

## OVERVIEW SECTION

**AGENCY:** ENVIRONMENTAL PROTECTION AGENCY (EPA)

**TITLE:** FY2017 BROWNFIELDS AREA-WIDE PLANNING GRANT

**ACTION:** Request for Proposals (RFP)

**RFP NO:** EPA-OLEM-OBLR-16-05

**CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NO.:** 66.814

**DATES:** The closing date and time for receipt of proposal submissions is August 10, 2016, 11:59 p.m. ET. Proposals must be submitted electronically through [www.grants.gov](http://www.grants.gov) by 11:59 p.m. ET on August 10, 2016 to receive consideration. Proposals received after 11:59 p.m. ET on August 10, 2016, will not be considered.

**SUMMARY:** This notice announces the availability of EPA grant funds under § 104(k)(6) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA is authorized to fund research, technical assistance and/or training activities that facilitate the inventory of brownfields, site assessments, remediation of brownfields sites, community involvement or site preparation. This request for proposals (RFP) solicits proposals from eligible entities to conduct research and/or technical assistance activities that culminate in an area-wide plan for brownfields assessment, cleanup and subsequent reuse. Grant-funded activities must be directed to one or more catalyst, high priority brownfield site(s) located within a specific project area, such as a neighborhood, downtown, business or arts district, a local commercial or industrial corridor, a community waterfront, one or more city blocks, etc. Each recipient that receives a grant under this funding opportunity must develop an area-wide plan for the brownfield(s) within the project area, and include in that plan specific implementation strategies for assessing, cleaning up and reusing the brownfield(s) and related project area revitalization strategies.

**FUNDING/AWARDS:** The total estimated funding available under this competitive opportunity is \$4 million, subject to availability of funds, quality of proposals received and other applicable considerations. The maximum amount of grant funding that applicants may apply for each proposal submission is \$200,000. Applicants may submit more than one proposal if each one is for a different project area and is submitted separately. However, if selected, an applicant will not receive funding for more than one proposal, and the maximum amount of funding an applicant may receive under the FY17 Brownfields Area-Wide Planning (BF AWP) grant competition is \$200,000. Project periods of up to 24 months are allowed. EPA anticipates selecting approximately 20 projects through this competitive opportunity.

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## **Section 1– Funding Opportunity Description**

EPA’s Office of Brownfields and Land Revitalization (OBLR) is soliciting proposals for the Brownfields Area-Wide Planning (BF AWP) Program under § 104(k)(6) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended under the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law). The Brownfields Law, at CERCLA § 101(39), 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” and may include sites contaminated by controlled substances or petroleum or mine-scarred land. CERCLA § 104(k)(6) authorizes the EPA to provide, or fund eligible entities (including nonprofit organizations) to provide, research, technical assistance, and/or training activities to facilitate the following: inventory of brownfields sites, site assessments, remediation of brownfields sites, community involvement or site preparation.

Please see Section 3.A. for a list of entities who are eligible to apply for the FY17 BF AWP grant program. Note that a previous recipient of a BF AWP grant (a FY10, FY13 or FY15 BF AWP grant recipient) is ineligible to apply unless they are a POWER+ community applicant with a brownfields project area that includes a recently closed (2008 or later) or closing coal-fired power plant. Please see page 7 for more information about POWER+.

### **A. Description of the EPA Brownfields Area-Wide Planning (BF AWP) Grant Program**

Under this request for proposals (RFP), the EPA seeks to provide successful applicants with grant funding to conduct research and/or technical assistance activities that will enable them to develop a brownfields area-wide plan.

This solicitation is the fourth time that the EPA has offered the BF AWP grant. For more information about the BF AWP program, please visit <http://www.epa.gov/brownfields/types-brownfields-grant-funding#tab-5>.

#### **BF AWP Project Area and Catalyst, High Priority Brownfield Site(s)**

The brownfields area-wide plan developed under this grant must be for a specific project area that is of appropriate and reasonable size, and includes one or more brownfield site(s). Types of project areas appropriate for a BF AWP grant include a neighborhood, downtown (or area within a

downtown), a business or community arts district, a local commercial or industrial corridor, a community waterfront, etc., that is affected by one or more brownfield sites. The area-wide plan must primarily focus on the eventual cleanup and reuse of the catalyst, high priority brownfield site(s) within the project area.

For the purposes of the BF AWP grant program, EPA defines a catalyst, high priority brownfield site as a brownfields site which, once remediated and reused, has the potential to spur additional revitalization within the BF AWP project area. A catalyst, high priority brownfield site must meet the definition of a “brownfield site” per CERCLA § 101(39) (see Appendix 3 for more information).

Applicants must identify one catalyst, high priority brownfield site under threshold criterion 3 (see Section 3.C). Applicants should describe this site, and list and describe any additional catalyst, high priority brownfield site(s), as per the evaluation criteria (see Section 5.A.2., BF AWP Project Description).

Given that the EPA will award a maximum of \$200,000 per successful proposal, applicants must demonstrate that they are proposing a reasonable BF AWP project area size and number of catalyst, high priority brownfield site(s).

- The BF AWP project area should be a cohesive place in terms of geographic, social, cultural, economic and/or infrastructure connections.
- EPA encourages applicants to designate only a portion of a large neighborhood, downtown, district or corridor as the BF AWP project area, where such an approach will best demonstrate the nexus to the catalyst, high priority brownfield site(s) and will lead to a more focused brownfields area-wide plan. Applicants should describe why they consider the project area as appropriate and reasonably-sized as per the evaluation criteria (see Section 5.A.2., BF AWP Project Description).
- For BF AWP project areas that involve multiple jurisdictions, applicants should be sure to describe how the BF AWP process will be overseen by a multi-government management and decision-making process to ensure successful project execution as per the evaluation criteria (see Section 5.A.5., Community Partnerships and Engagement).

All applicants will need to clearly explain how the BF AWP project partners will work together to develop the brownfields area-wide plan and prioritize implementation actions (see Section 5.A.5., Community Partnerships and Engagement).

#### Common BF AWP Grant-Funded Activities

All activities funded under the BF AWP grant must be designed to help identify proposed reuses for brownfield sites. The proposed reuses should help meet community health, environmental and economic development goals. Common activities funded via the BF AWP grant program include:

- Facilitating community involvement: activities that lead to the identification of community priorities for short-term and long-term brownfield site cleanup, reuse and area revitalization.
- Conducting research into the existing conditions of the brownfield site(s) and BF AWP project area, such as:
  - brownfields economic research and market analysis,
  - known environmental conditions of the brownfields and project area (e.g., environmental data, environmental justice concerns, and local health risks),
  - needed infrastructure and related improvements that will support brownfields reuse and area revitalization,
  - applicability of pre-existing community or regional plans; and
  - coordination and alignment with other ongoing planning or revitalization efforts in the project area.
- Developing a detailed brownfields area-wide plan which includes:
  - specific strategies for assessing, cleaning up, and reusing each catalyst, high priority brownfields site;
  - a list of the related improvements and investments necessary to support brownfields assessment, cleanup and reuse;
  - specific strategies to advance sustainable and equitable revitalization, and improve public health, within the project area; and
  - specific plan implementation strategies, with timelines for specific short- and long-term actions, lists of resources available and needed, leveraging opportunities, and key partners responsible for specific implementation actions.
- Technical assistance that builds local community capacity for a wide range of project area stakeholders, so that they can be involved - both directly and effectively - in developing and implementing the brownfields area-wide plan.

#### Primary Grant Deliverable

The brownfields area-wide plan is the primary grant deliverable. The plan should clearly show how all the activities a grantee conducted, and all deliverables produced under the grant, relate back to identifying the community's priorities for the project area, the local brownfields conditions, and other existing conditions in the area (such as environmental, social, and health conditions; economic realities/market potential, and state of local infrastructure). The plan should recommend specific cleanup and reuse strategies for the catalyst, high priority brownfield site(s) based on these community priorities and project area conditions.

The brownfields area-wide plan should include:

- a summary of the various community involvement activities that were performed throughout the BF AWP project and a statement which clearly describe how the community input is reflected throughout the plan's recommendations and strategies;

- an explanation of the community’s priorities, and a list of strategies that help meet those priorities through assessing, cleaning up and reusing catalyst, high priority brownfield site(s);
- the results from research on brownfields and project area conditions, including known environmental conditions, data gaps and other existing conditions (such as environmental/social/health conditions, economic realities/market potential, state of infrastructure/improvements needed in the project area, etc.);
- specific reuse scenarios for the catalyst, high priority brownfield site(s);
- detailed plan implementation strategies which identify specific actions, resources available and resources needed to implement the plan, such as:
  - assessment and cleanup activities needed to be compatible with the brownfields reuse scenarios;
  - catalyst, high priority brownfield site(s) improvements and other project area improvements (e.g., infrastructure investments) needed to support brownfields reuse and advance sustainable and equitable revitalization, and improve public health, within the project area;
  - near-term versus long-term actions and priority projects;
  - who is going to lead each action (specific partners already involved or needed); and
  - specific sources of funding, prioritized investment projects and resources needed within the project area.

Link to Other EPA Brownfields Funding Opportunities

The BF AWP Program is designed to produce measurable outcomes linked to the eventual assessment, cleanup, and subsequent reuse of brownfield sites. In this manner, BF AWP complements the EPA’s brownfields assessment, cleanup, revolving loan fund, and environmental workforce development and job training competitive grant opportunities and targeted brownfields assessment assistance. Please note that while funding under this RFP is not available for site assessment, site cleanup or plan implementation, the Agency does offer competitive grants for brownfields site assessment and cleanup and environmental workforce development and job training.<sup>1</sup>

Link to Sustainable and Equitable Development Outcomes and Supporting Environmental Justice

The EPA encourages applicants to include research and/or technical assistance activities on sustainable and equitable cleanup and redevelopment approaches, and incorporate these approaches into their BF AWP project.

*Sustainable development* practices facilitate environmentally-sensitive brownfields cleanup and redevelopment while also helping to make communities more attractive, economically stronger, and more socially diverse. Consistent with the community’s identified priorities, sustainable

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<sup>1</sup> Visit EPA’s website for more information: <http://www2.epa.gov/brownfields/types-brownfields-grant-funding>.

development approaches should be designed to encourage brownfield site cleanup and reuse in ways that provide new jobs, commercial opportunities, open space amenities, site access via transportation alternatives and social services to an existing neighborhood. Brownfields site preparation strategies that prevent contaminant exposure through green and healthy building design, materials reuse and recycling, and on-site stormwater management through green infrastructure, as well as those strategies that enable urban agricultural reuse, improve accessibility and promote walking and biking to/through/around the site (helping to improve overall community health), 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. 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 and healthy food, access to jobs, access to green space and recreation opportunities, 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), prioritizing green space and recreation opportunities, cooperative ownership models where local residents come together to run a community-owned or jointly owned business enterprise, rent control or community land trusts (to help keep property affordable for residents), supportive local entrepreneurial activities and social infrastructure, and adherence to equal lending opportunities.

*Environmental justice* can be supported through sustainable and equitable development approaches. EPA defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across the nation. Environmental justice will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.<sup>2</sup>

The EPA encourages applicants to provide specific examples of how the BF AWP project will prioritize sustainable and equitable brownfields cleanup and redevelopment outcomes that will help to remove economic, environmental and social barriers, and contribute towards alleviating a community's environmental justice concerns. Applicants will be evaluated on how their BF AWP project will lead to sustainable and equitable outcomes (see Section 5.A.3., Benefits to Community). Applicants will also be evaluated on how local environmental justice concerns are reflected in the needs of the community (see Section 5.A.1., Community Need).

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

The BF AWP Program is being carried out consistent with the principles under the Partnership for Sustainable Communities (PSC) among the U.S. Department of Housing and Urban Development

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<sup>2</sup> For more information please visit <http://www3.epa.gov/environmentaljustice/>.



(HUD), U.S. Department of Transportation (DOT), and the EPA. The Partnership was conceived to advance coordinated infrastructure investment to improve economic prosperity and build 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 President’s Administration charged three 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](http://www.sustainablecommunities.gov) and include: (1) Providing more transportation choices, (2) Promoting equitable, affordable housing, (3) Increasing economic competitiveness, (4) Supporting existing communities, (5) Leveraging federal investment, and (6) Valuing communities and neighborhoods.

The EPA recognizes that eligible activities listed in these grant guidelines advance the PSC’s Livability Principles by providing funding for eligible area-wide planning activities that promote cleanup and sustainable reuse of brownfields sites. The EPA highly encourages applicants to reach out and coordinate with HUD, DOT, EPA programs and other federal and non-federal partners throughout their BF AWP efforts.

Applicants will be evaluated on how their BF AWP project helps to advance these Livability Principles (see Section 5.A.3., Benefits to Community).

In instances where an applicant has received a grant or technical assistance from the HUD-DOT-EPA PSC, such as for a HUD Regional Planning or Community Challenge grant, DOT Transportation Investment Generating Economic Recovery (TIGER), or EPA Smart Growth Implementation, Greening America’s Capitols or Building Blocks Assistance, etc., the applicant will be evaluated on if and how their BF AWP project leverages the previous PSC investment (see Section 5.A.7., Leveraging).

#### Link to the POWER + Initiative

The Partnerships for Opportunity and Workforce and Economic Revitalization (POWER+) Initiative is a White House Administration priority which started in FY16 continues through FY17. This initiative aims to support partnerships anchored in communities affected by changes in the power sector and coal industry.

The United States is undergoing a rapid energy transformation, particularly in the power sector. Booming natural gas production, declining costs for producing renewable energy, increases in energy efficiency, flattening electricity demand, and updated clean air standards are changing the way electricity is generated and used across the country. As changes occur, many workers and communities who have relied on the coal industry as a source of jobs and economic prosperity are left struggling to adapt to the changing energy landscape. These communities will need to diversify their economies, create good jobs in existing or new industries and attract new sources of job-creating investment.

