Fiscal Year 2022 Frequently Asked Questions for Brownfields Multipurpose, Assessment, RLF, and Cleanup (MARC) Grants (as of 10/28/21)

EPA prepared these Frequently Asked Questions (FAQs) and answers to assist prospective applicants with preparing Brownfields Multipurpose, Assessment, Revolving Loan Fund (RLF), and Cleanup Grant applications. Please review the Fiscal Year 2022 (FY22) Guidelines (also referred to as Request for Applications (RFAs)) when preparing your application.

Current Brownfields Grant recipients may also benefit from FAQs that are related to general program policies and are not specific to the FY22 grant competitions. Recipients should note, however, that their cooperative agreement Terms and Conditions and the FAQs issued for the fiscal year they applied for Brownfields Grant funding supersede the FY22 FAQs in the event of a conflict.

If the information in the FAQs differs from information in the statute, regulation, or the Guidelines, then the statute, regulation, or the Guidelines will take precedence. The FAQs will be updated periodically as we continue to receive questions.

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C. GENERAL INFORMATION

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C.10. How do I find a census tract number?
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I.6. What information must I include if a site proposed for funding requires a property-specific determination?
I.7. What happens if I accidentally include an ineligible site in my application or I didn't realize I needed a property-specific determination?

J. ASSESSMENT GRANTS

J.1. What are examples of eligible tasks and activities under Assessment Grants?

J.2. If I am requesting a Site-Specific Assessment Grant waiver for $350,000, what must I include in my application to EPA? What criteria does EPA use to evaluate Site-specific Assessment Grant waiver requests?

J.3. I have identified a site for assessment in our Site-specific Assessment Grant application. What sort of information should I have available when I ask EPA to determine its eligibility for funding?

J.4. Do assessment activities include the production of reports including Phase I, Phase II, and the trenching, boring, and testing?

J.5. Does redevelopment planning include obtaining a brownfields covenant not to sue, a feasibility study to use for community involvement, and the legal and project manager costs of rezoning if needed?

ASSESSMENT COALITIONS

J.6. What are Assessment Coalitions and what requirements must an Assessment Coalition meet?

J.7. What does the Assessment Coalition Memorandum of Agreement (MOA) contain? How do I obtain a copy of a sample MOA?

J.8. Can the lead Assessment Coalition member be replaced with another eligible entity after the application is submitted?

J.9. If I am the lead member of an active Assessment Coalition Grant, am I eligible to apply for an Assessment Grant?

J.10. If I am a non-lead member of an active Assessment Coalition Grant (i.e., but not the direct recipient of the cooperative agreement), am I eligible to apply for an Assessment Grant?

J.11. Can a city and a redevelopment agency from the same city be coalition members even though they are from the same city?

J.12. Can two separate state agencies be members of the same Assessment Coalition?

J.13. Can two separate parts of a city or county government be Assessment Coalition members? For example, can the City Parks and Recreation and the City Economic Development Agency come in with another eligible entity as a coalition for an Assessment Grant?

J.14. If a Council of Government (COG) is applying for an Assessment Coalition Grant, can the cities/towns that are part of the COG's geographic service area but not part of the COG's coalition apply separately for their own Assessment Coalition Grant?

COMMUNITY-WIDE ASSESSMENT GRANTS FOR STATES AND TRIBES

J.15. Applicants are requested to highlight at least five sites that are a priority, including at least one site in each target area. Does that mean two of the priority sites can be located outside of the identified target areas?

J.16. What information should be provided if the state (including the District of Columbia and U.S. Territories) does not have metropolitan statistical areas or only has metropolitan statistical areas?

K. REVOLVING LOAN FUND GRANTS

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K.3 As an RLF Grant recipient, can I issue intra-governmental loans?

K.4. As an RLF Grant recipient, can I issue intra-governmental cleanup subgrants?

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L.4. If EPA grant funds have been expended at a site under a Cleanup Grant, can additional brownfields funding be provided for additional cleanup work at the same site from a source other than another Cleanup Grant?
L.5. Can I apply for a Cleanup Grant for a site that received an RLF subgrant or loan?
L.6. Can I apply for a Cleanup Grant for a site that received CERCLA § 128(a) Grant funds?
L.7. How many sites can be submitted in a Cleanup Grant application?
L.8. If my Cleanup Grant application includes more than one brownfield site, must the sites be contiguous, adjacent, or part of the same redevelopment project?
L.9. What happens if one or more of the sites proposed is determined to be ineligible for funding?
L.10. If my Cleanup Grant application includes more than one brownfield site, how should I demonstrate the project budget for each site?
L.11. Do tribes "own" tribal trust lands for purposes of Brownfields Cleanup Grants and RLF remediation subgrants?
L.12. How does EPA define "other ownership arrangements" for purposes of Cleanup Grants?
L.13. How do Cleanup Grant applicants comply with the Community Notification threshold criterion?
L.14. Are the costs of Community Notification allowable under Cleanup Grants?
L.15. What does EPA mean by an "equivalent" Phase II report in the Cleanup Grant application requirements? If my site is a mining site does the Phase II report requirement still apply?
L.16. What is an Analysis of Brownfields Cleanup Alternatives (ABCA)? What should my ABCA contain to meet Cleanup Grant threshold requirements?
L.17. How do I demonstrate that I considered potential adverse impacts caused by extreme weather events in the draft Analysis of Brownfields Cleanup Alternatives (ABCA)?

M. MULTIPURPOSE GRANTS
M.1. How is a Multipurpose Grant different from an Assessment or Cleanup Grant?
M.2. If a site meets the definition of a brownfield, can I use Multipurpose Grant funding on it?
M.3. How can Multipurpose Grant funds be used?
M.4. What is considered "site-specific work"?
M.5. What eligible activities are not considered "site-specific work"?
M.6. What is considered an overall plan for revitalization?
M.7. What is a site reuse strategy?

N. COST SHARE
N.1. What happens if I include a voluntary cost share in the application?

N.2. Can the Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) funds be used as a cost share on a Brownfields Multipurpose, Cleanup, or RLF Grant?

N.3. How does EPA enforce the requirement for cost sharing for the Multipurpose, Cleanup, and RLF Grants?

N.4. How do I meet the cost share requirement if I'm addressing multiple sites in the same application?

N.5. Can activities conducted/resources secured before the recipient was notified by EPA of selection for a Brownfield grant count toward the cost share?

N.6. Can an institution use unrecovered Facilities & Administration costs to meet the cost share requirement?

O. ADMINISTRATIVE COSTS

O.1. How much of the grant funds can be used for administrative costs?

O.2. Does the term "administrative cost" include both direct and indirect costs?

O.3. My organization has a federally negotiated rate. Can we charge the Brownfields Grant for indirect costs?

O.4. Does the limit on administrative costs for Brownfield Grants conflict with the requirement in 2 CFR § 200.414(c) for EPA to accept recipients' negotiated indirect cost rate?

O.5. What is the difference between a direct administrative cost and a programmatic cost?

O.6. What are examples of eligible direct administrative costs?

O.7. What are examples of allowable programmatic costs that are not subject to the 5% administrative cap?

O.8. Can I meet the required statutory cost share with administrative costs?

O.9. Are Management Fees allowable under Brownfield Grants?

O.10. If I am a successful applicant and I properly contract with an environmental services contractor to perform services within the scope of the grant (such as investigation of the contamination, or performance of a response action) on a cost reimbursement basis, can I charge the grant to reimburse the contractor at its full indirect cost rate?

P. APPLICATION PREPARATION COSTS

P.1. If I am a successful applicant, can I charge the grant to prepare the required workplan?

P.2. If I am a successful applicant, will EPA reimburse me directly for the costs of paying a consultant to prepare my application that I submitted under the Brownfields Grant competition?

P.3. Can a current recipient charge the grant to write/prepare an application for another Brownfields Grant that the recipient itself is seeking?

P.4. Can a state or tribe use LUST Trust Fund money from a RCRA § 9003(h) cooperative agreement to pay for its preparation of its own Brownfields petroleum grant proposal under the CERCLA § 104(k)?

