January 14, 2016



#### THE BROADCAST WILL BEGIN AT 2:00PM (EST)

- Submit your questions in advance using the GoToWebinar control panel
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# Welcome & Overview

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Submit your questions to the panelists here.

Join the Conversation

Technical Questions? Contact CDFA at 614-705-1308

CDFA connects the public and private development finance sectors.

CDFA Brownfields Technical Assistance Program — www.cdfa.net

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# CDFA's 5 Focus Areas:

- Education
- Advocacy
- Research
- Resources
- > Networking





### **Training Courses:**

- Fundamentals of Economic Development Finance Course
- Bond Finance (Intro and Advanced)
- Tax Increment Financing (Intro and Advanced)
- Intro Tax Credit Finance Course
- Intro Revolving Loan Fund Course
- Intro Energy Finance Course
- Intro Public-Private Partnership (P3) Finance Course
- Intro EB-5 Finance Course
- Intro Food Systems Finance Course
- Seed & Venture Capital Course
- Intro Brownfield Finance Course



# **CDFA Online Resource Database**

The CDFA Online Resource Database (ORD) is the nation's only electronic resource collection dedicated exclusively to development finance.

- CDFA Online Resource Database 5,000 categorized resources
- Federal Financing Clearinghouse 150+ federal program overviews
- Resource Centers Bond, TIF, RLF
- Development Finance Review Weekly newsletter to 20K+ subscribers
- 5 Targeted Newsletters Tax Increment Finance Update, Bond Finance Update, Clean Energy + Bond Finance Initiative, Legislative Front Update, State Small Business Credit Initiative Update
- Fargeted State Finance Newsletters
- Daily Headlines





CDFA's State Financing Program Directory is the only online resource cataloging the development finance programs offered by state governments. The SFPD includes overviews of over 350 state financing programs available to both public and private sector users. To conduct a search of the State Financing Program Directory, click on a highlighted state below.





- Online Resources:
  - Monthly Brownfields Financing Update
  - Brownfields Financing Toolkit
  - Online Resource Database

**Technical Assistance:** 

- > Brownfields Project Marketplace
- Project Response Team Visits



CDFA Brownfields Project Marketplace February 2-4, 2016

CDFA Brownfields Financing Webinar Series: Managing Brownfield Revolving Loan Funds April 21, 2016 Contact: Emily Moser, Program Manager 614-705-1305 <u>emoser@cdfa.net</u>

# Adam Klinger

Team Lead

U.S. EPA RE-Powering America's Land





## **RE-Powering America's Land:**

Siting Renewable Energy on Potentially Contaminated Land, Landfills and Mine Sites

> CDFA: Financing Green Energy on Brownfields January 14, 2016



### **RE-Powering America's Land**



Encourages renewable energy development on current and formerly contaminated lands, landfills and mine sites when such development is aligned with the community's vision for the site.



### Why Renewable Energy on Potentially Contaminated Lands





## Encouraging Renewable Energy on Contaminated Lands

SNUTED STATES

- Identifying and screening contaminated properties
- Disseminating success stories and best practices
- Clarifying liability
- Articulating the associated environmental, economic and community benefits
- Disseminating financing strategies and information on incentives
- Highlighting favorable policies
- Developing partnerships and pursuing outreach

### **Presentation Overview**

- RE-Powering Tools and Resources
  - Identifying and Screening Sites
    - RE-Powering's Mapper
    - Electronic Decision Tree
  - Other Tools
    - Handbook and Best Practices
    - Liability Guidance and Comfort Letters
- Success Stories
  - Tracking Matrix
  - Case Studies
- Financing



## Identifying and Screening

# UNITED STATES

### **Google Earth Mapper**



### **Electronic Decision Tree**



### **RE-Powering Mapper** Google Earth Overlay





# Mapped inventory of 80,000+ EPA and select state tracked sites (over 43 million acres of land)

Incorporates data from:

- EPA Cleanup and Landfill Programs
- National Renewable Energy Lab
  - Wind, Solar, and Biomass Resources
- Southern Methodist University and USGS
  - Geothermal
- Department of Homeland Security
  - U.S. Highways
  - Railroads
  - Transmission Lines
  - Substations
- 11 State Agencies:
   CA, HI, IL, MA, NJ, NY,
   OR, PA, TX, VA, and WV

# Sites Screened by Program and State



Program	# of Sites			
Abandoned Mine Land	466			
Brownfield Program Sites	26,030			
Superfund	2,009			
Landfills - Landfill Methane Outreach Program	2,062			
RCRA Corrective Action Sites	3,759			
Sites Associated with Federal Programs	34,326			

State Identified Sites	# of Sites
California (7,622), Hawaii (1,180), Illinois (5,541), Massachusetts (1,495), New Jersey (10,362), New York (2,180), Oregon (4,743), Pennsylvania (5,543), Texas (1,150), Virginia (5,422), West Virginia (2,103)	47,341
Federal and State Sites Screened	81,667

# **RE-Powering Mapping Tool**

Solar Screening Process



	Utility CSP	Utility Solar PV	PV Policy Driven	Large- Scale Solar PV	Off-Grid Solar
Solar Resource (kWh/m²/day)	≥ 5.0	≥ 5.0	≥ 3.5	≥ 3.5	≥ 2.5
Acreage:	≥ 250* [≥ 40]**	≥ 40	≥ 40	≥2	
Distance to Transmission (miles)	≤ 10	≤ 10	≤ 10	≤ 1	
Distance to Graded Roads (miles)	≤ 10	≤ 10	≤ 10	≤ 1	
Policies			Renewable Portfolio Standards		

\*CSP: Trough & Power Tower \*\*CSP: Stirling Engine

### Screening Potential Sites: Electronic Decision Tree tool







- Explores solar (ground mount and/or rooftop) or wind (ground mount)
- Can be used for small to large sites to assess potential for distributed, large-scale or utility-scale systems
- Walks users through a series of Yes / No / Skip Questions
- Supplements questions with additional information, tips and links to relevant resources
- Generates reports of the screening results and user comments that can be printed or imported into other documents
  - Summary Site Screening Report
  - Data Entry Report
  - Site Comparison Report

