

Guidance to Recipients for Implementing the Brownfields Assessment, Revolving Loan Fund (RLF) & RLF Supplemental, Cleanup and Job Training Cooperative Agreements Awarded Under the American Recovery and Reinvestment Act of 2009

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Guidance to Recipients for Implementing the Brownfields Assessment, RLF & RLF Supplemental, Cleanup and Job Training Cooperative Agreements Awarded Under the American Recovery and Reinvestment Act of 2009

1. What is the purpose of this guidance?

The purpose of this guidance is to clarify requirements under the American Recovery and Reinvestment Act (ARRA or Recovery Act) for brownfields assessment, revolving loan fund (RLF), cleanup and job training cooperative agreement recipients.

2. Background

EPA's Brownfields Program empowers states, communities, and other stakeholders to work together to prevent, assess, safely clean up, and sustainably reuse brownfields. A brownfield property is real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. It may also include properties contaminated by controlled substances, petroleum or petroleum products, or is mine-scarred land.

Through the Small Business Liability Relief and Brownfields Revitalization Act of 2002 and funds made available by the American Recovery and Reinvestment Act of 2009 (Recovery Act), EPA is working to help states and communities around the country clean up and revitalize brownfield properties. The Recovery Act is an unprecedented effort to jumpstart our economy, and creates or save millions of jobs. This law provided stimulus funds to the Brownfields Program to provide financial assistance to eligible applicants through four types of Brownfields grants: the assessment, revolving loan fund (RLF), cleanup, and job training cooperative agreements.

3. What are the objectives of the Recovery Act funding for the Brownfields Program?

Brownfields cooperative agreements will support progress toward Goal 4 (Healthy Communities and Ecosystems), Objective 4.2 (Communities), and Sub-objective 4.2.3 (Assess and Clean Up Brownfields) of the 2006-2011 EPA Strategic Plan. EPA staff and Recovery Act fund recipients will work together to collect information about the expected outputs and outcomes of brownfields cooperative agreements. EPA anticipates assessing additional 500-750 properties, making an additional 500-750 acres ready for reuse, and leveraging an additional \$450,000,000 - \$600,000,000 dollars by 2012.

EPA expects recipients to report on their progress toward achieving outputs and outcomes as a result of the ARRA funded brownfields projects. These expected Brownfields ARRA outputs include, but are not limited to, the number of job created/retained, number of properties assessed and cleaned up, number of job training participants placed in sustainable jobs (job training only), number of jobs leveraged as a result of assessment and cleanup activities, and the redevelopment of the properties. Brownfields ARRA expected outcomes include, but are not limited to, providing training that leads to sustainable employment in the environmental field (job training only), funding leveraged through the economic redevelopment and reuse of properties, minimization of the public's exposure to contaminants, and the number of acres made ready for reuse. These may be environmental, behavioral, health-related or programmatic and may not be necessarily achievable during the project period.

4. How do the ARRA brownfields cooperative agreements differ from regular brownfields cooperative agreements?

Brownfields cooperative agreements funded under ARRA have some different requirements than those funded with our regular program funds. These differences are:

- No cost share requirement for ARRA cleanup, RLF or RLF supplemental grants
- No percentage limitations between loans and sub-grants for RLF and RLF supplemental cooperative agreements
- Additional statutory reporting requirement: 10 days after the end of each federal fiscal quarter in www.FederalReporting.Gov
- Additional reporting requirement in EPA's Assessment, Cleanup & Redevelopment Exchange System (ACRES): interim measures (assessment/cleanup start; loan/sub-grant signed)
- Compliance with the 'Buy American' provision of the Recovery Act

5. What are Terms and Conditions (T&Cs) and why do I have to follow them?

All ARRA recipients are required to adhere to the T&Cs provided as part of the cooperative agreement award. These T&Cs provide the "requirements" all recipients must follow in order to carry out the work of the agreement and some of the most important ones implement statutory provisions of the ARRA. Most significantly, the T&Cs provide EPA's direction on how the applicant will demonstrate sufficient progress; how the recipient will report accomplishments; and how the recipient will comply with specific requirements, such as the Davis-Bacon Act, the Buy American provision and brownfields projects that fall under the definition of Infrastructure.

6. How do I demonstrate sufficient progress?

ARRA-funded brownfields cooperative agreements must demonstrate that they have made sufficient progress within one year of receiving the ARRA funds. EPA has defined sufficient progress for assessment, cleanup, RLF, supplemental RLF, and job training grants to be reasonable expectations of the progress a typical recipient would make in one year. These reasonable expectations are documented directly in the terms and conditions of each cooperative agreement.

- Assessment cooperative agreements- the recipient demonstrates "sufficient progress" when 35% of funds have been drawn down and obligated (e.g. .paid to staff or

contractors) to eligible activities; for assessment coalitions, “sufficient progress” is demonstrated when a solicitation for services has been released, properties are prioritized or an inventory has been initiated if necessary, community involvement activities have been initiated and a Memorandum of Agreement between coalition members is in place within one year of the award date.

- Cleanup cooperative agreements - the recipient demonstrates “sufficient progress” when an appropriate remediation plan is in place, or institutional control development, if necessary, has commenced, initial community involvement activities have taken place, relevant state or tribal pre-cleanup requirements are being addressed and a solicitation for remediation services has been issued within one year of the award date.
- RLF cooperative agreements- the recipient demonstrates “sufficient progress” when at least one loan(s) and/or sub-grant(s) has been made within two years of the award date.
- Job Training cooperative agreements- the recipient demonstrates “sufficient progress” when one training class has graduated from the program within one year.

