



**Penobscot Estuary Beneficial Environmental Projects Trust
Greenfield Penobscot Estuary Project Trust LLC, Trustee**

**Guidelines and Application Requirements for Beneficial Environmental Project Proposals
Revised March 4, 2025 (previously updated November 15, 2023)**

This document is intended to guide applicants interested in submitting proposals seeking funding for Beneficial Environmental Projects (BEPs).

I. General Information

A. Background.

The Penobscot Estuary Beneficial Environmental Projects Trust (Project Trust) was created under a Consent Decree¹ entered by the U.S. District Court on October 11, 2022, settling the lawsuit filed in 2000 by Maine People’s Alliance (MPA) and the Natural Resources Defense Council (NRDC) against Mallinckrodt US LLC (Mallinckrodt) for discharging mercury into the Penobscot River Estuary. MPA, NRDC, and Mallinckrodt are the Beneficiaries of the Project Trust. Greenfield Penobscot Estuary Project Trust LLC is the Trustee of the Project Trust (Project Trustee).²

Under the Consent Decree, Mallinckrodt agreed to provide the Project Trust with \$20 million for BEPs. The Consent Decree defines BEPs as “projects undertaken to provide tangible environmental or public benefits to affected communities or the environment that are intended to mitigate or offset potential adverse impact(s) directly or indirectly caused by mercury contamination [in the Penobscot River Estuary].” BEPs include projects that benefit the natural environment of the Penobscot River Estuary, improve recreational or aesthetic enjoyment of the Estuary, or reduce human exposures in Maine to mercury or other neurotoxins.

B. Overview of Application and Funding Process.

During the application window, eligible entities (Applicants) may submit BEP proposals to the Project Trustee. A project may be proposed for implementation by the Project Trustee or by the Applicant, as described below. The Project Trustee will evaluate proposed projects for compliance with the **Minimum Project Requirements** described in II.C and

¹ See [Penobscot Consent Decree](#).

² The Consent Decree also required creation of the Penobscot Estuary Mercury Remediation Trust (Remediation Trust). The Remediation Trust is responsible for cleanup activities intended to accelerate the recovery of the Penobscot River Estuary. Greenfield Penobscot Estuary Remediation Trust LLC is the Trustee of the Remediation Trust. For more information about the Remediation Trust, including information about the cleanup activities required under the Consent Decree, visit [Penobscot Remediation Trust](#).

the **Evaluation Criteria** described in III.C. Based on its evaluations of the proposed BEPs, the Project Trustee will recommend projects for funding to the Beneficiaries for their comment and/or objection. Under the Consent Decree, if a proposed project qualifies as a Restoration Project,³ the Project Trustee must recommend it for funding. Restoration Projects are not subject to the submittal requirements described in these Guidelines. After receiving Beneficiary comments and/or objections, the Project Trustee will notify Applicants if their proposed projects have been selected. As required by the Consent Decree, in evaluating and recommending projects for funding, the Project Trustee will make the interests of the Penobscot River Estuary, and the Estuary's flora, fauna, and surrounding communities, its highest priority.

C. Proposal Submittal Window.

The Project Trustee will accept BEP proposals through **Sunday, December 31, 2023**. Please submit applications to penobscot@g-etg.com. Additional submittal windows may be opened in 2024 based on available funding.

D. Eligibility.

To be eligible for funding, the Applicant must be: a nonprofit organization; an academic institution; a state, federal, or local government or government agency; an Indian tribe or tribal agency; and/or a Beneficiary of the Project Trust. For-profit companies (except Mallinckrodt), individuals, and political organizations will not be considered for funding.

E. Amendments to Guidelines.

These Guidelines may be updated periodically. For more information and to find the current version of the Guidelines: www.penobscotriverremediation.com/project-trust.

II. Proposal Requirements

This section describes the information that **must be included** in any application for it to be deemed complete. Please refer to Attachment 1 – Application Instructions for additional instructions, including suggested word and page limits, and a summary of application requirements. As explained below, a proposal must provide information that addresses how the project meets the **Minimum Project Requirements**, which include II.C.1 (Project Definition), II.C.2 (Tangible Environmental or Public Benefits), II.C.3 (Project Feasibility), and, for projects proposed to be implemented by the Applicant, II.C.4 (Applicant Capabilities). To be considered for funding, a proposed project must meet the **Minimum Project Requirements** and include the following information.