### RE-Powering's Electronic Decision Tree



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File Edit View Favorites Tools Help									
😭 🌄 DWCM 🖪 Supp 🛱 One									
More Info Strategies	Redevelopment I	Plans				^			
1. More Info: Overview	Redevelopment plans can tal that applies to, or is under d	ke the form of a site-s evelopment for, a defi	pecific redevelopment pla ned geographic district in	an or a comprehensive which many individua	land use planning and zo I sites are located (comm	ning document only referred to			
2. More Info: Site Characteristics	as a "Redevelopment Area P within the geographic scope	lan" or "Specific Area of the plan will be eva	Plan"). Where a Specific	Area Plan applies, pro	posed redevelopment pro the plan's land use object	jects at sites			
<ul> <li>3. More Info: Redevelopment Considerations</li> </ul>	district. Implementing the p real estate transaction, cle	lan involves a number	of steps including identif	fying financing, securir	g development approvals	, finalizing the			
Site Ownership	Objectives for a redevelop	í							
Lack of Owner Interest	and identity. The municipa strategy for eliminating en	🔮 Decision Tree Tool							
Redevelopment Plans	When municipalities appro						1 ma		
Community Vision	property, they are more lik								
Community Visioning Process	Community Visi	Home	Site Characteristics and Redevelopment	Redevelopment Considerations	Contamination and Landfill Issues	Load Assessment and Financial	Summary and Results		
Alternative Reuse Scenarios Analysis		Site: Landfill ABC	Туре: Ц	anotili	rechnology:Solar installation: Ground				
Potential Cite Pouse Ontions	Site reuse should be deter assets. It is important that		Question			Explanation			
<ul> <li>Potential Site Reuse Options</li> </ul>	community's long-term vis	Is the usable	acreage for a groun	d mounted system	Usable acreage				
Land Use Restrictions	Many and uses should be	greater than	2 acres?		<ul> <li>is typically chara</li> </ul>	<ul> <li>is typically characterized as "flat to gently sloping"</li> </ul>			
4. More Info: Contamination and Landfill	uses.	⊙ Yes			<ul> <li>gets full sun for</li> </ul>	6+ hours a day (at least 4 ho	ours in winter months)		
Issues	Té curlustine sites succest	○ No			-				
5. More Info: Load Assessment and Financial	Redevelopment Plan map	⊖ Skip			Usable Acreage = [To (Area with > 10% gra	tal Acreage - (Area with Obsta de)]	acles) - (Shaded Area)		
	If a RCRA or Superfund sit	Enter usable acreage (o	ptional):		Please use the comment area to discuss any obstacle, shading or grade				
	about existing redevelopm v redevelopment plans.	Enter commont (options	D-		issues. If powering rer	mediation, skip and continue.	, , , , , , , , , , , , , , , , , , , ,		
<			<u>9</u> .						
					More Info a	bout estimating usable acreag	je		
					Strategies +	o consider "site bundling"			

Include Comments on Summary Report

Back Next

22

Save Exit

### Electronic Decision Tree: Project Arrangements





### **RE-Powering Resources**



### **Best Practices**

Handbook



Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues

**⊜EPA** 

i Environmental Protection Agency Office of Solid Waste and argency Response's Center for Program Analysis



### Liability Guidance and Comfort Letters



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

DEC 5, 2012

#### MEMORANDUM

SUBJECT:	Revised Enforcement Guidance Regarding the Treatment of Tenants
	Under the CERCLA Bona Fide Prospective Eurohaser Provision
FROM:	Cynthia Giles, Assistant Administrator Office of Enforcement and Compliance Assesse
	Mathy Stanislaus, Assistant Administrator Office of Solid Waste and Emergency Response
TO:	Regional Administrators, Regions I-X

I. Introduction

Section 107(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly referred to as Superfind), 42 USC, 549061 et av. provides an important liability protection for parties who qualify as houn fide prospective purchasers (BEPPA). This guidance discussors the potential asplicability of the BEPP provision to transar who lease contaminated for formerly contaminated properties, and how the Agency intends to exercise its enforcement discretion to tract overain tenanes as BFPPs under CERCLA. This guidance supersolves the EPA's January 14, 2009 guidance titled "Enforcement Discretion Guidance Regarding the Applicability of the Dona Fide Prospective Parchaser Definition in CERCLA § 101(40) to Tenants:

Leasehold interests play an important role in facilitating the cleanup and reuse of contaminated properties. It is essential that such reuse is compatible with, and does not undernaine the integrity and protectiveness of, cleanups. Under current CERCLA case law, the mere execution of a lease does not necessarily make a tennal tilable as an owner or operator under CERCLA 3 (1074). The EPA recognizes the uncertainty regarding the potential liability of tenants under CERCLA and the potential applicability of the BFPP powersion in high of the explicit enforcement to tensmits in CERCLA is (1014). The Prospective tenant may wish to seek. BFPP treatment in the event of a future federal CERCLA action at the leased property and/even ensure appropriate environmental starwardship of the property.

Recycled/Recyclable - Printed with Vegetable Oil Based Inks on 100% Recycled Paper (40% Postconsame)

### **Tracking Matrix and Success Stories**

October 2015

Indle

To provide information on renewable energy on

minated land projects not currently appea

in this document, email <u>cleanenergy/lepa.g</u> To receive updates, newsletters, and other

Information about the RE-Powering program,

dick the hanner below

Subscribe

EPA's RE-Powering Listserv



### **Tracking Matrix**

#### RE-Powering America's Land Initiative: Project Tracking Matrix

The U.S. Environmental Protection Agency (EPA) recognizes the overall environmental benefit of siting renewable energy projects on contaminated properties. Through the <u>PE-Powering America's Land Initiative</u>, EPA is encouraging renewable energy development on current and formerly contaminated lands, landfills, and mine sites when such development is aligned with the community's vision for the site.

