

Delaware Department of Natural Resources and Environmental Control
Division of Air & Waste Management
Site Investigation and Restoration Branch

Brownfields Grant Eligible Expenses Guidance

This Brownfields Grant Eligible Expenses document, as guidance for the “Hazardous Substance Cleanup Act (HSCA) Policy on Brownfield Grants,” lists those costs that are considered reimbursable and those that are non-reimbursable to a Brownfield developer or a party entering into a Brownfield Development Agreement or a Brownfield VCP Agreement (collectively termed BDA) with the Department. Reimbursement claims submitted to the Department must be prepared using the task codes and forms provided in this document, and all appropriate backup documentation must be provided, including subcontractor invoices and daily accounting of consultant time on the project (i.e., timesheets). DNREC will remove undocumented time on any invoices that the Department receives. That is to say if there are not timesheets to show the hours worked, the costs will not be reimbursed. Additionally, all expenses submitted for reimbursement must be in compliance with current HSCA statute. At any time DNREC may require a full financial audit be performed on any grant recipient.

The Department will reimburse for a project’s environmental costs and limited Operation and Maintenance (O&M)/long term stewardship (LTS) costs only. Environmental costs are defined as all necessary and reasonable expenses relating to addressing the environmental conditions on a site including, but not limited to, due diligence activities, investigation work, feasibility studies, treatability studies, remedial investigations and development and implementation of Proposed and Final Plans of Remedial Action through to issuance of a Certificate of Completion of Remedy (COCR). O&M/LTS costs are defined as expenses related to the implementation of DNREC approved O&M plans and related activities subsequent to the issuance of a COCR including, but not limited to, remedial action inspections, soil and groundwater monitoring, and other repairs and improvements critical to the long term sustainability of cleanup efforts. Reimbursement eligibility will not begin until a site is officially certified as a Brownfield Property by the Department. Actual monetary reimbursement will not begin until after a BDA has been entered into and signed.

The approved and non-approved activities listed in this document are not intended to be all inclusive. Other costs may be approved by the Director of the Division of Air and Waste Management, provided the expenses are in compliance with the HSCA, the Regulations Governing Hazardous Substance Cleanup (Regulations) and guidance issued under the HSCA program and any additional Department cleanup programs such as Underground and Aboveground Storage Tanks and Solid & Hazardous Waste. Some costs incurred by a Brownfield developer or a party entering into a BDA are not reimbursable pursuant to this document. Such non-reimbursable costs include:

1. Preparation of “Application for Certification as a Brownfield”
2. Attorney Fees in Excess of \$5,000, Unless Pre-Approved in Writing by the Department
3. Meetings Prior to Site Certification
4. Demolition of Structures, Unless Otherwise Required by the Final Plan or Interim Action

TASK DEFINITIONS

SECTION 13 – OPERATION & MAINTENANCE/LONG TERM STEWARDSHIP

13.010

Non-Invasive O&M Inspections and Reports: Includes all personnel costs and other associated costs for conducting a visual or land use inspection in compliance with a DNREC approved O&M Plan. This task should be used for any inspections that do not include invasive soil and/or groundwater sampling. This task also includes personnel time for preparation of the O&M Inspection Report. In accordance with DNREC policy, personnel costs billed under this task will only be reimbursed at a rate of \$30.00 per hour. Work under this task does not need to be performed by a HSCA certified consultant or OSHA certified individual.

13.020

Invasive O&M Inspection and Report: Includes all personnel, equipment and subcontractor costs for conducting and overseeing invasive O&M inspections, or those that require sampling of soil and/or groundwater. A 10% mark-up is allowed for subcontractor services only. This task also includes personnel time for preparation of the O&M Inspection Report.

13.030

Repairs/Replacements: Includes costs associated with the repair or replacement of items or conditions critical to the long term effectiveness of a remedial action, as indicated in a DNREC approved O&M Plan. Pre-approval from the Department is required before any repairs or replacements are made if they are to be reimbursed under this task.

NOTE: Due dates will be established in writing by the Department for O&M Inspections that are in accordance with the approved O&M Plan for the site. Failure to meet the reporting deadlines will result in the following:

1st offense: A written notice of failure to meet the required deadline for submittal of an O&M report.

2nd offense: A forfeiture of eligibility to receive funding for O&M/LTS activities associated with the site.

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Approved by Mr. James D. Werner, Director, Division of Air & Waste Management

James D. Werner

Date