Q. ALL APPROPRIATE INQUIRIES

Q.1. What is "All Appropriate Inquiries" (AAI) and who conducts "All Appropriate Inquiries"?

Q.2. What are the federal standards for conducting "All Appropriate Inquiries?"

Q.3. What are the statutory criteria for conducting "All Appropriate Inquiries"?

Q.4. How do I demonstrate "All Appropriate Inquiries" was conducted?

R. PETROLEUM BROWNFIELD SITES

R.1. What statutory determinations must my state (or EPA) make to assure that petroleum-contaminated sites (or portions of properties contaminated with petroleum) are eligible for brownfields funding?
R.2. What information must I provide to a state or EPA so that my petroleum contaminated site is eligible for grant funding?
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R.4. If a site is contaminated with petroleum, diesel, and lead from gasoline, can funding address all three contaminants?
R.5. Can tanks be pulled under a Brownfields Assessment Grant?
R.6. What happens if I want to clean up my petroleum brownfield site to a higher cleanup standard than required under state law or regulation, but a responsible party exists that is required to clean up the site to meet the standard in the state law or regulation?
R.7. Can a state or tribe use LUST Trust Fund money as a direct cost under its RCRA § 9003(h) grant to pay for providing advice, technical assistance, or (in the case of states) making determinations related to another eligible entity or nonprofit organization's Brownfields Grant application?

S. BROWNFIELDS AND PUBLIC HEALTH, FLOOD EVENTS

S.1. For purposes of the grant solicitations that seek to advance environmental justice principles, what are disproportionate and adverse impacts?
S.2. Our community is concerned about health problems that may be related to brownfield sites. How do we apply for funds to conduct health monitoring at our brownfield sites?
S.3. What is a "risk" and what is a "stressor"?
S.4. What is a sensitive population?
S.5. What is a flood zone?
S.6. How can I find out if my community is in a flood zone?
S.7. What types of revitalization are possible in a flood zone?

T. BENEFITS of BROWNFIELDS PROJECTS

T1. What are some of the benefits associated with assessing and cleaning up a brownfield site?
T.2. What are examples of activities and EPA initiatives that support the sustainable reuse of brownfield sites?
T.3. How can I successfully engage with local environmental job training programs?
T.4. What are some examples of sustainable and equitable development outcomes that communities can consider as part of the Brownfield Grants?

APPENDIX

1. Additional guidance – How can I find a census tract number for my target area?
2. Additional guidance – How can I find and use EJSCREEN data in my Brownfields Grant application?

Brownfields Grant Guidelines
Frequently Asked Questions (FAQs)

A. CHANGES TO THE GUIDELINES

A.1. What changes are being implemented in the FY22 Multipurpose, Assessment, Revolving Loan Fund, and Cleanup (MARC) Grant competition season?

EPA has made several revisions to the MARC Guidelines since the last competition. A more detailed description of the changes is outlined in the *Summary of FY22 Brownfields Multipurpose, Assessment, and Cleanup Guideline Changes* and reflected in each solicitation.

a. General changes implemented in the FY22 grant competition are as follows:

1) *Multipurpose Grant Recipients*: Entities that were previously awarded a Brownfields Multipurpose Grant may apply for an FY22 Assessment Grant, RLF Grant, or Cleanup Grant if at least 70.00% of the funds for cooperative agreement funds have been expended (also known as 'drawn down') and disbursed by October 1, 2021.

2) *New threshold Criterion on Named Contractors and Subrecipients:*
EPA does not require or encourage applicants to name procurement contractors (including consultants) or subrecipients (such as units of government or nonprofit organizations but not-for-profit firms) in applications for brownfields cooperative agreements. However, if an applicant chooses to identify a procurement contractor(s) or subrecipient(s) to conduct work proposed in its application, the applicant must comply with the requirements outlined in the threshold criterion even if the entity is referred to as a "partner" in the application. Failure to demonstrate that a procurement contractor was selected in compliance with applicable competition requirements or that a subrecipient is eligible for a subaward will result in rejection of the application.

   Copies of applications may be made publicly available on the Office of Brownfields and Land Revitalization's website or another public website for a period of time after the selected applications are announced. EPA recommends that applications not include trade secrets or commercial or financial information that is confidential or privileged, or sensitive information, if disclosed, that would invade another individual's personal privacy (e.g., an individual's salary, personal email addresses, etc.). However, if Confidential Business Information (CBI) is included, it will be treated in accordance with 40 CFR 2.203. Applicants must clearly indicate which portion(s) of their application they are claiming as CBI. EPA will evaluate such claims in accordance with 40 CFR Part 2. If no claim of confidentiality is made, EPA is not required to make the inquiry to the applicant otherwise required by 40 CFR 2.204(c)(2) prior to disclosure.

b. Changes specific to the Multipurpose Grant Guidelines are as follows:

1) *Available funding*: A solicitation for new Multipurpose Grants will not be issued in FY22. EPA expects to issue the next solicitation for Multipurpose Grants in FY23.

c. Changes specific to the Assessment Grant Guidelines are as follows:

1) *Available funding*:
   - Community-wide Assessment Grants: The amount of funding available for each grant is increased from $300,000 to $500,000.
   - Community-wide Assessment Grants for States and Tribes: EPA is offering a new grant type under the Assessment Grants.
     - This funding is only available to:
       - State.
       - Indian tribe other than in Alaska and Intertribal Consortia, comprised of eligible Indian tribes.
       - Alaska Native Regional Corporations and Alaska Native Village Corporations, as those terms are defined in the Alaska Native Claims Settlement Act, and the Metlakatla Indian community are eligible.
     - The amount of funding available for each grant is up to $2,00,000 and EPA plans to select approximately 9 applications for funding.
     - The period of performance is 5 years.
     - The narrative page limit is 12 pages.

   Note, a solicitation for new Assessment Coalition Grants will not be issued in FY22.

d. Changes specific to the Cleanup Grant Guidelines are as follows:

1) *Available funding*: Entities applying for FY22 Cleanup Grant funding are not eligible to apply for FY22 RLF Grant funding.

2) *Waiver of the $500,000 Funding Limit*: Applicants that plan to only address one brownfield site in their application may request a waiver of the $500,000 limit and request up to $650,000 based on the anticipated level of contamination, size, and other considerations outlined in Section III.B.15. of the Cleanup Grant guidelines. Applicants requesting a waiver must attach a justification for the waiver request, up to two pages. EPA will consider requests on a case-by-case basis and intends to approve such requests on an **extremely limited basis**.

e. Changes specific to the RLF Grant Guidelines are as follows:

1) *Available funding*: Entities applying for FY22 RLF Grant funding are not eligible to apply for FY22 Cleanup Grant funding.

2) *New Threshold Criterion:* "Entities with an open cooperative agreement for a Brownfields RLF are not eligible to apply for funding under this solicitation. If the applicant has previously been either a recipient of a Brownfields RLF cooperative agreement or a non-recipient member of a coalition that obtained RLF funding, provide the grant number and closeout date for the RLF cooperative agreement(s).

Alternatively, affirm that the applicant has not had, or been a part of, a cooperative agreement for a Brownfields RLF in the past."

B. INFORMATION ON SUBMITTING THE APPLICATION

B.1. What is the deadline for submitting an application for the FY22 Multipurpose, Assessment, and Cleanup (MAC) Grant Competition?

Applications are due December 1, 2021. **Applications received after 11:59 p.m. Eastern Time on December 1, 2021, will not be considered for funding**.

B.2. How do I submit my application?

Applications must be submitted electronically through www.grants.gov by the organization's Authorized Organization Representative (AOR) and be successfully received by 11:59 p.m. Eastern Time on December 1, 2021. This is the only method EPA will accept applications; unless the applicant has an approved waiver to submit the application by mail under the Limited Exception Procedure policy (outlined in Appendix 1 of the Guidelines).

Occasionally, technical and other issues arise when using www.grants.gov. EPA encourages applicants to submit their application early. Refer to Appendix 1 in the Guidelines for specific instructions on the use of www.grants.gov and guidance on how to navigate common difficulties experienced when transmitting the application(s) through www.grants.gov.