Using publically available information, RE-Powering maintains a list of completed renewable energy installations on contaminated sites and landfills. To date, the RE-Powering Initiative has identified 158 renewable energy installations on 150 contaminated lands, landfills, and mine sites, with a cumulative installed capacity of almost 1,070 megwaits (MW) and consistent growth in total installations since the inception of the RE-Powering Initiative. Approximately 65% of these installations are large-scale systems with a project capacity of 1 MW or more, either exporting energy onto the utility grid or offsetting onsite energy demands. This document provides summary statistics of known installations and discusses emerging trends

In addition to the completed sites listed here, EPA is tracking more than 40 renewable

necessaries and a second status of disturbed properties in various stages of planning, approval, or construction. These include a 13-MW solar on landfill project under construction in Mourue Holly, NJ, a nearly 1-MW community solar garden on a landfill underway in MNINO, NR; nad a 72-MW solar installiciton beginning construction on a status brownfale in Olsan, NY. In addition more than 15 other communities have promoted renewable energy projects on contaminated sites, primarily landfills, at town ncil or public me

158 Renewable Energy Projects, Over 1 Gigawatt Installed Capacity



project. For exemple, the former Da spreachbert at the end of this docu



#### **Success Stories**

#### €EPA **RE-Powering America's Land:** Siting Renewable Energy on Potentially Contaminated Land and Mine Sites An Old New England Town Lights the Way with Solar

The U.S. Environmental Protection Agency (EPA) recognizes the overall benefit of siting renewable energy projects on contaminated properties. Through the RE-Powening America's Land Initiative, EPA is encouraging renewable energy development on current and formerly contaminated lands, landfills, and mine sites. This case study highlights a successful renewable energy project on a closed landfil, including information on how key challenges were eddresses

Finding Treasure in a Trash Site In 2010, representatives in the town of Scituate, MA, sought to find a productive use for its defunct town landfill. After

considering recreational uses such as baseball fields, the town decided a solar photovoltaic (PV) installation would be the most viable and cost-effective use of the site, turning a cost center into a source of revenue.

After issuing a request for proposal (RFP) and conducting multiple interviews with respondents, Scituate representatives selected Brightfields Development, LLC (Brightfields), a Wellesley, MA, developer. Brightfields worked with the town, National Grid (utility), and others to tackle challenges and ensure the installation met a multitude of stakeholder objectives, such as cost savings for the town and alignment with the community's environmental interests. The Scituate Landfill is now home to a 3-megawatt (MW) PV installation that, in combination with a nearby wind turbine, provides Scituate with 100% of its municipal power needs from renewable sources.

#### **Property History**

#### Turning a Cost Center into Revenue

Soituate is tucked into the southeastern tip of the greater Boston area, about 23 miles from the city and bordered on the east by the Atlantic Ocean. Incorporated in 1636, the Plymouth County town is now home to 18,000 people and is primarily residential Scituate's town-owned landfill operated from 1976 until 1999, "The most important issue was finding a developer with the experience, credibility, permitting expertise, and ability to obtain financing. We didn't select the lowest cost provider, but we did select the one we felt had the best chance of seeing the installation through to

Project will produce 3.825 million kiloweth-hours per year

PPA price: 8.4 cents/kWh plus escalators: develope retained the SRECs

-Al Bangert, Scituate Department of Public Works

Schute Land III solar Installation (August 2013). Courteey of Geogle Ear

Former 29-acre municipal landfil

netering; T&D plus energy value

· Land lease to developer: \$1/year

· All project labor was local

· Capped and covered with soil laver 3 MW solar PV installation on 12.5 ecres

(panels cover 6.1 acres)

10,560 polysilicon panels Expected \$200,000 annual savings for town from net

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SCITUATE SOLAR LANDFILL AT-A-GLANCE Scituate, MA (www.scituateme.pov/

debris, and residuals from a nearby wastewater breatment facility. In 2000, the municipal landfill was capped and a breat transfer station was constructed on the west portion of the property

Once the site was capped and confirmed compliant with Massachusetts Department of Environmental Protection (MassDEP) standards, the town began investigating ways to return the land to productive use. The site was deemed inappropriate for

April 201

### Tracking Matrix --151 Installations Identified To Date





150+ Renewable Energy Projects, Over 1 Gigawatt Installed Capacity



This map is for informational purposes only. The information was gathered from public announcements of renewable energy projects in the form of company press releases, news releases, and, in some cases, conversations with the parties involved. This map may not be a comprehensive representation of all completed renewable energy projects on contaminated lands. To provide information on additional projects, please email cleanenergy@epa.gov.

April 2015

# **Tracking Matrix - Excerpt**



1. Site Description							2. Renewable Energy Information			3. Project Im	plementation			
Site/Project Name	EPA Region	State	City	Type of Site	Site Owner	Site Ownership Type	Property Acreage	Former Use Description	RE Type	Project Capacity (MW)	Project Acreage	Primare RE Developer Name	Completion Date	Project Type
NC State University - Agricultural Pesticide Landfill	4	NC	Raleigh	Brownfield	NC State University	Private	-	Agricultural Pesticide Landfill	Solar PV	0.08	-	Carolina Solar Energy	2007	Wholesale Electricity
Nellis AFB Solar Facility Site	9	NV	Las Vegas	RCRA	U.S. Air Force	Federal	14,000	Landfill/landfill buffer	Solar PV	14.20	140.0	MMA Renewable Ventures LLC,	2007	Onsite Use - General
New Rifle Mill	8	СО	Rifle	Other	City of Rifle	Municipal	130	Former DOE Uranium Processing Mill	Solar PV	1.70	12.0	SunEdison	2009	Onsite Use - General
Norfolk Landfill Phase I	1	MA	Norfolk	Landfill	Town of Norfolk	Municipal	51	MSW Landfill and Adjacent Land	Solar PV	0.55	1.6	Constellation Solar Massachusetts, LLC	2012	Wholesale Electricity
Norfolk Landfill Phase II	1	MA	Norfolk	Landfill	Town of Norfolk	Municipal	51	MSW Landfill and Adjacent Land	Solar PV	1.05	3.5	Constellation Solar Massachusetts, LLC	2012	Wholesale Electricity
Oliver Street Landfill	1	MA	Easthampton	Landfill	City of Easthampton	Municipal	40	MSW Landfill	Solar PV	2.30	12.0	Borrego Solar	2012	Wholesale Electricity
Pantex Renewable Energy Project (PREP)	6	ТХ	Amarillo	Superfund	U.S. Department of Energy NNSA and Texas Tech University	Federal	16,000	Nuclear weapon assembly and disassembly	Wind	11.50	1,500.0	Siemens USA	2014	Onsite Use - General
Parklands Solar Farm	2	NJ	Bordentown Township	Landfill	Waste Management	Private	95	MSW Landfill	Solar PV	10.14	40.0	PSE&G	2015	Wholesale Electricity
Paulsboro Terminal Landfill	2	NJ	Paulsboro	Brownfield	BP	Private	17	Former refined petroleum and specialty chemical bulk storage and distribution facility	Solar PV	0.28	5.0	BP	2002	Onsite Use - Green Remediation
Pemaco Superfund Site	9	CA	Maywood	Superfund	City of Maywood	Municipal	1	Custom Chemical Blender	Solar PV	0.01	1.4	Unknown	2007	Onsite Use - Green Remediation

