



Massachusetts
Department
of
ENVIRONMENTAL
PROTECTION

Bureau of Waste Site Cleanup Technical Assistance Grant (TAG) Program Project Opportunities - FY2010

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Overview of the Grant Program

Public participation is an essential part of the Commonwealth's Waste Site Cleanup Program. To encourage participation, MassDEP has established a **Technical Assistance Grant (TAG) Program** to assist citizens in obtaining and understanding technical information used to make cleanup decisions, and to promote citizen involvement in planning cleanup actions. These grants are authorized by Section 14(c) of Massachusetts General Law Chapter 21E (the Massachusetts Superfund Law). Regulations establishing how the grant program will be implemented are in the Massachusetts Contingency Plan (MCP), Subpart N (310 CMR 40.1450).

Municipalities, public water suppliers, and community groups that are impacted by a hazardous waste disposal site, and not involved in the cleanup actions, are encouraged to apply. Site specific information needed to complete the application is available from the MassDEP's Regional Office Service Centers and the MassDEP website at <http://www.mass.gov/dep/cleanup/>.

Submissions are judged through a competitive process, strictly on the information contained in the proposal. Proposals selected for funding will be those that best address MassDEP's goals of assisting citizens in understanding and using information that becomes the basis for cleanup decisions, and of promoting citizen involvement in planning response actions. Upon completion of their grant, grantees submit a self-evaluation, reporting on the challenges and successes of their project.

Frequently Asked Questions

WHAT CAN TAGs BE USED FOR? TAGs can be used to:

- provide expert advice and technical assistance to citizens about assessing and cleaning up a particular site
- promote access to and use of information that has been developed for a site
- provide information to citizens about issues of public concern related to specific sites

HOW MUCH MONEY IS AVAILABLE? DEP anticipates awarding up to \$100,000 (*subject to availability and funding in the FY10 program budget*) in this funding round, in grants of up to \$10,000. Only one grant will be provided for any specific site in each funding round. Grantees will be reimbursed for eligible project expenses incurred after the grant has been awarded. All grants must be spent within one fiscal year (i.e., completed by June 30th).

WHAT GROUPS ARE ELIGIBLE TO APPLY? Groups of individuals who may be affected by oil or hazardous materials from a site can apply for TAGs. These groups must:

- exist as a *legal entity*, with legal authority to receive, disburse, and be responsible for funds at the time the grant is awarded. The legal entity process is coordinated by the Massachusetts Secretary of State Corporations Office (<http://www.sec.state.ma.us/cor/coridx.htm>) and requires a group to establish a Board of Directors and by-laws; and
- be an “*affected party*” (comprised of people who have been impacted by the site). MassDEP contracts directly with the groups that submit applications. No group may use an external fiscal agent.

Types of eligible entities are:

- community groups and neighborhood associations
- people whose property has been contaminated by a release starting on another property (downgradient owners)
- public water suppliers
- municipalities (see discussion below about groups that are not eligible to apply and also the “Guidance for Municipal Applicants” section of this submission package).

WHAT GROUPS ARE NOT ELIGIBLE TO APPLY? Groups that may not apply for TAGs are those that:

- have either contributed to the waste site problem or have been involved in the site cleanup
- have restricted participation and involvement by others who may be impacted by the site
- do not represent individuals affected by the site
- are municipal entities that:
 - own the site (the municipality is considered to be a responsible party or potentially responsible party)
 - are conducting or funding any type of response actions at a site since it is acting as an “Other Person” conducting response actions [310 CMR 40.1453(4)]. For example, a municipality conducting preliminary

assessment activities through a Brownfields grant or loan program would be ineligible to apply for a TAG for that site.

WHAT SITES ARE ELIGIBLE? TAGs are most effective at sites that are actively being evaluated for cleanup because they provide opportunities for involvement and participation in making cleanup decisions. Eligible sites are those that are:

- classified as Tier I and Tier II under the MCP
- on the EPA Superfund National Priority List
- deemed “Adequately Regulated” because they are being regulated by another MassDEP bureau or by another government agency

ARE BROWNFIELDS SITES ELIGIBLE? Brownfields sites that meet other eligibility requirements are eligible for TAGs if the project focuses on cleanup. For instance, a TAG could be used to hire an LSP or consultant to review a risk assessment or cleanup plan associated with the MCP.

