



B. Application Information Sheet

1. Application Identification

Waterfront Botanical Gardens – Site Address
1435 Frankfort Avenue
Louisville, KY 40206

Waterfront Botanical Gardens – Office Address
1800 Marina’s Edge Way; Suite 101
Louisville, KY 40206

2. Website URL: www.waterfrontgardens.org

3. Funding Requested

- a. Grant Type: Single Site Cleanup
- b. Federal Funds Requested: \$4,000,000

4. Location

- a. Louisville
- b. Jefferson County
- c. Kentucky

5. Property Information

Waterfront Botanical Gardens
1435 Frankfort Ave., Louisville, Jefferson County, Kentucky 40206

6. Contacts

- a. Project Director: John Philip Koester
President and CEO
Waterfront Botanical Gardens
1800 Marina’s Edge Way
Louisville, KY 40206
pkoester@waterfrontgardens.org
312-330-5646

- b. Chief Executive: John Philip Koester
President and CEO
Waterfront Botanical Gardens
1800 Marina’s Edge Way
Louisville, KY 40206
pkoester@waterfrontgardens.org
312-330-5646

7. Population: City of Louisville 640,769 - estimate as of July 1, 2024 per [census.gov](https://www.census.gov)

8. Other Factors:

Other Factors	Page #
Community population is 15,000 or less.	-
The applicant is, or will assist, a federally recognized Indian Tribe or United States Territory.	-
The proposed site(s) is impacted by mine-scarred land.	-
Secured firm leveraging commitment ties directly to the project and will facilitate completion of the remediation/reuse; secured resource is identified in the Narrative and substantiated in the attached documentation.	-
The proposed site(s) is adjacent to a body of water (i.e., the border of the proposed site(s) is contiguous or partially contiguous to the body of water, or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).	Page 1
The proposed site(s) is in a federally designated flood plain.	Page 1
The reuse of the proposed site(s) will facilitate renewable energy from wind, solar, or geothermal energy.	-
The reuse of the proposed site(s) will incorporate energy efficiency measures.	-
The proposed project will improve local resilience to the impacts of extreme weather events and natural disasters.	Page 2
The target area(s) is impacted by a coal-fired power plant that has recently closed (2015 or later) or is closing.	-

9. Releasing Copies of Applications: N/A

SITE MAP

Waterfront Botanical Gardens

Parcel B



1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION

Target Area and Brownfields

a. Overview of Brownfield Challenges and Description of Target Area

Waterfront Botanical Gardens (WBG) is seeking an EPA Cleanup Grant to remediate, via capping, contamination associated with the former Ohio St. Dump located in Louisville, KY. Situated on the banks of the Ohio River, Louisville has historically been a river-centric manufacturing town. Industries, such as rubber and later chemical production led to the growth of the city. However, the need for these products declined in the 1970's as production moved overseas, creating a host of brownfield challenges including shuttered factories, blight, legacy contamination, and subsequent health issues. The area sits within an older creek-and-rail industrial corridor where land uses historically included a municipal landfill (the former Ohio Street Dump, closed in 1973), floodplain fill, and creek-adjacent industrial and freight activities. These patterns are characteristic of urban brownfield conditions and are commonly associated with legacy issues such as buried waste, unknown fill, and potential petroleum-based products, metals, and solvent-related contamination requiring environmental cleanup and long-term stewardship. Louisville suffers from such high levels of groundwater contamination that it is no longer legal to install wells for domestic use. **Census Tract 21111007400 in Jefferson County, KY is the target area** where the cleanup activities will occur. The target area is located approximately two miles from downtown Louisville along I-71 and serves as the eastern gateway to the city. The target area is 2.69 square miles in size, borders the Ohio River and is in a flood plain. The area was once home to one of Louisville's oldest neighborhoods known as "The Point". The once beautiful community was irreparably destroyed by the flood of 1937, and the target property was turned into a city dump for building refuse from flood-damaged homes, and accepted household waste from the surrounding area until 1973. Today the target area is mixed-use, primarily commercial, with a population of 2,494 people. The EPA Cleanup grant will provide the necessary funds to cap the legacy contaminants of the former dump and redevelop the 12-acre neighborhood blight into a public asset, thus improving human health and environmental impacts.

b. Description of the Proposed Brownfield Site:

The former Ohio St. Dump property makes up 12.63 acres; Parcel B located on the north side of the property at 1435 Frankfort Ave. See site map included in the attachments. The property is situated along the western banks of Beargrass Creek that empties into the southern banks of the Ohio River. The property was historically developed as a residential neighborhood prior to 1937. Louisville operated the Ohio St. Dump from 1937 until 1973 which included both Parcel A (the south side of the property) and Parcel B when it was finally closed. As a legacy city dump, the confirmed contaminants include debris from 1937 Ohio River flood, household waste, commercial and industrial waste and tons of inert waste materials. Identified contaminants of concern (COC) include VOCs, SVOCs, PAHs, BETX, RCRA Metals & PCBs. Since the time of its closure, Parcel B has remained unimproved and undeveloped, with no structures. It is currently vacant; overgrown with brush, grass and wooded land. It is a source of blight and stark contrast to the beauty of the adjoining partially developed Parcel A.