### Success Stories Case Study: Solar on Landfill



#### SCITUATE SOLAR LANDFILL AT-A-GLANCE

- Scituate, MA (<u>www.scituatema.gov</u>)
- Former 29-acre municipal landfill
- Capped and covered with soil layer
- 3 MW solar PV installation on 12.5 acres (panels cover 6.1 acres)
- 10,560 polysilicon panels
- Expected \$200,000 annual savings for town from net metering; T&D plus energy value
- Project will produce 3.825 million kilowatt-hours per year
- Land lease to developer: \$1/year
- PPA price: 8.4 cents/kWh plus escalators; developer retained the SRECs
- All project labor was local



### Success Stories Case Study: Green Remediation



#### Busy Bee's Laundry

- Case Study (<u>https://clu-</u> in.org/greenremediation/profiles/busybeeslaundry)
- Groundwater contaminated from dry cleaning operations;
- Pump and treat remedy selected to address volatile organic compounds (VOCs) detected in an adjacent municipal park reservoir and off-site wells;
- Solar PV system selected to power P&T system and to minimize negative effects of cleanup activities on adjacent park and reservoir;
- 560W passive tracking PV system sized on anticipated energy demand of pumping system;
- Reliance on intermittent pumping to match various amounts of electricity supplied by solar PV system;
- Community involved through outreach and educational opportunities; Local university faculty and graduate students completed installation with assistance from property owner's cleanup contractor.



### Success Stories Case Study: Wind on Brownfield



#### **Steel Winds**

- Case Study (<u>http://www.epa.gov/sites/production/files/2015-</u>04/documents/success\_steelwinds\_ny.pdf)
- Old Bethlehem Steel plant that sat idle for 20 years;
- 30 of 1,600 acre property used for wind farm (phases I and II);
- 14 wind turbines with a capacity of 35 MW;
- Private development pursued in coordination with surrounding communities;
- Existing transmission infrastructure saved substantial development costs;
- Renewable Energy Credits (RECs) sold to local utility to support RPS obligation;
- \$100K in annual payments plus ~\$190K in annual tax revenues to local communities;



### Success Stories Case Study: Solar on Superfund Site



#### MAYWOOD SOLAR FARM

- Case Study (<u>http://www.epa.gov/superfund/programs/recycle/pdf/reilly-chem-2014.pdf</u>)
- Old industrial property (distilled coal tar and treated wood) 120 acres
- Treatment, containment and cover of contaminated areas; on-going groundwater management and monitoring
- Innovative soil management plan to minimize disturbance of impaired soil
- EPA "comfort letter" to clarify liability issues
- 10.8 MW solar PV installation on 43 acres; Over 36,000 panels
- Project developer sub-leases site property and sells power to local utility under 15 year PPA
- Qualified for utility sponsored renewable energy program (voluntary "feed in tariff" type program)
- Utility retains ownership of project renewable energy credits



### Financing



- Tools for remediation and redevelopment that could also be used for renewable energy (Federal, State, Local)
  - EPA and State Brownfield Programs
  - Tax Abatement Programs
  - Tax Increment Financing
  - HUD Community Development Block Grants
  - Community Reinvestment Act
- Renewable energy financing tools
  - USDA Rural Energy for America Program
  - State Green Banks
  - Green Bonds

## Financing (2)



- Financing and procurement arrangements include
  - Owner / Operator Financing
  - Third Party Developers with Power Purchase Agreements (PPAs)
  - Community Solar
  - Community Choice Aggregation
- Federal Tax Incentives

#### RE-Powering America's Land Initiative: Financing Renewable Energy Projects on Contaminated Lands

The U.S. Environmental Protection Agency (EPA) recognizes the overall environmental benefit of siting renewable energy projects on contaminated lands. This fact sheet answers questions from site owners, renewable energy developers and communities concerning financing tools and structures, as well as federal financial incentives that may be available for redeveloping potentially contaminated sites, landfills, or mine sites for renewable energy.

#### Have any renewable energy projects been financed and built on potentially contaminated lands, landfills or mine sites?

Yes. To date, EPA's RE-Powering America's Land Initiative has identified over 70 snewable energy projects installed on contaminated properties or landfills, with a cumidative capacity just over 21s megawatts (MW) – the equivalent of a mid size, coal-fired power plant. Over half are large-scale systems with a project capacity of 1 MW or greator, with many exporting energy onto the utility grid or offsetting onsite energy demands.

#### How are renewable energy projects financed?

Various approaches have been employed successfully. Project financing varies by project size, as well as local market conditions and available incentives. For many large-scale projects, options range from owner operator financing, where the system is purchased directly, to third-party power purchase agreements, where the



May 2013

#### Through the RE-Powering America's Land Initiative, the DRA promotes the musc of proteinally contraminated lands, Landlills and more stirs for mnewable energy through a combination of Laliored redevelopment tools.

for communities and developers, as well as site-specific technical support. The initiative aims to revitable depaded land by promoting reservable energy as a productive end use, when alianed with the community vision for the time.