³ A Restoration Project is a BEP that can be used to satisfy potential or actual natural resource damage claims concerning the Penobscot River Estuary against Mallinckrodt (or certain related entities) through separate agreements with the Natural Resource Damage Trustees. If a proposed project qualifies as a Restoration Project, the Project Trustee must recommend such project for funding unless the project would violate a provision of the Consent Decree.

A. Applicant Information.

1. **Applicant Name.** Provide the Applicant's name, address, and point of contact, including the point of contact's phone number and email address.
2. **Applicant Mission, Organization, and History.** Briefly describe the Applicant's mission, membership, governance, history, operations, funding, and significant accomplishments.
3. **Partnerships.** If the Applicant intends to partner with other entities, identify the project partners and briefly describe how the proposed project will benefit from the partnership.

B. Project Overview.

Briefly summarize the proposed project. Include the project name and location, and, if applicable, the street address, tax parcel number(s), and/or location description.

C. Minimum Project Requirements.

To be considered for funding, a proposed project must: 1) have a clearly defined scope, approximate schedule, and estimated cost; 2) be designed to provide tangible environmental or public benefits, as described below; and 3) be feasible. Additionally, if the Applicant seeks to implement the proposed project, the Applicant must demonstrate it is capable of implementing the project. This section outlines the information that must be included in an application to demonstrate that the proposed project meets the Minimum Project Requirements. Applicants are encouraged to provide detailed scope, schedule, and cost information to the extent such information is available.

1. Project Definition.

A proposed project must have a clearly defined scope, approximate schedule, and estimated cost. Additionally, a project must be completed, or Project Trust funds allocated to the project must be committed, before October 10, 2026 (although BEP implementation, maintenance, and/or monitoring may continue after October 10, 2026). To demonstrate that the proposed project meets the Project Definition requirements, provide the following information.

a. Project Scope.

- i. **Project Goals.** Summarize the overall goals of the proposed project.
- ii. **Project Description and Key Components.** Briefly describe each of the major project components, including, if applicable: planning, permitting, design, property acquisition, construction, maintenance, and/or monitoring requirements. Describe all governmental permits, third-party cooperation, and/or agreements required to implement the project.
- iii. **Implementation Plan.** Indicate whether the Applicant or the Project Trustee will implement the proposed project. An applicant seeking to implement the proposed project should describe the implementation plan,

including, as applicable, whether and how the Applicant will contract for performance of key project components, the organization(s) or individual(s) who will manage the project, and the roles and responsibilities of key personnel.

- b. Schedule and Estimated Completion Date.** Provide an overall schedule for project implementation, including estimated timeframes for major project events, important factors that could impact the target schedule, and the estimated completion date (demonstrating the project will be complete or underway by October 10, 2026).
 - c. Project Cost.** Include an estimate of the cost for each major project component, including an explanation of key assumptions, sources used to prepare the estimate, and any significant cost uncertainties.
- 2. Tangible Environmental or Public Benefits.**

Proposed projects must be undertaken to provide tangible environmental or public benefits to affected communities or the environment to mitigate or offset potential adverse impacts directly or indirectly caused by mercury contamination in the Penobscot River Estuary. BEPs include projects that:

- a. Benefit the Natural Environment,** such as projects that conserve, protect, enhance, and/or restore wildlife and habitat, plant life, ecosystems, and/or natural resources in the Penobscot River Estuary, or provide other environmental benefits. Projects that restore, enhance, or preserve tidal marsh function and habitat may be located anywhere in Maine;
- b. Benefit the Public,** such as projects that improve recreational and aesthetic enjoyment of the Penobscot River Estuary or provide other public benefits, such as economic benefits, to affected communities; and/or
- c. Reduce Human Exposures in Maine to Mercury or Other Neurotoxins.⁴**

To demonstrate that a proposed project meets this requirement, the Applicant should describe the tangible environmental and/or public benefits expected from the proposed project, including, where possible, how such benefits can be measured and documented. The applicant is encouraged to provide information that supports the project's anticipated tangible benefits. For example, if the project will protect or enhance avian habitat, the Applicant could present information about the number of acres protected or enhanced, the bird species that will benefit, and/or, ideally, metrics such as the number of birds or bird years that would be protected by the project. If the proposed project will improve public access to wildlife areas, the Applicant could include information about the expected number of visitors and/or potential economic benefits such as increased tourism that may result from the project.