A community who has experienced a recent closure (2008 or later) of a coal-fired power plant, or a community which knows it will soon experience such a closure, is considered a “POWER+

community” under this grant competition. POWER+ communities may be interested in applying for a BF AWP grant because a closed or closing coal-fired power plant or related legacy brownfield site(s) is likely to quickly become a large, blighted area that the community needs to address. BF AWP grant funding can help a POWER+ community develop an area-wide plan for one or more catalyst, high priority brownfield site(s) within the area that includes a recently closed or closing coal-fired power plant. As with all applicants, a POWER+ community applicant must demonstrate within their proposal submission that they are proposing a reasonable BF AWP project area size and number of catalyst, high priority brownfield site(s) (see Section 5.A.2., BF AWP Project Description).

## **B. Uses of EPA Grant Funds**

Eligible uses of EPA grant funds under this competitive opportunity include direct costs necessary for research and/or technical assistance activities, such as those listed in Section 1.A. These direct costs include costs for personnel, contracts for technical experts (including individual contractors), subawards of financial assistance, materials, supplies, room rentals, travel and transportation expenses necessary to carry out the BF AWP activities. If an applicant is selected to receive a BF AWP grant, the applicant will need to create a workplan for EPA approval that includes only eligible and approved uses of the grant funds.

**Funds awarded under this solicitation are intended for BF AWP research and/or technical assistance activities as described in this RFP. They may not be used for the following activities or tasks:**

- conducting site assessments, site cleanups, response activities often associated with cleanups such as demolition or groundwater extraction, or brownfields area-wide plan implementation;
- marketing brownfields properties for redevelopment (e.g., activities or products created specifically to attract buyers or investors);
- area-wide zoning and/or design guideline development that is unrelated to advancing cleanup and reuse of brownfields in the project area;
- area-wide master planning, community visioning, or comprehensive planning (including updating/writing such plans) that are unrelated to advancing cleanup and reuse of brownfields in the project area;
- survey design, distribution or collection;
- site-specific reuse planning for any site that is ineligible for brownfields funding (see Appendix 3 for more information on sites ineligible for brownfields funding);
- construction and land acquisition;
- costs that are unallowable (e.g., lobbying, fund-raising, alcoholic beverages) under Cost Principles 2 CFR Part 200, Subpart E;
- matching any other federal funds unless there is specific statutory authority for the match (CERCLA does not provide this authority);
- proposal preparation costs;
- projects that duplicate grants awarded under other EPA Brownfields grant programs described in CFDA Nos. 66.818, “Brownfields Assessment, Revolving Loan Funds, and



Cleanup Grants,” 66.815, “Environmental Workforce Development and Job Training Grant,” other 66.814, “Brownfields Training, Research, and Technical Assistance Grants and Cooperative Agreements” or other federally-funded environmental training, research, or technical assistance programs in their target community or communities. Projects may, however, complement community-wide planning activities which the EPA funds under CERCLA § 104(k)(2) assessment grants; or

- projects related to exploring, testing and implementing smart growth policies and applications, and projects the EPA funds under CFDA No. 66.611, “Environmental Policy and Innovation Grants” or through EPA Sustainable Communities technical assistance under other announcements.

In addition, funds awarded under this solicitation may not be used for:

- A penalty or fine.
- Federal cost share requirement (for example, a cost share required by other federal funds).
- A response cost at a brownfield site for which the recipient of the grant is potentially liable under CERCLA § 107.
- A cost of compliance with any federal law, excluding the cost of compliance with laws applicable to the cleanup.
- The payment of an administrative cost (including indirect costs). In implementing the administrative cost prohibition, EPA has made a distinction between prohibited administrative costs and eligible programmatic costs. See FAQs at <http://www.epa.gov/brownfields/apply-brownfields-grant-funding>.

#### *Brownfields Site-Specific Planning for Assessment or Cleanup Requires EPA Approval*

A BF AWP grant recipient who wishes to conduct limited site-specific planning for assessment or cleanup at one or more brownfields sites within the BF AWP project area must receive prior approval from the EPA for those activities. Such activities, if necessary for the project, should constitute a limited portion (i.e., not more than 10%) of the BF AWP project and budget.

Site-specific assessment and cleanup planning activities that are necessary to help determine feasibility of site cleanup or reuse option(s) may be done if they support the recipient’s decision-making and better inform the implementation strategies that are part of the brownfields area-wide plan.

Sampling activities typically are not included as part of site-specific planning for assessment or cleanup. Sampling to determine the extent of contamination is not allowed, as this is essentially a site assessment activity. However, limited sampling associated with a feasibility study that determines whether a particular cleanup technology is viable may be allowed.

Recipients must contact their EPA grant project officer to initiate and complete the additional approval process required by EPA in order to determine whether the recipient will be able to conduct limited planning for site-specific assessment or cleanup activities. EPA approval will be based on site eligibility and liability provisions under CERCLA § 101(39). A recipient who is liable

for contamination at a specific brownfields site is prohibited from conducting assessment or cleanup planning at that site using EPA grant funds under the BF AWP Program.

### C. EPA Strategic Plan Linkage

The projects selected for award under this solicitation will support progress towards EPA Strategic Plan Goal 3 (Cleaning Up Communities and Advancing Sustainable Development), Objective 1 (Promote Sustainable and Livable Communities). View EPA's Strategic Plan at <http://www.epa.gov/planandbudget/strategicplan.html>.

### D. Measuring Environmental Results: Anticipated Outcomes/Outputs

Pursuant to EPA Order 5700.7, "Environmental Results under EPA Assistance Agreements," EPA requires that all grant applicants and recipients adequately address environmental outcomes and outputs. Outcomes and outputs differ both in their nature and in how they are measured. Recipients must discuss environmental outcomes and outputs in their proposed workplan.

1. **Outcomes:** The term "outcomes" refer to the result, effect, or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, and may not necessarily be achievable during the project period.

The EPA anticipates that outcomes from projects awarded under this announcement will enable recipients to:

- eventually assess, cleanup and reuse brownfield sites and improve public health and the environment;
- better understand, recognize and address local environmental justice concerns;
- incorporate a variety of sustainable and equitable development approaches in brownfields cleanup and redevelopment and area revitalization;
- increase capacity of residents and stakeholders from the project area to participate in, take ownership of, and benefit from brownfields cleanup and revitalization in their community; and
- further the network of local, regional, state, tribal and/or federal partnerships that will help facilitate brownfields cleanup and redevelopment.

2. **Outputs:** The term "output" 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 must be measurable during the project period.

The EPA anticipates outputs from projects awarded under this competitive opportunity will include, but not be limited to:

- an increase in the number of community involvement opportunities that help to determine brownfields revitalization priorities;
- an increase in the number of partnerships established with local, regional, state, tribal and/or federal agencies who help to develop the brownfields area-wide plan;
- research and analysis reports of existing conditions within each BF AWP project area (e.g., environmental, social, health, economic, infrastructure, etc.), which will inform recommendations for brownfield site assessment and cleanup;
- decisions about the cleanup and reuse use of the catalyst, high priority brownfield site(s) that are based on broad and inclusive community involvement, environmental justice, and incorporating sustainable and equitable cleanup and redevelopment approaches; and
- development of a brownfields area-wide plan, which includes implementation strategies for specific actions and resources needed to implement the plan.

## **Section 2 – Award Information**

### **A. What is the amount of available funding?**

The total estimated funding available under this competitive opportunity is \$4 million, subject to the availability of funds, quality of proposals received, EPA discretion and other applicable considerations.

EPA anticipates making up to \$200,000 available per grant award. If an applicant’s proposal is selected for funding, the maximum amount the applicant will receive under the FY17 BF AWP grant competition is \$200,000. The amount of grant funding provided per selected proposal is subject to EPA discretion.

An applicant may submit more than one proposal so long as each one is for a different project area and is submitted separately. However, if selected for funding, an applicant will not receive funding for more than one proposal/project area.

### **B. How many grants will the EPA award through this competition?**

The EPA anticipates awarding approximately 20 grants through this competition.

The EPA reserves the right to make additional awards under this competition, consistent with Agency policy, if additional funding becomes available. Any additional selections for awards will be made no later than six months from the date of the original selection decision.

The EPA reserves the right to reject all proposals and make no awards under this announcement, or make fewer awards than anticipated.

### **C. How will EPA provide grant funding to selected recipients?**

The EPA will provide this assistance through a cooperative agreement. Funding will be provided directly to successful applicants for research and/or technical assistance activities. Recipients will be accountable to EPA for properly expending those funds. Recipients are responsible for developing the brownfields area-wide plan, and funds must be used to support only those activities which will help lead to the development of the plan. Close out of the agreement will only occur after EPA receives the final brownfields area-wide plan, and the grantee has submitted all deliverables required under the grant workplan and has met all EPA grant terms and conditions. EPA funding under this announcement is not available for plan implementation.

Cooperative agreements permit substantial involvement between the EPA Project Officer and the selected applicants in the performance of the work supported. Although the 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 will include:

- close monitoring of the recipient's performance;
- collaborating during performance of the scope of work;
- review and approval of significant changes to the workplan and/or budget;
- review and approval of BF AWP project workplan phases, including the brownfields area-wide plan, for consistency with the EPA-approved grant workplan and grant terms and conditions (review and approval also includes EPA approval of brownfield site(s) eligibility and/or liability per CERCLA §101(39), as needed based on project activities being funded through the grant);
- regular (e.g. monthly) conference calls with the recipient;
- participation in conference calls with all BF AWP grantees and/or national meetings;
- review of proposed procurements in accordance with 2 CFR Parts 200 and 1500 and approval of the substantive terms of contracts and subawards to ensure consistency with the scope of work (EPA will not select contractors or subawardees);
- approving qualifications of key personnel (EPA will not select employees or contractors employed by the award recipient); and
- review and comment on quarterly reports prepared under the grant per the terms and conditions.

As appropriate, the EPA may help to facilitate coordination between grant recipients and other federal agencies<sup>3</sup> once the BF AWP projects are underway. Such coordination will serve to provide additional information to the grantee and support their efforts to develop a brownfields area-wide plan. The EPA may seek assistance from other federal agencies, states, tribes, regions, and local governments to help identify potential resources that may be used by communities to implement the plan. Although the EPA may provide factual information regarding its BF AWP Program to potential funders, the Agency may not endorse proposals, applicants or recipients.

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<sup>3</sup> Such as HUD, DOT, Department of Agriculture (USDA), Economic Development Administration (EDA), etc.

At the Agency's discretion, the EPA may provide additional support outside of this grant to conduct brownfield assessments (such as targeted brownfields assessments<sup>4</sup>) on eligible brownfield sites within the project area, or provide other relevant assistance to the project. If additional assistance is provided via EPA contract, the contractor team will be directed by and accountable to the EPA, but will provide technical assistance through consultation with the recipient. Any contract support provided by EPA will not duplicate or materially affect the project scope of work under the grant workplan. EPA may consider brownfield site eligibility and site liability prior to providing assistance.

#### **D. What is the maximum project period for grant awards resulting from this solicitation?**

All project activities must be completed within the maximum negotiated project performance period of 24 months. The estimated start date for BF AWP projects awarded under this solicitation is March 2017.

#### **E. Will proposals be partially funded?**

In appropriate circumstances, EPA reserves the right to partially fund proposals by funding discrete portions or phases of proposed projects. If EPA decides to partially fund a proposal, it 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, and therefore maintains the integrity of the competition and selection process.

### **Section 3 – Eligibility Information and Threshold Criteria**

#### **A. Who Can Apply?**

The following list indicates which entities are eligible to apply for a BF AWP grant. Entities eligible to receive grant funding through this RFP include:<sup>5</sup>

- General purpose unit of local government.<sup>6</sup>
- 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.
- Regional council or group of general purpose units of local government.
- Government entity created by State Legislature.
- Redevelopment agency that is chartered or otherwise sanctioned by a state.
- A state that is serving in a fiscal and administrative capacity on behalf of a local community, where the local community leads the BF AWP process. State applicants that apply to this RFP and propose a project role other than providing grant management capacity (managing

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<sup>4</sup> Visit EPA's website for more information on the Targeted Brownfields Assessment (TBA) program <http://www2.epa.gov/brownfields/targeted-brownfields-assessments-tba>.

<sup>5</sup> Reference CFDA 66.814 or CERCLA § 104(k)(1)(A)-(H)

<sup>6</sup> For purposes of the BF AWP Program, the EPA defines general purpose unit of local government as a "local government" as defined under 2 CFR Part 200.

the fiscal and administrative grant matters) on behalf of a local community are not eligible under this RFP.

- Federally recognized Indian Tribal government. Intertribal Consortia, comprised of eligible Indian Tribes, are eligible for funding in accordance with the EPA's policy for funding intertribal consortia published in the Federal Register on November 4, 2002, at 67 Fed. Reg. 67181.) The exclusion of Alaskan tribes from brownfields grant eligibility is statutory at CERCLA §104(k)(1).
- 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 the FAQs at <http://www.epa.gov/brownfields/apply-brownfields-grant-funding>.
- U.S. Territories and possessions.
- Nonprofit organizations. For purposes of this grant program, the term "nonprofit organization" means any corporation, trust, association, cooperative, or other organization that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest; is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization. Public and nonprofit private educational institutions are eligible to apply. However, nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995 are not eligible to apply.

A previous recipient of a BF AWP grant (a FY10, FY13 or FY15 BF AWP grant recipient) is not eligible to apply, with the exception of a POWER+ applicant. A POWER+ applicant must propose one or more eligible catalyst, high priority brownfield site(s) within the same brownfields project area as a recently closed (2008 or later) or closing coal-fired power plant.

Individuals and for-profit firms are not eligible to apply.

