

OVERVIEW

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

TITLE: FY16 Guidelines for Brownfields Revolving Loan Fund Grants

ACTION: Request for Proposals

RFP NO: EPA-OSWER-OBLR-15-05

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NO.: 66.818

DATES: Proposals must be submitted electronically through www.grants.gov by 11:59 p.m. Eastern Time on December 18, 2015. Please refer to Section IV.B, *Due Date and Submission Instructions*, for further instructions.

SUMMARY: The Small Business Liability Relief and Brownfields Revitalization Act ("Brownfields Law", P.L. 107-118) requires the U.S. Environmental Protection Agency (EPA) to publish guidance to assist applicants in preparing proposals for grants to assess and clean up brownfield sites. EPA's Brownfields Program provides funds to empower states, communities, tribes, and nonprofits to prevent, inventory, assess, clean up, and reuse brownfield sites. EPA provides brownfields funding for three types of grants.

1. Brownfields Assessment Grants – provides funds to inventory, characterize, assess, and conduct planning (including cleanup planning) and community involvement related to brownfield sites.
2. Brownfields Revolving Loan Fund (RLF) Grants – provides funding for a grant recipient to capitalize a revolving fund and to make loans and provide subgrants to conduct cleanup activities at brownfield sites.
3. Brownfields Cleanup Grants – provides funds to conduct cleanup activities at a specific brownfield site owned by the applicant.

Under these guidelines, EPA is seeking proposals for **Revolving Loan Fund Grants only**. If you are interested in requesting funding for Assessment and/or Cleanup Grants, please refer to announcement EPA-OSWER-OBLR-15-04 (Assessment Grant guidelines) or EPA-OSWER-OBLR-15-06 (Cleanup Grant guidelines) posted separately on www.grants.gov and www2.epa.gov/brownfields/apply-brownfields-grant-funding.

For the purposes of these guidelines, the term "grant" refers to the cooperative agreement that EPA will award to a successful applicant. Please refer to Section II.C for a description of EPA's anticipated substantial involvement in the financial assistance agreements awarded under these guidelines.

EPA urges applicants to review the Frequently Asked Questions which can be found at http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf.

In addition, prior to naming a contractor or subawardee in your proposal please carefully review Section IV.F of these guidelines.

FUNDING/AWARDS: The total funding available under the national competitions for assessment, cleanup, and RLF grants is estimated at \$54.5 million subject to the availability of funds and other applicable considerations. EPA may expend up to 25 percent of the amount appropriated for brownfields grants on sites contaminated with petroleum. EPA anticipates awarding an estimated 223 grants among all three grant types. Under this announcement, EPA anticipates awarding an estimated 12 RLF grants for an estimated \$8.5 million.

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SECTION I - FUNDING OPPORTUNITY DESCRIPTION

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or the Superfund law) was amended by the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law) to include section 104(k), which provides federal financial assistance for brownfields revitalization, including grants for assessment, cleanup, and revolving loan funds.

A **brownfield site is defined** as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutants, contaminants, controlled substances, petroleum or petroleum products, or is mine-scarred land.

As described in Section V of this announcement, proposals will be evaluated based, among other factors, on the extent to which the applicant demonstrates: economic and environmental needs of the targeted communities; a vision for the reuse and redevelopment of brownfield sites and the capability to achieve that vision; reasonable and eligible tasks; partnerships and leveraged resources to complete the project; incorporation of livability and sustainability principles; and economic, environmental, health, and social benefits associated with the reuse and redevelopment of brownfield sites.

A critical part of EPA's assessment and cleanup efforts is to ensure that residents living in communities historically affected by economic disinvestment, health disparities, and environmental contamination have an opportunity to reap the benefits from brownfields redevelopment. EPA's Brownfields Program has a rich history rooted in environmental justice and is committed to helping communities revitalize brownfield properties, mitigate potential health risks, and restore economic vitality.

I.A Description of Grant

RLF grants provide funding for a grant recipient to capitalize a revolving loan fund from which to provide loans and subgrants to carry out cleanup activities at brownfield sites contaminated with petroleum and/or hazardous substances. Eligible RLF applicants may apply as individual entities or as RLF coalitions (comprised of two or more entities), and apply for up to \$1,000,000.

Sites where hazardous substances and petroleum contamination are distinguishable must meet eligibility requirements for both types of funding. If the petroleum and hazardous substances are not easily distinguishable, the site must meet eligibility requirements for the predominant contaminant. Sites eligible for hazardous substance funding are those properties with the presence of hazardous substances, pollutants, contaminants and sites that are contaminated with controlled substances or that are mine-scarred lands.

The proposal must indicate the dollar amount of funding requested for each type of contamination. The performance period is five years for RLF grants. For a list of certain grant and programmatic requirements refer to Section VI. For more information on brownfield sites eligible for cleanup under RLF grants please refer to Appendix 1.

Revolving loan funds generally are used to provide no-interest or low-interest loans for eligible brownfields cleanups and other eligible programmatic costs necessary to manage the RLF. An RLF grant recipient must use 50% or more of the awarded funds for loans. RLF grantees may not subgrant to themselves. However, the RLF grant recipient may subgrant to other coalition members. Subgrants are limited to \$200,000 per site; however, after award, the recipient may request that EPA waive the \$200,000 limit on a case-by-case basis if such a waiver would facilitate effective cleanup and sustainable reuse of the site or further other goals specified in the terms of the RLF agreement or CERCLA 104(k). Entities receiving RLF subgrants must own the site which is the subject of the subgrant. An RLF grant recipient cannot make a loan or subgrant to a party potentially liable for the contamination at the brownfield site under CERCLA §107, nor may the RLF grant recipient make a loan or subgrant to clean up a site that it is potentially liable for under CERCLA §107.

RLF Coalition Grants

RLF proposals may be submitted by one “lead” eligible entity on behalf of a coalition of eligible entities to create a “pool” of grant funds. (See Section III.A for a list of entities eligible to apply for an RLF grant). A coalition is a group of two or more eligible entities that submits one grant proposal under the name of one of the coalition participants who will be the grant recipient, if selected. Coalition members may not have the same jurisdiction (for example, different departments in the same county) unless they are separate legal entities (for example, a city and a redevelopment agency). The grant recipient must administer the grant, be accountable to EPA for proper expenditure of the funds, and be the point of contact for the other coalition members.

Coalition members may not be members of other RLF coalitions or apply for their own RLF funding in the same grant competition cycle. A coalition member wishing to apply as a separate applicant must withdraw from the coalition to be eligible for individual RLF funds. RLF coalitions may submit only one proposal with requested grant funding of up to \$1,000,000.

Please note that once the “lead” eligible entity submits the proposal it becomes the applicant and the coalition members may not substitute another eligible entity as the lead eligible entity after the deadline for submitting proposals has passed.

A Memorandum of Agreement (MOA) documenting the roles, relationships and responsibilities necessary to achieve the program’s goal must be in place prior to the expenditure of funds awarded. The purpose of the MOA is for coalition members to agree internally about the distribution of funds and the mechanisms for implementing the assessment work. MOAs do not need to be included as part of your proposal.

Cost Share Requirement

The Brownfields Law requires applicants to provide a 20 percent cost share for RLF grants. For example, a \$1,000,000 RLF grant will require a \$200,000 cost share. The cost share, which may be in the form of a contribution of money, labor, material, or services, must be for eligible and allowable costs under the grant and cannot include administrative costs, as described in the Brownfields Frequently Asked Questions (FAQs) at

http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf. Applicants may

request a waiver of the 20 percent cost share requirement based on hardship. EPA will consider hardship waiver requests on a case-by-case basis and will approve such requests on a limited basis. Refer to threshold criterion Section III.B.5. for additional information.

For more information on a range of brownfields topics, please refer to the Brownfields FAQs at http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf. If you do not have access to the Internet, you can contact your Regional Brownfields Contact listed in Section VII.

I.B Uses of Grant Funds

In addition to direct costs associated with the cleanup of a brownfield site, grant funds also may be used for the following activities:

1. Grant funds may be used for direct costs associated with programmatic management of the grant, such as required performance reporting, environmental monitoring of cleanup work, and funds management.

All costs charged to RLF grants must be consistent with the applicable OMB Cost Circular 2 CFR 200 Subpart E.

2. A local government (as defined in 2 CFR 200.64, *Local Government*) may use up to 10 percent of its grant funds for any of the following activities:
 - a. health monitoring of populations exposed to hazardous substances, pollutants, or contaminants from a brownfield site;
 - b. monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance, pollutant, or contaminant from a brownfield site; and
 - c. other related program development and implementation activities (e.g., writing local brownfields-related ordinances) to effectively oversee assessments and cleanups described in an EPA-approved work plan.

The term local government **does not include state or tribal governments** but may include, among others, public housing authorities, school districts, and councils of governments.

3. A portion of the brownfields grant or loan may be used to purchase environmental insurance.

See the Brownfields FAQs at http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf for additional information on purchasing environmental insurance.

Grant funds cannot be used for the following activities:

1. administrative costs, such as indirect costs, of grant administration with the exception of financial and performance reporting costs; and
2. proposal preparation costs.

See the Brownfields FAQs at http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf for additional information on ineligible grant activities and ineligible costs.

I.C EPA Strategic Plan Linkage

EPA's 2014-2018 Strategic Plan defines goals, objectives and sub-objectives for protecting human health and the environment. Brownfields assessment grants will support progress toward Goal 3 (Cleaning Up Communities and Advancing Sustainable Development), Objective 3.1 (Promote Sustainable and Livable Communities). Specifically, these grants will help sustain, clean up and restore communities and the ecological systems that support them by providing funds to assess and clean up brownfield sites. EPA will negotiate work plans with recipients to collect information about the hazardous substances, pollutants and petroleum contaminants addressed and the amount of land made safe for communities' economic and ecological use.

(View EPA's Strategic Plan on the Internet at <http://www2.epa.gov/planandbudget/strategicplan> and view EPA's Order 5700.7A1 at www2.epa.gov/sites/production/files/2015-03/documents/epa_order_5700_7a1.pdf.)

I.D Livability Principles

Under the Program Benefits ranking criterion in Section V, applicants will be evaluated on how their proposed Brownfield RLF program will advance the livability principles discussed below. In addition, the proposal will be evaluated on the extent to which it will lead to sustainable and equitable development outcomes as discussed below.

Link to the HUD-DOT-EPA Partnership for Sustainable Communities

EPA's Brownfields RLF Program is being carried out consistent with the principles for the Partnership for Sustainable Communities (PSC) established by the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Transportation (DOT), and EPA. The PSC was conceived to advance development patterns and infrastructure investment programs that achieve improved economic prosperity, and healthy, environmentally sustainable, and opportunity-rich communities for all Americans, regardless of race or income. Recognizing the fundamental role that public investment plays in achieving these outcomes, the Administration charged three federal agencies whose programs impact the physical form of communities - HUD, DOT, and EPA - to coordinate and incorporate the Livability Principles into their policies and funding programs to the maximum degree possible. The Livability Principles can be found at www.sustainablecommunities.gov and include: (1) provide more transportation choices; (2) promote equitable, affordable housing; (3) increase economic competitiveness; (4) support existing communities; (5) leverage federal investment; and (6) value communities and neighborhoods.

Linking BF RLF Approaches to Sustainable and Equitable Development Outcomes

Applicants should incorporate sustainable and equitable reuse approaches into their proposed Brownfield RLF program. Sustainable and equitable approaches can ensure brownfields are reused in ways that:

- contribute to greener and healthier homes, buildings, and neighborhoods;

- mitigate environmental conditions through effective deconstruction and remediation strategies which address solid and hazardous waste, and improve air and water quality;
- improve access by residents to greenspace, recreational property, transit, schools, other nonprofit uses (e.g., libraries, health clinics, youth centers, etc.), and healthy and affordable food;
- improve employment and affordable housing opportunities for local residents;
- reduce toxicity, illegal dumping, and blighted vacant parcels; and
- retain residents who have historically lived within the area affected by brownfields.

Sustainable development practices facilitate environmentally-sensitive brownfields cleanup and redevelopment while also helping to make communities more attractive, economically stronger, and more socially diverse. While ensuring consistency with community-identified priorities, sustainable development approaches encourage brownfield site reuse in ways that provide new jobs, commercial opportunities, open space amenities, and/or social services to an existing neighborhood. Brownfields site preparation strategies that prevent contaminant exposure through green building design, materials recycling, enable urban agricultural reuse, promote walkability to/around the site and contribute to community walkability, and on-site stormwater management through green infrastructure, among other approaches, can contribute to sustainable development outcomes.

Equitable development outcomes come about when intentional strategies are put in place to ensure that low-income and minority communities not only participate in, but benefit from, decisions that shape their neighborhoods and regions. There are many different approaches that promote equitable development, such as ensuring a mix of housing types across a range of incomes; access to fresh food; access to jobs; and access to local capital. Programs or policies can be put in place to help ensure creation or integration of affordable housing; local or first-source hiring; minority contracting; inclusionary zoning (where a percentage of new housing is designated as affordable housing); healthy food retailers in places where they do not exist (e.g. food deserts); co-operative ownership models where local residents come together to run a community-owned, jointly owned business enterprise; rent control or community land trusts (to help keep property affordable for residents); supportive local entrepreneurial activities; and adherence to equal lending opportunities.

EPA encourages applicants to provide specific examples of how the proposed Brownfield Revolving Loan Fund program will work to remove economic, environmental and social barriers to make sustainable and equitable brownfields reuse of the highest priority.

I.E Measuring Environmental Results: Anticipated Outputs/Outcomes

Pursuant to EPA Order 5700.7, “Environmental Results under EPA Assistance Agreements,” EPA requires that all grant applicants and recipients adequately address environmental outputs and outcomes.