⁴ See Paragraph 1.b of the [Penobscot Consent Decree](#).

3. Project Feasibility.

A proposed project must be feasible (i.e., capable of being accomplished). To demonstrate feasibility, the Applicant should address the following factors, if applicable to the proposed project:

- a. Potential Constraints.** Explain any technical or other constraints that must be overcome to successfully implement the proposed project. Describe when and how such constraints could be addressed. Such constraints may relate to proposed project design or constructability. For example, if the project proposes to install a fish ladder on an existing dam, describe possible structural constraints that could complicate construction of the fish ladder. If additional information is needed to address potential constraints, describe the information needed and when it might be available.
- b. Permits and Third-Party Agreements.** If the proposed project requires securing governmental permits or third-party agreements (see II.C.1.a.ii above), describe the timeframe for and likelihood of securing such permits. For example, if the proposed project is contingent on receipt of permits and/or access to construct a pedestrian boardwalk in tidal wetlands, describe the major challenges that must be addressed to secure the required permissions.
- c. Total Cost.** If the final cost of the proposed project could exceed the estimated cost (see II.C.1.c above), identify the steps that could be taken to ensure completion within the estimated cost, other sources that may be available to fund the project, and/or potential changes in project scope that could reduce total costs.

4. Applicant Capabilities.

If the Applicant intends to implement the proposed project, the Applicant must be capable of successfully completing the project. To demonstrate that the Applicant meets this requirement, include information about the Applicant's staff available to perform the project, experience with successfully implementing similar projects, and the qualifications (including résumés) of key staff to be involved in accomplishing the proposed project.

D. Additional Sources of Funding.

Describe the sources and amounts of additional funds, if any, that may be used to implement the proposed project, and whether such funds have been secured or committed. The Project Trustee will consider proposed projects that seek Project Trust funds to be used in conjunction with governmental or private grants that require matching funds.

E. Project Readiness.

Indicate whether the Applicant has: 1) received some or all permits required to implement the proposed project; 2) completed any design-related activities for the

proposed project; 3) acquired or otherwise secured control of some or all of the property required to implement the proposed project; 4) initiated or completed procurement efforts for the proposed project (e.g., hiring third-party contractors, rental or acquisition of equipment, etc.); and/or 5) taken other steps to implement the proposed project.

F. Stakeholder Support.

1. **Local Stakeholders.** Indicate whether the proposed project is supported by one or more stakeholders from communities, towns, Indian tribes, and local or tribal governments affected by mercury contamination in the Penobscot River Estuary, including stakeholders from the Penobscot River Estuary region, extending from the Bangor/Brewer area to Stockton Springs and Castine.
2. **State Government.** Indicate whether the proposed project is supported by one or more governmental agencies from the State of Maine.

III. Evaluation of Proposed Projects

The Project Trustee will evaluate applications received by **December 31, 2023**, as described below.

A. Verification of Applicant Eligibility and Required Information.

The Project Trustee will verify that 1) the Applicant is eligible for funding, and 2) the application includes all required information described in II. above and in Attachment 1. The Project Trustee will notify Applicants that are not eligible or that fail to include all required information. Eligible Applicants may submit a revised proposal within three (3) weeks after receipt of such notification from the Project Trustee.

B. Screening for Minimum Project Requirements.

The Project Trustee will screen each proposed project to ensure it meets the following **Minimum Project Requirements**:

1. **Tangible Environmental or Public Benefits.** The Project Trustee will confirm that the project can be expected to result in environmental or public benefits (described in II.C.2) and assess the estimated timeframe for realizing such benefits.
2. **Feasibility.** The Project Trustee will verify project feasibility (described in II.C.3).
3. **Clearly Defined Scope, Schedule, and Cost.** The Project Trustee will review the scope, approximate schedule, and estimated cost to confirm they are clearly defined. Regarding the estimated cost, the Project Trustee will 1) assess the level of confidence in the estimated cost; and 2) evaluate total project cost relative to the Project Trust funds that remain after accounting for funds allocated to Restoration Projects (see III.D below) and funds committed to previously selected BEPs.
4. **Applicant Capabilities.** If the Applicant intends to implement the proposed project, the Project Trustee will evaluate Applicant information (see II.C.4 above) to verify the Applicant is capable of implementing the proposed project.