## **B. Cost Sharing or Matching**

**No matching funds are required under this competition.** Although cost-sharing/matching is not required as a condition of eligibility under this competition, under Section 5.A. of this solicitation the EPA will evaluate proposals based on 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 under the appropriate ranking criterion and documentation provided (see Section 5.A.7., Leveraging). Leveraged funds and resources may take various forms as noted below.

*Voluntary cost share:* this 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. 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 SF-424. If an applicant proposes a voluntary cost share, the following apply:

- A voluntary cost share is subject to the match provisions in the grant regulations (2 CFR 200.306, as applicable).
- 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 2 CFR 200.338.

*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 grant. 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 an applicant proposes to provide this form of leveraging, EPA expects the applicant to make the effort to secure the leveraged resources described in the 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 and 1500 as applicable.

### **C. Threshold Criteria**

Proposals must meet the following seven threshold criteria before their proposal is considered for BF AWP Program grant funds. Proposals that fail to meet any one of the seven threshold criteria will not be considered further. EPA will notify applicants who do not meet the threshold criteria within 15 calendar days of the “fail” determination. EPA may clarify threshold eligibility issues with applicants prior to making an eligibility determination.

Proposals that meet the threshold criteria will then be evaluated based on the factors disclosed in Section 5.A., Evaluation Criteria.

1. Applicant must be an eligible entity. Describe how you are an eligible applicant as specified in Section 3.A., Who Can Apply?
  - a. For entities other than cities, counties, states or tribes, attach documentation of your eligibility (e.g., resolutions, statutes, non-profit status, etc.). Provide evidence of current nonprofit status under federal, state, or tribal law at the time the proposal is submitted.
  - b. State applicants must clearly demonstrate that you are applying on behalf of a local community and will serve as their fiscal and administrative capacity. No other role for a state applicant will be considered. Attach a memorandum of understanding or other

document which demonstrates the relationship between the state applicant and local community, and explains how the local community will lead the BF AWP process.

- c. A FY10, FY13 or FY15 BF AWP grant recipient may only apply as a POWER+ applicant. All POWER+ applicants must clearly demonstrate that their BF AWP project area includes an eligible catalyst, high priority brownfield site and a recently closed (2008 or later) or closing coal-fired power plant.

2. Applicant must identify a specific and eligible BF AWP project area. BF AWP activities must focus on a specific project area, such as a neighborhood, a district (e.g., downtown, arts, commercial area, etc.), a local commercial corridor, a community waterfront, etc. or specific city block(s) that are affected by one or more brownfield sites.

Define the geographic boundaries of your BF AWP project area:

- a. Provide street names and/or natural or constructed boundaries (such as a river or railroad), and approximate acreage, of your project area.
- b. Provide a printed map on a standard letter-size page, with clear scale and street-level detail, which precisely delineates your BF AWP project area boundaries within the context of the city or larger community. *If possible indicate the location of the catalyst, high priority brownfield site(s) on this map.*

City-wide, county-wide, statewide brownfields planning efforts or regional planning efforts will not be considered for funding. This grant funding is not for comprehensive, city-wide, or regional planning, nor for writing such plans.

3. Applicant must identify one catalyst, high priority brownfield site within the BF AWP project area around which this project will focus. A catalyst, high priority brownfield site is a site which, once remediated and reused, has the potential to spur additional revitalization within the BF AWP project area. This site must be a key site around which your BF AWP project will focus, and it must meet the definition of a “brownfield site” per CERCLA § 101(39).<sup>7</sup> The catalyst, high priority brownfield site identified for this threshold criterion must also be one of the catalyst, high priority brownfield site(s) identified and described as part of the evaluation criteria (see Section 5.A.2., BF AWP Project Description).

If the EPA finds that the site identified under this threshold criterion does not meet the definition of a “brownfield site” per CERCLA § 101(39), the applicant may not substitute a different site, and the proposal will not pass this threshold criterion. Please contact your Regional Brownfields Contact (see Section 7.B.) very early in the proposal preparation process if you have questions about whether your catalyst, high priority site meets the definition of a “brownfield site” per CERCLA § 101(39).

Provide the following information for items a-c (and d-e, if applicable) for one catalyst, high priority brownfield site in your BF AWP project area.

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<sup>7</sup> More information on “brownfield site” definition is provided in *Appendix 3*.

- a. **Basic site information.** Identify the:
  - i. name of the brownfields site;
  - ii. address of the site, including zip code; and
  - iii. approximate acreage of the site.
  
- b. **Site eligibility for funding.** You must affirm that the site is NOT:
  - i. listed or proposed for listing on the National Priorities List;
  - ii. subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and
  - iii. subject to the jurisdiction, custody, or control of the U.S. government. (Note: Land held in trust by the U.S. government for an Indian tribe is eligible for brownfields funding). Please refer to CERCLA § 101(39)(B)(ii), (iii), and (vii) and Appendix 3.

*The types of sites listed above are not eligible for funding because they are excluded from the CERCLA § 101(39) definition of a “brownfield site.”*

- c. **Type of contamination, or potential contamination, at the site.** Identify whether the site is contaminated, or potentially contaminated, with petroleum or hazardous substances. If commingled, state the predominant contaminant. If the site is contaminated or potentially contaminated with petroleum, you must also include the information required under “Petroleum site eligibility, if applicable” below.
  
- d. **Petroleum site eligibility, if applicable.** If the site is contaminated or potentially contaminated by petroleum, the EPA will need to perform an additional analysis to ensure the site is eligible. This is because the Brownfields Law outlines specific criteria by which petroleum sites may be eligible for brownfields grant funding, which is different from those criteria used for brownfields sites contaminated by hazardous substances.

The following information applies only to sites contaminated or potentially contaminated by petroleum.

- i. The applicant must send a request to your state asking them to make the determination that the petroleum site is of relatively low risk. This should be done well in advance of the proposal due date in order to receive a timely response.

Generally, the state or EPA, as appropriate, will determine petroleum site eligibility.  
*Address ii or iii-iv below, as applicable:*

- ii. If the state makes the determination regarding petroleum site eligibility as a brownfield that meets the CERCLA § 101(39) definition, you must attach to your threshold criteria responses the letter from the state that demonstrates compliance with this criterion. Be sure the letter from the state includes information

regarding whether it applied EPA's guidelines in making the petroleum site determination, or if not, what standard it applied.

*If you do not have a letter from the state, address iii and iv below:*

- iii. If the state does not make the determination before the proposal due date or is unable to make the determination, please attach a copy of the request you sent to the state, including the date of the request. EPA will make the petroleum site eligibility determination if a state is unable to do so following a timely request from the applicant. EPA will make the determination for tribes.
- iv. You must demonstrate in your threshold criteria response that the catalyst, high priority site contaminated by petroleum meets the following specific criteria:
  - the site must be of "relatively low risk,"
  - there can be no viable responsible party,
  - the applicant cannot be potentially liable for cleaning up the site, and
  - the site must not be subject to an order under RCRA § 9003(h).

Please refer to Appendix 3 for more information about these criteria for sites contaminated by petroleum.

To demonstrate compliance with these criteria for sites contaminated by petroleum, you must ensure the following information is included in your threshold criteria response:

- 1) Current and Immediate Past Owners. Identify the current and immediate past owner of the site.
- 2) Acquisition of Site. Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).
- 3) No Responsible Party for the Site. Identify whether the current and immediate past owner (which includes, if applicable, the applicant)
  - a. dispensed or disposed of petroleum or petroleum product contamination, or exacerbated the existing petroleum contamination at the site;
  - b. owned the site when any dispensing or disposal of petroleum (by others) took place; and
  - c. took reasonable steps with regard to the contamination at the site.
- 4) Cleaned Up by a Person Not Potentially Liable. Identify whether you (the applicant) dispensed or disposed of petroleum or petroleum product, or

exacerbated the existing petroleum contamination at the site, and whether you took reasonable steps with regard to the contamination at the site.

- 5) Relatively Low Risk. Identify whether the site is of “relatively low risk” compared to other petroleum or petroleum product-only contaminated sites in the state in which the site is located, including whether the site is receiving or using Leaking Underground Storage Tank (LUST) trust fund monies.
- 6) Judgments, Orders, or Third Party Suits. Provide information that no responsible party (including the applicant) is identified for the site through, either:
  - a. A judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site; or
  - b. An enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site; or
  - c. A citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site.
- 7) Subject to RCRA. Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act.
- 8) Financial Viability of Responsible Parties. For any current or immediate past owners identified as responsible for the contamination at the site, provide information regarding whether they have the financial capability to satisfy their obligations under federal or state law to assess, investigate, or clean up the site.

**Note:** If no responsible party is identified in 3) or 6) 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 may not be eligible for funding.

- e. **Date of prior determination:** If applicable, provide the date of EPA’s prior determination that this site meets the definition of “brownfield site” (for the purpose of prior brownfields grant eligibility), and affirm that there are no changes at the site regarding the site-specific criteria (as outlined in a-d above).

If EPA has not made a prior determination that this site meets the definition of a brownfields site, or if there have been changes at the site regarding the site-specific criteria (a-d above), please respond with “not applicable.”

The information you submit for this threshold criterion will be used by the EPA solely to make site eligibility determinations for this BF AWP Program grant, and is not legally binding for other purposes including federal, state, or tribal enforcement actions. In addition, determinations made regarding meeting the definition of CERCLA § 101(39) is not equivalent to a determination that the identified brownfield site would be eligible for site-specific grant funding (i.e., EPA Brownfields Assessment, Cleanup or Revolving Loan Fund Grant funding) which requires a more robust eligibility determination.

4. Ineligible activities. If a proposal includes any ineligible tasks or activities, that portion of the proposal will be ineligible for funding, and may, depending on the extent to which it affects the proposal, render the entire proposal ineligible for funding.
5. Letter of commitment to the project. An applicant must attach to the grant proposal at least one letter of commitment to the project per the following:
  - a. If your organization is a government or quasi-governmental entity, the letter of commitment must be from a relevant community-based organization (this may include an appropriate nonprofit organization).
  - b. If your organization is a nonprofit organization, the letter of commitment must be from a relevant government entity.
  - c. The letter of commitment must be written on the organization’s/entity’s official letterhead and include signature.
  - d. The letter of commitment should describe how the organization/entity has been and/or will be substantially involved in your BF AWP project. Include 1) a description of their role in your BF AWP project, 2) affirmation of any commitments to the project or resources to be leveraged, and 3) name(s), phone number(s) and email address(es) of contact person(s).
  - e. The applicant should identify within their threshold criteria response which organization submitted the letter of commitment for this criterion, and identify the type of organization (i.e., whether the organization is a relevant community-based/appropriate nonprofit organization or relevant government entity).
  - f. The EPA may verify information submitted in this commitment letter.
6. Substantial compliance with proposal submission instructions and requirements. A proposal must substantially comply with the proposal submission instructions and requirements set forth in this RFP or it will be rejected. In addition, proposals must adhere to the following:



- a. Proposals must put forth an acceptable project and project tasks/activities as detailed in Sections 1 and 4 of this announcement. Proposed activities must lead to a brownfields area-wide plan.
  - b. Proposals must address the criteria as stated in Sections 3 and 5 of this announcement.
  - c. If a proposal exceeds page limits as stipulated in Section 4, pages in excess of the page limitations will be removed and will not be reviewed.
7. Proposals must be submitted through [www.grants.gov](http://www.grants.gov) as stated in Section 4 of this RFP (except in the limited circumstances where another mode of submission is specifically allowed for as explained in Section 4) on or before the proposal submission deadline. Applicants are responsible for following the submission instructions to ensure that their proposal is submitted timely.

Applicants must provide the correct Dun and Bradstreet Data Universal Number System (DUNS) number for the applicant's organization. EPA will verify whether the DUNS number on the proposal is the correct DUNS number for the applicant's organization. If the correct DUNS number is not included, the proposal may be deemed ineligible.

#### Submitting Responses to Threshold Criteria

Applicants must address all seven threshold criteria in their proposal package submittal. Submit threshold criteria responses per the following:

- Attach threshold criteria responses separately from the narrative proposal.
  - Applicants may use the Threshold Criteria Worksheet Example in Appendix 1 to organize and submit the threshold criteria responses. If an applicant chooses to follow this example, the applicant should fill in the information as requested per Appendix 1, identify it as the "Threshold Criteria Worksheet" and submit it with the grant proposal package.
  - If the Threshold Criteria Worksheet Example is not used, applicants should include their threshold criteria responses in a document that is separate from the narrative proposal when submitting the grant proposal package.
  - Ensure the threshold criteria worksheet/document includes responses to all seven threshold criteria. If a threshold criterion is not applicable, applicants should state the threshold criterion number and "NA".
  - Threshold response documentation should also include the following:
    - a letter of commitment per threshold criterion 5 (*all applicants*);
    - a letter from the state regarding petroleum site eligibility per threshold criterion 3 (*applicable to applicants whose threshold catalyst/high priority site is or may be contaminated with petroleum*);
    - documentation that demonstrates eligibility status per threshold criterion 1 (*as needed*); and

- a memorandum of understanding or other document which clearly demonstrates the state is applying on behalf of a local community to serve in a fiscal and administrative capacity for that community, but the local community will lead the BF AWP process, per threshold criterion 1 (*applicable to state applicants only*).
- Include only information needed to demonstrate compliance with each threshold criterion; any additional information will not be considered when evaluating proposals.

#### **Section 4 – Proposal Submission Information**

##### **A. Requirement to Submit Through [www.grants.gov](http://www.grants.gov) and Limited Exception Procedures**

Applicants, except as noted below, must apply electronically through [www.grants.gov](http://www.grants.gov) under this funding opportunity based on the [www.grants.gov](http://www.grants.gov) instructions in this announcement. If an applicant does not have the technical capability to apply electronically through [www.grants.gov](http://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](http://www.grants.gov), the applicant must contact [OGDWaivers@epa.gov](mailto: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](http://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](http://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 31<sup>st</sup> of the calendar year in which the exception was approved (e.g., if the exception was approved on March 1, 2016, it is valid for any competitive or non-competitive application submission to EPA through December 31, 2016). Applicants need only request an exception once in a calendar year and all exceptions will expire on December 31<sup>st</sup> of that calendar year. Applicants must request a new exception from required electronic submission through [www.grants.gov](http://www.grants.gov) for submissions for any succeeding calendar year. For example, if there is a competitive opportunity issued on December 1, 2016, with a submission deadline of January 15, 2017, the applicant would need a new exception to submit through alternative methods beginning January 1, 2017.