EPA must report on the success of its Brownfields Program through measurable outputs and outcomes, such as the number of sites assessed, number of jobs created and amount of funding leveraged. Applicants are required to describe how funding will help EPA achieve environmental

outputs and outcomes in their responses to the ranking criteria (Section V.B.2., *Program Description and Feasibility of Success*). Outputs specific to each project will be identified as deliverables in the negotiated work plan if the proposal is selected for award. Grantees will be expected to report progress toward the attainment of expected project outputs and outcomes during the project performance period. Outputs and Outcomes are defined as follows:

1. **Outputs:** The term “outputs” refers to an environmental activity, effort and/or associated work products related to an environmental goal or objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during the project period. The expected outputs for the grants awarded under these guidelines are the cleanup of brownfield sites and may include but are not limited to the number of brownfield sites cleaned up and/or the number of loans or subgrants awarded.
2. **Outcomes:** The term “outcomes” refers to the result, effect, or consequence that will occur from carrying out the activities under the grant. Outcomes may be environmental, behavioral, health-related, or programmatic; must be qualitative or quantitative; and may not necessarily be achievable during the project period. Expected outcomes of brownfields grants include the number of jobs leveraged and other funding leveraged through the economic reuse of sites; the number of acres made ready for reuse or acres of greenspace created for communities; and whether the project will minimize exposure to hazardous substances and other contamination.

SECTION II - AWARD INFORMATION

II.A What is the Amount of Available Funding?

The total estimated funding available under the national competition for assessment, cleanup, RLF grants is estimated at \$54.5 million subject to the availability of funds and other applicable considerations. A separate announcement is posted for the assessment and cleanup grant competitions. EPA may expend up to 25 percent of the amount appropriated for brownfields grants on sites contaminated with petroleum. EPA anticipates awarding an estimated 223 grants among the three grant types. Under this announcement, EPA anticipates awarding an estimated 12 RLF grants for a total amount of approximately \$8.5 million in funding. In addition, EPA reserves the right to award additional grants under this competition should additional funding become available. Any additional selections for awards will be made no later than six months from the date of the original selection decision. EPA reserves the right to reject all proposals and make no awards under this announcement or make fewer awards than anticipated.

In appropriate circumstances, EPA reserves the right to partially fund proposals by funding discrete portions or phases of proposed projects. To maintain the integrity of the competition and selection process, EPA, if it decides to partially fund a proposal, will do so in a manner that does not prejudice any applicants or affect the basis upon which the proposal, or portion thereof, was evaluated and selected for award.

II.B What is the Project Period for Awards Resulting from this Solicitation?

The project period for RLF grants is up to five years.

II.C Substantial Involvement

The brownfield RLF grant will be awarded in the form of a cooperative agreement. Cooperative agreements permit the EPA Project Officer to be substantially involved in overseeing the work performed by the selected recipients. Although EPA will negotiate precise terms and conditions relating to substantial involvement as part of the award process, the anticipated substantial federal involvement for this project may include:

- close monitoring of the recipient's performance to verify the results;
- collaborating during performance of the scope of work;
- reviewing substantive terms of proposed contracts;
- reviewing qualifications of key personnel (EPA will not select employees or contractors employed by the award recipient);
- reviewing and commenting on reports prepared under the cooperative agreement (the final decision on the content of reports rests with the recipient);
- reviewing sites to verify they meet applicable site eligibility criteria; and
- negotiating a RLF closeout agreement.

SECTION III - APPLICANT ELIGIBILITY INFORMATION

III.A Who Can Apply?

The following information indicates which entities are eligible to apply for an RLF grant. Nonprofit organizations are not eligible to apply for an RLF grant.

- General Purpose Unit of Local Government. (For purposes of the brownfields grant program, EPA defines general purpose unit of local government as a "local government" as defined under 2 CFR 200.64.)
- Land Clearance Authority or other quasi-governmental entity that operates under the supervision and control of, or as an agent of, a general purpose unit of local government.
- Government Entity Created by State Legislature.
- Regional Council or group of General Purpose Units of Local Government.
- Redevelopment Agency that is chartered or otherwise sanctioned by a state.
- State.
- Indian Tribe other than in Alaska. (The exclusion of Alaskan tribes from brownfields grant eligibility is statutory at CERCLA §104(k)(1). Intertribal Consortia, comprised of eligible Indian Tribes, are eligible for funding in accordance with EPA's policy for funding intertribal consortia published in the *Federal Register* on November 4, 2002, at 67 Fed. Reg. 67181. This policy also may be obtained from your Regional Brownfields Contact listed in Section VII.)
- Alaska Native Regional Corporation, Alaska Native Village Corporation, and Metlakatla Indian Community (Alaska Native Regional Corporations and Alaska Native Village

Corporations are defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 and following). For more information, please refer to Brownfields FAQs at http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf.)

III.B Threshold Criteria for RLF Grants

This section contains the threshold eligibility criteria that ensure applicants are eligible to receive RLF grants. Threshold criteria are pass/fail and include certain requests for information identified below. The information you submit will be used by EPA solely to make site eligibility determinations for Brownfields grants and is not legally binding for other purposes including federal, state, or tribal enforcement actions. Only those proposals that pass all the threshold criteria will be evaluated against the ranking criteria in Section V.B of this announcement.

Applicants deemed ineligible for funding consideration as a result of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination. Applicants must respond to the items listed below to ensure that they are eligible for funding.

Your responses to these items are required and must be included as an attachment to the Narrative Proposal you submit to EPA. See Section IV.C for a complete list of required proposal content.

For purposes of the threshold eligibility review, EPA, if necessary, may seek clarification of applicant information and/or consider information from other sources, including EPA files.

Proposals must substantially comply with the proposal submission instructions and requirements set forth in Section IV of this announcement or they will be rejected. Pages in excess of the page limits described in Section IV for the Transmittal Letter and Narrative Proposal, and attachments not specifically required, will not be reviewed.

In addition, initial proposals must be submitted through www.grants.gov as stated in Section IV of this announcement (except in the limited circumstances where another mode of submission is specifically allowed for as explained in Appendix 2) on or before the proposal submission deadline published in Section IV of this announcement. Applicants are responsible for following the submission instructions in Section IV of this announcement to ensure that their proposal is timely submitted.

Proposals submitted after the submission deadline will be considered late and deemed ineligible without further consideration unless the applicant can clearly demonstrate that it was late due to EPA mishandling or because of technical problems associated with www.grants.gov or relevant www.SAM.gov system issues. An applicant's failure to timely submit their proposal through www.grants.gov because they did not timely or properly register in www.SAM.gov or www.grants.gov will not be considered an acceptable reason to consider a late submission. Applicants should confirm receipt of their proposal with Jerry Minor-Gordon at 202-566-1817 or minor-gordon.jerry@epa.gov as soon as possible after the submission deadline—failure to do so may result in your proposal not being reviewed.

1. Applicant Eligibility

Applicants must demonstrate they are an eligible entity for an RLF grant. Refer to the description of applicant eligibility in Section III.A, Who Can Apply? For entities other than cities, counties, tribes, or states, please attach documentation of your eligibility (e.g., resolutions, statutes, etc.).

C Coalitions applying for RLF grants must document how all coalition members are eligible entities. All coalition members must submit a letter to the grant applicant (lead coalition member) in which they agree to be part of the coalition. Attach these letters to your proposal.

2. Description of Jurisdiction

EPA will only award RLF grants on a community-wide and jurisdiction-wide basis. This allows for the use of grant funds throughout the jurisdiction, as defined by the applicant in its proposal. This does not preclude applicants from targeting specific communities or areas within the jurisdiction in their marketing, outreach, and cleanup activities. Applicants must provide a description of the boundaries of their jurisdiction (e.g., the city limits of The City of ABC).

3. Letter from the State or Tribal Environmental Authority

F For an applicant other than a state or tribal environmental authority, attach a current letter from the appropriate state or tribal environmental authority acknowledging that the applicant plans to establish a revolving loan fund and conduct cleanup activities and is planning to apply for federal grant funds. Failure to submit this letter will result in the rejection of the proposal for further consideration. Letters regarding proposals from prior years are not acceptable. If you are applying for multiple types of grant program activities, you need to receive only one letter acknowledging the relevant grant activities. However, you must provide a copy of this letter as an attachment to each proposal. Please note that general correspondence and documents evidencing state involvement with the project (i.e., state enforcement orders or state notice letters) are not acceptable. It is the applicant's responsibility to provide advance notice to the appropriate state or tribal environmental authority to allow adequate time for you to obtain the acknowledgement letter and attach it to your proposal.

4. Oversight Structure and Legal Authority to Manage a Revolving Loan Fund

P Please note that you will be required to comply with all applicable federal and state laws and ensure that the cleanup protects human health and the environment.

- a. Describe how you will oversee cleanup at sites. Indicate whether you plan to require loan or subgrant recipients to enroll in a state or tribal response program. If you do not plan to require loan or subgrant recipients to enroll in a state or tribal response program, or an appropriate state or tribal response program is not available, you will be required to consult with U.S. EPA to ensure cleanups are protective of human health and the

environment. Therefore, if you do not plan to require loan or subgrant recipients to enroll in a state or tribal response program, provide a description of the technical expertise you have to conduct, manage, and oversee the cleanup and/or whether you plan to acquire additional technical expertise. If you do plan to acquire additional technical expertise, discuss how, consistent with the competitive procurement provisions of the procurement standards of 2 CFR 200.317 through 200.326, you will ensure that this technical expertise is in place prior to beginning cleanup activities.

- b. Provide a legal opinion from your counsel that demonstrates:
 - (1) you have legal authority to access and secure sites in the event of an emergency or default of a loan agreement or non-performance under a subgrant; and
 - (2) you have legal authority to perform the actions necessary to manage a revolving loan fund. At a minimum, legal authority must include the ability to hold funds, make loans, enter into loan agreements, and collect repayments.

This opinion must cite the relevant state law(s) or local ordinance(s) that allow you access to sites and the authority to manage an RLF. Attach your counsel's legal opinion.

Note: For coalitions, the lead applicant must have the broader jurisdiction, authority, and/or program capacity to ensure adequate program performance of coalition members, borrowers, and/or subgrantees, if warranted.

5. Statutory Cost Share (See also Section IV.E on Leveraging)

RLF grant recipients are required by the Brownfields Law to provide a 20 percent cost share.¹ This cost share is calculated as 20 percent of the total federal RLF funds awarded. For example, if you are applying for \$700,000 of federal RLF funds, you must provide a cost share of an additional \$140,000. The cost share may be in the form of a contribution of money, labor, material, or services from a non-federal source. If the cost share is in the form of a contribution of labor, material, or other services, it must be incurred for an eligible and allowable expense under the grant and not for ineligible expenses, such as administrative costs (see Brownfields FAQs at http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf for a discussion of prohibited costs).

RLF grant applicants may petition EPA to waive the cost share requirement if it would place an undue hardship on the applicant. EPA will consider hardship waiver requests on a case-by-case basis and will approve such requests on an extremely limited basis. In considering such requests, EPA will look for indicators such as low per-capita income, unemployment rate significantly above the national average, or unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions.

¹ Applicants for an RLF grant may use fees from borrowers, interest on loans, and other "program income" to meet the cost share requirement. However, if an RLF grant applicant plans to use anticipated program income for cost share, the applicant also must demonstrate how alternative sources for obtaining money, labor, material, or services can be used to meet its cost share requirement if program income is less than anticipated during the performance period of the grant. Recipients of RLF grants may not use repayments of loan principal to meet the cost share requirement.

In your proposal:

- i) Demonstrate how you will meet the required cost share, including the sources of the funding or services, as required for this RLF grant.
- ii) If you are requesting a hardship waiver of the cost share, provide an explanation for the basis of your request as part of your proposal. This explanation must be submitted on a separate page, titled “Hardship Waiver Request.” Your explanation should include the following information: the unemployment rate; per capita income; data demonstrating substantial out-migration or population loss, if relevant; data demonstrating underemployment, that is, employment of workers at less than full-time or at less skilled tasks than their training or abilities permit, if relevant; information regarding military base closures or realignments, defense contractor reductions-in-force, or U.S. Department of Energy defense-related funding reductions, if relevant; local natural or other major disasters or emergencies, if relevant; information regarding extraordinary depletion of natural resources, if relevant; closure or restructuring of industrial firms and negative effects of changing trade patterns, if relevant; whether you are located in a President-Declared Disaster area (declared within 18 months of the submission date for your proposal); whether you have exhausted effective taxing (for governmental entities only) and borrowing capacity. Also, your explanation should include whether the proposed program/candidate project could still proceed if the cost share waiver was not approved.

Where available, applicants must supply data derived from the most recent American Community Survey (ACS) published by the U.S. Census Bureau. In cases where such data are not available, applicants may provide data from other sources (including data available from the Census Bureau and the Bureaus of Economic Analysis, Labor Statistics, Indian Affairs, or other federal sources). In cases where no federal data are available, applicants may submit the most recent data available through their state, tribal, or local government.

Successful applicants will be notified at the time of the grant announcement if their cost share waiver request was approved. Approval of a cost share waiver does not increase the amount of funding which will be provided by EPA in the grant award. Rather, approval of the cost share waiver, will relieve the applicant of the responsibility for providing the cost share amount for the grant award.

SECTION IV - PROPOSAL SUBMISSION INFORMATION

IV.A How to Obtain a Proposal Package

Electronic copies of these guidelines can be obtained from the EPA Brownfields Program website (www2.epa.gov/brownfields/apply-brownfields-grant-funding) or through www.grants.gov. Hard copies may be requested by contacting your Regional Brownfields Contact listed in Section VII.

In order to maintain the integrity of the competition process, EPA staff cannot meet with individual applicants to discuss draft proposals, provide informal comments on draft proposals, or provide advice to applicants on how to respond to ranking criteria. EPA's limitations on staff involvement with grant applicants are described in EPA's Assistance Agreement Competition Policy (EPA Order 5700.5A1). However, EPA staff will respond to questions regarding threshold eligibility criteria, administrative issues related to the submission of the proposal, and requests for clarification about this announcement.

IV.B Due Date and Submission Instructions

Proposals are due December 18, 2015.

One complete proposal package must be electronically submitted through www.grants.gov. This will be the official proposal submission. A second complete courtesy copy of the proposal should be emailed to the appropriate EPA Regional Brownfields Contact listed in Section VII.

Proposals must be received by www.grants.gov by 11:59 p.m. Eastern Time on December 18, 2015. Proposals received after 11:59 p.m. Eastern Time on December 18, 2015, will not be considered for funding. Refer to Appendix 2 for specific instructions on the use of www.grants.gov.

Note: There is a registration process to complete for electronic submission via www.grants.gov. **The registration process may take a week or more to complete.** Occasionally, technical and other issues arise when using www.grants.gov. EPA encourages applicants to submit their proposals early.

