategic sites

Profiles of Strategic Sites for Marketing Purposes

Complete descriptive profiles of strategic sites for inclusion in real estate portfolios, marketing brochures, or for posting on web sites to publicize the site's availability for redevelopment for desired end land uses. Include completed profiles in the Appendix to the Implementation Strategy.

Map Requirements

Redevelopment Opportunity Context Map - that shows the site's relationship to the community.

Redevelopment Opportunity Site Plan Map - that shows each site available for redevelopment.

Land Use Implementation Techniques to Ensure Desired Land Uses

Describe the techniques that will be used to achieve desired end land uses. Techniques may include but are not limited to the following:

Zoning and Other Local Laws - Describe necessary revisions to zoning, site plan ordinances and any other local laws to ensure desired end land uses in the proposed BOA and on strategic sites. The proposed local zoning regulations must be consistent with the proposed uses for the BOA and strategic sites.

Map Requirements

Proposed Zoning Map - that shows the proposed zoning designation of an area and the proposed location of any new or modifications to existing economic districts.

New or Modifications to Existing Economic Districts or Designations - Describe the need for new or to modify existing districts or designations intended to spur investment, redevelopment, and revitalization such as Urban Renewal Areas, Empire Zones, or Business Improvement Districts.

Design Standards and Guidelines - To ensure that future development and associated building structures will be compatible with the site, adjacent land use, and overall community character.

Graphics and Illustrative Materials (conceptual plans, elevation drawings, section drawings, perspective drawings) To convey to municipal leaders, community organizations, residents, and investors how strategic sites, streetscapes and other areas of interest have the potential to appear after development or improvements are completed.

Best Management Practices to Minimize Impacts to Natural Features - A description of practices to be employed to avoid or minimize environmental impacts and an explanation of how they will be employed.

Implementation Projects

Describe specific, realistic projects to revitalize the proposed BOA.

Preconstruction Activities

Describe preconstruction activities necessary prior to initiation of construction projects in the BOA. Examples of preconstruction activities necessary prior to construction include: final designs and plans; construction documents and specifications; bid documents; and permits.

Other examples of preconstruction activities include: environmental impact assessments and declarations; remedial investigations; remediations (site clean-ups); title searches; land surveys; land acquisition; archeological investigations; engineering assessments of infrastructure and buildings or structures; and site preparation including clearance or removal of debris and obsolete structures.

Construction Projects

Describe specific construction projects that appear to be feasible and are likely to be implemented to revitalize the BOA. Examples of projects include:

- Redevelopment Projects (to establish desired uses or businesses)
- Transportation Projects (road, bus or rail terminal, bike path, etc.)
- Infrastructure Projects (water, sewer, light district, etc.)
- Public Improvement Projects (esplanades, plazas, parks, trails, piers, etc)
- Environmental Improvement Projects (wetland restoration, litter removal, water quality)

Map Requirement

Proposed Projects Map - that shows the location of proposed projects.

Studies, Reports, Investigations, or Feasibility Assessments

Describe studies, reports, investigations or initial feasibility assessments necessary to address an issue or to advance projects in the BOA or necessary to lead to preconstruction activities and construction projects mentioned above.

Local Management Structure to Implement Brownfield Opportunity Area

Describe the designated lead agency and administrator that will be responsible for the overall management and coordination of the BOA and serve as the primary sponsor to lead and advance implementation projects. Examples include: Department of Economic Development or Planning, Community Development Agency, Industrial Development Agency, Local Development Corporation, and Municipal Development Authority.

Regional, State, and Federal Actions and Programs for Implementation

Describe actions and programs at the local, county, state and federal levels necessary to achieve the specific objectives identified in the BOA Nomination. Types of assistance may include technical assistance, financial assistance, permitting, and direct actions undertaken by an agency (road or park construction).

Section 5 - Compliance with the NYS Environmental Quality Review Act

Participants in the BOA Program are strongly recommended to review the SEQRA regulations for the specific procedural steps required for proper SEQRA compliance. Participants are also reminded of the need to follow local environmental review procedures and regulations.

Purpose of SEQRA

The basic purpose of SEQRA is to incorporate consideration of environmental factors into the existing planning, review, and decision-making processes of state, regional, and local government agencies at the earliest possible time. To accomplish this goal, SEQRA requires that all agencies determine whether the actions they directly undertake, fund, or approve may have a significant adverse impact on the environment, and, if it is determined that the action may have a significant adverse impact, prepare or request that an environmental impact statement be prepared.