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 Agency Contact listed in Section 7 of the announcement. 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**

In order to submit a proposal<sup>8</sup> through [www.grants.gov](http://www.grants.gov), you must:

1. Have an active DUNS number,
2. Have an active System for Award Management (SAM) account in [www.sam.gov](http://www.sam.gov),
3. Be registered in [www.grants.gov](http://www.grants.gov), and
4. Be designated as your organization's Authorized Organization Representative (AOR).

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<sup>8</sup> Note that the terms "proposal" and "application" mean the same thing for the purposes of this competition. The files that you submit through [www.grants.gov](http://www.grants.gov) as your BF AWP proposal is what is known as an application package in [www.grants.gov](http://www.grants.gov).

The registration process to all of the above items **may take a month or more to complete**. Occasionally, technical and other issues arise when using [www.grants.gov](http://www.grants.gov). EPA encourages applicants to submit their proposals early.

The electronic submission of your application must be made by an official representative of your institution who is registered with [www.grants.gov](http://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](http://www.grants.gov), go to [www.grants.gov](http://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](http://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 grants.gov and should ensure that all such requirements have been met well in advance of the submission deadline. Registration on [www.grants.gov](http://www.grants.gov), [www.SAM.gov](http://www.SAM.gov), and DUNS number assignment is FREE.

Applicants need to ensure that the AOR who submits the application through [www.grants.gov](http://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](http://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: To apply through [www.grants.gov](http://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 [Adobe Reader Compatibility Information on www.grants.gov](http://www.adobe.com/reader/compatibility).

You may also be able to access the application package for this announcement by searching for the opportunity on [www.grants.gov](http://www.grants.gov). Go to [www.grants.gov](http://www.grants.gov) and then click on “Search Grants” at the top of the page and enter the Funding Opportunity Number, EPA-OLEM-OBLR-16-05, or the CFDA number that applies to the announcement (CFDA 66.814), in the appropriate field and click the Search button. Alternatively, you may be able to access the application package by clicking on the Package button at the top right of the synopsis page for the announcement on [www.grants.gov](http://www.grants.gov). To find the synopsis page, go to [www.grants.gov](http://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.

**Application Submission Deadline:** Your organization’s AOR must submit your complete application package electronically to EPA through [www.grants.gov](http://www.grants.gov) no later than August 10, 2016, 11:59 p.m. ET. Please allow 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](http://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.

After signing and successfully submitting the application package, within 24 to 48 hours the AOR should receive notification emails from [www.grants.gov](http://www.grants.gov) with the following subject lines:

1. GRANT##### Grants.gov Submission Receipt
2. GRANT##### Grants.gov Submission Validation Receipt for Application

If the AOR did not receive either notification emails listed above, contact the [www.grants.gov](http://www.grants.gov) Help Desk at 1-800-518-4726.

After the application package is retrieved out of the [www.grants.gov](http://www.grants.gov) system by EPA, the AOR should receive the following notification emails from [www.grants.gov](http://www.grants.gov):

3. GRANT##### Grants.gov Grantor Agency Retrieval Receipt for Application
4. GRANT##### Grants.gov Agency Tracking Number Assignment for Application

**Application Materials:** The following forms and documents are required under this announcement:

1. Application for Federal Assistance (SF-424)
2. Narrative Proposal. See Section 4.D. for details on the content of the Narrative Proposal and the associated page limits
3. Required Attachments. See Section 4.D.

Applications submitted through [www.grants.gov](http://www.grants.gov) will be time and date stamped electronically. If you have not received a confirmation of receipt from EPA (not from [www.grants.gov](http://www.grants.gov)) within 30 days of the application deadline, please contact Aimee Storm (202-566-0633; [storm.aimee@epa.gov](mailto:storm.aimee@epa.gov)) or Wendy Thomi (202-566-1462; [thomi.wendy@epa.gov](mailto:thomi.wendy@epa.gov)). Failure to do so may result in your proposal not being reviewed.

### C. Technical Issues with Submission

1. Once the application package has been completed, the “Submit” button should be enabled. If the “Submit” button is not active, please call [www.grants.gov](http://www.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 [www.grants.gov](http://www.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](http://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](http://www.grants.gov). It is essential to allow sufficient time to ensure that your application is submitted to [www.grants.gov](http://www.grants.gov) BEFORE the due date identified in Section 4 of**

**the solicitation.** The [www.grants.gov](http://www.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](http://www.grants.gov) issues a “case number” upon a request for assistance.

3. Transmission Difficulties. If transmission difficulties that result in a late transmission, no transmission, or rejection of the transmitted application are experienced, and following the above instructions do not resolve the problem so that the application is submitted to [www.grants.gov](http://www.grants.gov) by the deadline date and time, follow the guidance below. The Agency will make a decision concerning acceptance of each late submission on a case-by-case basis. All emails, as described below, are to be sent to Aimee Storm ([storm.aimee@epa.gov](mailto:storm.aimee@epa.gov)) and Wendy Thomi ([thomi.wendy@epa.gov](mailto:thomi.wendy@epa.gov)) with the FON in the subject line. If you are unable to email, contact Aimee Storm (202-566-0633) or Wendy Thomi (202-566-1462). Be aware that EPA will only consider accepting applications that were unable to transmit due to [www.grants.gov](http://www.grants.gov) or relevant [www.sam.gov](http://www.sam.gov) system issues or for unforeseen exigent circumstances, such as extreme weather interfering with internet access. Failure of an applicant to submit timely because they did not properly or timely register in [www.sam.gov](http://www.sam.gov) or [www.grants.gov](http://www.grants.gov) is not an acceptable reason to justify acceptance of a late submittal.
  - a. If you are experiencing problems resulting in an inability to upload the application to [www.grants.gov](http://www.grants.gov), it is essential to call [www.grants.gov](http://www.grants.gov) for assistance at 1-800-518-4726 before the application deadline. 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 [www.grants.gov](http://www.grants.gov) representative by calling 606-545-5035. Be *sure* to obtain a case number from [www.grants.gov](http://www.grants.gov). If the problems stem from unforeseen exigent circumstances unrelated to [www.grants.gov](http://www.grants.gov), such as extreme weather interfering with internet access, contact Aimee Storm (202-566-0633) and Wendy Thomi (202-566-1462).
  - b. Unsuccessful transfer of the application package: If a successful transfer of the application cannot be accomplished even with assistance from [www.grants.gov](http://www.grants.gov) due to electronic submission system issues or unforeseen exigent circumstances, send an email message to [storm.aimee@epa.gov](mailto:storm.aimee@epa.gov) and [thomi.wendy@epa.gov](mailto:thomi.wendy@epa.gov) prior to the application deadline. The email message must document the problem and include the [www.grants.gov](http://www.grants.gov) case number as well as the entire application in PDF format as an attachment.
  - c. [www.grants.gov](http://www.grants.gov) rejection of the application package: If a notification is received from [www.grants.gov](http://www.grants.gov) stating that the application has been rejected for reasons other than late submittal promptly send an email to Aimee Storm ([storm.aimee@epa.gov](mailto:storm.aimee@epa.gov)) and Wendy Thomi ([thomi.wendy@epa.gov](mailto:thomi.wendy@epa.gov)) with the FON in the subject line within one business day of the closing date of this solicitation. The email should include any materials provided by [www.grants.gov](http://www.grants.gov) and attach the entire application in PDF format.



## D. Content and Form of Proposal

All applicants are required to submit the Standard Form 424 (SF-424) Application for Federal Assistance with signature. See Section 4.A. When completing the SF-424 forms, applicants will be required to provide a Dun and Bradstreet DUNS number. Applicants can receive a DUNS number, at no cost, by calling the toll-free DUNS number request line at 1-866-705-5711, or visiting the Dun and Bradstreet website at <http://www.dnb.com>.

The following checklist reflects the documents required for all proposals. All proposals must contain a completed and signed SF-424, a “Narrative Proposal” limited to 17 typed pages, and required attachments as described below. Extraneous materials will not be considered. All proposal materials must be submitted in English. See Section 4.B. for [www.grants.gov](http://www.grants.gov) submission requirements.

<input type="checkbox"/> SF-424 form Application for Federal Assistance, with original signature (no page limit) (see Section 4.C.).
<input type="checkbox"/> Narrative Proposal (17-page limit), which includes the cover letter (2-page limit) and the detailed project description with responses to all evaluation criteria (15-page limit)
<input type="checkbox"/> Project Milestones Schedule (1-page limit)
<input type="checkbox"/> Responses to seven threshold criteria (see Section 3.C.), which includes the letter of commitment that meets threshold criterion 5.
<input type="checkbox"/> Also include within the responses to threshold criteria the following as needed: letter from the state for petroleum site eligibility under threshold criterion 3, documentation of applicant eligibility status per threshold criterion 1, and/or memorandum of understanding/other document (state applicants only) as per threshold criterion 1.
<input type="checkbox"/> Additional letter(s) of commitment to the project (for consideration under evaluation criteria Section 5.A.5., Community Partnerships and Engagement)
<input type="checkbox"/> Leveraging documentation (if not provided in letters of commitment)
<input type="checkbox"/> Other Factors Checklist (completed by applicant with supporting documentation provided as applicable)

1. SF-424 with signature. [www.grants.gov](http://www.grants.gov) will automatically prompt applicants to submit the SF-424 form.
2. Narrative Proposal. The Narrative Proposal must directly and explicitly describe the proposed project and specifically address how it meets each of the evaluation criteria disclosed in Section 5.A. Evaluation Criteria. The Narrative Proposal shall not exceed 17 typed, singled-spaced, standard-sized 8 ½” x 11” pages. Page margins should not be less than 1-inch. Font size should not be smaller than 12 point Times New Roman. While these guidelines establish minimum requirement, applicants are advised that readability and a well-organized proposal are of

paramount importance. The Narrative Proposal must substantially conform to the following outline and content:

- a. Cover letter – The cover letter identifies the applicant and a contact for communication with the EPA. The cover letter must be written on the applicant’s official letterhead, and signed by an official with the authority to commit the organization to the proposed project. The cover letter must not exceed two pages. Include items 1-5 below in the cover letter:
  1. Applicant Identification: Provide the name and full address of the entity applying to the EPA for grant funding. This is the agency or organization that, if selected, will receive the grant and will be accountable to the EPA.
  2. EPA grant funding amount requested: Specify the amount of EPA funds requested for eligible BF AWP grant-funded activities, up to \$200,000.
  3. BF AWP Project Area Location and Description:
    - a. Provide city, county, and state or reservation, tribally owned lands, tribal fee lands, etc., where the BF AWP project area is located. If the project area has a specific name, state it here.
    - b. Provide the general population of the BF AWP project area, and the general population of the city, county or reservation that the BF AWP project area is located in. Tribes must provide the number of tribal/non-tribal members affected. Use appropriate census or American Community Survey data found at <http://www.census.gov>.
    - c. Provide a brief description of the project area, highlighting a few key identifying features, area characteristics and typical land uses.
  4. Project Contacts (*these are the people the EPA will notify regarding the outcome of your proposal*):
    - a. Project Director: Provide the name, phone number, email address, and mailing address of the assigned project director. This person may be contacted if further information is needed.
    - b. Chief Executive/Highest Ranking Official: Provide the name, phone number, email address, and mailing address of the applicant’s Chief Executive (e.g., mayor of a city, executive director of a quasi-government entity or nonprofit organization, etc.). This person may be contacted if further information is needed.
  5. Project summary: Summarize the proposed BF AWP project, including a synopsis of proposed project goals, activities and key partners.
- b. Detailed Project Description with Responses to all Evaluation Criteria. The project description should describe how the applicant will conduct and implement its proposed BF AWP project, and discuss how the proposal addresses each of the evaluation criteria in

Section 5.A. of this announcement. The project description must not exceed 15 pages; pages in excess will be removed and will not be reviewed.

**i. Community Need**

- Provide census-based (<http://www.census.gov>) demographic data as requested in the table below. Use additional rows as needed to include other data or additional information, including public health and other social indicators, which provide a compelling explanation for why you selected the project area. Responses should clearly identify the sources of information used.

*Sample Format for Demographic and/or Other Indicators Data*

	BF AWP Project Area	County/City	State	National
Population				314,107,084 <sup>1</sup>
Unemployment				5.0% <sup>2</sup>
Poverty Rate				15.6 % <sup>3</sup>
Percent Minority				37.2% <sup>1</sup>
Median Household Income				\$53,482 <sup>3</sup>
<i>Include other relevant census or other data as needed in additional rows</i>				
<sup>1</sup> Data are from the 2014 American Community Survey data profile and are available on American FactFinder at <a href="http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP05&amp;src=pt">http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP05&amp;src=pt</a> . <sup>2</sup> Data are from the Bureau of Labor Statistics (The Employment Situation – April 2016) and are available at <a href="http://www.bls.gov/news.release/empsit.nr0.htm">http://www.bls.gov/news.release/empsit.nr0.htm</a> <sup>3</sup> Data are from the 2014 American Community Survey data profile and are available on American FactFinder at <a href="http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP03&amp;src=pt">http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP03&amp;src=pt</a> .				

For additional suggestions for demographic or other information resources, see the FAQs at <http://www.epa.gov/brownfields/apply-brownfields-grant-funding>.