B.3. How do I submit an application if I have limited access to the Internet?

As stated in Appendix 1 of the Guidelines, an applicant may request to submit a hardcopy of the application if the applicant lacks the technical capability to apply electronically through www.grants.gov because of limited Internet access or no Internet access which prevents them from being able to upload the required application materials through www.grants.gov. The applicant must follow the procedures outlined at www.epa.gov/grants/exceptions-grantsgov-submission-requirement. Please note that your request must be received at least 15 calendar days before the application due date to allow enough time to negotiate alternative submission methods.

B.4. Are there flexibilities available to organizations impacted by COVID-19 when submitting the application?

Every effort must be made to complete the registration process in order to apply through www.grants.gov. However, if you are experiencing technical difficulties in applying through www.grants.gov because of operational or other issues related to COVID-19, you may request to submit the application by email. See EPA's Solicitation Clauses for examples for when flexibilities can be offered to organizations impacted by COVID-19.

Email your request to Jerry Minor-Gordon (minor-gordon.jerry@epa.gov) by December 1, 2021, at 11:59 PM ET. Your request must include:

- an explanation of the COVID-19 related issue you are experiencing;
- the specific reason you are unable to submit the application through www.grants.gov; and
- **the complete application**.

Requests will be reviewed on a case-by-case basis. There is no guarantee EPA will accept the submission outside of www.grants.gov. **Requests received after December 1, 2021, at 11:59 PM ET will not be reviewed or considered.**

Note, selected applicants must have an active sam.gov account for EPA to issue an award.

B.5. How should I upload the Narrative Information Sheet, the Narrative, and associated attachments in www.grants.gov?

EPA recommends combining the Narrative Information Sheet, the Narrative, and associated attachments into a single file and uploading the single file to the "Project Narrative Attachment Form". This ensures that EPA receives your entire submission and the submission is in the order that you intended.

B.6. How do I know if my grant application was received by the deadline?

If submitted successfully, the Authorized Organization Representative (AOR) will receive a ***Submission Receipt*** email confirming the application package was initially received. You can track the status of your application package anytime by using the link provided at the bottom of the email.

Next, www.grants.gov will process the application package to ensure it is error-free. If the application package passes this step, the AOR will receive a ***Submission Validation Receipt for Application*** email. Alternatively, if the application package has an error, the AOR will receive an email indicating the application package was "rejected with errors" and what the error is. This gives you the opportunity to resolve the error and for the AOR to re-submit the application package before the submission deadline.

If you did not receive a confirmation email, need assistance with submitting your application package, or have questions, contact the www.grants.gov Help Desk at 1-800-518-4726 or support@grants.gov. The Help Desk is open 24 hours a day, 7 days a week; closed on federal holidays.

For more information on how to submit an application, see Section IV. *Application Submission Information* and *Appendix 1 www.grants.gov Application Submission Instructions* in the Guidelines, and the *Tips of Summiting Applications Through www.grants.gov* at https://www.epa.gov/brownfields/multipurpose-assessment-rlf-and-cleanup-marc-grant-application-resources.

Additionally, the www.grants.gov website has training documents and videos to assist applicants at www.grants.gov/web/grants/applicants/applicant-training.html.

B.7. My organization is registered in www.sam.gov. Should I check to make sure the account is active?

Yes! You can only successfully submit an application package if your organization has an active account in www.sam.gov. The registration must be renewed annually by the E-Business Point of Contact, so make sure the account is active and will not expire before the application submission deadline.

B.8. Can I apply for grant funding if the www.sam.gov account is not active, or is in the process of being updated or re-activated?

No. Your organization must have an active account in www.sam.gov in order to apply for funding.

B.9. Can someone other than the Authorized Organization Representative submit the application package in www.grants.gov?

No. The Authorized Organization Representative, designated by the E-Business Point of Contact, must have an account in www.grants.gov, sign and submit the application package.

B.10. Why is the E-Business Point of Contact important to the application submission process?

The E-Business Point of Contact (EBiz POC) is the individual in your organization who oversees all activities within www.grants.gov and grants permissions to Authorized Organization Representatives (AOR).

If your organization is already registered in www.sam.gov, take note of who is listed as the EBiz POC. If you're not registered yet, it is the EBiz POC within your organization who must register your organization with www.sam.gov.

The EBiz POC is issued a Marketing Personal Identification Number (MPIN) by www.sam.gov, which gives the EBiz POC the authority to designate a person(s) in your organization that can submit applications through www.grants.gov (i.e., the Authorized Organization Representative).

The EBiz POC is also responsible for approving role requests in www.grants.gov. Upon creating an account in www.grants.gov, the AOR role request is automatically sent to your organization's EBiz POC for approval.

Note: There can only be one EBiz POC per DUNS number.

B.11. My organization has several departments and corresponding DUNS numbers. Can I use a different department's DUNS number to submit the application package?

No. You must use the DUNS number assigned to the department that is submitting the application package. Additionally, this DUNS number must correspond to the DUNS number in www.sam.gov.

B.12. Can I use another organization's DUNS number to submit the application package?

No. You must use the DUNS number assigned to the organization that is submitting the application package. Additionally, this DUNS number must correspond to the DUNS number in www.sam.gov.

B.13. Per the "Application for Federal Assistance" (SF-424), what is the "Catalog of Federal Domestic Assistance Number" and the "CFDA Title"?

The "Catalog of Federal Domestic Assistance (CFDA) Number" is 66.818 and the "CFDA Title" is Brownfields Multipurpose, Assessment, Revolving Loan Fund, and Cleanup Cooperative Agreements.

B.14. How should I respond to Question 9 on the "Application for Federal Assistance" (SF-424) if the nonprofit organization previously applied for and was awarded an Assessment Grant under the 'regional organization' category.

Prior to the enactment of the 2018 BUILD Act, nonprofit organizations were ineligible to receive Assessment Grant or RLF Grant funds. Therefore, eligible regional organizations (such as Councils of Governments) that are technically nonprofit organizations were required to select an eligible *Type of Applicant* category on the SF-424. If the regional organization applies for additional funding, it must select the same *Type of Applicant* category that it was previously awarded under.

B.15. How should I respond to Question 19 on the SF-424 "Application for Federal Assistance"?

Question 19 on the SF-424 references Executive Order (E.O.)12372, Intergovernmental Review of Federal Programs. Applicants must choose one of three options:

a. *This application was made available to the State under the Executive Order 12372 Process for review on (enter date).*
b. *Program is subject to E.O. 12372 but has not been selected by the State for review.*
c. *Program is not covered by E.O. 12372.*

Applicants must answer Question 19 in order to complete the SF-424 and submit the application package. **All applicants should select option b.** at the time of application submission.

Pursuant to E.O. 12372, *Intergovernmental Review of Federal Programs* and EPA implementing regulations at 40 CFR Part 29, applicants selected for grant funding that are located within states that have selected Brownfield Grants for Intergovernmental Review will be required to revise the SF-424 to **select option a.** and will be required to provide a copy of the application to the State Point of Contact (SPOC) for review.

At this time, only the State of California has selected EPA Brownfields Grants for SPOC review. Applications may be submitted to the California SPOC at OPR CFDA (https://cfda.opr.ca.gov/). The state of Utah's SPOC has selected grant applications from Utah state agencies for review (stategrants@utah.gov). Otherwise, applicants must provide a copy

of the application to directly affected State, areawide, regional, and local entities as required by 40 CFR 29.7(b).

C. GENERAL INFORMATION

C.1. What were the results of the FY21 Multipurpose, Assessment, and Cleanup Grant competition process?

EPA was pleased to receive 429 Multipurpose, Assessment, and Cleanup Grant applications in FY21. Continued national interest in the program resulted in a highly competitive selection process, with a total of 154 grant selections announced nationwide.

C.2. How do I get help in understanding and responding to the Guidelines?