Revitalization of the Target Area

c. Reuse Strategy and Alignment with Revitalization Plans:

WBG, is a community-driven organization with the mission to overcome urban barriers by creating greenspace to promote an improved quality of life for all of Louisville. WBG proposes to redevelop the Parcel B as a park connecting to the historic Beargrass Creek through the development of an expansive series of great lawns and walking trails. The proposed reuse directly aligns with the Louisville Loop Master Plan and Sustain Louisville, the city's sustainability plan. Both plans aim to promote improved recreation and non-motorized transportation networks through parks and green spaces. The redevelopment strategy is to cap the site with suitable cap materials, (clean clay and topsoil) as specified by Kentucky Department of Environmental Protection (KDEP) in the approved Site Management Plan (SMP). This engineered cap will also reduce potential seepage and runoff contaminants from entering Beargrass Creek and flowing into the Ohio River due to annual flooding. It will also help protect the environment and the health of local residents that use Beargrass Creek for recreation. Its proximity

to downtown Louisville, Beargrass Creek, the Ohio River and adjoining neighborhood has made the site attractive for redevelopment. It is one of the few remaining large tracts of land now available adjacent to downtown Louisville. The site is in a Federally designated floodplain, which dramatically restricts potential redevelopment options. For this target site, there are no plans for constructing buildings that could be impacted by flooding on the site. WBG will be seeking additional funds from the private sector for walking paths, shrubs, trees and lighting. Meadows, fields and trails are highly flood tolerant and provide a wonderful, safe and beneficial recreational reuse to the former dump. Community involvement and input started shortly after the dump closed in 1973. Since WBG obtained the property in 2017, the community has been extensively involved via in person meetings, websites, zoom calls, public meetings, which WBG has used to develop its overall redevelopment plan. Throughout the years, the city solicited input from neighborhood associations and business owners to identify a beneficial reuse of the site. After a decades-long period of dormancy, it was a grassroots effort from committed Louisvillians that stepped up and offered to take on this enormous adaptive reuse of a former landfill. Grant funds are an important source for redevelopment of the site, including greater connectivity to Beargrass Creek Trail which leads to Butchertown (to the west) and Waterfront Park along the Ohio River (to the northeast). The Butchertown Business Alliance is an important community partner.

d. Outcomes and Benefits of Reuse Strategy:

WBG's goal is to provide this urban community with a new outdoor-focused park with a strong connection to Beargrass Creek which includes greater connectivity to Butchertown and Waterfront Park. The cleanup of this site will transform a legacy city dump that has been hindering both economic development and quality of life for decades. The benefits to residents and businesses adjacent and nearby will be immediate and transformative. Similar community revitalization and economic benefits are being experienced with the development of nearby Waterfront Park (see generalized area map included in the attachments) which included the construction of new multi-story condominiums, restaurants, a nearby minor-league baseball field, and the USEPA Region IV Phoenix Award-winning Lynn Family Soccer Stadium. Once fully remediated and redeveloped, this site will be transformed into a 12.63-acre park (greenspace) replaced with health promoting walking and recreational trails tied to WBG's mission of promoting environmental and educational outreach related to horticulture. This project will generate broad economic and social benefits for Louisville and the region by drawing visitors from the local community, across the country, and around the world, positioning the Gardens as a major regional asset.

Regarding extreme weather events, such as flooding, within the subject site, the grant funds will be used to cap the site with low-permeability clays will significantly reduce or eliminate contamination from runoff, seepage and leachate into the nearby Beargrass Creek and the adjoining Ohio River, a major waterway.

Strategy for Leveraging Resources

e. Resources Needed for Site Characterization:

Since 1973, several Phase I and Phase II environmental site assessments have been completed by the city and overseen by KDEP. The only ongoing environmental expense is associated with continued groundwater monitoring, which is minimal in cost. In discussions with KDEP, they indicated conditions are unlikely to change and will likely improve as a new, more protective cap is placed over the site. We are confident the site has been properly and fully characterized. KDEP agrees, as confirmed by the attached letter. In the unlikely event that additional assessment is needed, both the EPA and KDEP's Brownfield Programs have funding for additional site evaluation available through their Targeted Brownfield Assessment programs.

f. Resources Needed for Site Remediation:

The total estimated cost for cleanup (capping) of the former Ohio Street Dump (Parcel B) is \$4,000,000, as documented in the ABCA, which was completed in December 2025 and accounts for current market prices of materials and Davis-Bacon Prevailing Wage Rates. Waterfront Botanical Gardens has requested clean-up grant funding in the amount necessary to cap the site for public safety and beneficial reuse. This funding will fully remediate the site with no additional remediation funding required.

g. Resources Needed for Site Reuse:

Name of Resource	Is the resource for assessment, remediation, or reuse	Is the resource secured or unsecured	Additional details or Information about the resource
Assessment – N/A	No additional assessment required	N/A	N/A
Remediation - N/A	No additional remediation required	N/A	N/A
Private Funding and a grant from the National Fish and Wildlife Foundation will be sought. We traditionally fund walking paths through a naming opportunity per brick.	Reuse	Partially Secured	Walking paths, irrigation, lighting

Note this area, unlike other parts of the development (Parcel A), is not building intensive.