- What are the economic concerns within your proposed BF AWP project area?
  - Describe events that happened within the BF AWP project area that resulted in significant local job loss or other economic disruption; include relevant dates.
  - Describe how these and other factors limit your ability to draw on other sources of funding for the BF AWP project.
- What are the social, public health and environmental concerns within your project area?
  - Include information on how sensitive populations, such as children, pregnant woman and the elderly, are particularly affected by these concerns.
  - Describe the environmental justice concerns from the community within the project area (see page 6 for more information on environmental justice).
- Discuss the brownfields challenges in your project area, as they relate to the economic, social, public health and environmental concerns you discussed above.

**ii. BF AWP Project Description**

- How did you select the boundaries for your BF AWP project area? Describe how the

project area is a reasonable size. (See Section 1.A., Summary and Description of Project Area).

- List and briefly describe the brownfield site(s) within the project area that you have selected as catalyst, high priority site(s).
  - Ensure that one of these sites is the same site as you identified for threshold criterion 3.
  - With the exception of the site you already identified for threshold criterion 3, if you have more than one catalyst, high priority brownfield site please affirm that each additional site meets the EPA definition of a “brownfield site” per CERCLA § 101(39). See Appendix 3 for more information. Applicants must not include any site that is ineligible for brownfields funding, nor describe an ineligible site as a catalyst, high priority brownfield site, in their proposal.
  - How did you select this/these site(s) as the catalyst, high priority brownfield(s) in your BF AWP project area? *For example, did you select these sites:*
    - *via a community involvement process?*
    - *due to environmental concerns, proximity, reuse potential, community need as described above, and/or infrastructure considerations, etc?*
  - Share your reasoning for why this/these site(s) have the strongest potential to spur revitalization within the project area.
  
- What environmental activities already have, or need to, take place at each catalyst, high priority brownfield site? Identify:
  - where EPA or other brownfields assessment or cleanup funds have been used already, and/or
  - if any sites will need assessment or cleanup in the future, when you anticipate assistance will be needed (e.g., during or after the BF AWP project), and your plan for obtaining these resources.
  
- Provide the grant project budget.
  - Use the sample budget table format below to identify specific tasks for which EPA grant funding will be used. Show the costs (by budget category) associated with each task.
  - Do not include tasks or activities for costs that are an ineligible uses of funds as per Section 1 as doing so can render the proposal ineligible for funding.

Sample budget table

<i>Example task descriptions</i>  <b>Cooperative Agreement Budget</b>	<b>Task 1</b> <i>Cooperative Agreement Management</i>	<b>Task 2</b> <i>Community Involvement</i>	<b>Task 3</b> <i>Existing Conditions Research</i>	<b>Task 4</b> <i>Catalyst/High Priority Brownfields Site Reuses</i>	<b>Task 5</b> <i>Next Steps &amp; Resources Implementation Strategies</i>	<b>Task 6</b> <i>Develop Final BF AWP Document</i>	<b>Total</b>
<b>Personnel</b>							
<b>Fringe benefits</b>							
<b>Travel</b>							
<b>Contractual<sup>1</sup></b>							
<b>Supplies</b>							
<b>Other (be specific)</b>							
<b>Total EPA Funds</b>							

<sup>1</sup>Applicants must comply with the procurement standards contained in 2 CFR 200.317 through 200.326.

- Describe each task of your BF AWP project. Include how you will accomplish each task and how it will help to inform eventual assessment, cleanup and subsequent reuse of your catalyst/high priority brownfield site(s).
  - Tasks description should clearly demonstrate how project activities will lead to timely and successful development of a brownfields area-wide plan for your project area. Attach a one-page BF AWP project milestones list or chart that clearly shows the expected project timeline and deliverables.
  - Include in your tasks description an estimated cost basis for activities under each task (e.g., a brownfields economic market analysis @ \$20,000; room rental for six community meetings @ \$250/meeting = \$1,500; etc.).
  - What approach, procedures or controls will you use to ensure the grant funds are expended in a timely and efficient manner?

**iii. Benefits to Community**

- How will eventual assessment, cleanup and reuse of the catalyst, high priority sites help address the concerns and challenges you described in i. Community Need, above?
- Explain how your BF AWP project will help identify and reduce threats to
  - human health,
  - the environment, and
  - improve the welfare of sensitive populations (such as children, pregnant woman, and the elderly) and others, including minority, low-income, and tribal

community residents living in environmental justice areas or other areas that face a disproportionate level of environmental degradation, disease, or conditions that may be attributed to contaminant exposures.

- How will your BF AWP project lead to specific, direct and measurable outcomes that benefit the community? Include specific, direct and measurable outcomes within the project area that relate to:
  - stimulating economic development, facilitating reuse of existing infrastructure and creating or preserving green space, recreational property, or other non-profit uses; and
  - increasing sustainable and equitable development opportunities that help to remove economic, environmental and social barriers and advance the Livability Principles (developed under the HUD-DOT-EPA Partnership for Sustainable Communities; more information found on pages 6-7 and in the FAQs).

#### **iv. Performance Measurement: Anticipated Outcomes and Outputs**

- Specify the anticipated environmental outcomes and outputs as described in Section 1.D., Measuring Environmental Results: Anticipated Outcomes/Outputs.
- What are the measures of success for the project? Measures of success should be either measures of environmental improvement or should be directly linked to such measures. EPA will evaluate quantitative and qualitative measurability.
- Discuss how you propose to track, measure and evaluate your progress in achieving project outcomes, outputs and project results, including both quantitative and qualitative performance measurements.

#### **v. Community Partnerships and Engagement**

- Describe the degree to which an existing, inclusive, and collaborative revitalization effort, which includes some consideration of cleaning up and reusing the catalyst/high priority brownfield sites, is already underway within the BF AWP project area.
  - When was this effort initiated, and how effective has the effort been?
  - How will your BF AWP project be consistent and integrated with other local community planning and revitalization efforts? How will it build from regional planning efforts (such as those funded through HUD Regional Planning grants or other regional planning efforts) that integrate housing, transportation, economic development, community health and environmental improvement?
  - How will the BF AWP project serve as the logical next step to the ongoing revitalization effort?
  - How will you use the BF AWP project to best prepare/enable your community to implement the brownfields area-wide plan?



- Provide a list of project partners, including local community organizations,<sup>9</sup> government entities, and other stakeholders that are involved already or will be involved in your BF AWP project. See suggested table format below.
  - Include the name, contact information, and specific role of each partner in your BF AWP project.
  - Indicate which partners have been involved already in the project area revitalization effort and which partners will be involved going forward.

*Sample Format for List of Project Partners*

Organization Name	Point of contact (name, email & phone)	Specific role in BF AWP project	Already involved in project and/or will be going forward?
<i>Add rows as needed</i>			

- Attach letters of commitment from all partners listed.
  - Each letter should clearly describe how the partner has been and/or will be substantially involved in your BF AWP project.
  - The letter(s) must include:
    - a description of the role in your BF AWP project,
    - affirmation of any specific commitments to the project or specific resources to be leveraged, and
    - names and phone numbers of contact persons.
- Clearly explain how the BF AWP project partners will work together to develop the brownfields area-wide plan and prioritize implementation actions (such as site cleanup and reuse, related infrastructure improvements, and other revitalization activities).
  - How will the project partners will work together to:
    - create the brownfields area-wide plan;
    - jointly commit to achieving priorities identified in the plan;
    - determine a timeline of implementation tasks and actions and assign responsibilities;
    - track progress on implementation tasks and actions;
    - modify implementation tasks and actions as needed to achieve the goals of the plan; and

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<sup>9</sup> Community organizations may include, but are not limited to, local citizen or business groups, borrowers, environmental, civic, faith-based, grassroots, or local labor organizations, and educational institutions. [Community-based organizations do not include local government departments, the local planning department/district/office, local contractors, the mayor’s office, or other elected officials.] If community-based organizations do not exist in your area, please provide background information affirming the lack of such organizations. Then, demonstrate how the community is engaged and involved in your project.

- ensure the plan will be advanced by local government as well as supported regionally?
  - Discuss whether there is already a governing structure amongst your project partners for managing the BF AWP decision-making process as described above, and how this process works.
    - If a governing/management structure is not in place, but is proposed, describe how it will work.
    - To what degree does your organization already lead, or will lead, this BF AWP decision-making process?
- How will input from community members and relevant outside organizations (beyond the project partners and organizations listed above) be obtained and incorporated into your project?
  - Explain how the outreach methods you selected are most appropriate for your community.
  - How will you communicate project progress to citizens?
  - How will this plan ensure meaningful involvement and community ownership of the process throughout your BF AWP project?

#### **vi. Programmatic Capability and Past Performance**

- Summarize your staff and organization’s knowledge, experience, qualifications, and resources (or ability to obtain them) which will ensure timely and successfully achievement of your proposed BF AWP project.
- Submit a list of federally and/or non-federally funded assistance agreements (assistance agreements include federal grants and cooperative agreements but not federal contracts or interagency agreements) similar in size, scope and relevance to the proposed BF AWP project that your organization performed within the last three years (no more than five agreements, and preferably EPA agreements). Describe:
  - whether and how you were able to successfully manage and complete those agreements, and
  - your history of meeting the reporting requirements (including ACRES reporting<sup>10</sup>) under those agreements, including whether you adequately and timely reported on your progress towards achieving the expected outputs and outcomes of those agreements (and if not, explain why not) and whether you submitted acceptable final technical reports under the agreements.
- If you do not have any relevant or available past performance or past reporting information, please indicate this in the proposal and you will receive a neutral score for these factors. A neutral score is half of the total points available in a subset of

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<sup>10</sup> ACRES (Assessment, Cleanup and Redevelopment Exchange System) reporting is a requirement of EPA Brownfields grants; more information at <http://www.epa.gov/brownfields/brownfields-grantee-reporting-assessment-cleanup-and-redevelopment-exchange-system-acres>.

possible points. Proposals that do not provide any response for this criterion may receive a score of 0.

### vii. Leveraging

- What sources of committed funds/resources/in-kind assistance have you already leveraged, or will leverage, to help you accomplish the BF AWP project activities, outputs and/or outcomes?
    - List the amount, type, source of dollars or other resources to be leveraged, and the specific role the resources will play to support the BF AWP project activities, outputs, and/or outcomes.
    - Clearly explain which leveraged resources will be utilized during the grant project period versus those that will be available after the project is completed to help support next steps and actions identified in your implementation plan.
    - Documentation of leveraged commitments must be attached to the proposal.
    - If leveraging has not been committed, explain how you will obtain the leveraged resources, the likelihood the leveraging will materialize during the EPA grant performance period, and the strength of the leveraging commitment.
    - In instances where an applicant has received grant funding or technical assistance from the HUD-DOT-EPA PSC, such as for a HUD Regional Planning or Challenge grant, DOT Transportation Investment Generating Economic Recovery (TIGER), or EPA Smart Growth Implementation or Building Blocks Assistance, etc., applicant should explain if and how their BF AWP project leverages the previous PSC investment.
  - Selected applicants are expected to abide by their proposed leveraging commitments during the EPA grant performance period; failure to do so may affect the legitimacy of the award. See also discussion of leveraging and voluntary cost share in Section 3.B.
3. Attachments. Submit the following attachments as part of the proposal package. No other attachments will be considered. These documents do not count as part of the Narrative Proposal 17-page limit.
- a. **Project milestones schedule.** Include a one-page schedule indicating the start and completion dates of significant tasks for your proposed project.
  - b. **Threshold criteria responses** (including related documentation and letter of commitment that meets threshold criterion 5). Review Section 3.C.
  - c. **Additional Letter(s) of Commitment.** Attach additional letters of commitment to your project from project partners discussed in your narrative proposal under the evaluation criterion (see Section 5.A.5., Community Partnerships and Engagement).
    - For each letter, include: 1) a description of the role in the BF AWP project; 2)

affirmation of any specific commitments to the project or resources to be leveraged (if any); and 3) names and phone numbers of contact persons. Each letter of commitment must reflect the supporting organization’s official letterhead and signature.

- The EPA may contact these organizations to verify the information provided.
- The information contained in the letter(s) of commitment will be considered under Section 5.A.5., Community Partnerships and Engagement evaluation criterion.
- Letter(s) of commitment which are received separately (not part of the grant submission packaged when transmitted through [www.grants.gov](http://www.grants.gov)) will not be reviewed or considered; the EPA will not consider letters transmitted to the Agency by other means.

d. **Leveraging documentation:** If not provided in letter(s) of commitment, attach documentation that affirms any specific funds/resources committed to the project.

- Include names and phone numbers of persons to contact at the organizations providing the leveraging.
- The EPA may contact these organizations to verify the information provided and consider this information during the evaluation process.
- The information contained in the letter(s) of commitment will be considered under Section 5.A.7., Leveraging evaluation criterion.

e. **Other Factors Checklist:** Applicants should provide a summary within their proposal on whether and how any of the other factors apply to their BF AWP project. Applicants should complete the Other Factors checklist (see Appendix 2) and attach supporting documentation as applicable. (See Section 5.B.).

**E. How to Obtain a Proposal Package**

Electronic copies of this RFP can be obtained from the EPA’s Brownfields and Land Revitalization Program website at <https://www.epa.gov/brownfields/apply-brownfields-grant-funding> or through [www.grants.gov](http://www.grants.gov).

**Section 5 – Proposal Review Information**

**A. Evaluation Criteria**

Each eligible proposal will be evaluated according to the criteria set forth below. Applicants must directly and explicitly address these criteria as part of their narrative proposals. Each proposal will be rated under a points system, with a total of 100 points possible.

