

Dated: October 25, 2005.

**Robert W. Hargrove,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7989-9]

### Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 104(k); and CERCLA Section 104(d); "Discounted Loans" Under Brownfields Revolving Loan Fund Grants

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of the availability.

**SUMMARY:** Pursuant to an October 17, 2005 Memorandum signed by Thomas P. Dunne, Acting Assistant Administrator of EPA's Office of Solid Waste and Emergency Response, Brownfields Revolving Loan Fund (RLF) grantees may provide discounted loans in certain situations. RLF grants are awarded to eligible entities provided in section 104(k)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), to capitalize RLF's for brownfields cleanup. RLF grantees can use their EPA grant funds for loans and subgrants, as well as other eligible activities.

The Office of Solid Waste and Emergency Response provides this policy in response to interest by RLF grantees awarded under CERCLA section 104(k) in issuing discounted loans as part of their RLF programs. Such loans were provided for in earlier policies that applied to Brownfields Cleanup Revolving Loan Fund (BCRLF) grants awarded under CERCLA section 104(d). BCRLF grants were awarded starting FY1997 to FY2002, prior to the passage of the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law). Several BCRLF grantees made discounted loans under CERCLA section 104(d) policies, thereby achieving cleanup goals. However, with the signing of the Brownfields Law, new RLF grants, awarded under 104(k) from FY2003 forward, were left with no provision for the use of discounted loans. This policy meets this need, giving RLF grantees additional options to achieve cleanup goals, in keeping with prudent lending practices.

**ADDRESSES:** Mailing addresses for U.S. EPA Regional Offices and U.S. EPA

Headquarters are provided in the Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund and Cleanup Grants. Obtaining Proposal Guidelines: The proposal guidelines are available via the Internet: <http://www.epa.gov/brownfields>. Copies of the Proposal Guidelines will also be mailed upon request. Requests should be made by calling the U.S. EPA Call Center at the following numbers: Washington, DC Metro Area at 703-412-9810, Outside Washington, DC Metro at 1-800-424-9346, TDD for the Hearing Impaired at 1-800-553-7672.

**FOR FURTHER INFORMATION CONTACT:** Call Alison Evans at the U.S. EPA's Office of Solid Waste and Emergency Response, Office of Brownfields Cleanup and Redevelopment, (202) 566-2777.

**SUPPLEMENTARY INFORMATION:** This policy supersedes all previous memorandums and/or policies that address this practice for these grantees. It applies to:

- RLF grants awarded under CERCLA section 104(k),
- BCRLF grants originally awarded under CERCLA section 104(d) that have transitioned to section 104(k) as provided in section 104(k)(3)(D), and,
- BCRLF grants awarded under CERCLA section 104(d) that have not transitioned.

RLF grantees may offer discounted loans (also called "principal forgiveness") under the following conditions:

#### I. Borrowers for Discounted Loans

RLF grantees may offer discounted loans to those entities provided in CERCLA section 104(k)(1) including states, political subdivisions, and others, as well as nonprofit organizations.<sup>1</sup> Private, for-profit entities are not eligible for discounted loans.

#### II. Conditions for Individual Discounted Loans

For an individual loan, the amount of principal discounted may be any percentage of the total loan amount up to 30 percent, provided that the total amount of the principal forgiven shall not exceed \$200,000. For example, a

<sup>1</sup> For the purposes of the brownfields grant program, EPA will use the definition of nonprofit organizations contained in Section 4(6) of the Federal Financial Assistance Management Improvement Act of 1999, Public Law 106-107, 31 U.S.C. 6101, Note. The term "nonprofit organization" means any corporation, trust, association, cooperative, or other organization that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest; is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization.

loan of \$600,000 may be discounted at 30 percent, resulting in \$180,000 in principal forgiven. However, a loan of \$800,000, could only be discounted at 25 percent, resulting in \$200,000 in principal forgiven (any discount above 25 percent, in this case, would result in more than \$200,000 in principal forgiven, which is not provided for under this policy). In addition to these terms, a discounted loan may not be used in combination with a subgrant at a single site.

#### III. Conditions for RLF Grant Management When Discounted Loans Are Employed

For an RLF grant budget as a whole, the total dollar amount of principal forgiven through discounted loans plus the amount subgranted shall not exceed a total of 40% of RLF grant funds awarded.

#### Background

On January 11, 2002, President George W. Bush signed into law the Small Business Liability Relief and Brownfields Revitalization Act. This act amended the Comprehensive Environmental Response, Compensation and Liability Act to authorize Federal financial assistance for brownfields revitalization, including grants for assessment, cleanup, and job training.

Funding for the brownfields grants is authorized under section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA), 42 U.S.C. 9604(k). Eligibility for brownfields assessment and revolving loan fund grants is limited to "eligible entities" as defined in section 104(k)(1) of CERCLA. These include a General Purpose Unit of Local Government; Land Clearance Authority or other quasi-governmental entity that operates under the supervision and control of, or as an agent of, a general purpose unit of local government; Governmental Entity Created by State Legislature; Regional council or group of general purpose units of local government; Redevelopment Agency that is chartered or otherwise sanctioned by a state; State; Indian Tribe other than in Alaska; and Alaska Native Regional Corporation, Alaska Native Village Corporation, and Metlakatla Indian Community. Eligibility for brownfields cleanup grants is limited to "eligible entities" and nonprofits.

In addition, Intertribal Consortia, other than those composed of ineligible Alaskan tribes, are eligible to apply for the brownfields assessment, revolving loan fund, and cleanup grants. Coalitions of eligible governmental

entities are eligible to apply for the brownfields revolving loan fund grants, but only one member of the coalition may receive a cooperative agreement.

Dated: October 24, 2005.

**Linda Garczynski,**

*Director, Office of Brownfields Cleanup and Redevelopment, Office of Solid Waste and Emergency Response.*

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## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2005-0247; FRL-7735-2]

### Pennsylvania and Virginia State Plans for Certification of Applicators of Restricted Use Pesticides; Notice of Availability

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of intent.

**SUMMARY:** The States of Pennsylvania and Virginia have submitted to EPA amendments to their respective State Plans for Certification and Training of Applicators of Restricted Use Pesticides. The proposed amendments add new commercial categories for vertebrate pest control. Notice is hereby given of the intention of the Regional Administrator, Region III, to approve the revised Pennsylvania and Virginia Plans for the Certification of Applicators of Restricted Use Pesticides. EPA is soliciting comments on the proposed amendments.

**DATES:** Comments must be received on or before November 28, 2005.

**ADDRESSES:** Comments, identified by docket identification (ID) number OPP-2005-0247, may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Fabiola Estrada, USEPA Region III, Pesticide/Asbestos Programs and Enforcement Branch (3WC32), 1650 Arch St., Philadelphia, PA 19103-2029; telephone number: (215) 814-2171; e-mail address: [Estrada.Fabiola@epa.gov](mailto:Estrada.Fabiola@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

##### *A. Does this Action Apply to Me?*

This action is directed to the public in general. This action may, however, be of interest to those involved in agriculture and anyone involved with the distribution and application of pesticides for agricultural purposes.

Others involved with pesticides in a non-agricultural setting may also be affected. In addition, it may be of interest to others, such as, those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

##### *B. How Can I Get Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action under docket ID number OPP-2005-0247. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search" then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets.

Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

In addition to the sources listed in this unit, you may obtain copies of the amended Pennsylvania and Virginia Certification Plans, other related documents, or additional information by contacting:

1. Fabiola Estrada at the address listed under **FOR FURTHER INFORMATION CONTACT**.