The requested grant funds will fully achieve our current goals of safely remediating the site for beneficial adaptive reuse, increasing walkability, and recreational greenspace. Moving forward with the redevelopment into public green space and grasslands, WBG will require minimal funds which will include walking paths and trails. WBG has successfully redeveloped a substantial portion of Parcel A into an Education Center, classrooms, a greenhouse, Beargrass Creek Pathway with waterfall, and outdoor gardens with water feature. WBG has continued to increase funding to fully develop Parcel A projects since its initial opening in October of 2019. Our major contributors include private and family foundations, corporations, individuals, state and local governments. WBG is generating substantial income for operations from private events such as weddings, company meetings, and many public events. For example, our annual holiday light show, “Gardens Aglimmer,” was attended by over 14,000 people in 2025 generating over \$270,000 in revenue for this event.

h. Use of Existing Infrastructure:

The proposed reuse as a community park will not require a need for infrastructure upgrades. Electricity will easily connect to the property from existing Louisville Gas & Electric service lines adjoining the property. The City has sufficient water and sewer capacity to accommodate future restroom facilities. Ten geothermal wells are currently being utilized for heating buildings situated on Parcel A to provide a heat source as needed. The construction of these wells through existing landfill material is an environmentally friendly way of providing renewable energy to the site.

2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT

Community Need

a. **The Community’s Need for Funding:** As a nonprofit without taxing authority and dependent on private donations along with state and local government support, Waterfront Botanical Gardens is unable to draw on other sources of funding due to the small, low-income population of the target area. Census Tract 74 (21111007400) has a population of 2,635 people, 23% of whom are low income (www.datacommons.org). This compares with a 2024 Kentucky poverty rate of 15.6% (www.kypolicy.org) and a United States poverty rate of 10.6% (www.census.gov)

The community needs within the target area include addressing this legacy landfill previously operated by Louisville and left dormant for over 40 years. Additionally protecting the waters of adjoining Beargrass Creek and the Ohio River for recreational, human health and environment protection. Economic development continues

to struggle within the immediate vicinity. With support from the cleanup grant, the successful remediation of the former Ohio Street landfill will attract new businesses, generating additional jobs in the area.

Without this grant, the needs of the community will not be met by remediating the site from contaminants including hazardous substances and petroleum-related constituents VOCs, SVOCs, PAHs, BETX, RCRA Metals & PCBs

This cleanup grant will facilitate the subsequent reuse by making the land safe for redevelopment. We anticipate the development of public-private partnerships as the site is remediated and redeveloped.

b. Health or Welfare of Sensitive Populations

The sensitive populations in the target area consist of 23% low-income residents, 17% people of color, 13% with less than high school education, 12% persons with disabilities, 6% under 4 years of age and 12% aged 65 and older. VOCs, SVOCs, PAHs, BETX, RCRA Metals & PCBs have been identified at the former Ohio St. Dump. These hazardous substances pose serious health risks including damage to the liver, kidneys, heart, spleen, nervous system, asthma, birth defects and cancer (www.atsdr.cdc.gov). Sensitive populations who may have other risk factors, compromise immune systems, and/or lack access to adequate health care are especially vulnerable. The cleanup grant will provide the funds needed to contain the hazardous materials with an engineered cap thus minimizing the potential for exposure and resulting health problems. The proposed reuse will also improve air quality for the community exposed to vehicle exhaust from I-71. According to a 2025 study, Louisville has among the highest ozone levels that impact the air quality and health of sensitive populations in the target area.

c. Greater than Normal Incidence of Disease and Adverse Health Conditions:

By remediating the site, via capping, we will eliminate numerous exposure pathways, including dermal, air, water (surface and groundwater) which will facilitate the immediate reduction of health threats to populations in the target area that suffer from a greater-than-normal incidence of diseases, including cancer, as indicated in the table below.

Precise health data by Census Tract in Kentucky is not available through general health data resources. Therefore, we have identified data points concerning cancer rates in Jefferson County (where Census Tract 74 is located) versus the United States, which compares to other Jefferson County Census Tracts with lower cancer rates of 154 per 100,000.

	Jefferson County, Kentucky	United States
All Cancers Incidence	513.7	444.4
Lung and Bronchus Cancer	84.5	53.1
Kidney and Renal Cancer	21.4	17.3
Liver and Bile Duct Cancer	8.9	8.6

Age-adjusted rate per 100,000 population. Source:www.statecancerprofiles.cancer.gov

d. Economically Impoverished/Disproportionately Impacted Populations

The target area has been heavily impacted by the operation of this legacy dump by the city of Louisville resulting in a disproportionate share of the negative environmental and health consequences faced by a largely economically impoverished community. The transformation of the legacy dump into a park/greenspace will significantly address economic issues of the disproportionately impacted populations by providing better, healthier environmental conditions, especially related to adjoining Beargrass Creek and the Ohio River.