Criterion	Maximum Points per Criterion
<b>1. Community Need.</b> Extent to which the project area has been affected by economic, social, public health and environment justice concerns, and how these concerns relate to brownfield challenges. Proposals that clearly demonstrate the	

<p>economic, social, public health, environmental justice challenges of the project area, the effects on sensitive populations, and difficult conditions in the project area that are clearly tied to brownfield challenges will be evaluated more favorably. This criterion will evaluate the extent to which the proposal clearly, concisely and effectively:</p> <ul style="list-style-type: none"> <li>a. Demonstrates the economic concerns within the BF AWP project area (based on data and recent events that resulted in significant job loss or other economic disruption), and how these and other factors limit your ability to draw on other sources of funding for the BF AWP project. (5 points)</li> <li>b. Identifies and describes the needs of the community based on social, public health and environmental concerns within the BF AWP project area (based on data/indicators), including needs for sensitive populations (such as children, pregnant woman and the elderly) and the community’s environmental justice concerns. (5 points)</li> <li>c. Explains the brownfields challenges in the BF AWP project area, as they relate to the economic, social, public health and environmental issues as described in 1.a. and 1.b. above. (5 points)</li> </ul>	15
<p><b>2. BF AWP Project Description.</b> Quality and extent to which the proposal provides specific information and a reasonable project approach for how the applicant will develop a brownfields area-wide plan. Proposals that identify a reasonable number of catalyst, high priority brownfield sites, a more focused BF AWP project approach (given project area size and amount of grant funding available), appropriate budget and milestones will be evaluated more favorably. This criterion will evaluate the extent to which the proposal clearly, concisely and effectively:</p> <ul style="list-style-type: none"> <li>a. Explains how the BF AWP project area boundaries were selected, and provides rationale for the project area which demonstrates that it is appropriate and a reasonable size. (5 points)</li> <li>b. Describes each catalyst, high priority brownfield site in the BF AWP project area, including whether each site meets the definition of a “brownfield site” per CERCLA § 101(39); provides rationale which supports how each site was selected and why it has the strong potential to revitalize the BF AWP project area, and the status of/plan for accomplishing environmental activities at each site. (15 points)</li> <li>c. Proposes a detailed and realistic grant project budget with a narrative of each task. Budget and tasks narratives will be evaluated on the extent to which they contain only eligible costs, provide for a reasonable and appropriate approach (including expected milestone timeline and deliverables) to achieve the</li> </ul>	30

<p>project’s objectives, and include cost estimates for each of the proposed project activities to be performed with EPA funds. Additionally, the applicant’s budget will be evaluated based on the effective use of the budget resources for the work to be performed and their approach, procedures and controls for ensuring grant funds are expended in a timely and efficient manner. (10 points)</p>	
<p><b>3. Benefits to Community.</b> Extent to which the BF AWP project will result in benefits to the community within the project area, including improvements to human health and the environment, local economy, social conditions and welfare of residents. Proposals that include specific details and examples which support how the project will lead to environmental and economic improvement, sustainable and equitable development outcomes and advance the HUD-DOT-EPA Livability Principles<sup>11</sup> will be evaluated more favorably. This criterion will evaluate the extent to which the proposal clearly, concisely and effectively:</p> <ul style="list-style-type: none"> <li>a. Demonstrates how the BF AWP project and eventual assessment, cleanup and reuse of the catalyst, high priority site(s) will help address the concerns and challenges within the community (as described under evaluation criterion 1. Community Need). (5 points)</li> <li>b. Explains how the BF AWP project will help identify and reduce threats to human health and the environment, and improve the welfare of sensitive populations (such as children, pregnant woman, and the elderly) and others including minority, low-income, and tribal community residents living in environmental justice areas or other areas that face a disproportionate level of environmental degradation, disease or conditions suspected from contaminant exposures. (5 points)</li> <li>c. Includes specific, realistic, direct and measurable benefit outcomes within the project area related to: <ul style="list-style-type: none"> <li>i. Stimulating economic development, facilitating reuse of existing infrastructure and creating or preserving green space, recreational property, or other non-profit uses. (5 points)</li> <li>ii. Increasing sustainable and equitable development opportunities that help to remove economic, environmental and social barriers and advance the Livability Principles (as developed under the HUD-DOT-EPA Partnership for Sustainable Communities). (5 points)</li> </ul> </li> </ul>	20
<p><b>4. Performance Measurement: Anticipated Environmental Outcomes and Outputs.</b> Extent to which the proposal realistically describes how the project will lead to measureable environmental results (i.e., amount of exposure to pollution or contaminants prevented, amount of resources conserved, etc.). This criterion will evaluate the extent to which the proposal clearly, concisely and adequately:</p>	

<sup>11</sup> HUD-DOT-EPA Partnership for Sustainable Communities Livability Principles and sustainability and equitable outcomes are described in *Section 1.A.*



<p>a. Specifies anticipated environmental outcomes and outputs as described in Section 1.D., Measuring Environmental Results: Anticipated Outcomes and Outputs that are realistic and appropriate for the BF AWP project. (2 points)</p> <p>b. Provides appropriate measures of success for the project. Measures of success should be either measures of environmental improvement or should be directly linked to such measures. EPA will look for quantitative and qualitative measurability. (2 points)</p> <p>c. Describes how progress towards achieving project outcomes and outputs will be tracked, evaluated and measured. Includes a description of any planned reports or other deliverables that measure and track the project success and, document achievement of expected outputs identified in Section 1.D., Measuring Environmental Results: Anticipated Outcomes and Outputs. (1 point)</p>	5
<p><b>5. Community Partnerships and Engagement.</b> Extent to which the applicant’s engagement with the community and support from project partners is effective. Applicants will be evaluated on their approach for incorporating community input throughout the BF AWP process to ensure meaningful involvement and community ownership of local brownfields cleanup and reuse decisions. Community engagement and partnership efforts should include various organizations representing a broad spectrum of the community; examples include grassroots, neighborhood, school, faith-based, city council, business, local government, and other organizations.</p> <p>Proposals that can demonstrate successful recent and ongoing involvement of project partners and community members working together on project area revitalization (with consideration of brownfield sites) will be evaluated more favorably. Proposals that clearly demonstrate consistency and integration with existing community planning efforts will be evaluated more favorably. Proposals with letters of commitment that demonstrate strong, long-term involvement throughout the project from a variety of project partners will be evaluated more favorably. Proposals that demonstrate a clear and effective structure for developing priorities related to brownfields cleanup and reuse, as well as follow-through implementation activities by project partners and organizations, and a strong leadership role by the applicant in this process, will be evaluated more favorably.</p> <p>This criterion will evaluate the extent to which the proposal clearly, concisely and effectively:</p> <p>a. Describes the existing, inclusive, and collaborative revitalization effort, which includes some consideration of cleaning up and reusing the catalyst/high</p>	20

priority brownfield sites. Identifies the extent to which the effort is already underway and effective within the BF AWP project area, how the BF AWP project will be consistent and integrated with other community planning/revitalization efforts, how it will serve as the logical next step, and how it will enable the community to implement the plan. (5 points)

- b. Demonstrates a wide range of committed project partners, including local community-based organizations,<sup>12</sup> government entities and other appropriate stakeholders that are substantially involved already and/or how they will be substantially involved in the BF AWP project going forward. Includes strong letters of commitment from each project partner. (5 points)

Note: Except where a letter contains specific leveraging commitments, the information contained in each letter of commitment will only influence the evaluation of each proposal under this evaluation criterion. Any leveraging commitments will only influence the evaluation of each proposal under the evaluation criterion 7. Leveraging.

- c. Describes the process through which the BF AWP project partners will work together to develop the brownfields area-wide plan and prioritize implementation actions. Identifies how the project partners will work together to:

- create the brownfields area-wide plan,
- jointly commit to achieving priorities identified in the plan,
- determine a realistic timeline of implementation tasks and actions, and assign responsibilities,
- track progress on implementation tasks and actions,
- modify implementation tasks and actions as needed to achieve the goals of the plan, and
- ensure the plan will be advanced by local government as well as supported regionally.

Explains whether there is already a governing structure amongst the project partners for managing the BF AWP decision-making process as described above, how this process works and the degree to which the applicant leads the BF AWP decision-making process.

(5 points)

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<sup>12</sup> Community-based organizations may include, but are not limited to, local citizen or business groups, borrowers, environmental, civic, faith-based, grassroots, or local labor organizations, and educational institutions. [Community-based organizations do not include local government departments, the local planning department/district/office, local contractors, the mayor's office, or other elected officials.] If community-based organizations do not exist in your area, please provide background information affirming the lack of such organizations. Then, demonstrate how the community is engaged and involved in your project.

<p>d. Describes an effective process for obtaining and incorporating input from community members and relevant outside organizations (beyond the project partners and organizations listed above) into the BF AWP project, including appropriate outreach methods, communicating project process to citizens, and ensuring meaningful involvement and community ownership of the process throughout the BF AWP project. (5 points)</p>	
<p><b>6. Programmatic Capability and Past Performance.</b> Extent to which the proposals demonstrates technical capability to successfully carry out the BF AWP project, taking into account organizational capabilities and past performance. This criterion will evaluate the extent to which the proposal clearly, concisely and adequately:</p> <p>a. Demonstrates that the applicant (staff and/or organization) has the appropriate knowledge, experience, qualifications, and resources (or ability to obtain them) which will ensure timely and successfully achievement of the BF AWP project goals. (3 points)</p> <p>b. Describes past performance in successfully completing and managing the assistance agreements identified in response to Section 4.D., and history of meeting reporting requirements (including ACRES reporting) under those assistance agreements. Includes information on whether the applicant submitted acceptable final technical reports under those agreements, the extent to which the applicant adequately and timely reported on its progress towards achieving the expected outputs and outcomes under those agreements, and whether the applicant adequately reported when/why progress was not being made. (2 points)</p> <p>Note: In evaluating the past performance/history component of this criterion, the Agency will consider the information provided by the applicant and may also consider relevant information from other sources including Agency files and prior/current grantors (e.g., to verify and/or supplement the information supplied by the applicant). If the applicant does not have any relevant or available past performance or past reporting information, please indicate this in the proposal to receive a neutral score for this subfactor. Proposals that do not provide any response for this criterion may receive a score of 0.</p>	5
<p><b>7. Leveraging.</b> Extent to which the applicant is able to leverage additional funds/resources/in-kind services beyond this EPA grant. Applicants that demonstrate relevant, firm leveraged commitments to the BF AWP project and/or project area will be evaluated more favorably. This criterion will evaluate the extent to which the proposal clearly, concisely and effectively demonstrates how the applicant will coordinate the use of EPA funding with other federal and/or non-federal sources of funds/resources from project partners, including other federal agencies, foundations, nonprofits, surrounding communities or local businesses to leverage additional resources beyond the grant funds awarded to</p>	5

carry out or further the proposed BF AWP project. The applicant will be evaluated on the type and amount of leveraged resources, the likelihood of the resources materializing, the strength of the leveraging commitment, and the role of the leveraged funds/resources in the overall grant project. (5 points)	
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## B. Other Factors

The EPA Selection Official may consider the following other factors, in addition to the evaluation results based on the criteria above, as appropriate, in making final funding decisions. An applicant should provide a summary within their proposal on whether and how any of these “other factors” apply to their BF AWP project. Applicants should also complete and submit the Other Factors Checklist and attach supporting documentation as needed, as described in Appendix 2, as part of their proposal submission. Failure to do so may affect EPA’s ability to consider these other factors during selection decisions. The EPA may verify this information prior to selection.

- Fair distribution amongst applicants from urban (city population is 100,000 or more), non-urban, rural (city/town/village/unincorporated area/etc. population is 20,000 or less and is not located in a Metropolitan Statistical Area), and micro communities (city/town/village/unincorporated area/etc. population of 10,000 or less).
- Whether the applicant is, or is applying on behalf of, a federally recognized Indian Tribe or an entity from a United States Territory.
- Whether the applicant is a POWER+ community who proposes a BF AWP project area with one or more eligible catalyst, high priority brownfield site(s) and a recently closed (2008 or later) or closing coal-fired power plant.
- Whether the applicant’s catalyst, high priority brownfield site(s) is (are) directly tied to a recent (2008 or later):
  - Natural disaster(s) within the BF AWP project area;
  - Manufacturing industry plant closure within the BF AWP project area; or
  - Significant economic disruption within the BF AWP project area (unrelated to a natural disaster, manufacturing industry plant closure or closed/closing power plant) resulting in a significant percentage loss of community jobs and tax base.
- Whether the applicant’s BF AWP project area is directly tied to one or more of the following place-based initiatives, and the applicant can demonstrate that funding/technical assistance/other resources from the place-based initiative has or will benefit the BF AWP project area:
  - HUD-DOT-EPA Partnership for Sustainable Communities (PSC) recipient or core partner;
  - EPA Making a Visible Difference (MVD) community;
  - EPA Urban Waters grant recipient;
  - HUD Promise Zones designation; or
  - 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). A core partner/implementation strategy party is a local partner

organization/jurisdiction that will carry out the proposed strategy, as demonstrated in letters of commitment or memoranda of understanding which documents their contributions, roles, and responsibilities to the partnership.

The applicant must clearly demonstrate a nexus between their proposed brownfields activities under the BF AWP grant and every “other factor” they select.

The EPA may also consider the geographic distribution of grants across the EPA’s ten regions. The EPA reserves the right to fund the top-ranked proposal from each region, regardless of its score relative to scores in other regions, contingent on the quality of the proposal and funding availability.

### **C. Review and Selection Process**

EPA will review all proposals that are received by the closing date and time to determine compliance with the threshold criteria in Section 3.C. Only proposals determined eligible based on passing the threshold review will be evaluated for technical merit.

All eligible proposals will be evaluated by a national evaluation panel. Each national evaluation panel will be comprised of EPA staff and may include other federal agency representatives. All reviewers will be chosen for their expertise in the range of activities associated with the EPA’s Brownfields and Land Revitalization Program. Upon completion of the technical merit evaluation, each proposal will be given an evaluated numerical score, with a total of 100 points possible. The evaluated numerical scores will be placed in rank order.

Completed evaluation scores and rankings will then be referred to the EPA Headquarters Selection Official, who is responsible for final selection of EPA recipients under this competitive funding opportunity. Proposals will be selected for award by this official based on their evaluated point scores, the availability of funds, and, if applicable, the consideration of other factors as described in Section 5.B.