However, TAG funds *could not be used* for a Brownfields site to review and comment on economic redevelopment plans, or environmental reviews not associated with the site assessment and cleanup plans, and the MCP. For example, review of hazardous waste management plans; Environmental Impact Reports or Environmental Notification Forms are not eligible activities for a TAG unless these reports are directly related to the site assessment and cleanup plans.

ARE PIP SITES ELIGIBLE? DOES A SITE HAVE TO BE A PIP SITE? Public Involvement Plan (PIP) sites are eligible for TAGs; and a site does not need PIP status to apply for a TAG. However, PIP sites are ideally suited for a TAG because PIP status usually indicates an interested and knowledgeable group of citizens is already involved in the site cleanup process.

WHAT SITES ARE NOT ELIGIBLE? Sites that are not actively involved in the cleanup process are not eligible. These sites are typically listed as:

- "Locations To Be Investigated", "Unclassified Confirmed Disposal Sites", and "Non-Priority (Without A Waiver)", unless an LSP Evaluation Opinion classifying them as Tier I or Tier II is received by MassDEP by the application deadline.
- Tier IA sites that have a Class A or B Response Action Outcome (RAO) Statement approved by MassDEP.
- Tier IB, Tier IC and Tier II sites for which a Class A or B RAO Statement has been submitted to MassDEP.
- Site for which a Waiver Completion Statement has been submitted to MassDEP.
- Site that has been reported to MassDEP, however, no tier classification has been submitted and as such the site is considered a Tier 1D (default) site.

An exception involves a site that becomes subject to an RAO during a TAG contract period. In this case, the funds may be used to review and comment on the RAO submittal along with the other reports available for review.

WHAT ACTIVITIES ARE ELIGIBLE? TAGs are used for two general purposes: to review technical data that has been generated as part of the cleanup process, and to provide opportunities for public involvement and participation in the cleanup process. Types of eligible activities include, but are not limited to:

- interpreting technical information and analyses that have been prepared (or will be prepared) by the person conducting the site response action

- observing assessment, sampling, or response action activities¹
- analyzing split samples
- conducting surveys to gather existing health information through interviews or questionnaires from individuals who may be affected by the disposal site
- obtaining legal advice, however, only that which is restricted to the public's involvement in response actions
- conducting public education activities focusing on the site of concern and the affected community
- providing a reasonable share of funding for voluntary mediation concerning site response actions

WHAT ACTIVITIES ARE NOT ELIGIBLE? Groups cannot use TAGs to:

- create their own technical or medical data
- conduct any cleanup actions at the site
- build group membership
- conduct partisan political activity
- pursue adversarial activity
- pursue litigation

FUNDING PROCESS

HOW DOES A GROUP APPLY FOR A GRANT? MassDEP wants TAGs to serve as many people as possible who are or may be affected by a disposal site. To encourage participation in developing TAG proposals, applicants must provide details of how the group publicized its interest in applying for a TAG and how it solicited interest in joining the project. The application requests detailed information about the group applying and the disposal site(s).

HOW WILL PROJECTS BE SELECTED FOR FUNDING? Grants will be awarded on the basis of a competitive process. Each proposal will be evaluated for its ability to address the balance between technical advice and community action, its potential to educate and involve the community, and its practical application. A MassDEP Bureau of Waste Site Cleanup panel will review all submittals.

The evaluation process provides preference to projects and applicants that:

- have an active tier classification on file
- have response actions on-going
- are located in a designated environmental justice area
<http://www.state.ma.us/mgis/ej.htm>
- are located in a designated environmental target area
<http://www.mass.gov/dep/cleanup/stressed.htm>
- will directly improve public participation in planning for response actions at a site
- will educate the affected public about the site and its cleanup
- will address public concerns about the impacts of the site on health, safety, public welfare, and the environment

¹ If grant activities require the presence of a TAG-funded consultant or representative of the grantee at the site, grantees must first obtain approval from the property owner and the party conducting cleanup actions. Grant activities must comply with any existing health and safety plans for the site. If environmental samples will be analyzed, the same analytic procedures used by the party conducting cleanup actions must be used.