If an applicant does not have the technical capability to apply electronically through www.grants.gov because of limited or no internet access which prevents them from being able to upload the required application materials to www.grants.gov, please refer to the procedures in Appendix 2.

In the event that an applicant experiences difficulties transmitting their proposal(s) through www.grants.gov, please refer to the procedures in Appendix 2.

Applications will be time and date stamped electronically. If you have not received a confirmation of receipt from EPA within 30 days of the proposal deadline, please contact Jerry Minor-Gordon at 202-566-1817 or minor-gordon.jerry@epa.gov. Failure to do so may result in your proposal not being reviewed.

IV.C Content and Form of Proposal Submission

Refer to Section I.A for information on the types of RLF grants and amount of funding that may be requested.

Pages exceeding stated page limits will not be copied or evaluated. The page limits indicated for the Transmittal Letter and Narrative Proposal do not include the required attachments described

in item 3 in the Proposal Content below. There is no page limit for the attachments. Only required attachments are allowed – no other attachments will be considered.

All proposal materials must be in English. The Transmittal Letter, Narrative Proposal, and attachments must be typed, on letter-sized (8.5 x 11-inch) paper, and should use standard **12-point font and 1-inch margins**. While these guidelines establish the minimum type size requirements, applicants are advised that readability is of paramount importance. Applicants are responsible for submitting a complete proposal, as described below, by the due date.

Proposal Content: Refer to the sections indicated below for detailed instructions on what to include in your proposal. (See Appendix 2 for www.grants.gov instructions.)

1. Transmittal Letter (2 single-spaced page limit; attach Other Factors Checklist – not subject to page limit) – See No. 1 below.
2. The Narrative Proposal (i.e., responses to all ranking criteria in Section V.B; 15 single-spaced page limit) – See No 2 below.
3. Attachments (**Only** the listed attachments will be accepted - all others will be removed from the proposal prior to review. There is no page limit for attachments.) – See No. 3 below.

1. Transmittal Letter

The transmittal letter shall identify the applicant and a contact for communication with EPA. The transmittal letter, including the applicant identification information, shall not exceed two single spaced pages. Any pages submitted over the page limit will not be considered. The transmittal letter must be written on the applicant's official letterhead, and signed by an official with the authority to commit your organization to the proposed project. Applicants are to submit separate transmittal letters for each proposal they submit. EPA does not consider information in transmittal letters to be responses to the ranking criteria. Each transmittal letter must also include the following.

- a. Applicant Identification Provide the name and full address of the entity applying for funds. This is the agency or organization that will be receiving the grant and will be accountable to EPA for the proper expenditure of funds.
- b. Applicant DUNS number [Refer to Section VI.G for more information if you do not have a DUNS number.]
- c. Funding Requested
 - i) Grant type Indicate “RLF”.
 - ii) Federal Funds Requested \$ _____ and whether you are requesting a cost-share waiver (refer to funding limitations for RLF grants).
 - iii) Contamination Indicate “Hazardous Substances”, “Petroleum”, or both.
Note: If both, provide a breakdown of the amount of funding you are requesting by contaminant type (e.g., for an overall grant request of \$700,000, the breakdown might be \$600,000 hazardous substances and \$100,000 petroleum).

- d. Location City, county, and state or reservation, tribally owned lands, tribal fee lands, etc., of the brownfields community(ies) that you propose to serve. For RLF grant coalitions, list all jurisdictions covered under the proposal.
- e. Contacts
 - i) Project Director Provide name, phone/fax numbers, e-mail address, and mailing address of the Project Director assigned to this proposed project. This person should be the main point of contact for the project, and should be the person responsible for the project's day-to-day operations. The Project Director may be contacted if other information is needed.
 - ii) Chief Executive/Highest Ranking Elected Official Provide the name, phone/fax numbers, e-mail address, and mailing address of the applicant's Chief Executive or highest ranking elected official. For example, if your organization is a municipal form of government, provide this information for the Mayor or County Commissioner. Otherwise, provide this information for your organization's Executive Director or President. These individuals may be contacted if other information is needed.
- f. Date Submitted The date your proposal is submitted electronically through www.grants.gov.
- g. Project Period The project period must not exceed five years for RLF grants.
- h. Population
 - i) Provide the general population of your jurisdiction and the jurisdiction of any coalition partners, if applicable.
 - ii) If you are not a municipal form of government, provide both the population of the target area and the jurisdiction to be addressed by this proposal. Tribes must provide the number of tribal/non-tribal members affected. Your jurisdiction's population can be found at <http://www.census.gov>.
- i. Other Factors Checklist Attach the "Other Factors" Checklist in Appendix 3 to the transmittal letter identifying which, if any, of the items are applicable to your proposal. The "Other Factors" Checklist does not count towards the two-page limit for this section.

2. **The Narrative Proposal**

The narrative proposal must include responses to all ranking criteria (see Section V.B). The narrative proposal (including citations) shall not exceed 15 single-spaced pages. Any pages submitted over the page limit will not be evaluated. The narrative proposal must be clear, concise, and specifically address all of the applicable ranking criteria. Responses to the criteria must include the criteria number and title but need not restate the entire text of the criteria. Proposals must provide sufficient detail to allow for an evaluation of the merits of the proposal. Factual information about your proposed project and community must be provided. Do not include discussions of broad principles that are not specific to the proposed work or project covered by your proposal.

3. Attachments

- a. Threshold eligibility documentation including cost share documentation (see Section III.B.).
- b. Letter from the state or tribal environmental authority (see Section III.B.3.).
- c. Documentation of applicant eligibility if other than city, county, state, or tribe (see Section III.B.1.).
- d. Legal opinion establishing that the applicant has authority to (1) access and secure sites in the event of an emergency or default of a loan agreement or non-performance under a subgrant; and (2) to make loans and accept payments of fees, interest, and principal (see Section III.B.4.).
- e. Letters of commitment from all community organizations identified in the Community Engagement and Partnerships ranking criterion (see Section V.B.3.). You must attach commitment letters to your proposal. Letters not attached or sent separately will not be considered.
- f. Documentation indicating leveraged funds are committed to the program (see Section V.B.2.c.).
- g. Justification for RLF cost share waiver, if applicable (see Section III.B.5.).
- h. RLF coalition member letter(s), if applicable (see Section III.B.1.).

IV.D Intergovernmental Review

The State Intergovernmental Review process will be needed if you are selected to receive a grant. As appropriate for your state, applicants are encouraged to contact their State Intergovernmental Review Office early to start the required intergovernmental review process. This effort is separate from the threshold criteria related to a state environmental letter attachment (see Section III.B.3). Contact your Regional Brownfields Contact listed in Section VII for assistance.

IV.E Voluntary Cost Share/Leveraging

Leveraging is generally when an applicant proposes to provide its own additional funds/resources or those from third party sources to support or complement the project they are awarded under the competition which are above and beyond the EPA grant funds awarded. Any leveraged funds/resources, and their source, must be identified in the proposal. Leveraged funds and resources may take various forms as noted below.

Voluntary cost share is a form of leveraging. Voluntary cost sharing is when an applicant voluntarily proposes to legally commit to provide costs or contributions to support the project when a cost share is not required or when it is beyond the required cost share requirements. Applicants who propose to use a voluntary cost share must include the costs or contributions for the voluntary cost share in the project budget on the Standard Form 424.

A voluntary cost share is subject to the match provisions in the grant regulations (2 CFR Section 200.306). A voluntary cost share may only be met with eligible and allowable costs. The recipient may not use other sources of federal funds to meet a voluntary cost share unless the statute authorizing the other federal funding provides that the federal funds may be used to meet a cost share requirement on a federal grant. The recipient is legally obligated to meet any

proposed voluntary cost share that is included in the approved project budget. If the proposed voluntary cost share does not materialize during grant performance, then EPA may reconsider the legitimacy of the award and/or take other appropriate action as authorized by CFR 200 and/or 1500, as applicable.

Other leveraged funding/resources that are not identified as a voluntary cost share. This form of leveraging may be met by funding from another federal grant, from an applicant's own resources, or resources from other third party sources. This form of leveraging should not be included in the budget and the costs need not be eligible and allowable project costs under the EPA assistance agreement. While this form of leveraging should not be included in the budget, the grant workplan should include a statement indicating that the applicant is expected to produce the proposed leveraging consistent with the terms of the announcement and the applicant's proposal. If applicants propose to provide this form of leveraging, EPA expects them to make the effort to secure the leveraged resources described in their proposals. If the proposed leveraging does not materialize during grant performance, then EPA may reconsider the legitimacy of the award and/or take other appropriate action as authorized by 2 CFR Parts 200 or 1500.

IV.F Additional Provisions for Applicants Incorporated Into the Solicitation

Additional provisions that apply to this solicitation and/or awards made under this solicitation, including but not limited to those related to confidential business information, contracts and subawards under grants, and proposal assistance and communications, can be found at <http://www2.epa.gov/grants/epa-solicitation-clauses>. These, and the other provisions that can be found at the website link, are important, and applicants must review them when preparing proposals for this solicitation. If you are unable to access these provisions electronically at the website above, please communicate with the EPA contact listed in this solicitation to obtain the provisions.

SECTION V - PROPOSAL REVIEW INFORMATION

V.A Review and Selection Process

Timely submitted proposals initially will be reviewed by the appropriate EPA Regional Office to determine compliance with the applicable threshold criteria for RLF grants (Section III.B). The threshold criteria are pass/fail. Applicants deemed ineligible for funding consideration as a result of the threshold criteria review will be notified within 15 calendar days of the ineligibility determination. All proposals that pass the threshold criteria review will then be evaluated by national evaluation panels chosen for their expertise in the range of activities associated with the brownfields RLF. The national evaluation panels will be composed of EPA staff and potentially other federal agency representatives. Eligible proposals will be evaluated based on the criteria described below and a ranking list of applicants will be developed.

For evaluation and selection purposes, EPA's Office of Brownfields and Land Revitalization (OBLR) will prepare two ranked lists of eligible proposals.

One list will be comprised of “new applicants” for brownfield agreements defined as:

- applicants who have never received an EPA brownfields grant, or
- applicants who were awarded a brownfields grant that closed in 2007 or earlier.

A second list will be comprised of “existing and recent recipients” defined as:

- applicants who have a current brownfields grant, or
- applicants who were awarded a brownfields grant that closed in 2008 or later.

The Agency intends to use approximately 50% of the total amount of funding available under this announcement for grants to “new applicants”. This percentage is an estimate and is subject to change based on funding levels, the quality of proposals received and other applicable considerations.

OBLR will provide both lists to the Selection Official, who is responsible for further consideration of the proposals and final selection of grant recipients. Proposals will be selected for award by this Official based on their evaluated point scores, the availability of funds, and, if and as appropriate, consideration of the other factors described in Section V.C.

V.B Ranking Criteria for Revolving Loan Fund Grants

If your proposal passes the threshold criteria review (see Section III.B), your responses and the information you provide in response to the ranking criteria below will be evaluated and scored by national evaluation panels. Your proposal may be assigned up to 100 points based on the criteria below. Respond to the following ranking criteria below in your narrative proposal.

Please respond to all ranking criteria and sub-ranking criteria below regardless of whether the criterion applies to your application. Any criterion left unanswered may result in zero points given for that criterion.

1. Community Need [15 points]

This section of your proposal provides the context for your revolving loan fund program. The needs defined in this section should provide the foundation of your later discussion of the Brownfields RLF Program, planned community engagement and partnerships, and the ways the RLF program will ultimately benefit your targeted community (both outputs and outcomes). This section of your narrative should identify your targeted community, as well as the community’s brownfield issues and the impacts they have on the targeted community in which they are located. This section should also present the environmental, health and/or welfare, and economic challenges faced by the targeted community as related to its brownfields. Proposals will be evaluated on the quality and extent to which you have presented a compelling picture of your brownfield(s) and needs of your targeted community.

Proposals should demonstrate how the grant will serve a community(ies) to address or facilitate the identification and reduction of threats to the health or welfare of children, pregnant women, minority or low-income communities, or other sensitive populations; and will serve a community(ies) that is unable to draw on other sources of funding because of the small population or low income of the community.

Coalition proposals should demonstrate how the grant will serve coalition partners and their communities.

EPA anticipates selecting proposals which demonstrate that the identified targeted community(ies) experience significant socio-economic challenges (e.g., high percent low-income, high percent poverty, increased health disparities) and where the assessment could be an anchor of transformation for the community(ies).

a. Targeted Community and Brownfields [5 points]

Targeted Community Description

Include a brief description of your city, town, or geographic area to provide the reader some background on its cultural and industrial history that establishes the context for your brownfield challenges.

Within this geographic area, identify and describe the targeted community/sites where you plan to perform RLF activities, such as a neighborhood, district, corridor, census tract, or other locality around which your program will focus.

Demographic Information

Provide demographic information about your targeted community including pertinent indicators of population, unemployment, poverty, minorities, and income such as those shown in the suggested table below, and clearly cite the sources of your data.

Sample Format for Demographic Information (supplement as appropriate)

	Targeted Community (e.g., Census Tract)	City/Town or County	Statewide	National
Population:				311,536,594 ¹
Unemployment:				5.3% ²
Poverty Rate:				11.3 % ¹
Percent Minority:				36.7% ¹
Median Household Income:				\$53,046 ¹
Other:				

¹Data are from the 2009 – 2013 American Community Survey and are available on American FactFinder at http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_5YR_DP03&src=pt and http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_5YR_DP05&prodType=table

²Data are from the Bureau of Labor Statistics and are available at www.bls.gov.

For resources to gather demographic information, please go the FAQs at
http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf

Description of Brownfields

Describe the brownfields sites in your targeted community. Include information on the:

- nature and extent of your brownfields (such as past land uses and site activities, potentially related environmental issues or contaminants, and current conditions);
- real or perceived negative environmental impacts associated with the brownfields; and
- brownfields' proximity to the targeted community.

Cumulative Environmental Issues

In addition to the presences of brownfield sites, provide a summary (using available information) of other various cumulative environmental issues (e.g. siting of power plants, incinerators, industry, landfills, congested highways, or other sources of air, water and land pollution) or other environmental justice concerns (such as overburdening from existing sources of pollution) which may be present.

b. Impacts on Targeted Community [5 Points]

Using existing available information, please respond to the items below.