Beginning June 30, 2010, EPA will initiate a sufficient progress review of all ARRA cooperative agreements. Due to the limitations on ARRA funds, EPA must determine no later than September 1, 2010, if there are any recipients that are not making adequate progress and take appropriate action under 40 CFR 30.61 and/of 30.62 or 40 CFR 31.43 to enforce the sufficient progress term and condition.. Additional guidance will be issued to assist recipients; however, EPA encourages applicants to document in their Quarterly Report due July 30, 2010, how they have made sufficient progress. This may be in the form of a brief statement, backed up with relevant data, confirming that the recipient met/will meet the above criteria within the first year of their cooperative agreement’s period of performance.

For those recipients that will not meet the above criteria within one year of their cooperative agreement award, EPA will take one of several steps including: (1) working with the recipient to establish a corrective action plan to ensure adequate progress in the next quarter; (2) withholding payments pending satisfactory corrective action; (3) terminating the cooperative agreement by mutual agreement or for material failure to comply with the sufficient progress term and condition; or (4) other actions as appropriate under 40 CFR 30.62 or 40 CFR 31.43 .

7. What is the Davis-Bacon Act and what do I have to do to comply with it?

The Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or through cooperative agreements funded by the Recovery Act be paid prevailing wage rates for the locality under U.S. Department of Labor regulations implementing Davis Bacon and related Acts (DBA). However, recipients of Brownfields cooperative agreements have been subject to DBA since the inception of the program by operation of section 104(g) of CERCLA. The requirements described below apply to all Brownfields cooperative agreements.

The Department of Labor has issued regulations at 29 CFR Parts 1, 3, and 5 to implement DBA. Federal agencies providing grants, cooperative agreements, and loans under the Recovery Act shall ensure that the standard Davis-Bacon (DB) contract clauses are incorporated in any covered

contracts that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).

Activities conducted under assessment grants generally do not involve construction, alteration and repair within the meaning of DBA. Recipient must contact their EPA Project Officer if there are unique circumstances (i.e. an action that involves removal of an underground storage tank or another structure and includes restoration of the property) that may trigger the Davis-Bacon Act. In these situations, the Agency will provide guidance on DBA.

EPA's DBA terms and conditions for cleanup and RLF capitalization grants provide detailed information regarding when DBA applies and specify requirements for DBA compliance. Please refer to those terms and conditions. If a recipient encounters a unique situation that presents uncertainties regarding the applicability of Davis-Bacon or is not covered in the T&Cs, they must discuss the situation with EPA prior to authorizing work on the property.

8. How does the infrastructure definition apply to Recovery Act brownfields grants? (Cleanup and RLF only)

The Recovery Act provides funding for property assessment, job training, and cleanup activities that do not generally meet the definition of infrastructure. However, a limited amount of funding awarded to state and local governments may fall into the category of infrastructure where the principal purpose of the activity is to construct a cap to be directly incorporated into a public building or public work as defined in 2 CFR 176.140(a). It may also apply where funds are used to install piping to connect households or businesses to public water systems or replace public water system supply well(s) and associated piping due to groundwater contamination.

For example, if a private sector developer were to use an RLF loan to install a cap at a public building, the Buy American provisions of the Recovery Act would apply. Similarly, if a non-profit RLF sub-grantee were to construct an alternate drinking water system connected to a public system as part of the cleanup at a brownfield property, the Buy American provisions of the Recovery Act would apply to the loan or sub-grant. There may be other situations in which the Buy American provisions apply to the use of the RLF funds by non-governmental borrowers and sub-grantees for remediation activities at public buildings or public works as well. **If you have questions about whether or not your Recovery Act-funded brownfields activities fall under the definition of infrastructure, please call your Project Officer before proceeding.**

9. Who is responsible for reporting under the OMB Recovery Act Section 1512?

All non-federal entities that receive Recovery Act funding as federal awards in the form of contracts, grants, loans, or cooperative agreements directly from the Federal government are responsible for reporting. The main responsibility falls to the prime recipients. A **prime recipient** is the non-federal entity that receives Recovery Act funding directly from EPA. **Sub-recipients** and **vendors** are non-federal entities that receive Recovery Act funding from a prime recipient. The prime recipient can delegate certain reporting requirements to sub-recipients but

not to vendors. Examples of subrecipients are borrowers (RLF) or subgrantees (Assessment, Job Training, and RLF); an example of a vendor is a contractor (Assessment, RLF, Job Training and Cleanup) that provides services in the commercial marketplace. Section .210 of OMB Circular A-133 provides additional information on how to distinguish between vendors and subrecipients.

The Targeted Brownfields Assessment (TBA) activities will be conducted by using two vehicles: EPA regional and National contractors and an Interagency Agreement with the U.S. Army Corps of Engineers. Each vehicle has its own reporting requirements guidance:

- TBA recipients should refer to the TBA Guidance Addendum.
- For Interagency Agreement with the U.S. Army Corps of Engineers, please refer to <http://intranet.epa.gov/ogd/IASSC/main/index.htm>.