Community Engagement

e. Project Involvement

The following diverse group of community partners, listed in the table below, have committed to have meaningful involvement in the project and will provide valuable input about the property cleanup and future reuse.

ORGANIZATION	MISSION	ROLE IN PROJECT	CONTACT
Butchertown Business Alliance (BBA)	Unifies, supports and promotes businesses in Butchertown	WBG updates BBA membership at the monthly meetings and solicits input on projects	Andy Blieden; andy@thebutchertownmarket.com
Butchertown Neighborhood Association (BNA)	Preserves the character of Butchertown while enhancing the quality of life for its residents.	Shares project updates with residents and supports community engagement.	Rachel Edenfield; president@butchertownlou.org
Greater Louisville Bonsai Association (GLBA)	To advance appreciation, knowledge, understanding of Bonsai and create interest and inspire.	GLBA is a programming partner and advises on future use of the property.	Russell Stevens; [REDACTED]
Jefferson County Master Gardeners Association (JCMGA)	Provides quality horticultural education to empower gardeners through learning opportunities, volunteer leadership, green partnerships and community service.	JCMGA will provide input on the project from a horticultural and community engagement perspective.	Gary Michael; info@jcmgaky.org
Louisville Grows	Cultivates greener, healthier neighborhoods by fostering urban agriculture, expanding the city's tree canopy through its Urban Forestry Program and providing environmental education	Advises on sustainability and supports outreach	Christine Brinkman; christine@louisvillegrows.org
Trees Louisville	Preserves and expands the Louisville and regional tree canopy through civic engagement, education and public awareness	Collaborates on tree selection and environmental programming	Cindi Sullivan; cindi@treeslouisville.org

g. Incorporating Community Input

WBG recognizes the need to keep the community informed, and more importantly, involved in the site restoration. Since WBG obtained the property in 2017, the community has been extensively involved via in person meetings, websites, zoom calls, public meetings, which WBG has used to develop its overall redevelopment plan. WBG has a comprehensive community education and outreach team and will publish our progress, related documents, and solicit comments throughout the Butchertown community. WBG will request, consider, and respond to residents' questions, comments, and concerns regarding the redevelopment activities in their community. WBG will follow the EPA's Steps for Effective Public Involvement which includes planning and conducting public involvement activities, as well as reviewing and implementing input and providing feedback. Megan Bibelhauser of WBG who serves as the current outreach coordinator and will coordinate with Phil Koester, Project Director, to communicate

to the public through a variety of media outlets, including public notices, the Courier Journal newspaper, radio (AM Radio 840) and WBG websites. Commitment to follow-through on community concerns, values and suggestions will be the ultimate responsibility of the Project Director, Philp Koester. WBG has partner commitments to meet at various ADA accessible locations in the target area, including Butchertown. Platforms, such as Zoom or Teams, will be offered in addition to attending the meeting in-person or when social distancing may be needed to limit in-person meetings.

3. TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS

a. Proposed Cleanup Plan

As a legacy city dump, the confirmed contaminants include debris from 1937 Ohio River flood, household waste, commercial and industrial waste and tons of inert waste materials. Identified contaminants of concern (COC) include VOCs, SVOCs, PAHs, BETX, RCRA Metals & PCBs. Over the last 40 years the waste has degraded and essentially remained in place. However, the redevelopment cannot occur until a permanent cap is installed.

The ABCA outlines three alternative methods for addressing legacy environmental concerns at the site, including No Action, Capping, and Removal of All Waste. Based upon the ABCA results, Alternative 2 was chosen as the most cost-effective and protective of human health and the environment.

Alternative 2: Capping - This alternative involves applying a base covering of geotextile material over the waste material then covering with a KDEP approved capping material. The state approved Site Management Plan indicated that various cap materials could be considered if they are protective, effective and reliable. Approved capping materials include 12” of “clean” clay and 24” of “clean” (laboratory tested) topsoil, protected by a vegetive cover.

Description of Tasks / Activities, and Outputs

TASKS/ACTIVITIES	TASK - 1 Cooperative Agreement Oversight
b. Project Implementation	<ul style="list-style-type: none"> • Grant Funded: With the assistance of the QEP, WBG will ensure all quarterly reports, MBE/WBE forms, and the ACRES database updates are completed on time. Waterfront Botanical Gardens Project Director Phillip Koester and Megan Bibelhauser our community outreach coordinator will attend regional and national Brownfield conferences. • Non-Grant Funded: WBG will oversee grant implementation, including financial and programmatic management to ensure compliance with the cooperative agreement, schedule, and terms and conditions for the four-year grant period. WBG will initiate a competitive qualification-based selection process in compliance with state and federal (2 CFR 200.317-326) guidelines to select a Qualified Environmental Professional (QEP) firm.
c. Anticipated <u>Project Schedule</u>	This task will be initiated upon grant award and can continue throughout the four-year project period, however, WBG anticipates completion within two years .
d. Task/Activity Lead(s):	WBG and QEP
e. Output(s):	Four conferences attended, eight quarterly reports, one closeout report, ACRES updates, annual MBE/WBE reporting.
Tasks/Activities:	Task 2 – Community Education & Outreach