C. Evaluation Criteria.

A proposed project that satisfies the **Minimum Project Requirements** will be evaluated based on the following **Evaluation Criteria** (presented in no particular order) and compared to other proposed projects:

1. Protection of or benefit to threatened or endangered species native to the Penobscot River Estuary;
2. Creation of significant benefits to Penobscot River Estuary ecosystems and eco-receptors in a reasonable timeframe;
3. Reduction of human exposure in Maine to mercury or other neurotoxins;
4. Protection or enhancement of tidal marsh(es) anywhere in Maine;⁵
5. Direct benefits to the natural environment of the Penobscot River Estuary;
6. Restoration of natural resources injured by mercury contamination in the Estuary or offset of such damage elsewhere in the State of Maine;
7. Clear connection to adverse impacts directly or indirectly caused by mercury contamination in the Estuary;
8. Support or facilitation of one or more Remediation Trust permit requirements;
9. Improvement of recreational or aesthetic enjoyment of the Penobscot River Estuary;
10. Direct benefits to the residents, governments, or stakeholders of communities along the Penobscot River Estuary, including Indian tribes, that have been affected by mercury contamination in the Estuary;
11. Generation of revenue for communities along the Penobscot River Estuary that have been impacted by mercury contamination from the HoltraChem facility, including: Bucksport, Frankfurt, Orland, Orrington, Prospect, Verona Island, Stockton Springs, and Winterport;
12. Increased tourism and public appreciation for the Penobscot River Estuary;
13. Additional sources of funding;
14. Project readiness, as described in II.E above; and/or
15. Stakeholder support, as described in II.F above.

D. Restoration Projects.

Restoration Projects are BEPs that can be used to satisfy potential or actual natural resource damage claims against Mallinckrodt (or certain related entities) related to mercury contamination in the Penobscot River Estuary through separate agreements between Mallinckrodt and the Natural Resource Damage Trustees. If a proposed project qualifies as a Restoration Project, the Project Trustee must recommend such project for funding unless the project would violate a provision of the Consent Decree.

⁵ The Consent Decree defines Tidal Marsh Projects as a type of BEP that is “reasonably anticipated to restore, enhance, or preserve tidal marsh functions and habitat anywhere in the State of Maine.” Under the Consent Decree, tidal marshes “include all marshes in Maine subject to periodic tidal fluctuations.”

IV. Recommendations and Funding Awards

As required by the Consent Decree, the Project Trustee will submit its recommendations to fund proposed projects to the Beneficiaries. The Consent Decree requires that the Project Trustee give the Beneficiaries a minimum of thirty (30) days to review, comment on, and/or object to the Project Trustee's recommendations. Following the Beneficiary review period, the Project Trustee will notify each Applicant whether its proposed project was selected or denied for funding. Projects that require permits, access permissions, or other interim milestones to demonstrate feasibility may be partially funded initially, with full funding contingent on obtaining such permits or achieving specified milestones. Information about selected projects will be shared at www.penobscotrивerremediation.com/project-trust.

V. Implementation and Project Oversight

BEPs implemented by the Project Trustee will comply with the requirements of the Consent Decree. The Project Trustee will implement Restoration Projects in a manner consistent with any applicable agreement between Mallinckrodt and the Natural Resource Damage Trustees. The Project Trustee will provide updates on BEP activities in quarterly progress reports filed with the U.S. District Court for the District of Maine and on the Project Trust webpage. Projects implemented by Applicants will be overseen by the Project Trustee, including through Applicant submission and Project Trustee review of interim and final work completion reports.

VI. Trustee Contact Information

The following Project Trustee representatives are available to answer questions and assist Applicants throughout the proposal process. Please submit BEP proposals to penobscot@g-etg.com, with a copy to Christine Amrhine at ca@g-etg.com.

Christine Amrhine
Community Involvement Coordinator
ca@g-etg.com
(540) 846-3163