10. How do the prime recipient, sub-recipient, and EPA (Agency) representatives register to report and review the OMB Recovery Act Section 1512 data elements?

Prime recipients, subrecipients and EPA representatives must register as authorized parties prior to submitting or reviewing recipient reports on www.FederalReporting.gov. Prior to registering at FederalReporting.gov, all recipients must register in the Central Contractor Registration (CCR) at www.ccr.gov, even if you are not a contractor.

11. When is the recipient reporting data due?

The Recovery Act requires that the prime recipient and delegated subrecipients submit quarterly reports on their use of Recovery Act brownfields funds no later than the 10th day following the end of each fiscal year quarter (with the first report due October 10, 2009 for those cooperative agreements awarded by September 30, 2009). Recipients have ten days (calendar day includes weekends and holidays) to complete quarterly reporting.

12. What are the ramifications of non-compliance with the reporting requirements?

The cooperative agreements are awarded with stipulations outlined in the terms and conditions. Non-compliance with the reporting requirements as stated in the terms and conditions is considered a violation of the cooperative agreement. EPA may use any customary remedial actions necessary to ensure compliance, including withholding payments, termination of the agreement, or suspension and debarment, as appropriate.

13. What is a “Project”?

For purposes of Recovery Act Section 1512 reporting, a **project** is defined as the scope of work described in the awarded Cooperative Agreement.

Type of Cooperative Agreement	Project
Hazardous Substances Community-wide Assessment	Performing environmental assessment activities at eligible Brownfields properties contaminated with hazardous substances located at the targeted community.
Petroleum Community-wide Assessment	Performing environmental assessment activities at eligible Brownfields properties contaminated with petroleum located at the targeted community.
Combined Hazardous Substances and Petroleum Community-wide Assessment	Performing environmental assessment activities at eligible Brownfields properties contaminated with hazardous substances and petroleum located at the targeted community.
Hazardous Substances Site-Specific Cleanup	Conducting a hazardous substances cleanup at the approved property.
Petroleum Site-Specific Cleanup	Conducting a petroleum cleanup at the approved property.
Combined Hazardous Substances and Petroleum Cleanup	Conducting a combined hazardous substances and petroleum cleanup at the approved property.
Combined Multiple Site-specific Cleanups (Hazardous Substances, Petroleum or both)	Conducting individual cleanups at approved properties (hazardous substances, petroleum or both)
Revolving Loan Fund for Hazardous Substances	Create a Revolving Loan Fund Program to facilitate hazardous substances cleanup loans and grants to eligible entities.
Revolving Loan Fund for Petroleum	Create a Revolving Loan Fund Program to facilitate petroleum cleanup loans and grants to eligible entities.
Combined Hazardous Substances and Petroleum Revolving Loan Fund	Create a Revolving Loan Fund Program to facilitate hazardous substances and petroleum cleanup loans and grants to eligible entities.
Job Training	Provide training in the environmental field to unemployed and underemployed residents in communities impacted by brownfields.

14. Are “jobs leveraged” the same as “jobs created” and “jobs retained”?

No. The OMB guidance defines “Jobs or positions created” as those new positions created and filled, or previously existing unfilled positions that are filled, as a result of Recovery Act Funding. In addition, the OMB guidance defines “Job or positions retained” as those previously existing filled positions that are retained as a result of Recovery Act Funding.

The Brownfield Program defines “Jobs leveraged” as jobs leveraged during the assessment, cleanup, and construction and redevelopment of a property under the cooperative agreement. “Job leveraged” is an outcome of the project and does not fall into the definition of “Job Created” or “Job Retained” as defined by OMB.

For example:

Job Created: A contractor hired two additional people to work on the assessment or cleanup of a particular property funded under Recovery Act (i.e., salary paid using Recovery Act funding)

Job Retained: A contractor retains two existing employees because of the assessment or cleanup work funded under Recovery Act (i.e., salary paid using Recovery Act funding)

Job Leveraged: 1300 new jobs associated with the redevelopment of the property that was assessed or cleaned up using Recovery Act funding (i.e., salary not paid for by Recovery Act funding)

15. Is “the number of participants obtaining employment” the same as “jobs created” and “jobs retained” (for Job Training only)?

No. The OMB guidance defines “Jobs or positions created” as those new positions created and filled, or previously existing unfilled positions that are filled, as a result of Recovery Act Funding. In addition, the OMB guidance defines “Job or positions retained” as those previously existing filled positions that are retained as a result of Recovery Act Funding.

The Brownfields Program defines “the number of participants obtaining employment” as the number of graduates from the cooperative agreement funded training program who have obtained employment of any kind. The number of participants obtaining employment is an output of the Job Training Program and does not fall into the OMB definition of “Job Created” or “Job Retained”

For example:

Job created: A contractor or institution hired five additional people to perform a training program funded under Recovery Act (i.e., salary paid for by Recovery Act funding).

Job retained: A contractor or institution retain three existing to continue a training program funded under Recovery Act (i.e., salary paid for by Recovery Act funding).

The number of participants obtaining employment: 30 participants completed the job training program funded under Recovery Act and were hired by a company as environmental technicians to work on a restoration project in a city.