a. Project Implementation:	This task includes public meetings, community education concerning brownfields and the subject site, gathering community input and incorporating comments and ideas into the on-going development plan. All information will be made public through a variety of distribution channels, including the Courier Journal Newspaper, the WBG website (www.waterfrontgardens.org), AM Radio 840 and Facebook social media sites. Due to the likely fast pace of this project a public meeting will be held at the time of issuance of the Cooperative Agreement and quarterly thereafter. Supplies needed for public meetings will include printed handout materials, public notices, advertised via newspaper, and WBG website. The Community Involvement Plan (CIP) will be prepared after Work Plan approval.
b. Anticipated Project Schedule:	This task will be initiated within two months of procuring our QEP and will continue throughout the project period.
c. Task/Activity Lead(s):	<u>WBG</u> and QEP
d. Output(s):	It is anticipated that a community meeting will be held once per quarter until completion of the project (8 quarters) and one CIP.
Tasks/Activities:	Task 3 – Remedial Planning
b. Project Implementation:	This task includes preparing the QAPP, Health and Safety Plan, finalizing the ABCA, coordinating with state and federal regulatory agencies to prepare remedial action plans, specifications and bid documents for selection of the abatement contractor, which will be procured in accordance with federal guidelines (2 CFR 200.317-326).
c. Anticipated Project Schedule	This task will be initiated after Work Plan approval and two months after we procure our QEP.
d. Task/Activity Lead(s):	QEP
e. Output(s)	1 QAPP, 1 ABCA, 1 HASP, remedial plan, one set of bid documents
Tasks/Activities:	Task 4 – Site Cleanup
b. Project Implementation:	This task includes contractor abatement costs for capping waste materials. This task will also include QEP oversight of the selected abatement contractor by our selected environmental consultant.
c. Anticipated Project Schedule:	This task will be initiated within eight months of Work Plan approval and completed within 24 months after award.
d. Task/Activity Lead(s):	QEP, State Licensed Cleanup Contractor
e. Output(s):	Completion of cleanup, report and Certification Letter to the USEPA .

Cost Estimates

Budget Categories	Project Tasks – USEPA FUNDS			
	Task 1 Grant Management	Task 2 Community Engagement	Task 3 Remediation (Cleanup)	Total (\$)
Personnel	\$58,067	\$5,813		\$63,880
Fringe Benefits	\$14,523	\$1,453		\$15,976
Travel	\$10,072			\$10,072
Equipment				
Supplies				
Contractual	\$66,560	\$10,060	\$200,210	\$276,830
Construction			\$3,633,242	\$3,633,242
Total Direct Costs	\$149,222	\$17,326	\$3,833,452	\$4,000,000
Indirect Costs	0	0	0	0
Total Budget	\$149,222	\$17,326	\$3,833,452	\$4,000,000

Task 1 – Grant Management

Accounting/Finance: \$40.38/hr. x 300 hrs. (\$12,114) (Review all contractor documents and process invoices)

Site Management (Field). \$43.30/hr. x 727 hrs. (\$31,479) (Oversee all contractor selection/remedial activities for grantee.)

Grantee Grant Manager: \$58.13/hr. x 249 hrs. (\$14,474) (Review/approval of reports for submittal; attend monthly progress meetings; process funds/payments; review and approve various plans developed by environmental consultant as part of the grant.)

Personnel Costs: **\$58,067**

Fringe (25%) **\$14,523**

Travel: 2 persons to attend 2 National Conferences, 2 Regional Conferences, and 3 State Conferences during the grant registration fees (\$3,000), airfare (\$3,037) to national and regional conferences, \$225/night hotel for 13 nights (\$2,925), daily per diem \$74/day for 15 days (\$1,110) travel total) **\$10,072**

Qualified Environmental Professional (QEP): ACREs & EPA Reporting/Mgmt. (4 hrs./week x 104 weeks @ \$160 hr.) **\$66,560.**

TASK 1 Grand Total: \$149,222

Task 2 – Community Engagement

Grantee Grant Manager: \$58.13/hr.x100 hrs. (\$5,813) (community meetings, workshops, review/approval educational material, advertisements and solicitations. Total **(\$5,813)** Fringe (25%) **(\$1,453)**

QEP: Community Eng. Plan (CEP) (\$7,500); Community Meetings (8 quarterly mtgs. x 2hrs. @ 160 hr.) (\$2,560) **\$10,060**

TASK 2 Grand Total: \$17,326

Task 3 – Cleanup (Construction) is estimated at **\$3,633,242** (engineered cap and grading for future reuse plans); QEP (contractor) costs are estimated at **\$200,210**; (QAPP \$9,600; HASP \$3,500; Final ABCA \$11,520, Bid Docs \$18,240; Remedial Action Plan \$9,600; Project Oversight; \$104,000; Site Design \$43,750

TASK 3 Total: \$3,833,452 (see ABCA).