- Discuss impacts the brownfields have on public health or welfare of your targeted community.
- Provide information describing the threats to health and welfare to sensitive groups in the targeted community who are potentially subject to the environmental exposures, including brownfields. (Please refer to FAQs for information on sensitive populations, http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf.)
- Describe how cumulative environmental and/or brownfield issues have disproportionately impacted your targeted community.

c. Financial Need [5 Points]

i. Economic Conditions (3 points)

Describe why you, as the applicant, need this funding and are unable to draw on other sources of funding because of a small population, low income or other factors of the targeted community.

Describe how local economic conditions may have been made worse due to industrial decline, plant closures, natural disasters, or other significant economic disruptions.

ii. Economic Effects of Brownfields (2 points)

Elaborate on the demographic table above (Section V.B.1.a) and discuss the key economic effects (e.g. reduced tax base, lost jobs and business opportunities, depressed property values, ongoing costs to secure vacant properties, etc.) of the brownfields on the targeted community.

Describe other economic effects associated with brownfields such as blight, property vacancy, community disinvestment, burden on municipal services etc. To the extent that this discussion may include quantitative estimates and statistics, clearly cite the sources of such data.

2. RLF Program Description and Feasibility of Success [30 points]

This section of your proposal describes your program and how it will be implemented. This section should demonstrate the feasibility of the program you will fund with this grant, and

the extent to which the grant will stimulate the availability of other funds for environmental assessment or remediation, and the subsequent reuse of the target area in which the brownfield site(s) are located.

Proposals will be evaluated, as further described below, on the quality and extent to which you demonstrate:

- how your program will further the targeted community's, land use and revitalization plans or vision;
- a reasonable approach and methodology to achieve program goals, and expend funds in a timely and efficient manner;
- a realistic basis for program costs;
- a reasonable plan to track and measure project progress; and
- the availability of, and access to, sufficient resources to ensure that projects funded by RLF loans and subgrants achieve their planned cleanup and redevelopment goals.

Proposals should demonstrate that the majority of grant funds are allocated for tasks directly associated with loans and subgrants and the associated environmental cleanup. Applicants must allocate 50% or more of the grant funds towards the loan pool. Proposals with a higher loan-to-subgrant ratio may be evaluated more favorably -- unless there are compelling reasons that only 50% of the total grant funds can be allocated towards the loan pool. In addition, proposals should demonstrate the existence of firm leveraging commitments, including funds or other resources (specifically private resources), that will result in an effective program and/or facilitate a greater likelihood of completion of funded projects.

Refer to Section VI.D, *Brownfields Programmatic Requirements*, to read EPA expectations of programs funded with brownfields RLF grants.

a. Program Description and Marketing Strategy [15 Points]

i. Program Description (10 Points)

Describe your RLF program, including a description of your program's loan and subgrant products and how your program will:

- align efforts with targeted community's land use and revitalization plans;
- structure and maintain a competent team to ensure an effective program or (for coalition proposals) implement an effective governance structure amongst coalition partners;
- select borrowers/projects;
- structure and administer loans and subgrants, and facilitate financial underwriting;
- incorporate reasonable and prudent lending practices;
- leverage funding to cover all brownfields redevelopment activities and costs;
- incorporate innovative approaches to encourage the funds to revolve and be sustained after the cooperative agreement is closed; and
- maximize resources (especially private resources) for lending and provide gap financing to address high-risk sites in vulnerable communities.

ii. **Marketing Strategy (5 Points)**

Describe your program's marketing strategy including:

- the types of applicants and projects you are targeting;
- what you have already done to gauge interest or market your program;
- specific projects and applicants that you have already identified as likely RLF loan or subgrant candidates (if applicable); and
- how you will continue to market your program to ensure you reach potential borrowers/subgrantees.

b. Task Descriptions and Budget Table [10 Points]

Task Descriptions

Discuss the tasks required to implement the proposed program, including work that will take place under each grant-funded task and any additional work or services necessary to carry out the program that will be funded by sources other than this grant. Identify and enumerate specific outputs from the program, which may include, but are not limited to, loans/subgrant awards and sites cleaned up. [Refer to Section I.E.1 for an explanation of outputs.]

Provide a cost estimate for each **grant-funded** task, which describes the basis for the estimated costs, and specifies costs by the budget categories shown in the table below. Applicants requesting hazardous substance and petroleum funding in the same proposal must distinguish hazardous substance related tasks from petroleum related tasks. Where appropriate, present unit costs and quantify work products (e.g, provide loans to two eligible entities at a cost of \$400,000 each for a total of \$800,000). Explain any costs that appear to be atypical (i.e., unusually high or low).

Discuss the specific activities and tasks that will be covered by the cost share. Cost share activities must be otherwise eligible activities under the grant.

Do not include tasks for activities that are ineligible uses of funds under EPA's RLF grant (e.g., land acquisition, building demolition that is not necessary to cleanup contamination at the site, building or site preparation, or administrative costs, such as indirect costs). Please refer to the Brownfields FAQs at http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf for additional examples of ineligible uses of funds. For questions not covered by the FAQs, contact your Regional Brownfields Contact listed in Section VII.

Discuss how you plan to track and measure your progress in achieving the project results (outcomes and outputs).

Budget Table

The table format below can be used to present the allocation of EPA grant funds to the specific tasks described above. Specify the costs by budget category. Include ONLY EPA grant funds and required cost share in this table. Activities not supported by the grant **should not** be included in the budget table.

Applicants requesting hazardous substance and petroleum funding in the same proposal must provide either two separate budget tables, or two separate line items within one budget table, which distinguish hazardous substance funds from petroleum funds.

Applicants must demonstrate that funds allotted to loans is at least 50% of the total amount of federal funding.

Applicant must include the cost share in the budget even if applying for a cost share waiver. If the applicant is successful and the cost share waiver is approved, it will be removed in pre-award negotiation.

Note: EPA encourages the use of the table format below.

Sample Format for Budget

Funding Type	Budget Categories	Program Tasks (\$) [programmatic costs only]				Total
		[Task 1]	[Task 2]	[Task 3]	[Task 4]	
Hazardous Substance Funds (HS)	Personnel					
	Fringe Benefits					
	Travel ¹					
	Equipment ²					
	Supplies					
	Contractual					
	Loans (must be at least 50% of the amount requested)					
	Subgrants					
	Other (specify) _____					
	Subtotal					
Petroleum Funds (P)	Personnel					
	Fringe Benefits					
	Travel ¹					
	Equipment ²					
	Supplies					
	Contractual					
	Loans (must be at least 50% of the amount requested)					
	Subgrants					
	Other (specify) _____					
	Subtotal:					
Federal Funding Subtotal (HS + P)						
Cost Share³						
Total Budget						

¹ Travel to brownfield-related training conferences is an acceptable use of these grant funds.

² EPA defines equipment as items that cost \$5,000 or more with a useful life of more than one year. Items costing less than \$5,000 are considered supplies. Generally, equipment is not required for RLF grants.

³ Applicants must include the cost share in the budget even if applying for a cost share waiver.

Reminder: Administrative costs, such as indirect costs, of grant administration with the exception of financial and performance reporting costs are ineligible grant activities.

c. Ability to Leverage [5 points]

Describe other sources of funding or resources that you have, or may be seeking, to ensure the successful revitalization of brownfields sites cleaned up with this grant. This should include public and private resources (beyond this grant) to achieve the assessment, cleanup, and/or redevelopment needs of the program/candidate project sites. Attach copies of any letters or documentation to substantiate firm commitments of leveraged funding.

If you are not yet able to identify sources of leveraged funding needed for this program/project, then provide a recent example where you or your project partners have successfully leveraged resources to achieve an environmental or revitalization goal of your community (not necessarily on a brownfields site). See the Brownfields FAQs at http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf for more information on how to demonstrate leveraging commitments.

Leveraging commitments, unlike the cost share match, should not be included in your budget table.

3. Community Engagement and Partnerships [20 Points]

This section of your proposal demonstrates how you will inform and involve the community and other stakeholders during the planning and implementation of your program. Your responses to the criteria will also explain how your proposed community engagement plan will meet the needs of the targeted community identified in Community Need (Section V.B.1) portion of your proposal and identify the stakeholders and partners necessary to achieve the benefits discussed in Program Benefits (Section V.B.4).

Proposals will be evaluated on the quality and extent to which they:

- demonstrate actions or plans to effectively involve and inform the targeted community and relevant stakeholders;
- identify how partnership with the state/tribal environmental authority will ensure the cleanup is protective of human health and the environment, or if not applicable, explains demonstrates how they will ensure the cleanup is protective;
- identify roles of other relevant governmental partnerships. including health agencies if applicable; and
- identify the relevant roles of community organizations and affirm their involvement in the program through commitment letters.

Proposals should discuss and demonstrate meaningful involvement of community groups or representatives directly affected by the sites addressed by loans and subgrants, in addition to the broader community.

Coalition proposals should demonstrate how all communities will be engaged and informed throughout the program. Coalition proposals should demonstrate that the grant recipient will ensure that community engagement is tailored specifically to the needs of each targeted community and coalition member.

a. Plan for Involving Targeted Community & Other Stakeholders; and, Communicating Progress [7 points]

- Discuss your plan for involving the targeted community and other stakeholders (such as neighborhood organizations, citizens groups, borrowers, and developers) in the planning and implementation of your program. Community involvement activities may occur throughout the cleanup planning, cleanup decision, or reuse planning phases.
- Discuss how you will seek out and consider concerns that local residents may have with regard to health, safety, and community disruption potentially posed by the proposed cleanup activities.
- Describe how you will ensure the proposed cleanup activities are conducted in a manner that is protective of sensitive populations and nearby residents.
- Describe your plan for communicating the progress of your program to citizens. Also, describe how the identified communication plans are appropriate and effective for the targeted community(ies).

Note: Applicants may address this criterion by various means that show meaningful public engagement where information is shared and views and input are actively solicited, including public meetings, webinars, use of media, and internet forums. Applicants must demonstrate how they will engage the targeted community in meaningful ways to ensure success of the proposed program.

b. Partnerships with Government Agencies [6 points]

Describe your current efforts and plans to initiate and develop new partnerships or to develop your existing partnerships with relevant governmental entities; including a description of the role they may play to ensure your RLF brownfields program is successful.

Local/State/Tribal Environmental Authority

Please identify and provide information on the agency which runs the relevant brownfields, voluntary cleanup or other similar program at the local/state/tribal level (i.e., the environmental agency and/or health agency). Discuss the roles they may have in ensuring your cleanup meets applicable standards or otherwise is protective of human

health and the environment.

Other Governmental Agencies

Identify and provide information on other relevant federal, state, and/or local governmental agencies with which you will partner during your RLF program (e.g., EPA, DOT, HUD, a health agency).

c. Partnerships with Community Organizations [7 points]

Describe your current efforts and plans to initiate and develop partnerships with community organizations and discuss how they will be involved in the planning and implementation of your program.

Community Organization Description & Role

Include a description of each community organization involved in your program, as well as, their role in and commitments to the planning and implementation of the program. EPA may conduct reference checks to ensure that organizations identified are supportive and involved with the brownfields program.

Letters of Commitment

Attach current letters to the proposal from all of the community organizations you have discussed. These letters should discuss their support for the program, and describe and affirm their roles and commitments to the planning and implementation of the program. The numbers of partners is not as important as the contributions and the relevance of their organization.

Note: Community organizations do **not** include local government departments, the local planning department/district/office, local contractors, the mayor's office, or other elected officials. See FAQs (http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf) for more information about community organizations.

Note: Letters of commitment must be addressed to the applicant and be included with the applicant's proposal package. Letters should not be sent directly to EPA.

Note: If there are no community organizations in your community, then state this and demonstrate how the community is engaged and will continue to be involved in your program. This can be done by including support letters from residents, letters from residents to the editors of local newspapers, attendance lists at public meetings concerning the program/specific project site, comments from local citizens received on the plans and implementation of the program, etc.

4. Program Benefits [15 points]

This section of the proposal describes the overall outcomes and benefits expected from your program in the context of the needs you described in the Community Need (Section V.B.1), the broader planning efforts as discussed in Program Description (Section V.B.2), including sustainable redevelopment and the near-term efforts to support sustainable environmental practices in the community. It will also describe how the outcomes of the cleanups will

contribute to the overall community plan for the revitalization of brownfields sites. Proposals will be evaluated on the quality and extent to which the proposal demonstrates the potential of the program to realize significant outcomes and benefits to the health/welfare and environment of the community, facilitate environmentally sustainable redevelopment planning and equitable development, and stimulate economic or non-economic benefits. Proposals should demonstrate the benefits expected in association with the specific RLF loan or subgrant candidate projects identified in Section V.B.2.a.ii.

Note that most of these sub-criteria present an either/or option for response – allowing some portion of each sub-criteria to apply to all applicants.

a. Health and/or Welfare and Environmental Benefits [7 points]

Health and/or Welfare Benefits

Describe the health and/or welfare benefits anticipated from this grant (or broader project), and how these benefits will address the health and/or welfare challenges discussed in the Community Need section of your narrative (Section V.B.1).

Environmental Benefits

Describe the environmental benefits anticipated from this grant (or broader project), and how these benefits will address the environmental challenges discussed in the Community Need section of your narrative (Section V.B.1).

b. Environmental Benefits from Infrastructure Reuse/Sustainable Reuse [4 points]

i. **Policies, Planning, or Other Tools (2 points)**

Provide examples of how you will use your community or organization's policies, ordinances, planning or other tools to foster and implement sustainable development outcomes, including using existing infrastructure, for sites addressed with this grant. Examples of sustainable development practices are listed in Section I.D of these guidelines.

ii. **Integrating Equitable Development or Livability Principles (2 points)**

Describe how your approach to address and revitalize brownfield sites will incorporate equitable development practices or the HUD-DOT-EPA Livability Principles; such as improved transportation choices, affordable housing, and other considerations as described in Section I.D of these guidelines.

c. Economic and Community Benefits (long-term benefits) [4 points]

i. **Economic or Other Benefits (2 Points)**

Discuss specific outcomes and economic benefits, such as increased employment and expanded tax base, through the redevelopment of sites cleaned up under this grant, if applicable include the economic benefits anticipated for your candidate projects;

or

discuss other non-economic benefits associated with the cleanup of sites (including candidate projects if applicable) to be reused for greenspace or other not-for-profit activities. Examples may include areas redeveloped for uses such as parks, recreation areas, greenways, environmental buffers and other not-for-profit, governmental or charitable organization spaces libraries, schools, health centers, community centers, fire stations, etc.

ii. **Job Creation Potential: Partnerships with Workforce Development Programs (2 Points)**

Describe any efforts you plan to promote local hiring and procurement or link members of the community to potential employment opportunities in brownfields assessment, cleanup, or redevelopment related to your proposed projects. Such efforts may include, but are not limited to partnering with local workforce development entities or Brownfields job training grantees. A list of Brownfields job training grantees can be found at

cfpub.epa.gov/bf_factsheets/#_ga=1.179644452.1468935873.1432832844.