16. What data are prime recipients and sub-recipients required to report and how the data should be submitted?

There are three basic methods to submit reports into the www.federalreporting.gov solution: (1) online data entry in a web browser, (2) Excel spreadsheet, and (3) custom software system extract in XML. For details on each one of the methods please refer to Section 3.6 of the OMB guidance, “*Implementing Guidance for the Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009*”, published on June 22, 2009. The prime recipient and sub-recipient can choose the most convenient method for reporting.

If the prime recipient and/or sub-recipient chooses to use the custom software system extract in XML, they needs to follow the procedure stated in Section 3.6 of the OMB guidance.

If prime recipient and/or sub-recipient choose to use the Excel spreadsheet, please refer to Appendixes 1 to 4. Each appendix contains an example for each general type of cooperative agreement (Assessment (Appendix 1), Cleanup (Appendix 2), RLF (Appendix 3) and Job Training (Appendix 4). For instructions on how to download and upload the Excel spreadsheet, please refer to Section 3.6 of the OMB Guidance.

If the prime recipient and/or sub-recipient choose to submit the information using the online web browser, please use the following information:

For the purpose of the Recovery Act Section 1512 reporting, the term “grant” is the same as “cooperative agreement”.

16.1 The prime recipient is responsible for reporting the following ARRA Section 1512 data elements:

- Federal Funding Agency Code
 - For EPA the Federal Funding Agency Code is **6800**
- Funding Agency Name

- This data will appear automatically.
- Awarding Agency Code
 - For EPA the Awarding Agency Code is **6800**
- Awarding Agency Name
 - This data will appear automatically.
- Program Source (TAS)
 - For Brownfields Program the TAS is **68-0102**
- Award Number
 - Please enter the cooperative agreement number located on the “Cooperative Agreement Number” box on the front page of the Cooperative Agreement document including the prefix (i.e. 2B or 2J + 8 digit number + amendment number)
 - Example: 2B – 12345678 – 0
- Order Number
 - Please enter “N/A”
- Recipient Dun and Bradstreet Data Universal Numbering System (DUNS) Number
 - Enter your DUNS number. Organizations may obtain a DUNS number at no cost by calling the toll-free DUNS number request line at 1-866-705-5711.
- Parent DUNS Number
 - This data will appear automatically. The system will pull this data from CCR.
- Recipient Type
 - This data will appear automatically. The system will pull this data from CCR.
- Catalog of Federal Domestic Assistance (CFDA) Number
 - For Assessment, RLF, and Cleanup Cooperative Agreements – The CFDA is **66.818**
 - For Job Training Cooperative Agreements – The CFDA is **66.815**
- Government Contracting Office Code
 - Please enter “N/A”
- Government Contracting Office Name

- This field is linked to the Contracting Office Code, so does not apply.
- Recipient Name and Address
 - This data will appear automatically. The system will pull this data from CCR.
- Recipient Congressional District
 - Please enter the congressional district where the recipient is located. For an assessment and RLF coalitions, please enter the congressional district of the entity that is responsible for managing the cooperative agreement.
- Recipient Account Number
 - Enter the account number assigned to the cooperative agreement. **This field is optional.**
- Final Report
 - Please enter “Y” or “N”.
- Award Type
 - There are only two choices: “Grant” or “Loan”. Please select “**Grant**”.
- Award Date
 - Please enter the award date located in the “Date of Award” box on the front page of the Cooperative Agreement document.
- Award Description
 - Brief description of the title of the award (i.e., Environmental Assessment at Brownfields Properties located at XYZ; Cleanup at XYZ Property; Revolving Loan Fund Program for XYZ; Job Training Project at XYZ, etc.)
- Project Name
 - For Assessments
 - Community-Wide Environmental Assessment Coalition Cooperative Agreement
 - Community –Wide Environmental Assessment Cooperative Agreement
 - Environmental Assessment at XYZ property Cooperative Agreement
 - For Cleanup
 - Clean up at XYZ property Cooperative Agreement
 - For RLF

- Revolving Loan Fund Program for XYZ Cooperative Agreement
 - For Job Training
 - Job Training Project at XYZ Cooperative Agreement
- Quarterly Activities/Project Description
 - Provide a brief description of the work performed during this quarter. Please provide a description of any outputs and outcomes produced during this quarter.
 - Outputs may include:
 - number of environmental assessments started;
 - number of cleanups started;
 - number of loans awarded;
 - number of sub-grants awarded;
 - number of properties assessed and cleaned up and/or
 - number of job training participants obtaining employment.
 - Outcomes may include:
 - providing training that leads to sustainable employment in the environmental field;
 - funding leveraged through the economic redevelopment and reuse of properties;
 - number of acres made ready for reuse;
 - minimization of the public's exposure to contaminants;
 - number of jobs leveraged as a result of assessment and cleanup activities and the redevelopment of the properties; and/or
 - amount of additional funding leveraged.
- Project Status
 - For Combined Assessment Cooperative Agreements (Hazardous Substance and Petroleum funding and/or multiple properties in one award)
 - Provide the best estimate of completion (not started, less than 50%, completed 50% or more, fully completed) of all activities based on aggregate information.
 - For Combined (more than one properties is in one award) Cooperative Agreements
 - Provide the best estimate of completion (not started, less than 50%, completed 50% or more, fully completed) of all activities based on aggregate information.