EPA urges applicants to review the Guidelines carefully and any supplemental information on EPA's MARC Application Resources website. EPA will conduct a national webinar for all interested potential applicants to review the Guidelines. In addition, prior to the application submission deadline, EPA Regional Offices may conduct open meetings with potential applicants. Please check with your regional office for date and location information. EPA Regional Offices may host additional webinars or workshops in their region, which are also open to everyone.

EPA Regional Offices will respond to questions from individual applicants about any of the **threshold criteria**, including site eligibility and property ownership. Upon request, regional staff may review pertinent documents relating to these threshold criteria. However, in accordance with EPA's Competition Policy, EPA staff will **not** meet with individual applicants to discuss draft applications, provide informal comments on draft applications, or provide advice to applicants on how to respond to **ranking criteria**.

Applicants may contact their EPA Regional Brownfields Contact for general information or questions regarding the threshold criteria, including eligibility. Contact information for EPA Regional Brownfield Contacts can be found in Section VII. of the Guidelines.

Recipients of EPA Technical Assistance to Brownfield Communities (TAB) cooperative agreements may also provide advice to applicants. EPA has awarded TAB cooperative agreements to six groups:

- EPA Region 1 communities are served by the University of Connecticut;
- EPA Region 2 communities are served by the New Jersey Institute of Technology (NJIT);
- EPA Region 3 communities are served by the West Virginia University Research Cooperation;
- EPA Region 4 communities are served by the International City/County Management Association (ICMA);
- EPA Regions 5, 6, 7, and 8 communities are served by Kansas State University (KSU); and

- EPA Regions 9 and 10 communities are served by the Center for Creative Land Recycling (CCLR).

The TAB Grant recipients (also known as TAB providers) can provide technical assistance to communities including assistance to better understand the threshold eligibility requirements, and facilitate discussions within the community related to the application. Please note, however, that while a TAB provider is a source of technical assistance, they **will not** write an application for you. More information about the TAB providers is available at www.epa.gov/brownfields/brownfields-technical-assistance.

KSU has also developed a software tool called "TAB EZ" that can assist communities who are applying for Multipurpose, Assessment, and Cleanup Grants. TAB EZ was developed as a public service and is available free of cost to anyone nationwide. More information about TAB EZ is available at www.tabez.org/.

All applications will be reviewed and evaluated objectively against the criteria identified in the Grant Guidelines and ranked based upon their written response. **Applicants are responsible for making decisions on the content of their applications**.

C.3. What is the grant evaluation review process?

Applications initially will be reviewed by the appropriate EPA Regional Office to determine compliance with the applicable threshold criteria. The threshold criteria are pass/fail. Applicants deemed ineligible for funding consideration as a result of the threshold criteria review will be notified within 15 calendar days. All applications that pass the threshold criteria review will then be evaluated by national evaluation panels chosen for their expertise in the range of activities associated with the National Brownfields Program. The national evaluation panels will be comprised of EPA staff and potentially other federal agency representatives. National evaluation panels will base their evaluations solely on the responses to the applicable ranking criteria and will assign a total point score to each application. Funding requests for each grant type will be **evaluated and ranked separately**.

The ranked list of applications will then be referred to the Selection Official, who is responsible for further consideration of the applications and the final selection of grant recipients. Applications will be selected for award based on their evaluated point scores, the availability of funds, and consideration of, if any, other factors as listed in the Guidelines.

EPA will inform successful and unsuccessful applicants in writing. Funding will be awarded as a cooperative agreement. EPA anticipates substantial involvement with the cooperative agreement recipient. Selected applicants must submit additional required paperwork to their EPA Regional Office.

EPA reserves the right to reject any or all applications and make no awards.

C.4. What are the "Other Factors and Considerations" and how do I address these in my application? How are they used in the national evaluation?

When making the final decision on which application to select for funding, the Selection

Official may take into account one or more of the other factors and considerations specified in the Guidelines. Alternatively, the Selection Official may not take into account any of the other factors or considerations.

Applicants should identify the "Other Factors" that are relevant to their application by noting the corresponding page number Narrative Information Sheet, and by providing a summary in the application on the other factors and considerations. If none of the other factors apply, make a statement to the effect.

In addition to the Other Factors, the Selection Official may take into account other considerations, as outlined in Section V.B. of the Guidelines. EPA will use the content included in the application and/or external information to determine if the consideration applies.

C.5. Do brownfield grant applicants need to inform their state or tribal environmental authorities regarding the submission of a grant application to EPA?

Yes. Applicants (other than a state or tribal environmental authority) must provide a letter from a state or tribal environmental authority that acknowledges the applicant's planned activities in their grant application and if specific sites are identified, eligibility determination on those sites, where appropriate. Only one letter reflecting all proposed activities is needed if the applicant applies for multiple types of grants in the same competition cycle.

C.6. Does EPA require that all applicants notify the community about their intent to submit a brownfield grant application?

No. Only an entity applying for Cleanup Grant funding is required to notify the community of its intent to apply for funding, per the Community Notification threshold criterion outlined in the Guidelines. This criterion is pass/fail. If the applicant fails to conduct the appropriate notification, the remainder of the application will not be evaluated.

An entity applying for a Multipurpose Grant, Assessment Grant, or RLF Grant is not required to notify the community of its intent to submit a Brownfield Grant application but must describe community engagement plans as part of the application (outlined in the threshold criteria and ranking criteria).

Additionally, an entity that is selected for a Multipurpose Grant or RLF Grant will be required to comply with the Community Relations Plan term and condition that includes providing reasonable notice, and the opportunity for public involvement and comment on the proposed cleanup options under consideration for the site.

C.7. How do I demonstrate leveraging commitments to the proposed project?

A Cleanup Grant applicant can show leveraging by providing a copy of the notifying letter that the organization received funding and attaching the signatory letter or cover sheet of grant funding. Additionally, an applicant can provide a letter from the entity identifying committed leveraged funds to the project. Note, documentation of secured leveraging is not required when applying for Multipurpose, Assessment, or Revolving Loan Fund Grant funding.

C.8. Are community organization letters of commitment required?

No. Letters of commitment were previously required, but are not required as part of the FY22 Grant competition. However, applicants must demonstrate in the application that the target area community is meaningfully engaged in the proposed project.

C.9. If I am requesting funding to address hazardous substances and petroleum contamination in one application, how should I present the project budget?

Beginning with the FY21 grant competition, applicants are only required to present ONE budget table and do not need to distinguish between funding for hazardous substance contamination from petroleum-related contamination in the budget table.

C.10. How do I find a census tract number?

If you have an address for your proposed priority site(s), one way to find your priority site's census tract number is using the U.S. Census Bureau's Geocoder: https://geocoding.geo.census.gov/geocoder/geographies/address?form. Type in your site's street, city, state abbreviation, and zip code, and click find. To easily navigate to the census tract number, use the keyboard shortcut by pressing 'Ctrl+F' to open the search bar and type in "tract." Copy and paste your census tract number into your application Narrative Information Sheet. Repeat for additional priority sites.

If you are proposing to serve a target area beyond a single site, one way to find your target area's census tract number(s) is using EPA's Environmental Justice Screening and Mapping Tool (EJSCREEN), https://ejscreen.epa.gov/mapper/. Please see the Appendix for step-by-step guidance.

C.11. How can I find and use EJSCREEN data in my Brownfields Grant application?

EPA's EJSCREEN is an environmental justice mapping and screening tool that provides EPA with a nationally consistent dataset and approach for combining environmental and demographic indicators. EJSCREEN users choose a geographic area; the tool then provides demographic and environmental information for that area. All of the EJSCREEN indicators are publicly available data. EJSCREEN provides a way to display this information and includes a method for combining environmental and demographic indicators into EJ indexes.

The information in the Appendix explains how applicants can access reports for a geographic location or area. A video demonstration that walks through these steps is also available on EPA's Brownfields Program website. For additional information on EJSCREEN, general guidance on how to use the tool, understanding results, technical information, and more resources, visit https://www.epa.gov/ejscreen.

C.12. For the purposes of the Community Need criterion for Brownfield Grants, what are examples of health, welfare, environmental, and other demographic information I could provide about my community? Where do I find demographic information about my community?