5. Programmatic Capability and Past Performance [20 points]

This section of your proposal demonstrates that your organization (“the applicant”/lead coalition member) has the programmatic capability (experience, knowledge and resources, or ability to obtain them) necessary to ensure successful completion of all required aspects of this RLF program and grant as discussed in the previous section of your proposal and Section VI of the these guidelines. Successful management of an RLF program requires a dedicated program manager and staff; in many cases it can require significant staff time, particularly for the first several years. Proposals will be evaluated on the quality and extent to which your proposal demonstrates the ability of your organization to successfully manage and complete the program, considering your programmatic and administrative capacity, and your past and/or current *performance* under federally and/or non-federally funded assistance agreements (past and current).

Note: In evaluating an applicant’s response to this criterion, in addition to the information provided by the applicant, EPA may consider relevant information from other sources including information from EPA files and/or from other federal or non-federal grantors to verify or supplement information provided by the applicant.

a. Programmatic Capability [12 points]

Describe the organizational structure you will utilize to ensure sound financial management and program management including cleanup activities that are conducted appropriately, timely and successful expenditure of funds, and completion of all other technical, administrative and financial requirements of the program and grant.

Specifically describe how key program roles – such as that of the financial and/or program manager, Qualified Environmental Professional (QEP), and other team members will work together to successfully implement your program, as described Program Description (Section V.B.2.a.i.). Include a brief discussion of the key staff including their roles, expertise, qualifications, and experience.

Describe the system(s) you have in place to appropriately acquire any additional expertise and resources (e.g. contractors or subawardees) required to successfully implement the program and its loan and subgrant candidate projects. Please refer to Section IV.F regarding contractors and subawards.

b. Audit Findings [2 points]

Describe any adverse audit findings. If you have had problems with the administration of any grants (e.g., compliance reporting, expenditure of funds), please describe how you have corrected, or are correcting, the problems. If you have not, please affirm that you have not had any adverse audit findings. Respond to this criterion regardless of whether or not you have had a federal or non-federal assistance agreement. *[Failure to address this section may result in zero points for this factor.]*

c. Past Performance and Accomplishments [6 points]

If you have ever received an EPA Brownfields grant (including Assessment, Cleanup, Revolving Loan Fund, and 128(a) grants; excluding Targeted Brownfields Assessments), please respond to **item i** below.

If you have never received an EPA Brownfields grant, but have received other federal or non-federal assistance agreements (such as a grant or cooperative agreement), please respond to **item ii** below.

If you have never received any type of federal or non-federal assistance agreements please indicate this in response to **item iii** below, and you will receive a neutral score of 3 points for this factor.

i. Currently or Has Ever Received an EPA Brownfields Assessment, Revolving Loan Fund, or Cleanup Grant [6 Points]

Identify and provide information regarding each of your current and most recent EPA brownfields grant(s) (but no more than five). Demonstrate how you successfully managed the grant(s), and successfully performed all phases of work under each grant by providing information on the items listed below.

1. Compliance with Grant Requirements (3 Points)

Discuss your compliance with the work plan, schedule and terms and conditions. Include whether you have made, or are making, progress towards achieving the expected results of the grant in a timely manner. If you are not, please explain why. Discuss what corrective measures you took, or are taking, and how the corrective measures were documented and communicated.

Discuss your history of timely and acceptable quarterly performance and grant deliverables, as well as, ongoing Assessment, Cleanup and Redevelopment Exchange System (ACRES) reporting.

If you have an open EPA Brownfields grant(s), please explain your need for additional funding. Additionally, for all open grant(s) indicate the grant period

(start and end date), if there are funds remaining, and the plan to expend funds by the end of the grant period.

For all closed EPA Brownfields grant(s), indicate if there were funds remaining at the time of closure, the amount of remaining funds and a brief explanation of why the funds were not expended.

2. Accomplishments (3 Points)

Describe the accomplishments (including specific outputs and outcomes) of your grant funded program, including at minimum, the number of sites assessed and/or cleaned up. Discuss whether these outputs and outcomes were accurately reflected in ACRES at the time of this proposal submission, and if not, please explain why.

– OR –

ii. Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements [6 Points]

Identify and describe each of your current and/or most recent federally and non-federally funded grants (no more than five) that are most similar in size, scope, and relevance to the proposed project sites. Demonstrate how you successfully managed the grant(s), and successfully performed all phases of work under each grant by providing the following information.

1. Purpose and Accomplishments (3 Points)

Describe the awarding agency/organization, amount of funding, and purpose of the grant(s) you have received.

Discuss the accomplishments (including specific outputs and outcomes) of the project supported by these grants, including specific measures of success for the project supported by each type of grant received.

2. Compliance with Grant Requirements (3 Points)

Describe your compliance with the work plan, schedule and terms and conditions. Include whether you made, or are making, progress towards achieving the expected results of the grant in a timely manner. Discuss what corrective measures you took, or are taking, and how the corrective measures were documented and communicated.

Discuss your history of timely and acceptable reporting, as required by the awarding agency/organization.

– OR –

iii. Has Never Received Any Type of Federal or Non-Federal Assistance Agreements [3 points]

Affirm that your organization has never received any type of federal or non-federal assistance agreement (grant). [*Failure to indicate anything in response may result in zero points for this factor.*]

V.C Other Factors

In making final selection recommendations from among the most highly ranked applicants on each of the lists discussed in Section V.A, EPA's Selection Official may consider the following factors if appropriate. In their proposals, applicants should provide a summary on whether and how any of these potentially applicable other factors apply:

- fair distribution of funds between urban and non-urban areas including an equitable distribution to “micro” communities (those communities with populations of 10,000 or less). EPA strongly encourages non-urban communities, including “micro” communities to apply;
- the distribution of funds among EPA’s ten Regions and among the states and territories;
- compliance with the 25 percent statutory petroleum funding allocation;
- whether the applicant is a federally recognized Indian tribe or United States territory or the project is assisting a Tribe or territory;
- whether targeted brownfield sites are impacted by mine-scarred land;
- demonstrated firm leveraging commitments for facilitating brownfield project completion by identifying amounts and contributors of funding in the proposal and have included documentation that tie directly to the project;
- recent (2008 or later) significant economic disruption has occurred within community, resulting in a significant percentage loss of community jobs and tax base;
- whether the applicant is one of the 24 recipients or a core partner/implementation strategy party of a “manufacturing community” designation provided by the Economic Development Administration (EDA) under the Investing in Manufacturing Communities Partnership. Applicants must clearly demonstrate there is a nexus between their IMCP designation and the proposed Brownfields activities;
- whether the applicant is a recipient or a core partner of a HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant that is directly tied to the project area, and can demonstrate that funding from a PSC grant has or will benefit the project area. To be considered, **the applicant must attach documentation** which demonstrates this connection to a HUD-DOT-EPA PSC grant; and/or
- whether the applicant is a recipient of an EPA Brownfields Area-Wide Planning grant.

V.D Proposal Checklist for RLF Grants

Before you submit your proposal(s) for a RLF grant, please ensure the following documents are included in your proposal package.

<input checked="" type="checkbox"/> Transmittal Letter (2-page limit)	
<input checked="" type="checkbox"/> Other Factors Checklist (located in Appendix 3) attached to the Transmittal Letter	
<input checked="" type="checkbox"/> The Narrative Proposal, which includes the responses to ranking criteria (15-page limit)	
<input checked="" type="checkbox"/> Documentation of all applicable threshold criteria (see Section III. B)	
<input checked="" type="checkbox"/> Letter from the state or tribal environmental authority (see Section III.B.3)	
<input checked="" type="checkbox"/> Documentation of applicant eligibility if other than city, county, state, or tribe (see Section III.B.1)	
<input checked="" type="checkbox"/> Legal opinion establishing that the applicant has authority to (1) access and secure sites in the event of an emergency or default of a loan agreement or non-performance under a subgrant; and (2) to make loans and accept payments of fees, interest, and principal (see Section III.B.4)	
<input checked="" type="checkbox"/> Documentation indicating committed firm leveraged resources, if applicable (see Section V.B.2.c.)	
<input checked="" type="checkbox"/> Letters of commitment from all community organizations identified in the Community Engagement and Partnerships ranking criterion (see Section V.B.3)	
<input checked="" type="checkbox"/> Justification for RLF cost share waiver, if applicable (see Section III.B.5)	
<input checked="" type="checkbox"/> RLF coalition member letter(s), if applicable (see Section III.B.1)	

Please also remember to complete the following items.

<input checked="" type="checkbox"/> Register on www.grants.gov and www.sam.gov as soon as possible.	
<input checked="" type="checkbox"/> Submit your complete proposal package through www.grants.gov no later than December 18, 2015 at 11:59 p.m. Eastern Time.	
<input checked="" type="checkbox"/> Email a courtesy copy of your proposal package to the appropriate Regional Brownfields Contact listed in Section VII.	

SECTION VI - AWARD ADMINISTRATION INFORMATION

VI.A Award Notices

EPA Regions will notify applicants who fail threshold eligibility requirements within 15 calendar days of the Agency's determination of ineligibility. EPA will notify applicants who have not been selected for award based on the ranking criteria and other factors within 15 calendar days of EPA's final decision on selections for this competition.

EPA anticipates notification to successful applicants will be made via telephone or electronic or postal mail by Spring 2016. The notification will be sent to the original signer of the proposal or the project contact listed in the proposal. This notification, which informs the applicant that its proposal has been selected and is being recommended for award, is not an authorization to begin work. The official notification of an award will be made by Regional Grants Management Official for regional awards. Applicants are cautioned that only a grants officer is authorized to bind the Government to the expenditure of funds; selection does not guarantee an award will be made. For example, statutory authorization, funding or other issues discovered during the award process may affect the ability of EPA to make an award to an applicant. The award notice, signed by an EPA grants officer, is the authorizing document and will be provided through electronic or postal mail. The successful applicant may need to prepare and submit additional documents and forms (e.g., work plan), which must be approved by EPA, before the grant can officially be awarded. The time between notification of selection and award of a grant can take up to 90 days or longer.

VI.B Administrative and National Policy Requirements

1. Funding will be awarded as a cooperative agreement. The applicants whose proposals are selected will be asked to submit a cooperative agreement application package to their EPA Regional office. This package will include the application (Standard Form 424), a proposed work plan, a proposed budget, and other required forms. An EPA Project Officer will work with you to finalize the budget and work plan. It is EPA's expectation that the selected applicants will complete the award process within six months of the announcement.
2. Approved cooperative agreements will include terms and conditions (including any applicable Davis Bacon requirements) that will be binding on the grant recipient. Terms and conditions specify what grantees must do to ensure that grant-related and Brownfields Program-related requirements are met. Applicants also will be required to submit progress reports in accordance with grant regulations found in 2 CFR 200.328.

VI.C Reporting Requirements

During the life of the cooperative agreement, recipients are required to submit progress reports to the EPA Project Officer within 30 days after each reporting period. The reporting period (i.e., quarterly, annually) is identified in the terms and conditions of the cooperative agreement. These reports cover work status, work progress, difficulties encountered, an accounting of financial expenditures, preliminary data results, anticipated activities, and any changes of key personnel involved with the project. Site-specific accomplishments are reported on Property Profile Forms and can be submitted electronically to EPA's ACRES reporting system. Information provided in the quarterly reports and submitted in ACRES helps EPA monitor the community's progress with implementing their project and also directly supports the continuation of the Brownfields program by highlighting measurable site-specific accomplishments to the public and Congress.

At the end of the cooperative agreement, a final project report also is required. The final report will summarize accomplishments, expenditures, outcomes, outputs, lessons learned, and any other resources leveraged during the project and how they were used.

VI.D Brownfields Programmatic Requirements

Brownfields grantees must comply with all applicable federal and state laws to ensure that the assessment and cleanup protects human health and the environment. Brownfields grantees also must comply with the program's technical requirements, which may include, but are not limited to, the following requirements below.

1. Quality Assurance (QA) Requirements

When environmental samples are collected as part of any brownfields cooperative agreement (e.g., assessment and site characterization, cleanup verification sampling, post-cleanup confirmation sampling), recipients shall submit to EPA for approval a Quality Assurance Project Plan (QAPP) prior to the collection of environmental samples. The QAPP must document quality assurance practices sufficient to produce data adequate to meet project objectives and minimize data loss. Compliance with the Quality Assurance requirements is an eligible use of grant funds for assessment grants.

2. Historic Properties or Threatened and Endangered Species

If historic properties or threatened or endangered (T&E) species may be impacted by the assessment or cleanup of a site, the requirements of the National Historic Preservation Act (NHPA) or the Endangered Species Act (ESA) may apply, respectively. Grantees are required to consult with EPA prior to conducting any on-site activity (such as invasive sampling or cleanup) that may affect historic properties or T&E species to ensure that the requirements of Section 106 of NHPA and Section 7(a)(2) of the ESA are met. Assessment grantees should plan for these consultation requirements.

3. Environmental Cleanup Responsibilities

Cleanup and RLF grant recipients must complete the following mandatory activities in connection with cleanups conducted with brownfields funding. These activities are all eligible costs.