** Funds dedicated to site abatement represent **96%** of grant funds.

g. Plan to Measure and Evaluate Environmental Progress and Results

WBG will continuously review progress of the project in relation to milestones and outputs listed above. Monthly progress meetings will be held, and progress reporting will be required of environmental consultants and contractors once their work begins. The QEP will ensure contractor work plans meet proper cleanup methods, and that contractors are adhering to proper remediation methods. Corrective Action will be taken immediately if needed.

4. Programmatic Capability and Past Performance

Programmatic Capability

a. Organizational Structure

WBG is structured to ensure timely and successful expenditure of funds and successful completion of the proposed project. The organization has established staff to manage, approve, and track project funding through established financial policies and procedures. WBG follows generally accepted accounting procedures (GAAP) and completes annual audits by an independent audit firm (Cherry Bekaert) within four months of the end of each Fiscal Year. Auditor suggestions for improvement are incorporated as necessary. The organization is structured with roles and hierarchy to ensure decision making processes and project development and implementation follows proper protocol. The organization is led by a Board Chair, governed by a Board of Directors, and maintains adequate separation of duties so vital roles are not duplicated.

b. Description of Key Staff

Mr. Philip Koester, Project Director, President & CEO of WBG, has over 30 years of non-profit management experience including major leadership initiatives at the Los Angeles Philharmonic, Chicago Symphony Orchestra and Lyric Opera of Chicago. He has held senior positions with Kentucky Opera and Louisville Ballet. During his tenure at WBG, Koester has spearheaded the fundraising and project management of the completion of built elements of WBG's developed acreage

Mr. Tim Hubbard, Environmental Technical Advisor recently served as the Director of the Kentucky Division of Waste Management with over thirty years of environmental experience, including direct regulatory oversight experience with the Ohio Street Dump. As the technical advisor Mr. Hubbard will interface with KDEP concerning our regulatory oversight and compliance, review all remediation plans, the QAPP, HASP, and ensure compliance with all Acquiring Additional Resources

Ms. Ofelia Cardenas, Director of Finance at WBG, has 40 years of experience in accounting and financial management. She is responsible for all aspects of the accounting department to include financial statement preparation, analysis/audit, accounts receivables and accounts payable, daily cash flow, all aspects of payroll processing, bank reconciliations, accruals, month-end close – adjusting/closing entries. Also responsible for the preparation of all tax returns and supervision of all office personnel. Also, in charge of all budgeting procedures, implementation, comparisons and analysis as well as all management reporting.

c. Acquiring Additional Resources

WBG has not procured a Qualified Environmental Professional (QEP) or included a subrecipient for this grant application. The procurement process will comply with 2 CFR 200 and all other federal procurement regulations. A *Request for Proposals*, including an evaluation of cost, will be advertised in the local newspaper and on WBG's website. Minority and women owned businesses will be encouraged to apply and or partner with other companies.

Firms will be evaluated based on their successful experience with EPA Brownfields Assessment and Cleanup grants and experience in working with the KDWM. WBG will use the same methods to procure abatement contractors. Additionally, staff with the Kentucky Brownfields Program will be consulted and invited to participate during the project term and have agreed to provide educational sessions and environmental updates related to site assessments, cleanup planning and how to identify leveraged resources. However, it is not anticipated that WBG will need additional funding for site restoration.

Past Performance and Accomplishments

- d. WBG has not currently or previously received an EPA Brownfields Grant.
- e. WBG has not received an EPA Brownfields Grant but has received non-federal financial assistance agreements.

(1) (4e1) Purpose and Accomplishments

WBG received \$4 million from the Commonwealth of Kentucky to manage capital improvements to WBG (Parcel A) including construction of the Bonsai Display Garden, Bonsai House, Tree Allee, and Beargrass Creek Overlook. Effective Dates of the Contract: September 27, 2024 to June 30, 2026.

WBG received \$1 million in General Funds from Louisville/Jefferson County Metro Government through its Office of Housing and Community Development for infrastructure improvements to WBG (Parcel A). Approval signed on October 21, 2024, by the Director, Housing and Community Development.

The project was not shovel-ready in 2025 due to required soil surcharging on the former municipal landfill site; initial surcharging was completed in May 2025, and ongoing geotechnical monitoring indicates additional time is needed to achieve settlement stabilization and mitigate future differential settlement risks. The bid package has been updated to reflect current engineering recommendations and site conditions, with bidding for the General Construction Package anticipated in spring 2026 following completion of early site work and permitting.

(2) (4e2) Compliance with Grant Requirements

For both the Commonwealth of Kentucky and the Louisville/Jefferson County Metro Government grants, WBG has filed quarterly reports in a timely and thorough manner. The quarterly reports require a listing of invoices paid to date from each grant and a written summary of the progress of the work since the previous quarterly report.

Commonwealth of Kentucky and Louisville/Jefferson County Metro Government departments have indicated WBG's reporting is compliant with the terms of the agreements and done in a professional and clear manner.

THRESHOLD CRITERIA – WATERFRONT BOTANICAL GARDENS

1. Applicant Eligibility

a. Waterfront Botanical Gardens (WBG) affirms that it is a nonprofit organization described in section 501(c)(3) of title 26 (the Internal Revenue Code (IRC)) and exempt from taxation under 501(a) of that title.