In most cases, EPA does not require that applicants use specific types of demographic information but has provided the following weblinks as possible sources of health, welfare, socio-economic, environmental, and other demographic information that may be useful to consider in preparing your grant application. Applicants should select the type of demographic information to support their responses based on their assessment of what information will make the best case that their community needs brownfields funding – these may reflect health, safety, security (economic and non-economic), and well-being (e.g., environmental, social) concerns of a community. The below are examples only. Unless specifically specified in the guidelines, applicants may choose to provide different or additional information. The applicant is responsible for responding to the criterion and assessing the importance of types of demographic information that will best describe the specific challenges of the community being served.

Health/Welfare/Environment

- Asthma rates among children
- The incidence of illness amongst the population in the immediate vicinity of the site (including cancer, asthma, COVID-19 infections, or birth defects)
- Cancer, diabetes, obesity rates in the community
- Health care access
- Teen pregnancy rate
- Number of vulnerable inhabitants (women of child-bearing age, children, the elderly)
- Information showing that the target area is disproportionately impacted by the environmental issues of the site (e.g., sizes and numbers of brownfield sites, suspected or known level of contamination, past uses of the site, etc.)
- Crime rate
- Education levels and other education statistics (e.g., graduation rate, dropout rate)
- Lack of neighborhood upkeep
- Blight
- Illegal dumping
- Vandalism

Tools for Locating This Information for Your Community:
(While not exhaustive, many authoritative public health information sources from the Department of Health and Human Services Agencies, US EPA, US Census, and other sources are listed below.)

Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA)
Provides state profiles for medical professional shortage areas and grants for health care, datawarehouse.hrsa.gov/.

Agency for Toxic Substances and Disease Registry (ATSDR)
ATSDR has toxicity profiles, health consultations, and education tools, www.atsdr.cdc.gov/.

Centers for Disease Control and Prevention (CDC), National Center for Health Statistics (NCHS)

CDC has a National Vital Statistics System (NVSS) that includes national birth and death statistics, www.cdc.gov/nchs/nvss.htm.

A FastStats section provides summary statistics and links to state and territorial data sources on:

- Asthma, www.cdc.gov/nchs/fastats/asthma.htm
- Diabetes, www.cdc.gov/nchs/fastats/diabetes.htm
- Heart Disease, www.cdc.gov/nchs/fastats/heart-disease.htm

National Institutes of Health (NIH), National Cancer Institute (NCI)
NCI has a webpage that provides state-specific cancer statistics, cancer trends, and maps, statecancerprofiles.cancer.gov/.

NIH, National Institute of Diabetes and Digestive and Kidney Diseases
NIDDK compiles and presents national diabetes statistics on the following website, https://www.niddk.nih.gov/health-information/health-statistics.

Office of Minority Health, Department of Health and Human Services
General health and racial, and health disparities data can be found at minorityhealth.hhs.gov/.

Indian Health Service
Health Promotion Disease Prevention: www.ihs.gov/hpdp/index.cfm.

US Census Bureau, US Department of Commerce
The American Community Survey maps county-level data based on the most recent Census and American Community Survey estimates, www.census.gov/programs-surveys/acs/.

Bureau of Labor Statistics, US Department of Labor
The Department of Labor provides national, state and local unemployment and employment data, www.bls.gov/bls/unemployment.htm.

US Department of Housing and Urban Development (HUD)
HUD has grants for community-lead hazard abatement, training and to support creating healthy homes and other community programs: www.hud.gov/program_offices/healthy_homes and portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment.

US Environmental Protection Agency

- Air Quality Index, www.airnow.gov/.
- America's Children and the Environment, www.epa.gov/americaschildrenenvironment.
- Cleanups in My Community, www.epa.gov/cleanups/cleanups-my-community.
- Fish/Shellfish Consumption Advisories, www.epa.gov/fish-tech.
- My Environment, www.epa.gov/myenvironment/.
- Radon Zone Map, https://www.epa.gov/radon/epa-map-radon-zones.
- Toxic Release Inventory, www.epa.gov/toxics-release-inventory-tri-program.

- State and Territorial Environmental Agency links, www.epa.gov/home/health-and-environmental-agencies-us-states-and-territories.
- Water Resources, www.epa.gov/learn-issues/learn-about-water.
- Environmental Justice, www.epa.gov/environmentaljustice/.

Socio-Economic

- Low property values
- Low tax base for the community
- Percentage of the community unemployed/underemployed
- Percentage of the community below the poverty line
- Factors that make leveraging funds for addressing the site difficult
- Percentage of community receiving public assistance

Tools for locating this information for your community:

Fedstats
This website, https://www.data.gov/, provides links to all relevant agencies based on your search criteria, such as income, health, labor, education, and crime levels and allows you to search by state as well.

U.S. Census Bureau
U.S. Census Bureau webpage provides statistics on economics, employment, health, housing, employment, and other categories. You can search by state and find detailed reports on each state at www.census.gov.

D. CONSULTANT SERVICES

D.1. Are applicants required to procure a consultant before submitting an application?

No. Applicants are not required to procure a consultant before submitting an application. Consultants, regardless of when they are procured, must be selected in compliance with the fair and open competition requirements in 2 CFR Part 200 and 2 CFR Part 1500. EPA provides guidance on complying with the competition requirements in the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements.

D.2. What should I do when a consultant has offered to prepare our application for a Brownfields Grant?

The terms of the contract require us to hire the consultant to provide environmental services necessary to perform the grant if EPA selects the application for funding or pay the consultant a $5,000 application preparation fee if we hire a different consultant. What is EPA's view on this practice?

EPA may consider the practice to be a violation of the procurement requirements in EPA's grant regulations because it may provide the consultant who prepared the application an unfair competitive advantage. EPA's grant regulations require recipients to fully and openly compete

professional services contracts when the amount of the contract will exceed the $10,000 micro-purchase threshold or a higher threshold as authorized in 2 CFR § 200.320(a)(1). Note that as required by 2 CFR § 200.320(a)(1) recipients must distribute non-competitive micro-purchases equitably among qualified suppliers and the price must be reasonable. Recipients' practices for distributing micro-purchases are also subject to requirements in 40 CFR Part 33 for the participation of disadvantaged business enterprises in EPA financial assistance programs. Additional information regarding EPA policies on procurements under EPA financial assistance programs is available in our Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements.

As stated in the Guidelines, the fact that a consultant prepared an applicant's application for funding does not justify a sole source procurement contract with that consultant.

Environmental consulting services are widely available in the commercial marketplace. EPA would not accept a justification for a sole source contract on the grounds that your organization would be forced to pay the consultant an application preparation fee if the consultant did not receive a contract to perform environmental services under the grant.

Additionally, if your organization did conduct a competition to procure environmental services, and the consultant that prepared the application won the competition, EPA may question whether the decision to select the consultant was based on an improper factor such as the requirement to pay the consultant the $5,000 application fee otherwise. EPA would be particularly concerned if other consultants with comparable qualifications offered to provide the environmental services at lower rates than the consultant who prepared the grant application. Note, however, that EPA does not prohibit consultants who prepare grant applications from competing for contracts that will be funded under the grant as long as the competition is conducted fairly and openly. One example of an unfair competitive practice is to allow a consultant (or any other type of contractor) who drafts specifications, requirements, statements of work, or invitations for bids or requests for proposals to compete for the services or products that will be procured. This practice violates 2 CFR § 200.319(b) and may result in EPA disallowing any costs for the tainted contract that are charged to the Brownfields Grant.

Finally, as provided by 2 CFR § 200.460 application preparation fees are only allowable costs when included in the recipient's indirect cost base. These costs are not allowable as a direct cost under the Brownfield Grants.

D.3. If I name a consulting, law, or engineering firm as a "partner" in the application is it proper to award that firm a sole source contract on that basis?