#### Advantages of Reuse

Potentially contaminated lands, landfills and mining sites offer developers a unique value proposition for immesuable energy disployment by: • Leveraging existing infrastructure

Reducing project cycle times through streamlined permitting and zoning

### RE-Powering America's Land: Action Plan



- Technical and Programmatic Assistance Opportunities
  - Enhance and disseminate tools
  - Expedite projects
- Opportunities to Promote Policies / Encourage Best Practices
  - Highlight and analyze policies and programs
  - Evaluate success and disseminate lessons learned
- Opportunities to Partner and Leverage Resources
  - Coordinate and Collaborate
  - Integrate consideration of RE on CLs
  - Highlight eligibility of related funding sources

### RE-Powering America's Land www2.epa.gov/re-powering/



Headquarters

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Liability Questions <u>Phil Page</u> (page.phillip@epa.gov) (202) 564-4211

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Region 2 – New York / New Jersey / PR / USVI <u>Fernando Rosado</u> (rosado.fernando@epa.gov) (212) 637-4346

Region 3 – Mid-Atlantic <u>Charles B. Howland</u> (howland.charles@epa.gov) (215) 814-2645

Region 4 -- Southeast <u>Margaret Olson</u> (olson.margaret@epa.gov) (404) 562-8601

Region 5 -- Midwest <u>Tom Bloom (</u>bloom.thomas@epa.gov) (312) 886-1967 Region 6 – South Central <u>Karen Peycke</u> (peycke.karen@epa.gov) (214) 665-7273

Region 7 - Iowa, Kansas, Missouri, & Nebraska <u>Brad Eaton</u> (eaton.brad@epa.gov) (913) 551-7265

Region 8 - Mountain and Plains <u>Timothy Rehder</u> (rehder.timothy@epa.gov) (303) 312-6293

Region 9 – Pacific Southwest <u>Karen Irwin (Irwin.karen@epa.gov)</u> (415) 947-4116 <u>Andria Benner</u> (benner.andria@epa.gov) (415) 972-3189 <u>ZiZi Searles (</u>searles.zizi@epa.gov) (415) 972-3178

Region 10 Pacific Northwest <u>Carolyn Gangmark</u> (gangmark.carolyn@epa.gov) (206) 553-4072

# Thomas Potter

Chief, Clean Energy Development Coordinator

Massachusetts Department of Environmental Protection Bureau
# Facilitating the Development of Clean Energy on Contaminated Land in Massachusetts

**Council of Development Finance Agencies (CDFA)** 

Brownfield's Financing Webinar Series: Financing Green Energy on Brownfield's

14 January 2015

Thomas M. Potter, Clean Energy Development Coordinator



# Massachusetts Agenda

- Why in Renewable
   Energy Development on
   Contaminated Land in
   Massachusetts?
- Goals and Drivers
- Technical Feasibility/Resources
- Regulatory Feasibility
- Financial Feasibility





## Mass. Has High Electricity Prices!

Average Retail Price of Electricity to Residential Sector, cents/kWh



39 MassDI

Source: EIA Form 826

01/14/2016

## Energy Dollars Flow Out of MA

We spend \$22B per year on energy; 80% leaves MA -- \$18B



## Massachusetts Clean Energy

- 2007 established Executive Office of Energy & Environmental Affairs
- 2008 Green Communities Act (GCA)
  - Supports Development of Clean Energy Resources
  - Expands Efforts to Promote Energy Efficiency
  - Increased the Renewable Energy Portfolio Standard (RPS) to 1% per year.
  - Goal of 15% "New Sources" by 2020 (currently 9%)
- 2008 Global Warming Solutions Act
  - Comprehensive Program -> Climate Change
  - Goal 25 % Below 1990 GHG levels by 2020



## **ENERGY:** RPS Programs Nationally





# **EMISSIONS:** GHG Emission Reduction Opportunities

#### **Reduction Sources**



01/14/2016

# CLEANENERGYRESULTS

- Launched 2011
- Promotes Clean and Efficient Sources of Energy at MassDEP Regulated Sites (where we have authority or control)
- Maximizes MassDEP's Unique Expertise to Overcome Permitting & Siting Obstacles
- Create economic growth and employment opportunities





# CLEANENERGYRESULTS

- RPS/APS Projects, including:
  - Solar Photovoltaic
    - Goal of 1,600 MW
    - Currently 985 MWs (11/15)
  - Wind
    - Goal of 2,000 MW
    - Currently 107 MWs (11/15)
  - Anaerobic Digestion
  - Renewable Thermal
  - Small-scale
     Hydroelectric
- Energy Efficiency
- Energy Conservation





01/14/2016







# **GOAL: Contaminated Land Development**

- 50 MW Clean Energy by 2020
- Primarily Solar Photovoltaic's (PV)
  - Some wind
- Locations:
  - 21e Sites
  - Underused
     Brownfields
  - Superfund Sites
  - Closed Landfills\*
- Size: 0.5 to 2.0 MWs

\*MassDEP Bureau of Air & Waste (BAW)



Brockton Brightfields, 425 kW solar PV



01/14/2016

# "Operating" Installations

#### <u>Solar PV</u>

- 13 Sites
- 23.72 MW Solar PV (utility scale)
- 1 Site, 0.15 MW (GR)

#### <u>Wind</u>

- 2 Sites
- 6.5 MW
- Green Remediation



http://www.mass.gov/eea/agencies/massdep/climateenergy/energy/contaminated-land-and-brownfields/



### **Massachusetts Contaminated Land Installations To Date**



01/14/2016

# Massachusetts Focused

## Technical Feasibility/Resources (abbreviated)



## 2014 Contaminated Land Profile List (Federal & State Sites)

- 44,000 Site Universe
- "Brownfield" Sub-set
- "usable acreage"
  - 4-5 acres = 0.5 MW's PV
- May 2014 1059 Sites
  - 40% are 4 Acres or greater
- "Community Solar"
  - 80% Rooftops not good for residential solar
  - 2 + Acres
  - ~150 additional sites





## **Establish Ownership & Site Control**

- Who has control of property?
- Is the owner interested?
  - Selling Property
  - Leasing Property
  - Investing In
     Redevelopment for
     Renewable Energy
- Ownership information
  - MA Registry of Deeds

www.masslandrecords.com





#### http://www.mass.gov/eea/agencies/massdep/climate-energy/energy/



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# **Regulatory Feasibility**

What are the regulatory requirements?