- For Single Cooperative Agreement (Assessment, Cleanup, RLF, Job Training)
 - Choose from the following options:
 - Not started
 - Less than 50% completed
 - Completed 50% or more
 - Fully completed
- Activity Code
 - For Assessment: NTEE-NPC code is **C06.04**
 - For Cleanup: NTEE-NPC code is **C06.04***
 - For RLF: NTEE-NPC code is **C06.04***
 - For Job Training: NTEE-NPC code is **J02**

**Note: If federal AARA infrastructure funds were used in a cleanup or RLF, the activity code that should be entered is NAICS code 562910.*

- Activity Description
 - This data will appear automatically based on NTEE-NPC.
- Number of Jobs (created and retained)
 - Provide an estimate of the number of jobs created and jobs retained as a result of Recovery Act funding. This data element includes the combination of both types of jobs (created plus retained). The number shall be expressed as full-time equivalent (FTE).

Use the following methodology to calculate both types of job (created and retained). To report the number of jobs, please combine the result of both types of jobs. For example, the prime recipient calculated 1.5 FTE for jobs created and 0.5 FTE for job retained. The recipient should enter 2.0 into the Number of Job data element (1.5 jobs created + 0.5 job retained).

$$\text{FTE} = \frac{\text{Cumulative Recovery Act Funded Hours Worked}}{\text{Cumulative Hours in a Full-time Schedule}}$$

Cumulative Recovery Act Funded Hours Worked - total number of cumulative hours worked (hours worked during this quarter plus the total of hours worked from previous quarters) that are funded by the Recovery Act in a quarter.

Cumulative Hours in a Full-time Schedule - total number of cumulative hours in a full-time schedule (i.e., first quarter = **520 hrs**, second quarter = **1040 hrs**, third quarter = **1560 hrs**, etc.).

Please refer to Section 5.3 of the OMB Guidance for more details and examples.

- Description of Job Created*
 - Provide a brief description of the types of jobs created and/or jobs retained.

“Jobs or positions created” mean those new positions created and filled, or previously existing unfilled positions that are filled, as a result of Recovery Act Funding. The number shall be expressed as full-time equivalent (FTE).

“Jobs or positions retained” mean those previously existing filled positions that are retained as a result of Recovery Act Funding. The number shall be expressed as full-time equivalent (FTE).

** NOTE: The number of jobs created and/or retained is not the same as the EPA-required metric of jobs leveraged as result of the completion of the brownfields project or the number of participants employed as result of the Job Training Program. DO NOT include jobs leveraged or number of participants employed as result of the Job Training Program on www.FederalReporting.gov. Please refer to questions #14 and #15 for details.*

- Amount of Award
 - For Assessments, Cleanups, RLF and Job Training: enter the total amount of federal dollars on the award.
- Total Federal Amount ARRA Funds Received/Invoiced
 - Enter the total amount of the draw-down for the quarter.
- Total Federal Amount of ARRA Expenditure
 - Enter the **cumulative** total for the amount of Recovery Act funding expended in the project.
- Total Federal ARRA Infrastructure Expenditure** (for Cleanup and RLF only)
 - Total cost of infrastructure investment made by State and Local governments.
- Infrastructure Purpose and Rationale** (for Cleanup and RLF only)
 - Explain how the infrastructure investment will contribute to one or more purposes of the Recovery Act.
 - To preserve and create jobs and promote economic recovery.

- To assist those most impacted by the recession.
- To provide investments needed to increase economic efficiency by spurring technological advances in science and health.
- To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.
- To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

*** Note: This field applies to any Brownfields activity where the principal purpose is to construct a cap to be directly incorporated into a public building or public work as defined in 2 CFR 176.140(a). It may also apply where funds are used to install piping to connect households or businesses to public water systems or replace public water system supply well(s) and associated piping due to groundwater contamination.*

- Infrastructure Contact Name and Address (for Cleanup and RLF only)
 - Enter name, address, phone number, and email address of the appropriate contact.
- Primary Place of Performance:
 - For Assessment (Community-wide)
 - Provide the physical description of the recipient(city, state, congressional district, county)
 - For Cleanup or Site-specific Assessment
 - Provide the physical location of the property (city, state, congressional district, county)
 - For RLF
 - Provide the physical location of the recipient (city, state, congressional district, county)
 - For Job Training
 - Provide the physical location of the targeted community (city, state, congressional district, county)
- Prime Recipient indication of reporting applicability*
 - Please enter Y or N.

**Note: If ALL the following conditions apply, the prime recipient must answer YES to this question.*

Name and total compensation of each of the five most highly compensated officers of the recipient for the calendar year in which the award is awarded if:

1. In the recipient's preceding fiscal year, the recipient received:
 - A. 80 percent or more of its annual gross revenues from Federal contracts (and sub-contracts), loans, grants (and sub-grants) and cooperative agreements; and
 - B. \$25,000,000 or more in annual gross revenues from Federal contracts (and sub-contracts), loans, grants (and subgrants) and cooperative agreements.

AND;

2. The public does not have access to information about the compensation of the seniors executives through periodic reports file under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (14 U.S.C. 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986.