### **D. Additional Provisions for Applicants Incorporated Into the Solicitation**

Additional provisions that apply to this solicitation and/or awards made under this solicitation including the clause on Reporting and Use of Information Concerning Recipient Integrity and Performance can be found at EPA Solicitation Clauses (<https://www.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 6 – Award Administration Information**

### **A. Award Notices**

EPA anticipates notification to successful applicants will be made via telephone, email or postal mail by December 30, 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 recommend for award, is not an authorization to begin work. The notification of selection will be made by EPA’s Office of Brownfields and Land Revitalization.

The official notification of an award will be made by the appropriate EPA Regional Grants Management Official. Applicants are cautioned that only an EPA 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 email or postal mail. The successful applicant will need to submit a final cooperative agreement application package to the EPA. This package will include an EPA-approved workplan that describes the work to be performed, a final budget, the required certification forms, and other documents and forms which must be approved by EPA before the grant can be awarded officially. The time between notification of selection and award of a grant can take up to 90 days or longer.

### **B. Administrative and National Policy Requirements**

1. Funding will be awarded as a cooperative agreement. Successful applicants will be asked to submit a cooperative agreement application package to the EPA. This package will include the application (SF-424), a proposed workplan, a proposed budget, and other required forms. An EPA project officer will work each successful applicant to finalize the budget and workplan.
2. Approved cooperative agreements will include terms and conditions 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 Uniform Grant Guidance found in 2 CFR 200.328. A listing and description of general EPA regulations applicable to the award of grants may be viewed at <http://www2.epa.gov/grants/grant-terms-and-conditions>.
3. Executive Order 12372, Intergovernmental Review of Federal Programs, may be applicable to awards resulting from this announcement. Applicants the EPA selects for funding may be required to provide a copy of their proposal to their State Point of Contact (SPOC) or other affected area wide, regional and local officials for review.<sup>13</sup> This review is not required with the initial proposal. Contact your EPA Regional Brownfields Contact listed in Section 7.B. for assistance.

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<sup>13</sup> More information can be found at [http://www.whitehouse.gov/omb/grants\\_spoc](http://www.whitehouse.gov/omb/grants_spoc)



4. **Reimbursement Limitation.** If the recipient expends more than the amount of funding in its EPA approved budget in anticipation of receiving additional funds from the EPA, it does so at its own risk. The EPA is not legally obligated to reimburse the recipient for costs incurred in excess of the EPA approved budget.
5. 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 and conditions implementing this requirement.

### **C. Brownfields Programmatic Requirements**

Grant recipients must comply with the EPA Brownfields and Land Revitalization Program's requirements as outlined in the grant terms and conditions. These may include, but are not limited to, the following:

1. **Complying with Quality Assurance (QA) requirements:** when existing environmental data will be used for any activity as part of this cooperative agreement, recipients may be required to submit to the EPA Regional Office for approval a QA Project Plan (QAPP) prior using existing environmental data.
2. **Seeking the Agency's prior approval of project phases and/or activities that require additional site-specific brownfield eligibility or liability determinations per CERCLA § 101(39) and § 107.** Grant recipients must consult their EPA project officer to begin the approval process.
3. **Considering and addressing concerns about changing climate conditions throughout the BF AWP project area, and strategies to mitigate/adapt to changing climate conditions on catalyst, high priority brownfield site(s).**
4. **Providing project updates, results and leveraging information post grant:** under the Government Performance and Results Act, the EPA reports on the many benefits of Brownfields funding. One such measure provides information on additional resources leveraged as a result of the use of brownfields grant funds. These leveraged, non-EPA funds may include additional funding from state, tribal, and local governments, non-profit or private organizations. As many of these activities occur beyond the grant period, the EPA may contact recipients well after the project period to collect this and other project updates/results information.

### **D. Reporting Requirements**

Quarterly progress reports and a detailed final report will be required in addition to the primary grant deliverable as described in Section 1.A.

- During the cooperative agreement, recipients are required to submit progress reports to the EPA project officer within 30 days after each quarterly reporting period. These reports will cover work status, work progress, milestones, outputs/outcomes reached, difficulties encountered, preliminary data results and a statement of activities anticipated during the subsequent reporting period. A discussion of financial expenditures (for the quarter and to-date) that correspond to each cost category, a comparison of the percentage of the project completed to the project schedule, and an explanation of significant discrepancies will be included in the report. The report will also include any changes of key personnel involved with the project.
- The final report will address goals and objectives, performance measurements, lessons learned and other resources leveraged during the project. It will include how the resources were used and any plans to continue the project after the expiration of the cooperative agreement and associated sources of funding. The final report will be submitted to the EPA project officer at the close of the grant.
- The primary grant deliverable is the final brownfields area-wide plan, as described in Section 1.A. The final brownfields area-wide plan will be submitted to the EPA project officer before the close of the grant.
- Close out of the grant will only occur after the EPA project officer receives all required materials from the grantee.

#### **E. Use of Funds**

An applicant that receives an award under this announcement is expected to manage cooperative agreement funds efficiently and effectively and make sufficient progress towards completing the project activities described in the workplan in a timely manner. The cooperative agreement will include terms/conditions implementing this requirement. The Agency expects timely drawdown of funds and a yearly financial report. In addition to quarterly reports, other required financial reports will provide the Agency with information regarding progress being made.

#### **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 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 Section 7.B. to obtain the provisions.

## G. 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 Grant Competition Dispute Resolution Procedures (<https://www.epa.gov/grants/grant-competition-dispute-resolution-procedures>). Copies of these procedures may also be requested by contacting the person listed in Section 7 of the announcement.

## Section 7 - Contacts

### A. EPA Headquarters Contact Information

Aimee Storm and Wendy Thomi, U.S. EPA, Office of Brownfields and Land Revitalization (MC 5105-T), 1200 Pennsylvania Avenue, NW, Washington, DC 20460; emails [storm.aimee@epa.gov](mailto:storm.aimee@epa.gov) and [thomi.wendy@epa.gov](mailto:thomi.wendy@epa.gov).

### B. EPA Regional Brownfields Contacts for the FY17 BF AWP Grant Program Competition

REGION & STATES		ADDRESS/PHONE NUMBER
<b>EPA Region 1</b> <b>Frank Gardner</b> <a href="mailto:gardner.frank@epa.gov">gardner.frank@epa.gov</a>	<b>CT, ME, MA, NH, RI, VT</b>	5 Post Office Square Suite 100, Mail code: OSRR7-2 Boston, MA 02109-3912 <b>Phone</b> (617) 918-1278
<b>EPA Region 2</b> <b>Schenine Mitchell</b> <a href="mailto:mitchell.schenine@epa.gov">mitchell.schenine@epa.gov</a>	<b>NJ, NY, PR, VI</b>	290 Broadway, 18 <sup>th</sup> Floor New York, NY 10007 <b>Phone</b> (212) 637-3283
<b>EPA Region 3</b> <b>Patricia Corbett</b> <a href="mailto:corbett.patricia@epa.gov">corbett.patricia@epa.gov</a>	<b>DE, DC, MD, PA, VA, WV</b>	1650 Arch Street Mail Code 3HS51 Philadelphia, PA 19103 <b>Phone</b> (215) 814-3173
<b>EPA Region 4</b> <b>David Champagne</b> <a href="mailto:champagne.david@epa.gov">champagne.david@epa.gov</a>	<b>AL, FL, GA, KY, MS, NC, SC, TN</b>	Atlanta Federal Center 61 Forsyth Street, S.W. 10TH FL Atlanta, GA 30303-8960 <b>Phone</b> (404) 562-9028
<b>EPA Region 5</b> <b>Craig Mankowski</b> <a href="mailto:mankowski.craig@epa.gov">mankowski.craig@epa.gov</a>	<b>IL, IN, MI, MN, OH, WI</b>	77 West Jackson Boulevard Mail Code SM-7J Chicago, IL 60604-3507 <b>Phone</b> (312) 886-9493
<b>EPA Region 6</b> <b>Denise Williams</b> <a href="mailto:williams.denise@epa.gov">williams.denise@epa.gov</a>	<b>AR, LA, NM, OK, TX</b>	1445 Ross Avenue, Suite 1200 (6SF-VB) Dallas, TX 75202-2733 <b>Phone</b> (214) 665-9749

<b>EPA Region 7</b> <b>Brad Eaton</b> <a href="mailto:eaton.brad@epa.gov">eaton.brad@epa.gov</a>	<b>IA, KS, MO, NE</b>	11201 Renner Blvd Lenexa, KS 66219 <b>Phone</b> (913) 551-7265
<b>EPA Region 8</b> <b>Ted Lanzano</b> <a href="mailto:lanzano.ted@epa.gov">lanzano.ted@epa.gov</a>	<b>CO, MT, ND, SD, UT, WY</b>	1595 Wynkoop Street (EPR-B) Denver, CO 80202-1129 <b>Phone</b> (303) 312-6596
<b>EPA Region 9</b> <b>Noemi Emeric-Ford</b> <a href="mailto:meric-ford.noemi@epa.gov">meric-ford.noemi@epa.gov</a>	<b>AZ, CA, HI, NV, AS, GU</b>	75 Hawthorne Street, SFD- 6-1 San Francisco, CA 94105 <b>Phone</b> (213) 244-1821
<b>EPA Region 10</b> <b>Susan Morales</b> <a href="mailto:morales.Susan@epa.gov">morales.Susan@epa.gov</a>	<b>AK, ID, OR, WA</b>	1200 Sixth Avenue, Suite 900 Mailstop: ECL-112 Seattle, WA 98101 <b>Phone</b> (206) 553-7299

### **Section 8 – Other Information**

1. Applicants should review the Frequently Asked Questions (FAQs) which can be found at <http://www.epa.gov/brownfields/apply-brownfields-grant-funding>.
2. Prior to naming a “partner” organization, contractor (including individual consultants) or subawardee in your proposal, please carefully review the “Additional Provisions for Applicants Incorporated into this Solicitation” at <http://www2.epa.gov/grants/epa-solicitation-clauses> and the FAQs.
3. For additional information on how to apply for, manage, and complete an EPA grant, please visit <http://www.epa.gov/grants>.

## Appendix 1: Threshold Criteria Worksheet Example

Applicants may use this example as a guide to organize and submit information required by the EPA for seven threshold criteria described in Section 3.C. Applicants must meet all seven threshold criteria and other standards in Sections 3.C and 4 in order for their proposal to be further considered for evaluation. Applicants must carefully review Section 3.C. for additional information regarding the threshold criteria.

If an applicant chooses to follow this example worksheet, the applicant should fill in the information as requested, identify it as the “Threshold Criteria Worksheet” and submit it as an attachment separate from the narrative proposal with the grant proposal package.

If this Threshold Criteria Worksheet example is not used, an applicant should still submit responses to the threshold criteria as an attachment that is separate from the narrative proposal when submitting the grant proposal package.

Applicants should ensure the threshold criteria worksheet/document includes responses to all six threshold criteria. If a threshold criterion is not applicable, applicants should state the threshold criterion number and “NA.”

Additional threshold criteria documentation should be submitted per Section 3.C. and Section 4. An applicant who chooses to submit a Threshold Criteria Worksheet or separate document with responses to threshold criteria must include information only as needed to demonstrate compliance with each threshold criterion; any additional information will not be considered when evaluating proposals.

### *(Example)* **Threshold Criteria Worksheet**

Name of Applicant: \_\_\_\_\_

**1. Applicant eligibility:** Describe how you are an eligible applicant as specified in Section 3.A., Who Can Apply?

*If applicable, attach the following documentation separately:*

- Attach documentation of eligibility if your organization is not a city, county, state or tribe. Documentation includes resolutions, statutes, non-profit status, etc. If applicant is a nonprofit, provide evidence of current nonprofit status under federal, state, or tribal law at the time the proposal is submitted.
- State applicants must clearly demonstrate that they are applying on behalf of a local community and will serve in a fiscal and administrative capacity on behalf of that community. Attach a memorandum of understanding or other document which demonstrates the relationship between the state applicant and local community, and explains how the local community will lead the BF AWP process.

**2. Specific and eligible BF AWP project area:**

- a. In the space below, provide the geographic boundaries (street names, natural and/or constructed boundaries, such as a river or a railroad) and approximate acreage of your BF AWP project area.
- b. In the space below, provide a printed map (no bigger than a standard letter-sized page), with clear scale and street-level detail, which precisely delineates your project area boundaries within the context of the city or larger community. *If possible indicate the location of the catalyst, high priority brownfield site(s) on this map.*

**3. Identify one catalyst, high priority brownfield site within the BF AWP project area around which this project will focus:**

In the space below, provide the following information for items a-c (and d-e, if applicable) for one catalyst, high priority brownfield site.

*Remember: A catalyst, high priority brownfield site is a site which, once remediated and reused, has the potential to spur additional revitalization within the BF AWP project area. This site must be a site around which your BF AWP project will focus, and it must meet the definition of a “brownfield site” per CERCLA § 101(39). The catalyst, high priority brownfield site identified for this threshold criterion must also be listed and described as per the evaluation criteria (see Section 5.A.2., BF AWP Project Description).*

- a. **Basic brownfields site information:** Provide the name of the brownfields site, address of the site (including zip code), and approximate acreage of the site.
- b. **Affirm that the site is NOT any of the following:** listed or proposed for listing on the National Priorities List; subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and subject to the jurisdiction, custody, or control of the U.S. government.
- c. **Type of contamination (or potential contamination) at the site:** State whether the site is contaminated or potentially contaminated by petroleum or hazardous substances.
  - i. If comingled, state the predominant contaminant.
  - ii. If petroleum is the predominant contaminant or potential contaminant, include the following information on petroleum site eligibility in d. below.
- d. **If applicable, provide information as needed to demonstrate petroleum site eligibility.** Provide the date of the request the applicant made to the state to make the petroleum site eligibility determination. If the state made the determination and the applicant has a letter from the state, respond to item ii. below. If the applicant does not have a letter from the state, respond to item iii-iv. below. Items i - iv, apply only to sites where the predominant contaminant is or may be petroleum.