No. All contracts for professional services in excess of the 2 CFR § 200.320(a)(1) micro-purchase threshold ($10,000 for most recipients) must be awarded competitively to the maximum extent practicable and in compliance with requirements to consider disadvantaged business enterprises set forth in 40 CFR Part 33. The market for consulting, legal, and engineering services is robust and it is unlikely that competition is impractical. Note that as required by 2 CFR § 200.320(a)(1) recipients must distribute non-competitive micro-purchases equitably among qualified suppliers and the price must be reasonable. Recipient practices for distributing micro-purchases are also subject to requirements in 40 CFR Part 33 for the participation of disadvantaged business enterprises in EPA financial assistance programs.

Additional information regarding EPA policies on procurements under EPA financial assistance programs is available in our Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements.

D.4. We need to hire a qualified environmental professional to conduct field work (i.e., environmental site assessments and/or site remediation). Can a consultant help with preparing the request and then submit a bid in response to the request?

No. A consultant (or any other type of contractor) shall not draft specifications, requirements, statements of work, or invitations for bids or requests for proposals and then compete for the services or products that will be procured. This practice violates 2 CFR § 200.319(b) and may result in EPA disallowing any costs for the tainted contract that are charged to the Brownfields Grant.

D.5. Can an entity issue a competitive solicitation to procure a qualified environmental professional for grant writing services as well as to implement the grant, if selected for funding?

Yes, as long as the entity complies with the federal procurement regulations. For example, a nonprofit organization or local government determines that it lacks in-house expertise to prepare a funding application and manage the project if the application is successful. The applicant asks three consulting firms for rate quotes/qualification statements to perform this work and sets a price ceiling of $250,000. It names the selected firm as a "project partner". This practice is acceptable to EPA.

* Under 2 CFR § 200.320(a)(2) recipients must obtain price or rate quotes from an ". . . adequate number of qualified sources" for contracts that do not exceed the $250,000 simplified acquisition threshold. EPA considers a competition among three consulting firms to be consistent with the regulatory standard.

* EPA will evaluate the consultant's qualifications as part of the grant application review. However, if any portion of the contract is attributable to proposal preparation costs, those costs are normally treated as indirect as provided by 2 CFR § 200.460.

E. DEFINITIONS

E.1. What is a brownfield site?

For the purposes of EPA's Brownfields Program 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." In order to be eligible for Brownfield Grant funding, the site(s) covered by your application must meet the definition of a brownfield site.

Brownfield sites also include, but are not limited to, three specific types of properties eligible for funding:

(1) sites contaminated by petroleum or a petroleum product;

(2) sites contaminated by controlled substances; and
(3) mine-scarred lands.

Some sites are excluded from the definition of a brownfield site, though many of these may be eligible if EPA makes a "property-specific determination" that allows grant funds to be used at that site. This process is explained in Section 1.5 in the *Information on Sites Eligible for Brownfields Funding Under CERCLA § 104(k)*.

E.2. How does EPA interpret the term "nonprofit organizations"?

EPA follows the definition of *Nonprofit organization* at 2 CFR § 200.1 as clarified in Question 11 of the Office of Management and Budget's July 2017 "Frequently Asked Questions on the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200". The regulation defines nonprofit organizations as any corporation, trust, association, cooperative, or other organization, not including [Institutions of Higher Education], that:

(a) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;
(b) Is not organized primarily for profit; and
(c) Uses net proceeds to maintain, improve, or expand the operations of the organization.

OMB advised in Question 11 that:
The exclusion of [Institutions of Higher Education] in the definition of "nonprofit organization" [in 2 CFR § 200.70] was not intended to limit the eligibility of IHEs for Funding Opportunities which are available to nonprofit organizations. Accordingly, the exclusion of IHEs from the definition of nonprofit organizations does not change their status as nonprofit organizations when applying for Funding Opportunities.

Consequently, nonprofit educational institutions are eligible to receive Brownfield Grants and subgrants. EPA will accept documentation from the U.S. Internal Revenue Service (e.g., 501(c)(3) tax-exempt status) or from a state or tribal government that has authority under its laws to grant nonprofit status to an organization. Note, however, nonprofit organizations that are exempt from taxation under section 501(c)(3) are eligible for a wider range of Brownfield Grants (i.e., Assessment, Multipurpose, and Revolving Loan Fund) than other nonprofit organizations.

Nonprofit organizations subject to section 501(c)(4) of the Internal Revenue Code that lobby are not eligible to receive grants from the Brownfields Program.

E.3. How does EPA interpret "general purpose unit of local government" for the purposes of eligibility for brownfield grants?

EPA follows the definition of *Local government* in 2 CFR § 200.1 which states the following:
Local government means a county, municipality, city, town, township, local public authority (including any public and Indian housing agency under the United States Housing Act of 1937), school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under State law), any other regional or interstate government entity, or any agency or instrumentality of a local government.

E.4. For the purposes of the Brownfields Grant Guidelines, what are examples of local organizations/entities/groups?

Examples of local organizations/entities/groups that may serve as project partners include (but are not limited to): community organizations (non-governmental civic and nonprofit organizations such as service clubs, veterans' organizations, local universities, and community colleges or other education institutions, fraternal orders, youth organizations, watershed protection groups, and faith-based organizations); property owners that will benefit from the grant; local lenders that will assist with financing activities that will revitalize the brownfield site; and developers that have an interest in the proposed project.

Please keep in mind that EPA is most interested in the role each community partner will play with regard to the proposed project and will not favorably evaluate applications based on the sheer number of community partners identified.

E.5. What types of "roles" might local partners play with regard to brownfields projects?

Local partners can play a number of valuable supporting roles with regard to brownfield projects including (but not limited to):

- financial (e.g., hosting fundraising events);
- educational (e.g., the creation, reproduction, or distribution of project information to the community);
- direct on-the-ground assistance (e.g., assisting in the identification of sites for a community-wide assessment); and
- in-kind contributions of facilities, equipment, or materials (e.g., hosting public meetings).

Please note that any financial transactions between the applicant and its supporting partners must comply with EPA regulations governing procurement contracts and subawards, and cost allowability. For example, fundraising costs partners incur are not allowable costs under EPA Brownfield Grants and may not be used towards required cost shares. Procurement contracts must be competed to the extent required by 2 CFR Part 200. All subawards must comply with EPA's Subaward Policy.

E.6. What is a disadvantaged community and what is the Justice40 Initiative?

On January 27, 2021, Executive Order 14008 Tackling the Climate Crisis at Home and Abroad Section 223 established the Justice40 Initiative. The goal of the Justice40 Initiative is that 40% of the overall benefits of Federal investments flow to "disadvantaged communities." Guidance provided to federal agencies on July 20, 2021 by the Office of Management and Budget (OMB), Council on Environmental Quality (CEQ), and the National Climate Advisor included the following definitions and indicators of disadvantaged communities:

- Community – either a group of individuals living in geographic proximity to one another, or a geographically dispersed set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions.

- Disadvantaged – consider appropriate data, indices, and screening tools to determine whether a specific community is disadvantaged based on a combination of variables that may include, but are not limited to, the following:
    - Low income, high and/or persistent poverty;
    - High unemployment and underemployment;
    - Racial and ethnic residential segregation, particularly where the segregation stems from discrimination by government entities;
    - Linguistic isolation;
    - High housing cost burden and substandard housing;
    - Distressed neighborhoods;
    - High transportation cost burden and/or low transportation access;
    - Disproportionate environmental stressor burden and high cumulative impacts;
    - Limited water and sanitation access and affordability;
    - Disproportionate impacts from climate change;
    - High energy cost burden and low energy access;
    - Jobs lost through the energy transition;
    - Access to healthcare; and
    - Geographic areas within Tribal jurisdictions.

For the purposes of the FY22 grant solicitations, EPA will use the definitions and indicators above to identify disadvantaged communities.

E.7. How does the EPA Brownfields Program define a body of water?

It is a large body of water at which a property is currently, or could potentially be, located. Examples may include oceans, rivers, lakes, and large canals that have buildings or docks built along them (i.e., a waterfront property). Irrigation ditches and small, non-recreational canals are not considered a body of water.

F. APPLICANT ELIGIBILITY

F.1. Who is eligible to apply for a Brownfields Grant?