While the following uses specific terms, EPA anticipates that the majority of the cleanups will be performed through state voluntary cleanup programs (VCPs). As such, the state programs may call these documents by different names. It is EPA's intent that documents generated to meet the state's VCP requirements can serve to meet the mandatory requirements listed below provided they cover the same elements and include the necessary information.

a. Analysis of Brownfield Cleanup Alternatives (ABCAs)

Prepare an **analysis of brownfield cleanup alternatives**, considering site characteristics, surrounding environment, land-use restrictions, potential future uses, and cleanup goals. The ABCA must be signed by an authorized representative of the grant recipient and the ABCA must include:

- i) information about the site and contamination issues (e.g., exposure pathways, identification of contaminant sources, etc.), cleanup standards, applicable laws, alternatives considered, and the proposed cleanup;

- ii) effectiveness, implementability, and the cost of the proposed cleanup;
- iii) evaluate the resilience of the remedial options in light of reasonably foreseeable changing climate conditions (e.g., sea level rise, increased frequency and intensity of flooding and/or extreme weather events, etc.);
- iv) an analysis of reasonable alternatives including no action. For cleanup of brownfield petroleum-only sites, an analysis of cleanup alternatives must include considering a range of proven cleanup methods including identification of contaminant sources, exposure pathways, and an evaluation of corrective measures. The cleanup method chosen must be based on this analysis; and
- v) the alternatives may consider the degree to which they reduce greenhouse gas discharges, reduce energy use or employ alternative energy sources, reduce volume of wastewater generated/disposed, reduce volume of materials taken to landfills, and recycle and re-use materials generated during the cleanup process to the maximum extent practicable.

b. Community Relations and Public Involvement in Cleanup Activities

Recipients must prepare a **site-specific community relations plan** describing how the recipient plans to satisfy the public involvement requirements below. The plan must be submitted to EPA before providing notice to the general community regarding the ABCA. At a minimum, public involvement for cleanup activities requires:

- i) **notice of the ABCA's or its equivalent's availability** to the general community and the opportunity for the public to provide comments (written or oral) on the ABCA;
- ii) preparation of **written responses** to significant and appropriate **comments**, and documentation of any changes to the cleanup plan; and
- iii) preparation of an **administrative record** and **notification** to the public of its **availability** for inspection at a location convenient to the targeted population and general public. The administrative record must contain the documents that form the basis for the selection and implementation of a cleanup plan. Documents in the administrative record shall include the ABCA, site investigation reports, the cleanup plan, cleanup standards used, responses to public comments, and verification that shows that cleanups are complete.

c. Implementation and Completion of Cleanup Activities

Recipients **shall ensure the adequacy of each cleanup** in protecting human health and the environment as it is implemented. Regarding occupational safety and health, brownfields cleanups must comply with either all applicable General Industry standards (29 CFR Part 1910) or all applicable Construction standards (29 CFR Part 1926), depending on work operations at the site. In addition, if a site is determined to be a "hazardous waste site," that site must comply with the Hazardous Waste Operations and Emergency Response (HAZWOPER) standard 29 CFR. §1910.120.

In the event of an incomplete cleanup, the recipient shall ensure that the site is secure and notify the appropriate state agency and the U.S. EPA to ensure an orderly transition should additional activities become necessary.

Recipients shall ensure that the **successful completion** of the cleanup is properly **documented**. This must be done through a final report or letter from a qualified environmental professional, or other documentation provided by a state or tribe that shows the cleanup is complete. This documentation needs to be included as part of the administrative record.

3. Sufficient Progress

EPA will evaluate whether the recipient has made sufficient progress 2 years from the date of award. For the purposes of the RLF grants, “sufficient progress in implementing a cooperative agreement” means that the grantee has made loan(s) and/or subgrant(s). Alternatively, sufficient progress may also be demonstrated by a combination of all the following: hiring of all key personnel, the establishment and advertisement of the RLF, and the development of one or more potential loans/subgrants. If EPA determines that the recipient has not made sufficient progress, the recipient must implement a corrective action plan approved by EPA. Failure to comply with the reporting requirements may result in an early termination of the grant and return of grant funds to the EPA.

4. Collection of Post-Grant Information

Under the Government Performance and Results Act, EPA reports on the many benefits of brownfields funding. One such measure provides information on additional resources leveraged as a result of using brownfields grant funds. These leveraged, non-EPA funds may include additional cleanup funds or redevelopment funding from other federal agencies, state, tribal, and local governments, or private organizations. As many of these activities occur beyond the grant period, please note that EPA may contact you well after the grant period of performance to collect this information.

5. Protection of Nearby and Sensitive Populations

Grantees are required to protect all nearby populations, including sensitive populations in the targeted community from contaminants during assessment work conducted on brownfield sites under this grant. Activities include implementing procedures necessary to mitigate any potential exposure from the contamination.

VI.E Use of Funds

An applicant that receives an award under this announcement is expected to manage assistance agreement funds efficiently and effectively and make sufficient progress towards completing the project activities described in the work-plan in a timely manner. The assistance agreement will include terms/conditions implementing this requirement.

VI.F Disputes

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005) which can be found at <http://www2.epa.gov/grants/dispute-resolution-procedures>. Copies of these procedures may also be requested by contacting the person listed in Section VII of the announcement.

VI.G Additional Provisions for Applicants Incorporated Into the Solicitation

Additional provisions that apply to this solicitation and/or awards made under this solicitation, including but not limited to those related to DUNS, SAM, copyrights, disputes, and administrative capability, can be found at <http://www2.epa.gov/grants/epa-solicitation-clauses>. These, and the other provisions that can be found at the website link, are important, and applicants must review them when preparing proposals for this solicitation. If you are unable to access these provisions electronically at the website above, please communicate with the EPA contact listed in this solicitation to obtain the provisions.

SECTION VII – AGENCY CONTACTS -- Regional Brownfields Contacts

REGIONAL CONTACTS & STATES		EMAILS FOR COURTESY COPY OF PROPOSALS /ADDRESS
EPA Region 1 Frank Gardner Gardner.Frank@epa.gov Phone (617) 918-1278	CT, ME, MA, NH, RI, VT	Email proposals to R1Brownfields.gov 5 Post Office Square Suite 100, Mail code: OSRR7-2 Boston, MA 02109-3912
EPA Region 2 Lya Theodoratos Theodoratos.Lya@epa.gov Phone (212) 637-3260	NJ, NY, PR, VI	Email proposals to Theodoratos.Lya@epa.gov 290 Broadway; 18th Floor New York, NY 10007
EPA Region 3 Tom Stolle Stolle.Tom@epa.gov Phone (215) 814-3129	DE, DC, MD, PA, VA, WV	Email proposals to R3_LR_Update@epa.gov 1650 Arch Street Mail Code 3HS51 Philadelphia, PA 19103
EPA Region 4 Barbara Alfano Alfano.Barbara@epa.gov Phone (404) 562-8923	AL, FL, GA, KY, MS, NC, SC, TN	Email proposals to Alfano.Barbara@epa.gov Atlanta Federal Center 61 Forsyth Street, S.W. 10th FL Atlanta, GA 30303-8960
EPA Region 5 Matthew Didier Didier.Matthew@epa.gov Phone (312) 353-2112	IL, IN, MI, MN, OH, WI	Email proposals to Didier.Matthew@epa.gov 77 West Jackson Boulevard Mail Code SE-7J Chicago, IL 60604-3507
EPA Region 6 Paul Johnson Johnson.Paul@epa.gov Phone (214) 665-2246	AR, LA, NM, OK, TX	Email proposals to Kemp.Mary@.epa.gov 1445 Ross Avenue Suite 1200 (6SF-VB) Dallas, TX 75202-2733
EPA Region 7 Susan Klein Klein.Susan@epa.gov Phone (913) 551-7786	IA, KS, MO, NE	Email proposals to Klein.Susan@epa.gov 11201 Renner Blvd Lenexa, KS 66219
EPA Region 8 Daniel Heffernan Heffernan.Daniel@epa.gov Phone (303) 312-7074	CO, MT, ND, SD, UT, WY	Email proposals to Heffernan.Daniel@epa.gov 1595 Wynkoop Street (EPR-B) Denver, CO 80202-1129
EPA Region 9 Noemi Emeric-Ford Emeric-Ford.Noemi@epa.gov Phone (213) 244-1821	AZ, CA, HI, NV, Pacific Island Territories	Email proposals to Emeric-Ford.Noemi@epa.gov 75 Hawthorne Street, SFD6-1 San Francisco, CA 94105
EPA Region 10 Susan Morales Morales.Susan@epa.gov Phone (206) 553-7299	AK, ID, OR, WA	Email proposals to Brownfields.R10@epa.gov 1200 Sixth Avenue, Suite 900 Mailstop: ECL-112 Seattle, WA 98101 Fax (206) 553-0124

Appendix 1 **Information on Sites Eligible for** **Brownfields Funding Under CERCLA §104(k)**

1.1 Introduction

The information provided in this Appendix will be used by EPA in determining the eligibility of any property for brownfields grant funding. The Agency is providing this information to assist you in developing your proposal(s) for funding under CERCLA §104(k) and to apprise you of information that EPA will use in determining the eligibility of any property for brownfields grant funding.

This information is used by EPA solely to make applicant and site eligibility determinations for Brownfields grants and is not legally binding for other purposes including federal, state, or tribal enforcement actions.

1.2 General Definition of Brownfield Site

The Brownfields Law defines a “Brownfield Site” as:

“...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.” Brownfield sites include all “real property,” including residential, as well as commercial and industrial properties.

1.3 Additional Areas Specifically Eligible for Funding

The Brownfields Law also identifies three additional types of properties that are specifically eligible for funding:

1. Sites contaminated by **controlled substances**.
2. Sites contaminated by **petroleum or a petroleum product**.
3. **Mine-scarred lands**.

See below for guidance on determining the scope of each of these three types of sites. Applicants should identify properties included within their funding proposals that fall within the scope of any of the following three areas.

1.3.1 Contamination by Controlled Substance

Sites eligible for funding include real property, including residential property, that is contaminated by a controlled substance. A “controlled substance” is defined under the Controlled Substances Act as “a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of this title (21 USC Section 812). The term does not include distilled spirits, wine, malt beverages, or tobacco...” For example, sites eligible for brownfields funding may include private residences formerly used for the manufacture and/or

distribution of methamphetamines or other illegal drugs where there is a presence or potential presence of controlled substances or pollutants, contaminants, or hazardous substances (e.g., red phosphorous, kerosene, acids).

1.3.2 Contamination by Petroleum or Petroleum Product

Petroleum-contaminated sites must meet certain requirements to be eligible for brownfields funding. Petroleum is defined under CERCLA as “crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under that section.”

For a petroleum-contaminated site(s) that otherwise meets the definition of a brownfield site to be eligible for funding, EPA or the state must determine:

1. The site is of “relatively low risk” compared with other “petroleum-only” sites in the state.
2. There is no viable responsible party.
3. The site will not be assessed, investigated, or cleaned up by a person that is potentially liable for cleaning up the site.
4. The site must not be subject to a corrective action order under the Resource Conservation and Recovery Act (RCRA) §9003(h).

Site-specific assessment or cleanup grant proposals for petroleum-contaminated sites must provide information in their proposal indicating whether the site meets each of the criteria listed above. If EPA awards an applicant a revolving loan fund grant, the state or EPA must make the same determinations for site(s) that will be cleaned up under a loan or subgrant. These criteria are explained below.

Please note that states may, but are not required to, use this guidance to determine whether sites contaminated by petroleum or petroleum products are eligible for brownfields grant funding. States may apply their own laws and regulations, if applicable, to eligibility determinations under this section.

Note: A petroleum eligibility determination by the EPA or a state under CERCLA section 101(39)(D) for the purpose of brownfields funding does not release any party from obligations under any federal or state law or regulation, or under common law, and does not impact or limit EPA or state enforcement authorities against any party.

“Relatively Low Risk”

Applicants whose brownfield site(s) include properties or portions of properties contaminated with petroleum or petroleum products must provide information in their proposal indicating that the property represents a relatively low risk (compared to other petroleum-only sites). EPA’s view is that the following types of petroleum-contaminated sites are high-risk sites, or are not of “relatively low risk”:

1. “High risk” sites currently being cleaned up using LUST trust fund monies.
2. Any petroleum-contaminated site that currently is subject to a response under the Oil Pollution Act (OPA).

Note: Any site that does not fall under any of the provisions listed above would be considered to be of relatively low risk for purposes of determining eligibility for a brownfields grant.

“A Site for Which There is No Viable Responsible Party”

EPA or the state is required to determine that there is no viable responsible party that can address the petroleum contamination at the site. If EPA, or the state, identifies a party that is responsible for the activities contemplated by the grant proposal, and that party is financially viable, then the site is not eligible for funding and EPA cannot award the grant. This analysis is twofold - EPA or the state must first determine whether a responsible party exists and, if a responsible party is identified, then determine whether that party is viable for the activities identified in the grant proposal. Applicants are responsible for providing information in their proposal that demonstrates that the activities for which they seek funding have no viable responsible party.

A petroleum-contaminated site may be determined to have no responsible party if the site was last acquired (regardless of whether the site is owned by the applicant) through tax foreclosure, abandonment, or equivalent government proceedings, and that the site meets the criteria in (1) below. Any petroleum-contaminated site not acquired by a method listed above will be determined to have a responsible party if the site fails to meet the criteria in both (1) and (2) below.

1. No responsible party has been identified for the site through:

- a. an unresolved judgment rendered in a court of law or an administrative order that would require any party (including the applicant) to conduct the activities (including assessment, investigation or cleanup) contemplated by the grant proposal;
- b. an unresolved enforcement action by federal or state authorities that would require any party (including the applicant) to conduct the activities (including assessment, investigation, or cleanup) contemplated by the grant proposal; or
- c. an unresolved citizen suit, contribution action, or other third party claim brought against the current or immediate past owner for the site that would, if successful, require the activities (including assessment, investigation, or cleanup) contemplated by the grant proposal to be conducted.

2. The current and immediate past owner did not dispense or dispose of, or own the subject property during the dispensing or disposal of, any contamination at the site, did not exacerbate the contamination at the site, and took reasonable steps with regard to the contamination at the site.¹ For purposes of the grant program and these guidelines only, the current owner is the entity that will own the property at the time of grant submission. For cleanup grants, the current owner must be the applicant.