- i. Date petroleum site eligibility determination request was sent to the applicant's state:  

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- ii. Attach the letter from the state which demonstrates brownfields site eligibility that meets specific criteria:
  - the site must be of “relatively low risk,”
  - there can be no viable responsible party,
  - the site will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site, and
  - the site must not be subject to an order under RCRA § 9003(h).

Be sure the letter from the state includes information regarding whether it applied EPA's guidelines in making the petroleum site determination, or if not, what standard it applied.

*If the applicant does not have a letter from the state, address iii. and iv. below*

- iii. Attach a copy of the request the applicant sent to the state to demonstrate that the state did not or was unable to make the determination before the proposal due date.
- iv. Include the following information in the threshold criteria response (this information is needed to demonstrate compliance with the criteria for the site contaminated by petroleum):
  - 1) Current and Immediate Past Owners. Identify the current and immediate past owner of the site.
  - 2) Acquisition of Site. Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).
  - 3) No Responsible Party for the Site. Identify whether the current and immediate past owner (which includes, if applicable, the applicant)
    - a. dispensed or disposed of petroleum or petroleum product contamination, or exacerbated the existing petroleum contamination at the site;
    - b. owned the site when any dispensing or disposal of petroleum (by others) took place; and
    - c. took reasonable steps with regard to the contamination at the site.
  - 4) Cleaned Up by a Person Not Potentially Liable. Identify whether you (the applicant) dispensed or disposed of petroleum or petroleum product, or exacerbated the existing petroleum contamination at the site, and whether you took reasonable steps with regard to the contamination at the site.

- 5) Relatively Low Risk. Identify whether the site is of “relatively low risk” compared to other petroleum or petroleum product-only contaminated sites in the state in which the site is located, including whether the site is receiving or using Leaking Underground Storage Tank (LUST) trust fund monies.
- 6) Judgments, Orders, or Third Party Suits. Provide information that no responsible party (including the applicant) is identified for the site through, either:
  - a. A judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site; or
  - b. An enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site; or
  - c. A citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site.
- 7) Subject to RCRA. Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act.
- 8) Financial Viability of Responsible Parties. For any current or immediate past owners identified as responsible for the contamination at the site, provide information regarding whether they have the financial capability to satisfy their obligations under federal or state law to assess, investigate, or clean up the site. Note: If no responsible party is identified in 3) or 6) 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 may not be eligible for funding.

- e. **If applicable, provide the date of the EPA’s prior determination** that the site meets the definition of “brownfield site” for purpose of a prior brownfield grant per CERCLA § 101(39): \_\_\_\_\_. Also affirm that there are no changes at the site regarding the site-specific criteria (as outlined in a-d above).

*Please respond with “not applicable” if EPA has not made a prior determination that this site meets the definition of a brownfields site, or if there have been changes at the site regarding the site-specific criteria (a-d above).*

4. **Ineligible activities**: Verify whether the proposal contains any tasks or activities that are ineligible for funding per Section 1. The applicant must ensure that the tasks and activities proposed for the project are eligible. Ineligible tasks and activities will not be considered for funding, which may affect evaluation of your proposal and the overall ability of your proposal to be funded.

If an applicant's proposal does not contain any tasks or activities that are ineligible for funding, the applicant may state "NA" for this criterion.

5. **Letter of commitment to the project:** Attach to the grant proposal at least one letter of commitment to the project, as specified in threshold criterion 5 (see Section 3.C.). State the name and the type of organization who provided the letter of commitment which meets this threshold requirement.
  
6. **Substantial compliance with proposal submission instructions and requirements:** Verify that the proposal substantially conforms to the instructions, requirements, outline and content detailed in this RFP.
  
7. **Submit proposal as stated in Section 4 of this RFP.**

**Appendix 2: Other Factors Checklist**

Name of Applicant: \_\_\_\_\_

Please identify with an **X** any of the items below which may apply to the applicant’s BF AWP project area as described in your proposal. To be considered for an Other Factor, include the page number where each applicable factor is discussed in your proposal. EPA may verify these disclosures and supporting information prior to selection and may consider this information during the evaluation process. Attach documentation to the proposal as applicable. If this information is not clearly discussed in the narrative proposal or in any of the attachments, it will not be considered in the grant selection process.

<b>X</b>	<b>Other Factor</b>	<b>Page #</b>
	<i>None of the Other Factors are applicable.</i>	
	BF AWP project is in an urban area (city population is 100,000 or more).	
	BF AWP project is in a rural area (city/town/village/unincorporated area/etc. population is 20,000 or less and is not located in a Metropolitan Statistical Area).	
	BF AWP project is in a micro community (city/town/village/unincorporated area/etc. population of 10,000 or less).	
	Applicant is or is applying on behalf of a federally recognized Indian Tribe or an entity from a United States Territory.	
	Applicant is a POWER+ community who is proposing a BF AWP project area with one or more eligible catalyst, high priority brownfield site(s) and a recently closed (2008 or later) or closing power plant.	
	Applicant’s catalyst, high priority brownfield site(s) is (are) tied to recent (2008 or later) natural disaster(s) within the BF AWP project area.	
	Applicant’s catalyst, high priority brownfield site(s) is (are) tied to a recent (2008 or later) manufacturing industry plant closure within the BF AWP project area.	
	Applicant’s catalyst, high priority brownfield site(s) are tied to a recent (2008 or later) significant economic disruption, <u>unrelated</u> to a natural disaster, manufacturing industry plant closure or closing/closed power plant, within the BF AWP project area, resulting in a significant percentage loss of community jobs and tax base.	
	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 BF AWP project area, and can demonstrate that funding from a PSC grant/technical assistance has or will benefit the BF AWP 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. <i>Attach documentation of PSC recipient or core partner status.</i>	

	<p>Applicant’s BF AWP project area is directly tied to EPA’s Making a Visible Difference (MVD) initiative, and the applicant can demonstrate that funding/technical assistance/other resources from the MVD initiative has or will benefit the BF AWP project area. Applicant must clearly demonstrate there is a nexus between their MVD status and the proposed brownfields activities.</p>	
	<p>Applicant is a recipient of an EPA Urban Water grant and can demonstrate that that funding/technical assistance/other resources from the Urban Waters grant has or will benefit the BF AWP project area. Applicant must clearly demonstrate there is a nexus between their Urban Waters efforts and the proposed brownfields activities.</p>	
	<p>Applicant is designated as a HUD Promise Zones community, and can demonstrate that funding/technical assistance/other resources from the Promise Zones designation has or will benefit the BF AWP project area. Applicant must clearly demonstrate there is a nexus between their Promise Zones designation and the proposed brownfields activities. <i>Attach documentation of HUD Promise Zone community status.</i></p>	
	<p>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:</p> <ul style="list-style-type: none"> <li>• Applicant must clearly demonstrate in the proposal that there is a nexus between their IMCP designation and the proposed BF AWP project.</li> <li>• Attach documentation which demonstrates 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. A core partner/implementation strategy party is a local partner organization/jurisdiction that will carry out the proposed strategy, as demonstrated in letters of commitment or memoranda of understanding which documents their contributions, roles, and responsibilities to the partnership. EDA may provide to EPA a list of the core partners/implementation strategy parties for each of the 24 “manufacturing community” designees, which EPA would use to verify this other factor.</li> </ul>	

## **Appendix 3: Information on Sites Eligible for Brownfields Funding under CERCLA §104(k) (for the purposes of the FY17 BF AWP Program)**

### **1.1 Introduction**

The information provided in this Appendix will be used by the EPA in determining the eligibility of a property for brownfields grant funding under the FY17 BF AWP Program. The Agency is providing this information to assist you in developing your proposals for funding under CERCLA §104(k)(6) and to apprise you of information that the EPA will use in determining the eligibility of a property for brownfields grant funding.

**This information is used by the EPA solely to make applicant and site eligibility determinations for this BF AWP grant and is not legally binding for other purposes including federal, state, or tribal enforcement actions.**

Determinations made for this BF AWP Program regarding meeting the definition of CERCLA § 101(39) does not equal a determination that the identified brownfield site would be eligible for site-specific grant funding (i.e. EPA Brownfields Assessment, Cleanup or Revolving Loan Fund Grant funding) which requires a more robust eligibility determination.

### **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.

To be eligible for a BF AWP grant, at least one catalyst, high priority brownfield site in the project area must meet the definition of a “brownfield site” per CERCLA § 101(39). For the purposes of the BF AWP grant program, EPA defines a catalyst, high priority brownfield site as a brownfields site which, once remediated and reused, has the potential to spur additional revitalization within the BF AWP project area.

The following types of properties are not eligible for brownfields funding:

- Facilities listed (or proposed for listing) on the National Priorities List (NPL);
- 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; and
- Facilities that are subject to the jurisdiction, custody, or control of the U.S. government. (Note: Land held in trust by the U.S. government for an Indian tribe is eligible for brownfields funding.) The 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 U.S. government.

Applicants should not include in their threshold criteria response or narrative proposal any site that is ineligible for brownfields funding, nor describe an ineligible site as a catalyst, high priority brownfield site.

### **1.3 Additional Areas Specifically Eligible for Funding**

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

- a. sites contaminated by controlled substances,
- b. sites contaminated by petroleum or a petroleum product, and
- c. mine-scarred lands.

#### **1.3.1 Additional Information on Sites Contaminated or Potentially Contaminated by Petroleum or a 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, the EPA or the state must determine:

1. The site is of “relatively low risk” compared with other “petroleum-only” sites in the state; and
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).

For the purposes of threshold criterion 3, an applicant that identifies a catalyst, high priority brownfield site as being predominantly contaminated, or potentially contaminated, by petroleum must provide information in their threshold criteria response indicating whether the site meets each of the criteria listed above. More information on these criteria is provided below. **The summary of information that applicants will need to include for a petroleum site is explained in 1.3.2 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 § 101(39)(D) for the purpose of this brownfields funding opportunity 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.

1. “Relatively Low Risk”

Applicants that include a catalyst, high priority brownfield site where portions of those properties are 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). The EPA’s view is that the following types of petroleum-contaminated sites are high-risk sites, or are not of “relatively low risk:”

- a. “High risk” sites currently being cleaned up using LUST trust fund monies.
- b. 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.

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

The 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 the 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 the EPA cannot award the grant. This analysis is twofold – the EPA or 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 (a) 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 (a) and (b) below.

- a. No responsible party has been identified for the site through:
  - i. 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;
  - ii. 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
  - iii. 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; and

- b. 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.<sup>14</sup>

If no responsible party is identified above, then the petroleum-contaminated site may be eligible for funding. If a responsible party is identified above, the 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 proposal 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, the EPA will follow the standard set forth in this Appendix. Note that any viability determination made by the EPA is for purposes of the CERCLA Section 104(k)(6) BF AWP grant program only.

The 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, the EPA will consider ongoing businesses or companies (corporations, LLCs, partnerships, etc.) and government entities to be viable. The EPA will generally deem a defunct or insolvent company and an individual responsible party to be not viable. The 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:

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<sup>14</sup> 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.

- a. **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.
- b. **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.
- c. **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. The EPA does not endorse the use of any specific sources, and the 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).

3. "Cleaned Up by a Person Not Potentially Liable"

Brownfields funding may be awarded for the assessment and cleanup of petroleum-contaminated sites provided:

- a. 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, and
- b. The applicant did not exacerbate the contamination at the site and took reasonable steps with regard to the contamination at the site.

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

Proposals that include requests for a BF AWP grant which includes petroleum-contaminated site(s) as catalyst, high priority site(s) must not be subject to a corrective action order under RCRA § 9003(h).

### 1.3.2 Summary of Information Required for Petroleum Site Eligibility Determination

For the purposes of threshold criterion 3, an applicant that identifies a catalyst, high priority brownfield site as being predominantly contaminated, or potentially contaminated, by petroleum

must request their state to make a petroleum site determination. EPA will make the petroleum site eligibility determination if a state is unable to do so following a timely request from the applicant. The EPA will make the determination for tribes.

If you do not attach a letter from the state with the petroleum site determination, you must demonstrate in your threshold criteria response that the catalyst, high priority site contaminated by petroleum meets the four specific criteria above. Provide the following information in your threshold criteria response:

1. Current and Immediate Past Owners. Identify the current and immediate past owner of the site.
2. Acquisition of Site. Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).
3. No Responsible Party for the Site. Identify whether the current and immediate past owner (which includes, if applicable, the applicant)
  - a. dispensed or disposed of petroleum or petroleum product contamination, or exacerbated the existing petroleum contamination at the site;
  - b. owned the site when any dispensing or disposal of petroleum (by others) took place; and
  - c. took reasonable steps with regard to the contamination at the site.
4. Cleaned Up by a Person Not Potentially Liable. Identify whether you (the applicant) dispensed or disposed of petroleum or petroleum product, or exacerbated the existing petroleum contamination at the site, and whether you took reasonable steps with regard to the contamination at the site.
5. Relatively Low Risk. Identify whether the site is of “relatively low risk” compared to other petroleum or petroleum product-only contaminated sites in the state in which the site is located, including whether the site is receiving or using Leaking Underground Storage Tank (LUST) trust fund monies.
6. Judgments, Orders, or Third Party Suits. Provide information that no responsible party (including the applicant) is identified for the site through, either:
  - A judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site; or
  - An enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site; or
  - A citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site.
7. Subject to RCRA. Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act.

8. Financial Viability of Responsible Parties. For any current or immediate past owners identified as responsible for the contamination at the site, provide information regarding whether they have the financial capability to satisfy their obligations under federal or state law to assess, investigate, or clean up the site. **Note:** If no responsible party is identified in 3) or 6) 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 may not be eligible for funding.**