It is the intention of SEQRA that the protection and enhancement of the environment, human, and community resources should be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on proposed activities. Accordingly, it is the intention of SEQRA that a suitable balance of social, economic, and environmental factors be incorporated into the planning and decision-making processes of state, regional, and local agencies. It is not the intention of SEQRA that environmental factors be the sole consideration in decision-making.

Reasons to Prepare a Generic Environmental Impact Statement

The SEQRA regulations identify that Draft GEIS’s are generally broader, and more general than site or project specific EIS’s and should discuss the logic and rationale for the choices advanced. Draft GEIS’s may be used to assess the environmental impacts of:

- a number of separate actions in a given geographic area which, if considered singly, may have minor impacts, but if considered together, may have significant impacts;
- a sequence of actions, contemplated by a single agency or individual;
- separate actions having generic or common impacts; or
- an entire program or plan having wide application or restricting the range of future alternative policies or projects, including new or significant changes to existing land use plans, development plans, zoning regulations, or agency comprehensive resource management plans.

Incorporating a Generic Environmental Impact Statement Into the BOA Plan

Draft Generic Environmental Impact Statements (GEIS) are particularly well suited to the type of planning to be undertaken in a BOA Plan. The BOA Plan (Nomination and Implementation Strategy) is designed to fully incorporate a GEIS into the body of the BOA Plan so they are one in the same. The following summary table shows how GEIS content requirements are blended into the BOA Plan.

<i>Brownfield Opportunity Areas Plan</i>	<i>GEIS Content Requirements</i>
Section 1 - Description of Project and Boundary	Description of Proposed Action
Section 2 - Community Participation	SEQRA public hearing is conducted simultaneously with a public hearing on the BOA Plan
Section 3 - Analysis of the BOA	Description of Environmental Setting
Section 4 - Implementation Strategy	- Potential Significant Adverse Impacts - Description of Mitigation Measures - Description of the Range of Reasonable Alternatives to the Proposed Action
Section 5 -Compliance with SEQRA	- Consistency with NYS CMP Coastal Policies - Consistency with Heritage Area - GEIS References - Conditions for Future Actions

Section 5 of the BOA Plan will include a reference table that describes how GEIS content requirements were satisfied and specifically where in the body of the BOA Plan those content requirements are located and can be found. Section 5 of the BOA Plan will also include a description of how, during the course of preparing the BOA Plan, the requirements of the NYS Environmental Quality Review Act have been fulfilled and complied with, including the BOA Plan's consistency with New York State Coastal Management Program's Coastal Policies, its consistency with Heritage Areas, and conditions for reviewing and approving future actions.

Section 5 of the BOA Plan will also include: a description of the significant steps and procedures that have been taken to comply with SEQRA while developing the BOA Plan; a description of the designated Lead Agency and the process to declare Lead Agency; the completed environmental assessment forms; and the determination of significance regarding the proposed action.

Advantages to Preparing a Generic Environmental Impact Statement in a BOA Plan

Preparation of a Draft GEIS for a BOA Plan has many advantages for streamlining the redevelopment process for strategic sites. Some of the prominent advantages are:

- The GEIS prepared for a BOA Plan sets forth the specific conditions or criteria under which no further SEQRA compliance is required when specific redevelopment projects are proposed. This advantage has the potential to significantly streamline and reduce the time that may be required to complete redevelopment projects.
- The preparation of a GEIS is an eligible activity under the BOA Program. The BOA Program is one of the only funding sources available for preparation of environmental impact statements and SEQRA compliance.
- By preparing a GEIS the applicant will be in a strong position to avoid potential criticism for having not analyzed potential environmental impacts associated with BOA planning activities.
- By preparing a thorough GEIS the applicant may learn of important information discovered during the GEIS preparation process that will benefit the redevelopment process.

APPENDIX E

Step 3 - Site Assessments

Site Assessments

- *Defining a Site Assessment*
- *Responsibilities Concerning Site Contamination*
- *Defining the Site*
- *Eligible Sites*
- *Eligible Tasks and Costs*
- *State Oversight*
- *How to Apply for Site Assessment Funding*

Defining a Site Assessment

Any Site Assessment (SA) performed under the BOA Program must be conducted in accordance with the ASTM standard for Phase II Environmental Site Assessments (ASTM E1903-97 (2002)). Additional information on the standard can be found on ASTM's website. This industry standard fosters a consistently applied approach to SAs and allows the grantee to end the SA at the point where sufficient data has been generated to meet BOA objectives. If an ASTM E1527 Phase I Environmental Site Assessment was not already performed on the property, it must be performed as part of the BOA SA.