CERCLA, as amended by the 2002 Small Business Liability Relief and Brownfields Revitalization Act and the 2018 BUILD Act, defines entities eligible to receive grants, based on the type of grant requested:

- *Multipurpose Grants, Community-wide Assessment Grants, Site-specific Assessment Grants, and RLF Grants* – eligible entities include:
    - State, local, and tribal governments (with the exception of Indian tribes in Alaska), a range of government entities, including general purpose units of local governments, land clearance authorities or other quasi-governmental entities operating under the supervision and control of, or as agents of local governments, governmental entities; or redevelopment agencies created or sanctioned by a state; and regional councils of governments.

- Alaska Native Regional Corporations and Alaska Native Village Corporations, as those terms are defined in the Alaska Native Claims Settlement Act, and the Metlakatla Indian community are eligible.
- Nonprofit organizations described in section 501(c)(3) of the Internal Revenue Code.
- Limited liability corporations in which all managing members are 501(c)(3) nonprofit organizations or limited liability corporations whose sole members are 501(c)(3) nonprofit organizations.
- Limited partnerships in which all general partners are 501(c)(3) nonprofit organizations or limited corporations whose sole members are 501(c)(3) nonprofit organizations.
- Qualified community development entities as defined in section 45D(c)(1) of the Internal Revenue Code.

- *Community-wide Assessment Grants for States and Tribes* – eligible entities include:
  - State.
  - Indian tribe other than in Alaska and Intertribal Consortia, comprised of eligible Indian tribes.
  - Alaska Native Regional Corporations and Alaska Native Village Corporations, as those terms are defined in the Alaska Native Claims Settlement Act, and the Metlakatla Indian community are eligible.

- *Cleanup Grants* – include those eligible entities identified above as well as "other nonprofit organizations." The term *Nonprofit organization* is defined in 2 CFR § 200.1 as any corporation, trust, association, cooperative, or other organization (including institutions of higher education) that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest and is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization even if the organization is not exempt from taxation under 501(c)(3).

- Individuals, for-profit organizations, and nonprofit organizations exempt from taxation under section 501(c)(4) that lobby are not eligible for Brownfields Grant funding from EPA.

F.2. Are nonprofit organizations eligible for Brownfields Grant funding?

Yes, nonprofit organizations are eligible to receive Brownfields Grant funding. Per the BUILD Act of 2018, nonprofit organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code, including certain limited liability corporations, and qualified community development entities as defined in section 45D(c)(1) of the Internal Revenue Code of 1986 are eligible to receive Brownfield Multipurpose, Assessment, Cleanup, and Revolving Loan Fund Grants. Other nonprofits that are not tax exempt under section 501(c)(3) that meet the definition of *Nonprofit organization* at 2 CFR § 200.1 are also eligible for Cleanup Grants, cleanup subawards (both subgrants and loans), and grants for training, research, and technical assistance under CERCLA § 104(k)(7).

F.3. Are Indian tribes considered "potentially responsible parties" (PRPs) and therefore prohibited from using Brownfield Grant funds to pay for response costs at a site for which they are potentially liable under CERCLA § 107?

EPA has not considered Indian tribes to be liable as PRPs under CERCLA because tribes are not included in the CERCLA definition of "person." Therefore, tribes are not subject to the statutory prohibition. Applicants should contact their Regional Brownfields Contacts for additional information.

F.4. Are Federally Recognized Tribes in Alaska eligible for competitive grant funding?

No, only Indian Tribes other than those located in Alaska are eligible for competitive grant funding. However, Alaska Native Regional Corporations, Alaska Native Village Corporations, and Metlakatla Indian Community are eligible for competitive grant funding. 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 a listing of these corporations, please see the following websites. Please note that the U.S. government does not maintain these websites and is not responsible for their content or accuracy.

Alaska Department of Natural Resources - Alaska Native Region - Village - Corporation Index
dnr.alaska.gov/mlw//trails/17b/corpindex.cfm

National Congress of American Indians - Alaska Native Corporations
www.ncai.org/tribal-directory/alaska-native-corporations

University of Alaska Anchorage Justice Center
www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/

G. USE OF GRANT FUNDS

G.1. What is the amount of funding available through individual grants?

Under the CERCLA, as amended by the 2002 Small Business Liability Relief and Brownfields Revitalization Act and the 2018 BUILD Act, an eligible entity may apply for:

Multipurpose Grants. An eligible entity may apply for up to $800,000 to carry out a range of eligible assessment, cleanup, and planning activities related activities at one or more brownfield sites in a proposed area. The brownfield site(s) may be contaminated by hazardous substances, pollutants, contaminants, (including hazardous substances co-mingled with petroleum), and/or petroleum. The period of performance for a Multipurpose Grant is five years. [Note, EPA will not issue a request for Multipurpose Grants in FY22.]

Assessment Grants.

Community-Wide Assessment Grants. An eligible entity may apply for up to $500,000 to assess sites contaminated by hazardous substances, pollutants, contaminants, (including hazardous substances co-mingled with petroleum), and/or petroleum. The period of

performance is three years.

Site-Specific Assessment Grants. An applicant may apply for one Site-specific Assessment Grant not to exceed $200,000. For site-specific applications, applicants may seek a waiver of the $200,000 limit and request up to $350,000. Waiver requests must be based on the anticipated level of hazardous substances, pollutants, contaminants (including hazardous substances co-mingled with petroleum), and/or petroleum at a single site. The period of performance is three years.

[Note, EPA will not issue a request for Assessment Coalition Grants in FY22.]
Assessment Coalition Grants. A coalition comprised of one eligible lead entity (the grant applicant) and at least eligible non-lead entities. The lead eligible entity may apply for one Assessment Coalition Grant of up to $600,000. The lead coalition member and any other members **cannot** apply for individual Assessment Grants in the year they apply as part of a coalition.

Revolving Loan Fund Grants. Grants may be awarded up to $1 million for an initial Revolving Loan Fund (RLF) Grant. A coalition of two or more eligible entities may apply together under one application for up to $1 million. The period of performance for an RLF Grant is five years.

Cleanup Grants. Grants may be awarded up to $500,000 to address one brownfield site or multiple brownfield sites contaminated by hazardous substances, pollutants, contaminants, (including hazardous substances co-mingled with petroleum), and/or petroleum. Applicants that plan to only address one brownfield site in their application may request a waiver of the $500,000 limit and request up to $650,000 based on the anticipated level of contamination, size, and other considerations outlined in Section III.B.15. of the Cleanup Grant guidelines. EPA will consider requests on a case-by-case basis and intends to approve such requests on an **extremely limited basis**. Applicants may only submit one application for each competition cycle. The period of performance for a Cleanup Grant is three years.

EPA reserves the right to partially fund applications, including the right to only fund the hazardous substance or the petroleum requests if applicants request both in their application.

G.2. What types of hazardous substance contamination are eligible for brownfields funding?

Sites eligible for funding are those sites with the presence or potential presence of hazardous substances, pollutants, or contaminants, sites contaminated with controlled substances, and/or mine-scarred lands. The types of contaminants that can be addressed using brownfields hazardous substances funding include, but are not limited to the following:

- heavy metals
- polynuclear aromatic hydrocarbons (PAHs)
- volatile organic compounds (VOCs)
- brine
- asbestos
- a site contaminated with controlled substances (e.g., a methamphetamine laboratory)

G.3. Can Brownfield Grant funds be used to assess or clean up sites contaminated with PCBs?

Yes. All portions of properties potentially contaminated with PCBs may be eligible for Brownfield Multipurpose, Assessment, RLF, and Cleanup Grants (without a property-specific determination), except where EPA has initiated an involuntary action to address PCB contamination at the facility or a portion of a facility. In cases where EPA has initiated an action under the Toxic Substances and Control Act against a property owner to address the illegal disposal of PCBs, the property still may be eligible for Brownfields Grant funding if an applicant/recipient can demonstrate that the funding will ensure protection of human health and the environment and promote either economic development or the creation or preservation of greenspace.

G.4. What are examples of eligible planning activities?