- do not restrict membership and have support from the impacted community

Once the evaluation is complete, the Grant Funding List will be published in the Environmental Monitor (<http://www.mass.gov/envir/mepa>) and on MassDEP's web site (<http://www.mass.gov/dep/cleanup/>).

HOW MUST TAGs BE MANAGED? Each successful applicant must sign a Grant Agreement for the project, which states terms and conditions that the group agrees to abide by. At the time the Grant Agreement is signed, the group must exist as a legal entity with the ability to receive, disburse, and be responsible for grant funds.

Grant funds may be used to hire a technical consultant(s) or employee(s) with appropriate skills to administer the grant, or for other technical, educational and outreach needs. However, to ensure that the limited grant funds are used primarily for providing expert advice and technical assistance about the assessment and cleanup, administrative costs (such as the purchase of pens and paper, telephone bills, postage, etc.) cannot exceed twenty percent of the award.

MassDEP grants are set up as **reimbursement only**, meaning that Grantees must submit descriptive invoices for expenses, no money is provided up front. In addition, at the conclusion of the Grant Agreement, each grantee must provide DEP with a self-evaluation report describing how their performance standards have been met, including:

- how the funds were spent
- the highlights and challenges of the project (e.g., reports reviewed, samples analyzed)
- the outreach provided (e.g., meetings held, workproducts produced)

The evaluation report is *submitted with the final request for payment*. A portion of the grant funds may be withheld until MassDEP receives the required report .

Guidance for Municipal Applicants

Municipal boards and agencies may apply for TAGs, although in some instances they may not be eligible for TAG funding. Examples include sites where the municipality:

- is the property owner or operator, in any capacity. In this case, the municipality is considered to be a responsible party or potentially responsible party.
- is conducting or funding any type of response action at a site that it does not own, where it is acting as an "Other Person" [310 CMR 40.1453(4)]. For example when a municipality is conducting preliminary assessment activities through a Brownfield grant or loan program.

Municipalities may:

- participate in a project that a citizens group applies for, and receives and manages.
- apply for a TAG covering one or more sites in their community. The submission would explain how a board or agency would work with a community group that has focused on the site or with groups established for each of several sites (sites that may affect two or more neighborhoods). In this case, the municipality would be the grantee and manage the TAG with the assistance of the community group.

Municipalities considering applying for a TAG covering *more than one site* should note that the TAG regulations allow only one grant to be made to an entity (a municipality, citizen group, or public water district) in a funding round. In addition, only one grant can be made for a particular site in a funding round. So, although both a town board and a citizen group may offer a submittal, only one could be funded per funding round.

Further, municipal entities are expected to perform a level of communication, assistance, and education as a standard part of their job. The application should explain how the TAG project would provide for technical assistance and outreach activities that *extend beyond* what the board/commission could or would *normally provide*. The following are examples of outreach beyond standard activities:

- holding general information meetings in addition to regularly scheduled board/commission meetings
- providing cable television coverage, that has shown past success, as a way of reaching your community,
- allowing the technical consultant to be available to the community as well as the board/commission

The proposal should also discuss:

- the level of community interest in the site and whether the community has requested additional information that the board/commission does not provide
- whether the board/commission requires additional technical expertise to better understand site cleanup activities
- the current role of the board/commission in the cleanup activity and how the TAG will enable it to enhance the community's understanding of site information and increase the availability of site information

Instructions for Submission

Please complete the following application electronically (if this is not possible contact Patti Mullan at 617-556-1018). The total submission should not exceed eight pages, excluding the specified site map and any other requested attachment. Completed submissions should be sent as an MS Word attachment to patti.mullan@state.ma.us. Submissions are due no later than May 1, 2009.