# **Regulatory Considerations**

#### **EPA - SUPERFUND SITES**

- A. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA - "Superfund Law" – does <u>not</u> include oil)
  - National Contingency Plan (NCP)
- B. Direct Oversight
  - Decision making by EPA
  - Oversight role by MassDEP

#### C. Cleanup Plan = "Record of Decision"

- tailor cleanup to site-specific goals
- May include multiple settling parties = "Consent Decree"
- May include "Fund Lead"

#### MassDEP - STATE SITES

- A. M.G.L. Ch 21E ("OHM Materials Release Prevention Act")
  - Massachusetts Contingency Plan (MCP)

#### B. Privatized Program

- Decision making by LSP's
- Audit role by MassDEP
- C. Flexibility in Cleanup
  - Tailor Cleanup to Reuse (current/future)
  - Multiple standardized cleanup options



## **Liability Considerations/Protections**

[for parties who own or acquire contaminated property but did not cause or contribute to the contamination]

#### **EPA - CERCLA Liability Status**

- 2002 Brownfield Amendments to CERCLA (new protections)
- **"Innocent Landowners"** (modified defense)
  - i.e. State/Local Governments
- "Bona Fide Prospective Purchasers" (BFPPs)
  - Protects purchaser (or tenant of purchaser)
  - Can purchase with knowledge of contamination
  - Threshold Criteria
    - Acquire ownership after 1/11/02
    - Disposal occurred before purchase
    - Conduct "all appropriate inquiries" (AAI)
    - Not a liable party and no affiliation with a liable party
  - Continuing Obligations
    - Provide cooperation, assistance, access
    - Comply with land use restrictions; not impede institutional controls
- "Comfort Letters" for RE Projects

#### MassDEP - 21E Liability Status

- 1998 Brownfield Amendments to 21E
- Eligible Owners
  - Must Meet liability Endpoints (i.e. RAO, ROS)

#### • Eligible Tenants

- Must meet statutory requirements
- "Lessee" considered an eligible tenant under 21E
- MassDEP Fact Sheet
- Other "Safe Harbors"
  - Redevelopment Authorities
  - Secured Lenders

#### • Covenant Not To Sue Program

- Attorney General Administers
- For non-applicable statutory protections
- "Comfort Letters" for RE Projects



## **MCP Permits?**

NO. Incorporate renewable energy project into MCP process



## **Compatibility of Renewable Energy to Cleanup**

### RAO/ROS/AUL=**YES**

- Assessed, Remedy Complete, Complete with AUL
- Assessed, Remedy Ongoing
  - (RE will not compromise remedy under construction or operational)

#### **CRA=MAYBE**

- Assessed with Remedy Implementation Plan (RIP)
  - (RE design and development can be incorporated into remedy design and implementation)

#### PRA=NO

- •Assessment/No Remedy (consider future PV!)
- •No Assessment (consider future PV!)



## **Examples of Compatible Remedial Solutions**

- In Situ Bioremediation
- Long-Term Pump & Treat
- Monitored natural Attenuation
- Permeable Reactive barriers
- Soil Vapor Extraction
- Activity & Use Limitation



Baird & McGuire, Holbrook, 2006



# **Other Permit Considerations**

- Zoning
  - Is the project zoned for PV? May require a "Special Permit"
- Interconnection
  - Review by distribution utility required.
  - Cost of interconnecting falls on project.
- MEPA
  - ten or more acres of any other wetland area (including land altered to install roads and utilities)
- Wetlands
- Building Permit
- Federal Aviation Administration
  - Wind projects



# **Financial Feasibility**

How do I fund the Cleanup?



# Federal (EPA) Brownfield Program

### Assessment Grants

- \$200,000 Per Property
- \$1M Coalition Assessment Grant
- Non-profits and municipals

### Cleanup Grants

- \$200,000 Per Property
- \$1M Cleanup Revolving Loan Fund
- Non-profits and municipals

## Federal Targeted Brownfield Assessment

- EPA Region 1 Uses contractors
- <\$75,000 Grant of Service</p>

## State Targeted Brownfield Assessment

(Not Available)



## **Massachusetts Brownfield Programs**

- Assessment Loans (MassDevelopment)
   Up to \$100,000
- Cleanup Loans (MassDevelopment)
   Up to \$500,000
- Brownfield Tax Credits (completion of cleanup)
  - Expires August 5<sup>th</sup> 2013 (work must be done prior to)
    - In 2013, the deadline for eligible cleanup costs was extended to January 1, 2019.
  - 50% of Cleanup Costs
  - 25% for Cleanups Using AUL
    - Qualifications (for above three)
    - Borrower did not own/operate at time of release and/or cause or contribute to contamination
    - Must be located in Economically Distressed Area (EDA)
    - MCP related cleanups only (need RTN)
- Environmental Insurance (MassBusiness)
  - <u>50%</u> State Subsidy for Insurance Premium
    - Capped at \$50,000 for Private Sector
    - Capped at \$150,000 for Municipal/Non-Profit



# Financial Feasibility (cont.)

How do I fund the Solar Photovoltaic (PV) Renewable Energy System?



## **Third-Party Power Purchase Agreement (PPA)**



SREC Payments, Net Metering Credits (retail rate)



# Array Cost

- Total Cost could includes:
  - Soft Costs (e.g. permits)
  - Design/construction
  - Panels
  - Inverters
- Price reflected as size per watt DC of electricity times cost per watt.
- 1 MW (1,000,000Wdc) @
   \$4.18/watt = \$4,180,000





# Federal PV Incentive Programs (commercial scale)

#### • FEDERAL Investment Tax Credit (ITC)

- Up to 30% of eligible system costs
- Hard cost of equipment
- Taken and applied against federal tax obligation of a "for-profit entity"
- Expires 12/31/16 Extended to 2020.
- FEDERAL Modified Accelerated Costrecovery System (MACRS)
  - Recover costs through depreciation reductions
  - 5-year accelerated depreciation
  - Expires by 12/31/16!!!