Documentation of tax-exempt status under section 501(c)(3) of the Internal Revenue Code is attached.

b. WBG affirms that it is not a 501(c)(4) under the Internal Revenue Code and does not lobby for the Federal Government,

2. Previously Awarded Cleanup Grants

WBG affirms that the proposed site has not received funding from a previously awarded EPA Brownfields Cleanup Grant.

3. Expenditure of Existing Multipurpose Grant Funds

Waterfront Botanical Gardens affirms it does not have an open EPA Brownfields Multipurpose Grant.

4. Site Ownership

WBG holds fee simple title and is the sole owner of the property identified for purposes of this cleanup proposal. WBG will retain sole ownership of this property for the duration of time in which Brownfields Cleanup Grant funds are disbursed for the cleanup of the site.

5. Basic Site Information

a) Name: Waterfront Botanical Gardens

b) Address: 1435 Frankfort Avenue (Parcel B), Louisville, KY 40206

6. Status and History of Contamination at the Site

a) The site is contaminated with both hazardous substances & petroleum as defined by the USEPA Brownfields Program, primarily hazardous substances.

b) The site was previously utilized as a municipal dump by the City of Louisville, KY.

c) Environmental concerns are confirmed as SVOCs, VOCs, PCBs, RCRA Metals, BETX and PAHs. The nature and extent of the dump is well defined and 12.63 acres.

d) The site, formerly a neighborhood of single-family homes and destroyed by the flood of 1937, became contaminated when the site became a municipal dump. The dump ceased taking waste in 1973.

7. Brownfields Site Definition

Waterfront Botanical Gardens affirms that the site meets the definition of a brownfield site and is NOT:

- a) listed or proposed for listing on the National Priorities List,
- b) subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered by parties under CERCLA, and
- c) subject to the jurisdiction, custody, or control of the United States government.

8. Environmental Assessment Required for Cleanup Grant Applications

Since its closure in 1973, numerous Phase II ESAs have been conducted by a qualified environmental professional in accordance with current ASTM standards. The most recent is dated October 7, 2022. The assessment focused on defining the horizontal and vertical extent of waste materials and constituents of concern. Groundwater monitoring wells were installed and are currently being sampled annually with analytical data being reported to KDEP. Annual site surveys are being conducted to ensure security and silt fences are maintained. This information is also being reported to KDEP, who has determined that the site is fully characterized and no additional assessment is necessary.

9. Site Characterization

a. N/A

b. i. Per WBG’s letter from the KY Energy and Environment Cabinet (attached) supporting our FY26 Brownfield Cleanup Grant, based on supporting documentation, WBG is eligible to be overseen by DEP’s voluntary response program.

- a. WBG’s property located at 1435 Frankfort Avenue, Louisville, KY is currently not enrolled in the voluntary response program; however, DEP acknowledges that WBG intends to apply for enrollment to request oversight for the site.
- b. WBG affirms that the site is eligible to be overseen by a state program or office.
- c. The Kentucky Department for Environmental Protection certifies in the attached letter that there is a sufficient level of site characterization from the environmental site assessment performed to date for the remediation work to begin on the site.

ii. Additional assessment is not needed to characterize the site for remediation work to begin.

10. Enforcement or Other Actions

Waterfront Botanical Gardens affirms there are no known ongoing or anticipated environmental enforcement or other actions related to the site for which Brownfields Grant funding is sought.

11. Sites Requiring Property-Specific Determination

Waterfront Botanical Gardens affirms that the subject site does not require a property-specific determination.

12. Threshold Criteria Related to CERCLA/Petroleum Liability

a. Property Ownership Eligibility – Comingled Hazardous & Petroleum (Hazardous predominant)

i. Exemptions to CERCLA Liability– N/A

ii. Exemptions to Meeting the Requirements for Asserting an Affirmative Defense to CERCLA Liability – N/A

iii. Landowner Protections from CERCLA Liability -

(1) Bona Fide Prospective Purchaser Liability Protection

(a) Information on the Property Acquisition

(i) property transfer for \$1

(ii) November 7, 2025

(iii) fee simple - sole owner

(iv) Beargrass Creek Fields

(v) There is no affiliation with the prior owner.

(b) Pre-Purchase Inquiry

(i) A Phase I ESA, in compliance with ASTM E1527-21, was performed on October 31, 2025 for Waterfront Botanical Gardens.

(ii) Mr. Jayson Carey with Linebach Funkhouser, Inc. (environmental consultant) performed the Phase I ESA. Mr. Carey is an Environmental Professional per AAI standards with a written declaration in the Phase I report.

(iii) N/A – Waterfront Botanical Gardens affirms that the Phase I ESA was not conducted more than 180 days prior to the date the property was acquired.

(c) No disposal of hazardous substances has occurred at the site since Waterfront Botanical Gardens acquired the property. Waterfront Botanical Gardens has not caused or contributed to any release of hazardous substances at the site. Waterfront Botanical Gardens affirms that we have not, at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.

(d) The property has not been used by anyone since being acquired. It is currently vacant.

(e) Continuing Obligations:

(i) With respect to hazardous substances, no releases are occurring.