- Prime Recipient Highly Compensated Name (5)
 - Enter the name of the recipient and total amount awarded, IF APPLICABLE.
- Prime Recipient Highly Compensated Compensation (5)
 - Enter the name of the recipient and total amount awarded, IF APPLICABLE.
- Total Number of Sub-Awards to Individuals
 - Enter total number of awarded sub-contracts and sub-awards less than \$25,000 per award, IF APPLICABLE.
- Total Amount of Sub-awards to Individuals
 - Enter total amount of awarded sub-contracts and sub-awards less than \$25,000 per award, IF APPLICABLE.
- Total Number of payments to vendors less than \$25,000/award
 - Enter the total number of payments to vendors less than \$25,000/award, IF APPLICABLE.
- Total Amount of payments to vendors less than \$25,000/award
 - Enter the total amount of payments to vendors less than \$25,000/award for the reporting quarter, IF APPLICABLE.
- Total Number of sub-awards less than \$25,000/award
(Assessment, Job Training, and RLF only), IF APPLICABLE.

- Enter the total number of sub-awards less than \$25,000/award, IF APPLICABLE.
- Total Amount of sub-award less than \$25,000/award (Assessment, Job Training, and RLF only), IF APPLICABLE.
 - Enter the total amount of sub-award less than \$25,000/award for the reporting quarter, IF APPLICABLE.

16.2 Prime recipient is responsible for reporting the following Recovery Act Section 1512 data elements, if a vendor is used:

- Award Number – Prime Recipient Vendor
 - Enter the identifying number assigned to the vendor
- Sub-award Number – Sub-recipient Vendor
 - Enter the award number or other identifying number assigned by the sub-recipient
- Vendor DUNS Number
 - Enter vendor DUNS number
- Vendor HQ zip code + four digits
 - Enter the zip code + four digits of the vendor’s headquarters.
- Vendor Name
 - Enter the name of the vendor
- Product and Service Description
 - Enter a brief description of the product and/or service provided by the vendor
- Payment Amount
 - Enter the amount paid to the vendor (cumulative, aggregated).

16.3 The sub-recipient is responsible for reporting the following Recovery Act Section 1512 data elements (Job Training, Assessment and RLF only):*

**Note: This is applicable if the prime recipient requires the sub-recipient to report the data elements for payments received by the prime recipient.*

- Sub-recipient DUNS Number

- All sub-recipients must enter their DUNS number
- Sub-award Number
 - Enter the sub-award or loan number or other identifying number assigned by the prime recipient.
- Sub-recipient Name
 - This data will appear automatically. The system will pull this data from CCR.
- Sub-recipient Doing-Business-As (DBA) Name
 - This data will appear automatically. The system will pull this data from CCR
- Sub-recipient Address, City, State and Zip Code + four digits
 - This data will appear automatically. The system will pull this data from CCR
- Sub-recipient Congressional District
 - Enter the Congressional District where the project is located.
- Sub-recipient Type
 - This data will appear automatically. The system will pull this data from CCR
- Amount of Sub-award
 - Enter the total amount awarded (grants or loan)
- Total sub-award Funds Disbursed
 - The cumulative amount of cash disbursed to the sub-awardee as of the reporting period end date.
- Sub-award date
 - Date the sub-grant or loan was signed.
- Sub-Recipient Primary Place of Performance
 - Enter physical address information about the target area (City, County, State, Congressional District)
- Sub-recipient Indication of Reporting Applicability*
 - Please enter “Y” or “N”

Note: If **ALL the following conditions apply, the recipient must answer YES to this question.*

Name and total compensation of each of the five most highly compensated officers of the recipient for the calendar year in which the award is awarded if:

1. In the recipient's preceding fiscal year, the recipient received:
 - A. 80 percent or more of its annual gross revenues from Federal contracts (and sub-contracts), loans, grants (and sub-grants) and cooperative agreements; and
 - B. \$25,000,000 or more in annual gross revenues from Federal contracts (and sub-contracts), loans, grants (and sub-grants) and cooperative agreements.

AND;

2. The public does not have access to information about the compensation of the seniors executives through periodic reports file under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (14 U.S.C. 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986.

- Sub-recipient Highly Compensated Name (5)
 - Enter the name of sub-awardees or borrower and total amount awarded, IF APPLICABLE
- Sub-recipient Highly Compensated Compensation (5)
 - Enter the name of sub-awardees or borrower and total amount awarded, IF APPLICABLE

16.4 Sub-recipient is responsible for reporting the following Recovery Act Section 1512 data elements, if a vendor is used:

- Award Number – Prime Recipient Vendor
 - Enter the identifying number assigned to the vendor
- Sub-award Number – Sub-recipient Vendor
 - Enter the award number or other identifying number assigned by the sub-recipient.
- Vendor DUNS Number
 - Enter vendor DUNS number.
- Vendor HQ zip code + four digits
 - Enter the zip code + four digits of the vendor's headquarters.
- Vendor Name
 - Enter the name of the vendor.
- Product and Service Description*

- Enter a brief description of the product and/or service provided by the vendor.
- Payment Amount*
 - Enter the amount paid to the vendor (cumulative, aggregated)

** Note: These data elements are optional.*

17. Who is responsible for the quality of the submitted data?

The prime recipient is the owner of the data, and therefore has the principal responsibility for the quality of the submitted information. Sub-recipients delegated to report on behalf of the prime recipient share in this responsibility.

EPA Regional program offices will provide a layer of oversight that augments recipient data quality. Oversight authorities including OMB, the Recovery Board and the EPA Inspector General also have roles to play in data quality. Refer to www.reporting.gov for more details.