# Massachusetts PV Incentive Programs (commercial scale)

#### • Net Metering Credits

- Customers located in investor-owned utilities (National Grid, NSTAR, Western Massachusetts Electric Company, and Unitil) have the option of selling net excess electricity generation from a qualifying solar project via net metering.
- Solar Renewable Energy Certificates (SRECs)
  - I SREC = 1 MWh
  - Retail electrical providers required to buy (RPS)





## **DRIVER: Solar Incentives in Massachusetts**

#### Incentives

Federal Tax Incentives (30%)

Federal Accelerated Depreciation (5 years)

MA Net Metering (credits)

#### MA RPS Solar Carve-out Renewable Energy Certificates (SREC) Sales



www.house-power.com/blog/wp-content/uploads/2009/12/iStock\_000009001180XSmall.jpg



## **RPS Solar Carve-out Renewable** Energy Certificates (SREC)

#### SREC I (2009)

- Program cap of 400 MW
- Provided economic support of solar PV industry
- Undersupply and Oversupply concerns.
- No restrictions on growth. Land-use issues in some communities – particularly with regard to use of agricultural lands, open space, forestland, and tree cutting

#### SREC II (2014)

- Program cap of **1600 MW** (1200 additional) minus the capacity reached in SREC I by 6/30/14
- To meet goal, 140 200 MW per year
- Continues economic support and momentum for solar PV industry
- Managed Growth
- Incentives decline over 10 years
- Financial incentives differentiated between Market Sectors
- Favorability to Landfill and Brownfield type projects



## **Market Sectors**

Projects under the RPS Solar Carve-Out II Program are each assigned to a particular Market Sector as follows:

Market Sector	Generation Unit Type		
A	<ol> <li>Generation Units with a capacity of &lt;=25 kW DC</li> <li>Solar Canopy Generation Units</li> <li>Emergency Power Generation Units</li> <li>Community Shared Solar Generation Units</li> <li>Low or Moderate Income Housing Generation Units</li> </ol>	1.0	
В	<ol> <li>Building Mounted Generation Units</li> <li>Ground mounted Generation Units with a capacity &gt; 25 kW DC with 67% or more of the electric output on an annual basis used by an on-site load</li> </ol>	0.9	
С	<ol> <li>Generation Units sited on Eligible Landfills</li> <li>Generation Units sited on Brownfield's</li> <li>Ground mounted Generation Units with a capacity of &lt;= 650 kW with less than 67% of the electrical output on an annual basis used by an on-site load.</li> </ol>	0.8	
Managed Growth	Unit does not meet the criteria of Market Sector A, B, or C [NOTE: FY14 Capacity Block = 26 MW, FY15 = 80 MW to FY17 = 0]	0.7	



## SREC II Eligibility = 10 years/40 quarters

	\$/MWh				
Year	Auction Price <u>Bid</u>	Auction Price <u>After</u> <u>5% Fee</u>	ACP Rate		
2014	300	285	375		
2015	300	285	375		
2016	300	285	350		
2017	285	271	350		
2018	271	257	350		
2019	257	244	333		
2020	244	232	316		
2021	232	221	300		
2022	221	210	285		
2023	210	199	271		
2024	199	189	257		
2025					
2026		] 🖌 🖌			
2027	Values announced by DOER each year to				
2028	maintain 10-year forward schedule.				
2029	]				
2030					

Market Sector C Generating Units: At 80%

→ 285 \* 0.80 = \$228


# 225 CMR 14.00 (effective 04/25/14) Renewable Energy Portfolio Standard – CLASS I

Per 225 CMR 14.02, a Brownfield is defined as follows:

A disposal site that has received a release tracking number from MassDEP pursuant to 310 CMR 40.0000, the redevelopment or reuse of which is hindered by the presence of oil or hazardous materials, as determined by the Department, in consultation with MassDEP. For the purposes of this definition, the terms "disposal site," "release tracking" number," "oil," and "hazardous materials" shall have the meanings giving to such terms in 310 CMR 40.0006. No disposal site that otherwise meets the requirements of this definition shall be excluded from consideration as a Brownfield because its cleanup is also regulated by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601-9675, the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 – 6939g, or any other federal program. 310 CMR 14.02.



# DOER Guideline Regarding the Definition of "Brownfield" (September 2014)

- DOER's "Brownfield" is broadly defined to include universe of 44,000 listed sites and EPA Superfund, RCRA and Federal Facility locations (e.g. RE-Powering)
- Request a Brownfield "Pre-Determination" Letter from DOER prior to submitting your SREC II Statement of Qualification Application (SQA)

# "Brownfield Pre-Determination Request Form"

- A. Identification
- B. RTN
- C. Supporting documentation for "Hindered"
  - Estimate of Cleanup Costs (past/present/future)
  - Evidence of Marketability (e.g. resale, financing, environmental restrictions, abandonment)
  - Evidence as to appropriate reuse
- D. Signature

# Pre-Determinations (2014 – Present)

## Solar PV

- 9 Sites
- 35.5 MW Solar PV
- Range from 1.4 to 8 MWs (3x6MWs)
  - Former industrial
  - Former airport
  - Former quarry





# **Case Study**



# Iron Horse Park Superfund Site – Shaffer Landfill Billerica, MA

#### BACKGROUND

- The Iron Horse Park site, a 553-acre industrial complex, includes manufacturing and railyard maintenance facilities, open storage areas, landfills, and wastewater lagoons.
- A long history of activities at the site, beginning in 1913, has resulted in the contamination of soil, groundwater, and surface water.
- The Shaffer Landfill has two lobes and occupies approximately 60 acres.
- Cleanup methods selected included reconstruction of the landfill cap and collection and off-site treatment and disposal of leachate.





# Iron Horse Park Superfund Site – Shaffer Landfill Billerica, MA

#### SOLAR DEVELOPMENT

- Significant Photovoltaic Project
  - major contribution to Commonwealth clean energy goals – one of largest
  - offers beneficial reuse of a closed landfill portion of a federal Superfund Site
  - long-term landfill cap limited Site reuse potential
- MassDEP Met Novel Permitting Challenges
  - multiple interested parties: EPA, MassDEP, PRP
     Group (ongoing operation and maintenance responsibilities), project proponent; Town of Billerica
  - time constrains driven by availability of tax credits
  - ensured safe post-cleanup reuse
  - flexibility in applying State post-closure reuse regulations to federally-closed Site (including innovative mapping of federal cleanup milestones and requirements to State landfill closure requirements)
  - permit requires noninvasive design to avoid adverse impacts on landfill cap during construction and operation (gravel bed for panels weighted by ballasts, reinforced concrete pads for heavy components)
- FAM ensures funding for decommissioning,
   1/14/2016





# THANK YOU!

Thomas M. Potter Massachusetts Department of Environmental Protection Bureau of Waste Site Cleanup Clean Energy Development Coordinator

MassDEP, One Winter Street, 6<sup>th</sup> Fl Boston, MA 02108 617-292-5628 Thomas.Potter@state.ma.us Clean Energy Results Program Website:

http://www.mass.gov/eea/agencies/massde p/climate-energy/energy/

Mass Department of Energy Resources (DOER)

http://www.mass.gov/eea/grants-and-techassistance/guidance-technicalassistance/agencies-and-divisions/doer/