(ii) There will not be any disturbance of contaminates/waste to prevent any future release.

(iii) Limiting access to the property will prevent exposure to any previously released hazardous substance. A perimeter fence has been erected to secure the site.

Waterfront Botanical Gardens affirms our commitment to:

- (i) comply with any land use restrictions and not impede the effectiveness or integrity of any institutional controls;
- (ii) assist and cooperate with those performing the cleanup and provide access to the property;
- (iii) comply with all information requests and administrative subpoenas that have or may be issued in connection with the property; and
- (iv) provide all legally required notices.

13. Cleanup Authority and Oversight Structure

- a. Waterfront Botanical Gardens will comply with all applicable federal and state laws and will ensure that the cleanup project protects human health and the environment. Waterfront Botanical Gardens has met numerous times with the KDEP (Superfund Branch) who is overseeing the current regulatory status of the site. Waterfront Botanical Gardens Brownfields Project Director, Phillip Koester, will oversee and manage the overall cleanup project. Additional technical expertise and assistance will be acquired by procuring a qualified environmental professional and licensed abatement contractor(s) per 2 CFR 200.317 to 200.327 prior to beginning cleanup activities. Waterfront Botanical Gardens procurement will include a Request for Proposals published in the local newspaper and on our website. The responses will be thoroughly reviewed based on predetermined criterion to select the most qualified firm(s) and to ensure fair and open competition. Local, Women-Owned and Minority-Owned firms will be encouraged to apply.
- b. Access to adjacent properties is not anticipated to conduct cleanup activities, however, if it is determined that access is needed, Waterfront Botanical Gardens will work with adjacent property owners to obtain access to their properties.

14. Community Notification

- a. The draft Analysis of Brownfield Cleanup Alternatives is attached.
- b. The Community Notification Ad is attached. On December 4, 2025, Waterfront Botanical Gardens published the Notice of Intent in the Louisville Courier Journal newspaper to inform the public of its intent to apply to the United States Environmental Protection Agency for a grant to clean up the former Ohio Street Dump located at 1435 Frankfort Avenue (Parcel B), Louisville, Kentucky. The notice informed the public of the availability of the draft grant application and ABCA for review and invited comments on the documents.
- c. Public Meetings were conducted in-person at ADA accessible facilities (Waterfront Botanical Gardens) on December 29, 2025, and again on January 9, 2026, respectively.

Meeting minutes, including public comments and the applicant's response, along with a roster of attendance are attached.

- d. Submission of Community Notification Documents (ad, sign-in sheets, and comments) and draft ABCA are attached.

15. Contractors and Named Subrecipients

Contractors – a contractor has not been procured

Subrecipients – a subrecipient has been procured,

THRESHOLD ATTACHMENTS

OK - Letter from Kentucky Department for Environmental Protection

OK - Documentation of 501(c)(3) tax-exempt status

OK - Property Deed

OK - Community Notification Documents (Newspaper Ad)

OK - Community Sign-In Sheets

OK - Community Meeting Summary

OK - Draft ABCA



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

300 Sower Boulevard
Frankfort, Kentucky 40601
Phone: (502) 564-2150
Fax: 502-564-4245

Rebecca Goodman
SECRETARY

Anthony R. Hatton
COMMISSIONER

January 7, 2026

Philip Koester
President & CEO
Waterfront Botanical Gardens
1800 Marina's Edge Way, Suite 101
Louisville, KY 40206

Re: Letter of Support for FY26 Brownfield Cleanup Grant

Dear Mr. Koester:

The Kentucky Department for Environmental Protection (DEP) acknowledges that Waterfront Botanical Gardens plans to conduct the cleanup of a brownfield site and is applying for a FY26 EPA Brownfields Cleanup Grant. DEP is the state agency charged by the legislature with the responsibility of implementing the Kentucky equivalent of the federal Superfund program, and as such, is an essential component of any attempt to systematically address brownfields redevelopment. Waterfront Botanical Gardens has developed an application requesting site-specific federal Brownfields Cleanup funding for the site located at 1435 Frankfort Avenue, Louisville, KY 40206.

DEP issues this letter to acknowledge your proposed cleanup project and to affirm the following:

- Based on supporting documentation, Waterfront Botanical Gardens is eligible to be overseen by DEP's voluntary response program.
- The property located at 1435 Frankfort Avenue, Louisville, KY is currently not enrolled in the voluntary response program; however, DEP acknowledges that Waterfront Botanical Gardens intends to submit an application for enrollment.
- Based on supporting documentation and upon DEP's approval of a cleanup plan prior to conducting remediation activities, it would be reasonable that the site has had a sufficient level of site characterization for the remediation work to begin.

DEP supports your application for a FY26 EPA Brownfields Cleanup Grant, and we look forward to continuing our work with your community on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Kiersten O'Leary". The signature is written in a cursive, flowing style.

Kiersten O'Leary
Brownfield Coordinator

Cc: Ken Logsdon, Division of Waste Management
Denise Dzurenka, Division of Waste Management, Louisville Regional Office
Mary Miller, Waterfront Botanical Gardens