¹ For purposes of determining petroleum brownfield grant eligibility, “reasonable steps with regard to contamination at the site” includes, as appropriate: stopping continuing releases, preventing threatened future releases, and preventing or limiting human, environmental, or natural resource exposure to earlier petroleum or petroleum product releases. Reasonable steps are discussed in more detail on pages 9-12 of EPA’s March 6, 2003, “*Common Elements*” guidance.

If no responsible party is identified above, then the petroleum-contaminated site may be eligible for funding. If a responsible party is identified above, EPA or the state must next determine whether that party is viable. If any such party is determined to be viable, then the petroleum-contaminated site is not eligible for funding.

If there is a responsible party for the site, the applicant should explain in its application what steps it took to determine a responsible party's financial status, and why the information presented indicates that the responsible party is not viable. A state making the "viable responsible party" determination for the applicant may use the standards contained in this Appendix or its own standard. If a state is not making the determination or a tribe is the applicant, EPA will follow the standard set forth in this Appendix. Note that any viability determination made by EPA is for purposes of the CERCLA Section 104(k) grant program only.

EPA will consider a party to be viable if the party is financially capable of conducting the activity (i.e., assessment, investigation, or cleanup) identified in the grant proposal.

Generally, EPA will consider ongoing businesses or companies (corporations, LLCs, partnerships, etc.) and government entities to be viable. EPA will generally deem a defunct or insolvent company and an individual responsible party to be not viable. EPA will apply these assumptions to its petroleum grant viability determinations, unless there is information suggesting that the assumption is not appropriate in a particular case (e.g., if there is information that an individual has adequate financial resources to address contamination at a site, or if there is information indicating an ongoing business is not, in fact, viable). An applicant should indicate if one of the above assumptions applies and provide support for the assertion. In circumstances not covered by one of the above assumptions, the applicant should explain why the responsible party is not viable.

An applicant seeking to determine the financial status (i.e., the viability) of a responsible party should consider consulting the following resources and any other resources it may deem to be useful to make this determination:

1. **Responsible Party:** Ask the responsible party for its financial information (tax returns, bank statements, financial statements, insurance policies designed to address environmental liabilities, etc.), especially if the responsible party is still associated with the site or is the applicant, and, therefore, will receive the benefit of the grant. An applicant that is a responsible party and claiming it is not viable should provide conclusive information, such as an INDIPAY or MUNIPAY analysis, on its inability to pay for the assessment or cleanup.
2. **Federal, State, and Local Records:** Federal, state, and local (i.e., county and city) records often provide information on the status of a business. An applicant that is a state or local government should at the very least search its own records for information on a responsible party. Examples of such resources include regulatory records (e.g., state hazardous waste records), Secretary of State databases, and property/land records.
3. **Public and Commercial Financial Databases:** Applicants also may obtain financial data from publicly available and commercial sources. Listed below are examples of sources for

financial data that applicants may consider. Please note that some commercial sources may charge fees. EPA does not endorse the use of any specific sources, and EPA will accept reliable data from other sources as part of a proposal for funding.

Examples of sources: Lexis/Nexus, Dun & Bradstreet reports, Hoover's Business Information, Edgar Database of Corporate Information, Thomas Register of American Manufacturers, The Public Register, Corporate Annual Reports, Internet search engines (Google, Ask).

"Cleaned Up by a Person Not Potentially Liable"

Brownfields funding may be awarded for the assessment and cleanup of petroleum-contaminated sites provided they meet the requirements below.

1. The applicant has not dispensed or disposed of or owned the property during the dispensing or disposal of petroleum or petroleum product at the site.
2. The applicant did not exacerbate the contamination at the site and took reasonable steps with regard to the contamination at the site.

"Is not subject to any order issued under §9003(h) of the Resource Conservation and Recovery Act (RCRA)"

Proposals that include requests for an assessment or direct cleanup grant to address petroleum-contaminated sites must not be subject to a corrective action order under RCRA §9003(h). If EPA awards an applicant a revolving loan fund grant, the state or EPA must make the same determination for site(s) that will be cleaned up under a loan or subgrant.

1.3.3 Mine-Scarred Lands

Mine-scarred lands are eligible for brownfields funding. EPA's view is that "mine-scarred lands" are those lands, associated waters, and surrounding watersheds where extraction, beneficiation, or processing of ores and minerals (including coal) has occurred. For the purposes of this section, the definition of extraction, beneficiation, and processing is the definition found at 40 CFR 261.4(b)(7).

Mine-scarred lands include abandoned coal mines and lands scarred by strip mining.

Examples of coal mine-scarred lands may include, but are not limited to:

- abandoned surface coal mine areas;
- abandoned deep coal mines;
- abandoned coal processing areas;
- abandoned coal refuse areas;
- acid or alkaline mine drainage; and
- associated waters affected by abandoned coal mine (or acid mine) drainage or runoff, including stream beds and adjacent watersheds.

Examples of non-coal hard rock mine-scarred lands may include, but are not limited to:

- abandoned surface and deep mines;
- abandoned waste rock or spent ore piles;

- abandoned roads constructed wholly or partially of waste rock or spent ore;
- abandoned tailings, disposal ponds, or piles;
- abandoned ore concentration mills;
- abandoned smelters;
- abandoned cyanide heap leach piles;
- abandoned dams constructed wholly or partially of waste rock, tailings, or spent ore;
- abandoned dumps or dump areas used for the disposal of waste rock or spent ore;
- acid or alkaline rock drainage; and
- waters affected by abandoned metal mine drainage or runoff, including stream beds and adjacent watersheds.

1.4 Sites Not Eligible for Brownfields Funding

The following three types of properties are not eligible for brownfields funding under the Brownfields Law, even on a property-specific basis. Applicants should not include these types of sites in the funding proposals.

- 1) Facilities listed or proposed for listing on the National Priorities List (NPL).
- 2) Facilities subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA.
- 3) Facilities that are subject to the jurisdiction, custody, or control of the United States government. Facilities owned by, or under the custody or control of, the federal government are not eligible for brownfields funding. EPA's view is that this exclusion may not extend to:
 - a. privately-owned, Formerly Used Defense Sites (FUDS);
 - b. privately-owned, Formerly Utilized Sites Remedial Action Program (FUSRAP) properties; and
 - c. other former federal properties that have been disposed of by the United States government.

Note that land held in trust by the United States government for an Indian tribe is not excluded from funding eligibility. In addition, eligibility for brownfields funding does not alter a private owner's ability to cost recover from the federal government in cases where the previous federal government owner remains liable for environmental damages.

1.5 Particular Classes of Sites Eligible for Brownfields Funding Only With Property-Specific Determinations

The following special classes of property are generally ineligible brownfield sites unless EPA makes a "Property-Specific Determination" and determines they are eligible for funding. These include:

- properties subject to planned or ongoing removal actions under CERCLA;
- properties with facilities that have been issued or entered into a unilateral administrative order, a court order, an administrative order on consent, or judicial consent decree or to

- which a permit has been issued by the United States or an authorized state under RCRA, FWPCA, TSCA, or SDWA;
- properties with facilities subject to RCRA corrective action (§3004(u) or §3008(h)) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;
 - properties that are land disposal units that have submitted a RCRA closure notification or that are subject to closure requirements specified in a closure plan or permit.
 - properties where there has been a release of PCBs and all or part of the property is subject to TSCA remediation; and
 - properties that include facilities receiving monies for cleanup from the LUST trust fund.

EPA's approval of Property-Specific Determinations will be based on whether or not awarding a grant will protect human health and the environment and either promote economic development or enable the property to be used for parks, greenways, and similar recreational or nonprofit purposes. Property-Specific Determination requests should be attached to your proposal and do not count in the 15-page limit. See the Brownfields FAQs at http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf for more information on how to prepare and submit a Property-Specific Determination.

1.5.1 Facilities Subject to CERCLA Removal Actions

Properties (including parcels of properties) where there are removal actions may not receive funding, unless EPA makes a property-specific determination of funding eligibility.

EPA's view is that a removal may be identified by the occurrence of one of the following events, whichever occurs first in time: EPA issues an action memo; EPA issues an Engineering Evaluation/Cost Analysis approval memo; EPA mobilizes onsite; EPA issues a notice of federal interest to one or more potentially responsible parties (PRPs), which in emergencies may be made verbally; or EPA takes other actions that are consistent with a removal.

Once a removal action is complete, a property is eligible for brownfields funding without having to obtain a property-specific funding determination. EPA's view is that, solely for the purposes of eligibility to receive brownfields funding, a removal is complete when the actions specified in the action memorandum are met, or when the contractor has demobilized and left the site (as documented in the "pollution report" or POLREP). Applicants applying for brownfields funding for sites at which removal actions are complete must include documentation of the action being complete with their funding proposal.

Parcels of facilities not affected by removal action at the same property may apply for brownfields funding and may be eligible for brownfields funding on a property-specific basis. Property-specific funding decisions will be made in coordination with the on-scene coordinator (OSC) to ensure that all removals and cleanup activities at the property are conducted in safe and protective manners and to ensure that the OSC retains the ability to address all risks and contamination.

Please note that if a federal brownfields-funded site assessment results in identifying the need for a new removal action, the grantee may continue to expend assessment grant funds on additional assessment activities. However, any additional expenditure of federal brownfields funds and any additional site assessment activities should be conducted in coordination with the OSC for the site.

1.5.2 Facilities to which a permit has been issued by the United States or an authorized state under the Resource Conservation and Recovery Act (RCRA), the Federal Water Pollution Control Act, the Toxic Substances Control Act, or the Safe Drinking Water Act

Generally, in cases where a property or a portion of a property is permitted under the Resource Conservation and Recovery Act, Section §1321 of the Clean Water Act, the Safe Drinking Water Act, and/or the Toxic Substances and Control Act, the property, or portion of the property, may not receive funding without a property-specific determination. Therefore, applicants should review the following guidance regarding which types of permitted facilities may not receive funding unless EPA makes a property-specific determination to provide funding. Applicants should note that the exclusion for permitted facilities does not extend to facilities with National Pollutant Discharge Elimination System (NPDES) permits issued under the authorities of the Federal Water Pollution Control Act, but is limited to facilities issued permits under the authorities of the Oil Pollution Act (i.e., §1321 of FWPCA).

In cases where one or more portions of a property are not eligible for funding, the applicant should identify the specific permit and situation that causes the property to be excluded. In addition, the applicant must include, within the proposal, documentation that federal brownfields funding for the assessment or cleanup of the property will further the goals established for property-specific funding determinations as described in the Brownfields FAQs at http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf.

In some cases, a facility may not have a permit or order because it is not in compliance with federal or state environmental laws requiring that it obtain a permit or the facility has failed to notify EPA of its regulatory status. Such facilities are not eligible for brownfields funding. For example, a RCRA treatment unit operator is required to obtain a permit and/or notify EPA of its operation. An operator that fails to fulfill those obligations will likely not have a permit or order as EPA will be unaware of its existence. Therefore, it is EPA's view that such facilities are ineligible to receive brownfields funds as a result of their failure to comply with a basic regulatory requirement. Additional guidance on the eligibility of RCRA-permitted facilities, including facilities under administrative or court orders, including corrective action orders, is provided in the Brownfields FAQs at http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf.

1.5.3 RCRA Sites

RCRA Facilities that are Eligible for Funding

EPA's view is that the following types of RCRA facilities are eligible for brownfields funding and do not require Property-Specific Determinations:

- a. RCRA interim status facilities that are not subject to any administrative or judicial order or consent decree;

- b. RCRA interim status facilities that are subject to administrative or judicial orders that do **not** include corrective action requirements or any other cleanup provisions (e.g., RCRA §3008(a) orders without provisions requiring the owner/operator to address contamination); and
- c. parcels of RCRA facilities that are not under the scope of a RCRA permit or administrative or judicial order.

RCRA Facilities that Require Property-Specific Determinations

EPA's view is that the following types of RCRA facilities **may not receive funding without a property-specific determination:**

- a. RCRA-permitted facilities;
- b. RCRA interim status facilities with administrative orders requiring the facility to conduct corrective action or otherwise address contamination, including facilities with orders issued under the authorities of RCRA §3008(a), §3008(h), §3013, and §7003;
- c. facilities under court order or under an administrative order on consent or judicial consent decree under RCRA or CERCLA that require the facility to conduct corrective action or otherwise address contamination at the facility; and
- d. land disposal units that have notified EPA or an authorized state of their intent to close and have closure requirements specified in closure plans or permits.

1.5.4 Land disposal units that have filed a closure notification under Subtitle C of RCRA and to which closure requirements have been specified in a closure plan or permit

RCRA hazardous waste landfills that have submitted closure notifications, as required under 40 CFR 264.112(d) or 265.112(d), generally will not be funded. This may include permitted facilities that have filed notification of closure and for which EPA and/or an authorized state is proceeding with final closure requirements for the facility. For interim status facilities, this is done through approval of a closure plan submitted with closure notification. For permitted facilities, this is routinely done as a modification to the permit, requested by the facility at the time of closure notification.

Please note that RCRA hazardous waste landfills that have submitted closure notifications may be eligible for brownfields funding with a Property-Specific Determination.

1.5.5 Sites Contaminated with PCBs

The Brownfields Law excludes from funding eligibility portions of facilities where there has been a release of PCBs that are subject to remediation under TSCA.

EPA's view is that all portions of properties **are eligible** for brownfields site assessment grants, except where EPA has initiated an involuntary action with any person to address PCB contamination. Also, it is EPA's view that all portions of properties **are eligible** for cleanup and RLF grants, except where EPA has an ongoing action against a disposer to address PCB contamination. However, any portion of a property where EPA has initiated an involuntary action with any person to address PCB contamination and portions of properties where EPA has an ongoing action against a disposer to address PCB contamination will require a Property-Specific Determination to be eligible for brownfields funding, including:

- there is a release (or disposal) of any waste meeting the definition of “PCB remediation waste” at 40 CFR 761.3; **and**
- at which EPA has initiated an involuntary action with any person to address the PCB contamination. Such involuntary actions could include:
 - enforcement action for illegal disposal;
 - Regional Administrator’s order to characterize or remediate a spill or old disposal (40 CFR 761.50(b)(3));
 - penalty for violation of TSCA remediation requirements;
 - superfund removal action; or
 - remediation required under RCRA §3004(u) or §3004(v).