Massachusetts Clean Energy Center (CEC)

http://www.masscec.com/



# Mark Lewis

**Brownfields Coordinator** 

Connecticut Department of Energy & Environmental Protection

CDFA Brownfields Technical Assistance Program — www.cdfa.net



## CONNECTICUT'S SITING CLEAN ENERGY ON BROWNFIELDS WEB PAGE January 14, 2016 CDFA Financing Green Energy on Brownfields Webinar



# Siting Clean Energy on Connecticut Brownfields

# Brownfields Can be an Ideal Location for Alternative Energy Sources

- Solar
- Wind
- Hydroelectric
- Landfill Gas
- Other technologies



Planned "eco park" at Seaside Park Landfill Bridgeport, Connecticut



# **Combines Several DEEP Goals**

- Brownfield remediation & redevelopment
- Leverage existing infrastructure
- Encouraging clean/ renewable energy
- Environmental justice
- Promoting green jobs





# Siting Clean Energy on Brownfields Web Site

#### On DEEP Web site:

#### http://www.ct.gov/deep/cwp/view.asp?a=2715&q=552764&deepNav\_GID=1626



Rolled out February 2015



# Web Site Purpose

- Resource for locating energy facilities on brownfields
- Content from across State government and EPA
  - Technical and Policy Information
  - Financing and Incentives



Plainfield Renewable Energy biomass power plant On former Gallup's Quarry Superfund Site, Plainfield



# Financial Incentives- Energy Specific

Combined Heat and Power (CHP)

Through Connecticut Green Bank (Quasi Public Agency)

- Connecticut Property Assessed Clean Energy (C-PACE)
   Through Connecticut Green Bank
- Low and Zero Emissions Renewable Energy Credits (LREC/ZREC)

Through private utilities

- Class I and Large-Scale Hydropower Procurement Joint with State of Mass., private utilities in CT, RI, MA
- Net Metering and Virtual Net Metering

Through private utilities

# Financial Incentives-Brownfields

- Loans & Grants
- Administered by Dept. of Economic & Community Development
- Cover most expenses except acquisition & vertical construction
- CT has invested \$139 M in brownfields redevelopment from 2011-2015
- \$20 million committed each of next 2 fiscal years
- Every \$1 of state investment = \$4.99 from non- state partners
   Leverage increasing \$8.37:1 for July- December 2015



# **Financial Incentives-Brownfields**

## Targeted Brownfield Development Loans

- Municipalities & private developers
- Up to \$4 M, up to 20 years, low/ deferred interest
- Rolling applications- 4x/ year

## Municipal Grant Program

- Municipalities & municipal economic development agencies
- Up to \$4M
- Competitive- usually 3:1 oversubscription
- Usually 2 rounds/ year

## Brownfields Area Revitalization Grants

- Planning for multiple sites in a city/ town
- First awards January 2016- ~ \$1 million
  - Similar to EPA Community Wide Planning Grants



# Landfills for Clean Energy Web Page

- Lists landfills with owners seeking clean energy developers
- Currently lists 14 landfills
- Includes town & location, landfill size, waste type, closure year



Seaside Park Landfill, Bridgeport, 1970s Source: Connecticut Post, 4/19/2010



Former Hartford Mayor Segarra & Former Bridgeport Mayor at Hartford Landfill, 2014 Source: Sunlightsolar.com



For additional information contact Mark Lewis **Brownfields** Coordinator Connecticut Department of Energy & **Environmental Protection** (860) 424-3768 mark.lewis@ct.gov



# Gerry Moore & Titilayo Ogunyale

USDA Rural Development, Rural Utilities Service

#### CDFA Brownfields Technical Assistance Program — www.cdfa.net



# **Rural Development**

Presented by Gerry Moore and Titilayo Ogunyale

# **USDA Rural Utilities Service** Renewable Energy and Energy Efficiency

## Rural Development Program Areas



### **Electric Program - Water and Environmental Programs - Telecommunications**

- Infrastructure for 80% of the nation's land mass
  - Enhancing the lives of 25% of the population
- Loans to assist the private sector in developing and planning the construction of critical infrastructure in rural areas
  - Modernization of infrastructure for growth
  - Technical assistance and training
- Grants to provide broadband service to economically challenged rural communities
  - Opportunities to obtain educational and medical services from distant locations utilizing communications technologies

## Electric Program



# Electric Program

The Rural Utilities Service (RUS) Electric Program provides financial assistance and engineering expertise to:

- •500 + Distribution Utilities
- •30 + Generation and Transmission Entities



# Electric Program

In turn these providers supply electricity to:

- Approximately 42 million people
- 47 states
- 18 million business, homes, schools, churches, farms, irrigation systems, and other establishments
- 2,500 of the 3,141 counties in the United States.



Renewable Energy Loans Project loans vs. System loans

- RUS institutional history has consisted of making system loans where the entity that signs the note has the ability to raise rates and exercise some control over their revenue
- Project obligors entities do not have ratemaking ability their revenue is limited to what a
  power sales contract provides.

# What is EECLP?

The Energy Efficiency Conservation Loan Program (EECLP) provides utilities low-cost federal financing for energy efficiency and conservation in eligible rural communities.



# EECLP Fast Facts Eligibility Rural Utility Service (RUS) Borrowers Other electric utilities serving in rural areas (pop. < 20K)</li> Loan Terms Treasury rate + 1/8<sup>th</sup> percent Tied to the useful life of the asset Typically 15 years

# Rural Energy for America Program - REAP

- Provides financial assistance in the form of grants and guaranteed loans to agricultural producers and rural small businesses
- Purchasing and installing renewable energy systems and making energy efficiency improvements.
- Eligible Projects include, Wind, Solar, Biomass, Geothermal, etc.
- Energy Efficiency Improvements to a facility or building
- Must be commercial technology



## **Rural Development**

Contact Information Titilayo Ogunyale Rural Development Rural Utilities Service <u>Titilayo.ogunyale@wdc.usda.gov</u> Office: 202.720.0736 <u>www.rd.usda.gov</u>

USDA Rural Development is committed to the future of rural communities.



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