The purpose of an SA is to gather reliable information about a property's environmental condition in order to guide the grantee in making an informed land use decision under the BOA Program. Additional environmental information must be necessary to determine technically and economically viable land uses for the BOA. The ASTM standard for Phase II Environmental Site Assessments does not include the level of technical specificity required to select and design a remedy for the property, but it does provide flexibility in determining the level of assessment and is appropriate for the land use planning stage of the redevelopment process.

SAs will be evaluated on a pass/fail basis. The State will not limit the number of SAs under one BOA. However, it has established a funding maximum of \$500,000 (90% of \$555,555 total eligible costs) for SAs per BOA.

Responsibilities Concerning Site Contamination

Participation in the BOA Program does **not** provide a release of liability (e.g., notification requirements, enforcement actions) from New York State Environmental Conservation Law or New York State Navigation Law to grantees or owners of sites where SA's are being performed. Entities (e.g., grantees, site owners) should be aware that indemnifying another party, such as a previous owner, in regards to a site could actually increase that entity's liability regarding site contamination.

Defining the Site

The site should be defined for the purposes of an SA around one or more areas of concern and may include one or more tax parcels. The site must have definite and identifiable boundaries. The SA report will normally present findings for the site, not each tax parcel. However, if multiple tax parcels make up the site, the report may summarize the SA findings by tax parcels, if it would advance BOA objectives.

Eligible Sites

In order to be eligible for a SA in the BOA Program, a site

- cannot be on the Federal National Priority List;
- cannot be listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites as a Class 1 or 2 Site;

- cannot be a permitted Resource Conservation and Recovery Act site under ECL Article 27, Title 9. Interim status sites, however, are eligible;
- cannot be subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the Environmental Conservation Law. If the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement;
- cannot be subject to an enforcement action under a State or Federal remedial program;
- must be owned by party that is not responsible for site contamination. The party must be either a **volunteer** or a **municipality**, as defined below:
 - volunteer (as defined in the Brownfield Cleanup Program, 6NYCCR 375-3.2): an applicant other than a participant, including without limitation a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants, provided however, such person exercises appropriate care with respect to contamination found at the facility by taking reasonable steps to:
 - (i) stop any continuing release;
 - (ii) prevent any threatened future release; and
 - (iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination;
 - municipality (as defined in the Environmental Restoration Program, 6NYCCR 375-4.2 and 4.3(b)(1)): a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof. Such term shall not refer to a municipality that generated, transported, or disposed of, arranged for, or that caused the generation, transportation, or disposal of hazardous substance located at the proposed site
 - A municipality is not considered a generator, transporter, or arranger:
 - for having rendered care, assistance, or advice in the course of an incident creating a danger to public health or welfare or to the environment as a result of any release of a contaminant or the threat of same; or
 - for having leased a site to another party that generated, transported or disposed of, or that arranged for or caused the generation, transportation or disposal of, any contaminant on such site unless such municipality knew that such other party generated, transported or disposed of, or arranged for or caused the generation, transportation or disposal of, such contaminant and failed to take any action to remediate, or cause the remediation of such contaminant

- must be accessible to the applicant in order to perform the site assessment;
- must have been determined a "strategic site" by the Department of State (DOS) during Step 2 of the BOA process;
- must have been determined a "brownfield" by DOS during Step 2 of the BOA process. A "brownfield" is defined as any real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant;
- must require additional environmental information to determine a technically and economically viable land use for the BOA; and
- may be contaminated as a result of an onsite or offsite source.

In determining site eligibility, DEC will not consider the following:

- contamination of structures located at the site, due to stored materials, electrical appurtenances, lead paint, or asbestos, etc; or
- material not constituting "contaminants" as defined in 6NYCCR 375-1.2 (e.g. construction and demolition debris, abandoned consumer goods or material disposed at the site otherwise defined as solid waste as set forth in regulation).

Note: Due to different eligibility criteria, site eligibility for a SA in the BOA program does not guarantee site eligibility in the New York State Brownfield Cleanup Program.

Eligible Tasks and Costs

Eligible SA costs include the contractual costs associated with the performance of the SA. The contractual budget should be broken down as indicated in the application and guidance. Eligible tasks include those normally performed under a Phase II ESA: development of a workplan, assessment activities, evaluation of data, interpretation of results, and report preparation. See ASTM E1903-97 (2002) standard guide for Phase II ESAs for a detailed discussion of these tasks. Any other applicant costs associated with the SA should be requested as part of the regular BOA Step 3 (Implementation Strategy) application budget submittal, not the SA component.