Responsibilities:

- Prime Recipient
 - Owns recipient data and sub-recipient data.
 - Initiates appropriate data collection and reporting procedures to ensure that Recovery Act Section 1512 reporting requirements are met in a timely and effective manner.
 - Implements internal control measures, as appropriate, to ensure accurate and complete information.
 - Performs data quality reviews for material omissions and/or significant reporting errors, making appropriate and timely corrections to prime recipient data and working with the designated sub-recipient to address any data quality issues.
 - Receives and responds to data quality issues as notified by EPA Regional or Headquarters representatives.
- Sub-recipient
 - Owns sub-recipient data.
 - Initiates appropriate data collection and reporting procedures to ensure that Recovery Act Section 1512 reporting requirements are met in a timely and effective manner.
 - Implements internal control measures, as appropriate, to ensure accurate and complete information.
 - Reviews sub-recipient information for material omissions and/or significant reporting errors, and makes appropriate and timely corrections.
- EPA Regions and Headquarters
 - Provides advice/programmatic assistance.
 - Performs limited data quality reviews intended to identify material omissions and/or significant reporting errors, and notifies the recipients of the need to make appropriate and timely changes.

- Oversight Authorities (OMB, Recovery Board, EPA Office of Inspector General)
 - Establish data quality expectations.
 - Establish data and technical standards to promote consistency.
 - Coordinate any centralized reviews of data quality.

18. What is the timing of data quality review efforts?

Recipients and sub-recipients must initiate a review of the data both prior to and following the formal submission of the Recovery Act Section 1512 reporting data elements. The recipient and sub-recipient have 10 days after the end of the quarter to submit the Recovery Act Section 1512 reporting data elements on www.FederalReporting.gov. The prime recipient is responsible for reviewing the data submitted by sub-recipients. The post-submission review period for prime recipients reviewing data submitted by sub-recipients runs from the 11th day of the reporting month to the 21st day of the reporting month for prime recipients. All errors need to be corrected by prime recipients during this period using the www.FederalReporting.gov solution. Specific instructions for submitting new or corrected data will be provided on the www.FederalReporting.gov website. The prime recipient is responsible for reviewing data submitted by sub-recipients. All corrections must be transmitted by the 21st day of the reporting month.

EPA Regional and Headquarters representatives will initiate a limited review of the data after formal submission by the prime recipients and sub-recipients. EPA Regions and Headquarters representatives will have “view only” access to review the data, during the prime recipient and sub-recipients post-submission review period. The EPA Regions and Headquarters representatives review period will start on the 22nd day of the reporting month and they have seven days to review and comment on the submitted data. An EPA regional representative (i.e., Project Officer) must alert the relevant prime recipient and/or sub-recipient of any material omissions and/or significant errors in the submitted data. The prime recipient and/or sub-recipient have until day 29th to transmit the corrections. After corrections have been made (before the 29th day) the EPA regional representative (i.e., Project Officer) should go back to www.recovery.gov solutions to verify if the corrections were made. After the 29th day, no further corrections can be made. Corrections identified, that for whatever reason cannot be made by the 29th day of the reporting month, will be incorporated into the following quarterly report.

The EPA representative (i.e. Project Officer) will classify submitted data, using the following three categories:

- Not Reviewed by agency;
- Reviewed by agency, no material omissions or significant reporting errors identified; and
- Reviewed by agency with material omissions or significant reporting errors identified.

Any data that it has reason to believe that the identified material omissions and/or significant errors (refer to question #191 for definitions) have not been corrected by the prime recipient or sub-recipient, EPA regional representative (i.e., Project Officer) must provide such findings to recoveryupdates@gsa.gov so that the Recovery Board can make such instances public on www.Recovery.gov website. If the EPA regional representative (i.e., Project Officer) has not

chosen one of the above three categories before the 29th day of the reporting month, the system will automatically default to the first category (“Not reviewed by agency”).

19. What is the scope of required data quality review?

The purpose of this data quality review is to avoid two key data problems: material omissions and significant reporting errors.

Material omissions are defined as instances where required data is not reported. For example, a recipient failed to enter some data elements such as: award number, award date, project description, DUNS, CDFR, etc.

Significant reporting errors are defined as those instances where required data is not reported accurately and such erroneous reporting results in significant risk that the public will be misled or confused. For example, recipient reported expenditures in excess of the amount awarded.

22. What data elements should be reviewed for material omissions and significant reporting errors?

Material Omissions:

For first time reporting recipients, all the data elements should be reviewed to ensure that the information is entered. For EPA reviewers, it is highly recommended that the assigned PO work closely with the recipient to ensure all the data is entered. The first time, all the data elements should be reviewed for consistency and accuracy. The majority of the fields are static, so for the next submission there is no need to re-review them.

Significant Reporting Errors:

The Program has identified some major elements that should be reviewed every quarter to ensure that no significant reporting errors are reported.

For prime-recipients, those elements are:

- Project Status
 - Does the project status relate to the amount of funds expended?
- Number of Jobs
 - Verify if the calculation was done correctly.
- Description of Job Created

- Provided an explanation and description of the type of job created and/or retained.
- Total Federal Amount ARRA Funds Received/Invoiced
 - Ensure that the reported amount corresponds to the drawdown amount shown in the Financial Data Warehouse for the reporting quarter.
- Total Federal Amount of ARRA Expenditure
 - Ensure that the cumulative amount corresponds to the total payment amount shown in the Financial Data Warehouse.
- Quarterly Activities/Project Description
 - To compare the reported properties addressed during the quarter with the properties entered in ACRES.
- Total Federal ARRA infrastructure Expenditure (if apply)
 - Check if the infrastructure definition applies.
- Infrastructure Purpose and Rationale (if apply)
 - Check if the infrastructure definition applies.
- Infrastructure Contact Name and Information (if apply)
 - Check if the infrastructure definition applies.