PCBs may be remediated under any one of the following provisions under TSCA:

- a. section 761.50(b)(3), the directed characterization, remediation, or disposal action;
- b. section 761.61(a), the self-implementing provision;
- c. an approval issued under §761.61(c), the risk-based provision;
- d. section 761.61(b) to the level of PCB quantification (i.e., 1 ppm in soil);
- e. an approval issued under §761.77, the coordinated approval provision;
- f. section 761.79, the decontamination provision;
- g. an existing EPA PCB Spill Cleanup Policy; or
- h. any future policy or guidance addressing PCB spill cleanup or remediation specifically addressing the remediation of PCBs at brownfield sites.

1.5.6 LUST Trust Fund Sites

The Brownfields Law requires a Property-Specific Determination for funding at those sites (or portions of properties) for which assistance for response activity has been obtained under Subtitle I of RCRA from the LUST trust fund. EPA’s view is that this provision may exclude UST sites where money is being spent on actual assessment and/or cleanup of UST/petroleum contamination.

However, in cases where the state agency has used LUST trust fund money for state program oversight activities on an UST site, but has not expended LUST trust funds for specific assessment and/or cleanup activities at the site, the site would be eligible for brownfields funding and does not need a Property-Specific Determination. Such sites may receive brownfields funding on a property-specific basis, if it is determined that brownfields funding will protect human health and the environment and the funding will promote economic development or enable the creation of, preservation of, or addition to greenspace (see guidance on documenting eligibility for property-specific funding determinations provided in the Brownfields FAQs at http://www2.epa.gov/sites/production/files/2015-10/documents/fy16_faqs.pdf).

Examples of sites receiving LUST trust fund monies that EPA would consider to be good candidates to receive brownfields grants or loans include:

- a. all USTfields pilots (50 pilots);
- b. sites (or portions of properties) where an assessment was completed using LUST trust fund monies and the state has determined that the site is a low-priority UST site, and therefore,

- additional LUST trust fund money cannot be provided for the cleanup of petroleum contamination, but the site still needs some cleanup and otherwise is a good candidate for economic revitalization; and
- c. sites (or portions of properties) where LUST trust fund money was spent for emergency activities, but then the site was determined to be ineligible for further expenditures of LUST trust funds, yet the site needs additional funding for continued assessment and/or cleanup that will contribute to economic revitalization of the site.

1.6 Eligible Response Sites/Enforcement Issues

The Brownfields Law limits EPA's enforcement and cost recovery authorities at "eligible response sites" where a response action is conducted in compliance with a state response program. Section 101(40) of CERCLA defines an "eligible response site" by referencing the general definition of a "brownfield site" in §101(39)(A) and incorporating the exclusions at §101(39)(B). The law places further limitations on the types of properties included within the definition of an eligible response site, but grants EPA the authority to include within the definition of eligible response site, and on a property-specific basis, some properties that are otherwise excluded from the definition. Such property-specific determinations must be based upon a finding that limits on enforcement will be appropriate, after consultation with state authorities, and will protect human health and the environment and promote economic development or facilitate the creation of, preservation, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes. While the criteria appear similar to those for determining eligibility for funding on a property-specific basis, the determinations are distinct, will be made through a separate process, and may not be based on the same information requested in this document for property-specific funding determinations.

Also, please note that in providing funding for brownfield sites, and given that a limited amount of funding is available for brownfields grants, EPA's goal is to not provide brownfields funding to sites where EPA has a planned or ongoing enforcement action. While EPA does not intend that the existence of a planned or ongoing enforcement action will necessarily disqualify a site from receipt of brownfields funding, EPA does believe it is necessary that EPA be aware of the existence of any such action in making funding decisions. As a result, EPA will conduct an investigation to evaluate whether a site is, or will be, subject to an enforcement action under CERCLA or other federal environmental statutes. EPA is requesting that applicants identify ongoing or anticipated environmental enforcement actions related to the brownfield site for which funding is sought.

Appendix 2 **Grants.gov Proposal Submission Instructions**

A. Requirement to Submit Through www.grants.gov and Limited Exception Procedures

Applicants, except as noted below, must apply electronically through www.grants.gov under this funding opportunity based on the grants.gov instructions in this announcement. If an applicant does not have the technical capability to apply electronically through www.grants.gov because of limited or no internet access which prevents them from being able to upload the required application materials to www.grants.gov, the applicant must contact OGDWaivers@epa.gov or the address listed below in writing (e.g., by hard copy, email) at *least 15 calendar days prior to the submission deadline under this announcement* to request approval to submit their application materials through an alternate method.

Mailing Address:

OGD Waivers
c/o Barbara Perkins
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Ave., N.W.
Mail Code: 3903R
Washington, DC 20460

Courier Address:

OGD Waivers
c/o Barbara Perkins
Ronald Reagan Building
1300 Pennsylvania Ave., N.W.
Rm # 51267
Washington, DC 20004

In the request, the applicant must include the following information:

- Funding Opportunity Number (FON)
- Organization Name and DUNS
- Organization's Contact Information (email address and phone number)
- Explanation of how they lack the technical capability to apply electronically through www.grants.gov because of 1) limited internet access or 2) no internet access which prevents them from being able to upload the required application materials through www.grants.gov.

EPA will only consider alternate submission exception requests based on the two reasons stated above and will timely respond to the request -- all other requests will be denied. If an alternate submission method is approved, the applicant will receive documentation of this approval and further instructions on how to apply under this announcement. Applicants will be required to submit the documentation of approval with any initial application submitted under the alternative method. In addition, any submittal through an alternative method must comply with all applicable requirements and deadlines in the announcement including the submission deadline and requirements regarding proposal content and page limits (although the documentation of approval of an alternate submission method will not count against any page limits).

If an exception is granted, it is valid for submissions to EPA for the remainder of the entire calendar year in which the exception was approved and can be used to justify alternative submission methods for application submissions made through December 31st of the calendar

year in which the exception was approved (e.g., if the exception was approved on March 1, 2015, it is valid for any competitive or non-competitive application submission to EPA through December 31, 2015). Applicants need only request an exception once in a calendar year and all exceptions will expire on December 31st of that calendar year. Applicants must request a new exception from required electronic submission through www.grants.gov for submissions for any succeeding calendar year. For example, if there is a competitive opportunity issued on December 1, 2015, with a submission deadline of January 15, 2016, the applicant would need a new exception to submit through alternative methods beginning January 1, 2016.

Please note that the process described in this section is only for requesting alternate submission methods. All other inquiries about this announcement must be directed to the Regional Brownfield Contact listed in Section VII. Queries or requests submitted to the email address identified above for any reason other than to request an alternate submission method will not be acknowledged or answered.

B. Submission Instructions

The electronic submission of your application must be made by an official representative of your institution who is registered with www.grants.gov and is authorized to sign applications for federal assistance. For more information on the registration requirements that must be completed in order to submit an application through www.grants.gov, go to www.grants.gov and click on “Applicants” on the top of the page and then go to the “Get Registered” link on the page. If your organization is not currently registered with www.grants.gov, please encourage your office to designate an Authorized Organization Representative (AOR) and ask that individual to begin the registration process as soon as possible. Please note that the registration process also requires that your organization have a DUNS number and a current registration with the System for Award Management (SAM) and the process of obtaining both could take a month or more. Applicants must ensure that all registration requirements are met in order to apply for this opportunity through www.grants.gov and should ensure that all such requirements have been met well in advance of the submission deadline. Registration on www.grants.gov, www.sam.gov, and DUNS number assignment is FREE.

Applicants need to ensure that the AOR who submits the application through www.grants.gov and whose DUNS number is listed on the application is an AOR for the applicant listed on the application. Additionally, the DUNS number listed on the application must be registered to the applicant organization’s SAM account. If not, the application may be deemed ineligible.

To begin the application process under this grant announcement, go to www.grants.gov and click on “Applicants” on the top of the page and then “Apply for Grants” from the dropdown menu and then follow the instructions accordingly. Please note: apply through www.grants.gov, you must use Adobe Reader software and download the compatible Adobe Reader version. For more information about Adobe Reader, to verify compatibility, or to download the free software, please visit <http://www.grants.gov/web/grants/support/technical-support/software/adobe-reader-compatibility.html>.

You may also be able to access the application package for this announcement by searching for

the opportunity on www.grants.gov. Go to www.grants.gov and then click on “Search Grants” at the top of the page and enter the Funding Opportunity Number, **EPA-OSWER-OBLR-15-05**, or the CFDA number that applies to the announcement (**CFDA 66.818**), in the appropriate field and click the “Search” button. Alternatively, you may be able to access the application package by clicking on the “Application Package” button at the top right of the synopsis page for the announcement on www.grants.gov. To find the synopsis page, go to www.grants.gov and click “Browse Agencies” in the middle of the page and then go to “Environmental Protection Agency” to find the EPA funding opportunities.

Proposal Submission Deadline: Your organization’s AOR must submit your complete application package electronically to EPA through www.grants.gov no later than December 18, 2015, 11:59 p.m. EDT. Please allow for enough time to successfully submit your application process and allow for unexpected errors that may require you to resubmit.

Please submit all of the application materials described below using the www.grants.gov application package that you downloaded using the instructions above. For additional instructions on completing and submitting the electronic application package, click on the “Show Instructions” tab that is accessible within the application package itself.

Applications submitted through www.grants.gov will be time and date stamped electronically. If you have not received a confirmation of receipt from EPA (not from grants.gov) within 30 days of the proposal deadline, please contact Jerry Minor-Gordon at minor-gordon.jerry@epa.gov. Failure to do so may result in your proposal not being reviewed.

Application Materials

The following forms and documents are mandatory under this announcement.

- I. Application for Federal Assistance (Standard Form 424)
- II. Budget Information for Non-Construction Programs (Standard Form 424A)
- III. Transmittal Letter and Narrative Proposal. See Section IV.C for details on the content of the Transmittal Letter and Narrative Proposal, and the associated page limits.
- IV. Required Attachments. See Section IV.C of this announcement.

C. TRANSMISSION DIFFICULTIES

1. Once the application package has been completed, the “Submit” button should be enabled. If the “Submit” button is not active, please call Grants.gov for assistance at 1-800-518-4726. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by calling 606-545-5035. Applicants should save the completed application package with two different file names before providing it to the AOR to avoid having to re-create the package should submission problems be experienced or a revised application needs to be submitted.
2. Submitting the application. The application package must be transferred to www.grants.gov

by an AOR. The AOR should close all other software before attempting to submit the application package. Click the “submit” button of the application package. Your Internet browser will launch and a sign-in page will appear. ***Note: Minor problems are not uncommon with transfers to www.grants.gov. It is essential to allow sufficient time to ensure that your application is submitted to www.grants.gov BEFORE the proposal submission deadline.*** The Grants.gov support desk operates 24 hours a day, seven days a week, except Federal Holidays. A successful transfer will end with an on-screen acknowledgement. For documentation purposes, print or screen capture this acknowledgement. If a submission problem occurs, reboot the computer – turning the power off may be necessary – and re-attempt the submission. Note: www.grants.gov issues a “case number” upon a request for assistance.

3. If you are experiencing transmission difficulties that result in a late transmission, no transmission, or rejection of the transmitted proposal, follow the guidance below. EPA may decide to review the proposal if it is clearly demonstrated that these transmission difficulties were due solely as a result of problems associated with the transfer to www.grants.gov. The decision regarding acceptance of the proposal for review will be made by EPA and provided to the applicant within ten working days of the request. All e-mails, as described below, are to be sent to Jerry Minor-Gordon at minor-gordon.jerry@epa.gov with the Applicant Name in the Subject Line.
 - (1) Late transfer or no transmission due to electronic submission problems - should electronic submission problems result in the proposal being transferred to www.grants.gov after 11:59 p.m. Eastern Time on the solicitation closing date, send an e-mail documenting the problem, include the Grants.gov “case number” and attach the entire proposal.
 - (2) www.grants.gov rejection of proposal - if a notification is received from www.grants.gov stating that the proposal has been rejected for reasons other than late submittal, immediately send an email which includes the notice provided by www.grants.gov documenting rejection and attach the entire proposal.

Applications submitted through grants.gov will be time and date stamped electronically. If you have not received a confirmation of receipt from EPA (not from grants.gov) within 30 days of the proposal deadline, please contact Jerry Minor-Gordon at minor-gordon.jerry@epa.gov. Failure to do so may result in your proposal not being reviewed.

Appendix 3

RLF Other Factors Checklist

Name of Applicant: _____

Please identify (with an **X**) which, if any of the below items apply to your community or your project as described in your proposal. To be considered for an Other Factor, you must include the page number where each applicable factor is discussed in your proposal. EPA will verify these disclosures prior to selection and may consider this information during the selection process. If this information is not clearly discussed in your narrative proposal or in any other attachments, it will not be considered during the selection process.

Other Factor	Page #
<i>None of the Other Factors are applicable.</i>	
Community population is 10,000 or less.	
Applicant is, or will assist, a federally recognized Indian tribe or United States territory.	
Targeted brownfield sites are impacted by mine-scarred land.	
Applicant demonstrates firm leveraging commitments for facilitating brownfield project completion by identifying amounts and contributors of funding in the proposal and have included documentation.	
Recent (2008 or later) significant economic disruption has occurred within community, resulting in a significant percentage loss of community jobs and tax base.	
Applicant is one of the 24 recipients, or a core partner/implementation strategy party, of a “manufacturing community” designation provided by the Economic Development Administration (EDA) under the Investing in Manufacturing Communities Partnership (IMCP). To be considered, applicants must clearly demonstrate in the proposal the nexus between their IMCP designation and the Brownfield activities. Additionally, applicants must attach documentation which demonstrate either designation as one of the 24 recipients, or relevant pages from a recipient’s IMCP proposal which lists/describes the core partners and implementation strategy parties.	
Applicant is a recipient or a core partner of HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant funding or technical assistance that is directly tied to the proposed Brownfields project, and can demonstrate that funding from a PSC grant/technical assistance has or will benefit the project area. Examples of PSC grant or technical assistance include a HUD Regional Planning or Challenge grant, DOT Transportation Investment Generating Economic Recovery (TIGER), or EPA Smart Growth Implementation or Building Blocks Assistance, etc. To be considered, applicant must attach documentation .	
Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant.	