If an ASTM E1527 Phase I ESA was not already performed on the property, the scope of a Phase I must be added to the proposed scope of work of the Phase II. It may be necessary to complete the Phase I prior to finalizing the scope of the Phase II; therefore, the Phase II final work plan may not be approved prior to the completion of the Phase I. The final report for the Phase I and II ESAs should be combined into one document.

Costs associated with the assessment of asbestos or lead paint inside a structure may be eligible if this information is required to determine technically and economically viable land uses for the BOA. However, if the scope of the site assessment is almost exclusively the assessment of indoor asbestos or lead paint, the proposed site assessment will not be eligible. In addition, no other costs associated with the assessment of indoor conditions (e.g. soil vapor) are eligible.

State Oversight

DOS will review and approve the procurement effort, draft contracts and payment requests for the entire BOA project, including SAs. The DEC BOA project manager will be available during the SA to answer any technical questions, and will review the SA workplan and report for acceptability.

It is anticipated that the grantee will procure a contractor to perform the SAs. The contractor must meet the definition of a Qualified Environmental Professional as provided at 6 NYCRR Part 375-1.2(ak). BOA grantees may not use their own employees (force account) to perform the SA, given the technical nature of the work.

The SA work plan and report must include the appropriate certification provided below. The appropriate certification must be included on the title page of all submissions of the document (so it can be reviewed along with the rest of the document) and must be fully executed when the document is submitted to DEC for review.

For SA work plan:

"I _____ certify that I am currently a Qualified Environmental Professional as defined in 6NYCRR Part 375 and that this Site Assessment Work Plan was prepared in accordance with all applicable statutes and regulations and in substantial conformance with Applicable Guidance, including ASTM E1527 Phase I Environmental Site Assessment and ASTM E1903-97 (2002) Phase II Environmental Site Assessment."

For SA report:

"I _____ certify that I am currently a Qualified Environmental Professional as defined in 6NYCRR Part 375 and that this Site Assessment Report was prepared in accordance with all applicable statutes and regulations and that the Site Assessment was performed in substantial conformance with the approved work plan."

How To Apply For Site Assessment Funding

Funding for SAs must be requested as part of a BOA Step 3 application. The applicant must complete and submit a Step 3 Application Site Assessment Supplement form for each SA requested in the Step 3 application. In addition to a fully completed form, a request for SA funding must include:

- a deed as proof of site ownership;
- any environmental reports (Phase I and II environmental site assessments, property descriptions from the Nomination report, etc.) that currently exist for the site or a portion of the site;
- for sites where the applicant is not the site owner, a Non-Applicant Site Owner and Access Certification Form, which includes certification that the site owner will allow access to the properties that compose the site; and
- a scope of work and budget that is reasonable for the proposed project.
 - The proposed scope of work must include schedule (in months) and a breakdown by major tasks: development of the workplan, assessment activities, evaluation of data, interpretation of results, and report preparation. See ASTM E1903-97 (2002) guidance for detailed discussion of major tasks.

If an ASTM E1527 Phase I ESA was not already performed on the property, the scope of a Phase I must be added to the proposed scope of work of the Phase II. It may be necessary to complete the Phase I prior to finalizing the scope of work of the Phase II; therefore, the Phase II final work plan may not be approved prior to the completion of the Phase I. The final report for the Phase I and II ESAs should be combined into one document.

- The estimated contractual budget should be broken down by expenditure categories within major tasks. Applicants should use the BOA Program Site Assessment Budget Request Worksheet attached to the Step 3 Application Site Assessment Supplement form to develop the estimated budget. Applicants should provide as much detail as possible in the scope of work (e.g. number of planned samples or wells) to develop an accurate estimated budget.
- The total of all the SA budgets (contractual costs only) must be included in Part H, column 2 of the Step 3 Application. The development of a general scope of work and estimated budget for a proposed SA is an eligible activity under Step 2.

A site approved for an SA may be deleted and replaced by another site, after the Step 3 application is approved, as long as it would not result in an increase to the grant award. Factors that would be considered are: the reasons for

replacing the site, the amount of work and expenditures incurred on the deleted site, and whether sufficient time and money exists to complete a SA on the proposed replacement site. A Step 3 Application Site Assessment Supplement and all other required documents for the proposed site, along with an explanation that address the factors discussed above, would be required and should be submitted to DOS for eligibility review. The request would be reviewed, a determination made and the grantee notified by DOS.