For sub-recipients, the element is:

- Total of sub-award funds disbursed
 - Was the loan or grant awarded?
 - Do the funds disbursed exceed the sub-award amount?

For Vendors, the element is:

- Payment Amount
 - Check the payment amount against the invoices.

21. What are the implications or consequences of submitting uncorrected data?

All prime recipients and sub-recipients must report Recovery Act Section 1512 data in a complete, timely and effective manner, as stated in the terms and conditions of the cooperative agreement. The Agency will evaluate prime recipient and sub-recipient efforts to meet the reporting requirements. In particular, the Agency will work to identify and remediate instances in which:

- Prime recipients or sub-recipients demonstrate systemic or chronic reporting problems and/or fail to correct any problem identified by the Agency.
- Prime recipients demonstrate systemic or chronic deficiencies in meeting their responsibilities to review and identify data quality problems of sub-recipients consistent with the Recovery Act reporting requirements.

On a case-by-case basis, those deficiencies and findings can result in withholding payments and/or termination of federal funding and /or initiation of suspension and debarment proceedings against either the prime recipient or sub-recipient, or both. Further, in some cases, intentional reporting of false information can result in civil and/or criminal penalties.

22. Who is responsible for reviewing the information provided by the prime recipient, sub-recipient, and vendors?

The prime recipient is ultimately responsible for ensuring the information submitted by the sub-recipient and obtained by vendors for submission to federalreporting.gov by the prime or subrecipient is accurate. The assigned Project Officer (PO) should verify and validate the information submitted by the prime recipient and/or sub-recipient in www.federalreporting.gov. Each PO will notify the regional data coordinator or regional point of contact that the review was completed. The regional data coordinator or regional point of contact will notify Headquarter Program Point of Contact that the region completed the recipient Recovery Act Section 1512 data review. The Headquarter Program Point of Contact will notify the National Program Manager Representative that a national review of the Recovery Act Section 1512 data was completed.

23. How will the Recovery Act Section 1512 reporting quality assurance review be conducted?

First, the assigned Project Officer (PO) and Regional Data Coordinator or Regional Point of Contact should be registered on www.federalreporting.gov. The assigned PO will have “view-only” access to the recipient’s data from the 11th to 21st day of the reporting period. During that time, the PO will perform an informal review to ensure that all applicable data fields are filled. It is highly recommended that the assigned PO to work closely with the recipient to ensure all applicable data is entered.

The following table describes the quality assurance review process.

Process Day*	Responsible Lead	Task
Day 1-10	Prime Recipient/ Sub-recipient	<ul style="list-style-type: none"> • Prime Recipient/sub-recipient prepares and enters the reporting data elements in www.federalreporting.gov
Day 12-21	Project Officer (PO)	<ul style="list-style-type: none"> • Each registered PO will work with recipient to ensure all data elements are entered in an accurate form. An informal Quality Assurance process.
Day 22-23	PO	<ul style="list-style-type: none"> • Each registered PO will verify and confirm the information provided by the recipient. Each registered PO should classify submitted data using the checkbox I in www.federalreporting.gov as: (1) Not reviewed by agency; (2) data reviewed by agency, no material omissions or significant reporting errors identified or (3) data reviewed by agency, material omissions or significant reporting errors identified . If material omissions and/or significant reporting errors were identified, the PO should report them to the Recovery Board via recoveryupdates@gsa.gov. • Each registered PO will notify the Regional Data Coordinator or Regional Point of Contact about the completion of the review and about any identified material omissions and /or potential significant errors.
Day 24-25	Regional Data Coordinator or Regional Point of Contact	<ul style="list-style-type: none"> • Regional Data Coordinator or Regional Point of Contact will verify and notify that all the registered POs have verified the information submitted by the recipients and all appropriate notifications were made. • Regional Data Coordinator or Regional Point of Contact will notify the Headquarters Program Point of Contact (Ramon Torres and Rachel Lentz) that the region has completed its review of Recovery Act Section 1512 recipient reporting, including submission of any corrections.
Day 26-27	Headquarters Program Point of Contact	<ul style="list-style-type: none"> • Headquarters Program Point of Contact will verify that all the regions have completed their review. • Headquarters Program Point of Contact will notify the NPM representative (Renee Wynn) that the review of Recovery Act Section 1512 recipient reporting has been completed. If material omissions or potential significant errors are identified, the Headquarters Program Point of Contact will notify the NPM representative.

* Adjustments will be made if a particular day is Saturday, Sunday or federal holiday.

*Appendix 1 –Excel Spreadsheet for Assessment Cooperative Agreement
Model*

*Appendix 2 –Excel Spreadsheet for Cleanup Cooperative Agreement
Model*

Appendix 3 –Excel Spreadsheet for Revolving Loan Fund Cooperative Agreement Model

*Appendix 4–Excel Spreadsheet for Job Training Cooperative Agreement
Model*

TBA Guidance Addendum