Envisioning how each proposed site reuse contributes to the community's revitalization vision, overall land use plans already in place, and determining feasible site reuse opportunities are critical planning steps in the brownfields redevelopment process. Examples of general brownfield planning activities include developing a reuse vision for a brownfield site or area; conducting a site reuse assessment, market evaluation/feasibility assessment, infrastructure evaluation, and/or land use assessment; and developing a disposition framework for a site. Please review the Planning Information Sheets on EPA's website for more details.

G.5. Are all planning activities eligible under each of the four grant types (Multipurpose, Assessment, RLF, and Cleanup)?

No. Eligible planning activities differ among grant types.

Multipurpose Grants and Assessment Grants:
By statute, Multipurpose Grant and Assessment Grant funding may be used to conduct general planning activities within an area that has brownfield sites or for a given brownfield site. Examples of general planning activities are outlined in the Planning Information Sheets and FAQ G.4. above. Additionally, funding may be used to conduct site-specific planning at an individual brownfield site. Site-specific planning activities typically include the activities necessary to plan how site assessment and cleanup will be conducted (including the development of an Analysis of Brownfield Cleanup Alternatives).

RLF Grants and Cleanup Grants:
RLF Grant and Cleanup Grant funding are typically limited to only site-specific planning. General planning activities, such as those outlined in the Planning Information Sheets, may be eligible only when the planning activity is closely tied to the cleanup decision for an individual brownfield site, such as if the planning activity is necessary to help determine the feasibility of site cleanup or reuse option(s) for redevelopment.

For example, general planning activities may be necessary to help determine the reuse option(s) for redevelopment. Knowing the redevelopment reuse option(s) for the site will better inform the appropriate remedy selection, helping to ensure the site remains protective after it is redeveloped. In addition, targeted outreach efforts to potential RLF borrowers and subgrantees may involve general planning activities to identify feasible sites and cleanup approaches.

G.6. Can I use brownfield grant funds to purchase environmental insurance?

Yes. Entities that receive grants or loans to perform characterization, assessment or cleanup of a brownfield site may use a portion of their brownfield grant or loan funds to purchase environmental insurance. This amount must be less than 100% of the total grant or loan funds awarded. Purchases must be consistent with the requirements for allowability of grant costs in the 2 CFR Part 200, Subpart E Cost Principles.

G.7. What kind of environmental insurance can I purchase with a Brownfield Grant?

Companies can offer many different kinds of environmental insurance policies for brownfield sites. Typically, these policies cover risks related to cleanup cost overruns, third-party liability, and lender liability. Insurance carriers do not use the same names for these policies, and coverage is generally negotiated to cover site-specific risks. Therefore, successful applicants and recipients are encouraged to work closely with EPA to ensure any policy to be purchased with EPA funds does not cover ineligible expenses. Ineligible expenses include, but are not limited to:

- paying for a penalty or fine;
- paying a federal cost share requirement (for example, a cost share required by another federal grant) unless there is specific statutory authority; and
- paying for a response cost at a brownfield site for which the recipient of the grant is potentially liable under CERCLA § 107.

G.8. As a local government, what program activities can be funded under the 10% provision of CERCLA?

Under section 104(k)(5)(C) of CERCLA, a local government may use up to 10% of the grant funds in two ways to develop and implement a brownfields program. These activities may include funds for 1) monitoring the health of populations exposed to one or more hazardous substances from a brownfield site, and 2) monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance from a brownfield site. Local government applicants/recipients may not exceed 10% in total for both types of activities planned and the budget submitted as part of the application should reflect the tasks to be conducted with the 10% of funds.

F.9. If my application is successful, will EPA reimburse me for eligible programmatic costs I incurred prior to the award?

It depends. Under 2 CFR § 1500.9, EPA may reimburse successful applicants for eligible programmatic pre-award costs incurred up to 90 days prior to award, even if the applicant did not request prior approval to incur pre-award costs provided the costs are eligible and allowable. For example, costs for contracts (including consultants) are allowable only if the contract was entered into in a manner that complies with the competitive procurement provisions of EPA's grant regulations (Procurement Standards in 2 CFR Part 200). If the Davis-Bacon prevailing wage requirements in CERCLA § 104(g) apply to any activities that were carried out prior to award, the recipient must comply with those requirements in order for the pre-award costs to be eligible. Selected applicants must include the pre-award costs in their final budget and workplan submitted to EPA and provide the date the pre-award costs were

incurred. EPA's term and condition on pre-award costs provides:

> ***PRE-AWARD COSTS***
> *In accordance with 2 CFR § 1500.9, the grantee may charge pre-award costs (both Federal and non-Federal matching shares) incurred from* ***{INSERT START DATE}*** *to the actual award date provided that such costs were contained in the approved application and all costs are incurred within the approved budget period.*

Costs incurred more than 90 days prior to award require specific approval of an EPA award official. Under 2 CFR § 200.458 pre-award costs must be incurred "…pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work." EPA interprets this provision to require that eligible pre-award costs be incurred after applicants for competitive funding receive notification of selection.

Please note that applicants incur pre-award at their own risk and that EPA is not obligated to reimburse applicants for pre-award costs that are not included in the workplan and budget EPA approves. EPA has no obligation to reimburse unsuccessful applicants for pre-award costs. Selected applicants should discuss pre-award costs with their EPA Project Officer.

G.10. What grant activities cannot be paid for with Brownfield Grant funds?

Grant funds may not be used for the payment of:

- a penalty or fine;
- a federal cost share requirement (for example, a cost share required by other federal funds) unless there is express statutory authority;
- an administrative cost, including all indirect costs and direct costs for grant administration in excess of five (5) percent of the total award amount (EPA grant plus, if applicable, the recipient's cost share), with the exception of financial and performance reporting costs (which are considered allowable programmatic costs and not subject to the 5% limitation);
- a response cost at a brownfield site for which the recipient of the grant or loan 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; or
- unallowable costs (e.g., lobbying) under the 2 CFR Part 200, Subpart E Cost Principles.

G.11. What are examples of ineligible uses of Brownfield Grant funds?

- Marketing brownfield 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;

- Construction of buildings and other structures with the exception of construction that is necessary for site remediation. Land acquisition is not an eligible cost;
- Survey design, distribution, or collection;
- Site-specific reuse planning for a site ineligible for brownfields funding (e.g., NPL sites, federal facilities, sites under CERCLA orders/consent decrees, etc.); and
- Projects that duplicate grants awarded under other EPA Brownfields Grant programs described in CFDA Nos. 66.818, "Brownfields Multipurpose, Assessment, Revolving Loan Funds, and Cleanup Grants," 66.815, "Brownfields 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.

G.12. If I already started or created a brownfields inventory (e.g., with CERCLA 128(a) or municipal resources), how can I use that information when applying for EPA Brownfields competitive grants?

Having an inventory of your community's brownfield sites can be a good asset to use when applying for EPA's Brownfields competitive grants. That information can help inform an applicant on where to target their resources, what their priority brownfield sites are, and other characteristics that may be relevant when responding to the ranking criteria. However, please note that having a brownfields inventory is not necessary to apply for EPA Brownfields competitive grants.

G.13. Can I use grant funds for demolition activities?

Maybe. Only demolition that <u>is necessary</u> to address site contamination is an eligible and allowable cost.

The applicant/recipient must have an engineering analysis that supports a decision to demolish a structure in order to address the contamination. The engineering analysis would compare the cost and effectiveness of the available options (e.g., demolition vs. in situ remediation).

Demolition costs are rarely allowable for Assessment Grants. However, there may be unusual circumstances in which partial demolition of a structure may be necessary to determine whether a contaminant is present (e.g., asbestos) and if so, determine the extent of contamination. Again, an engineering analyses would be required to justify the use of Assessment Grant funds for partial demolition.

H. <u>SITE ELIGIBILITY</u>

H.1. What happens if my site is only partially eligible?

While an applicant may not substitute a site, if EPA determines only a portion of the site is not eligible, EPA may provide partial funding. The eligible portion of the site will be forwarded for national ranking review and EPA will notify the applicant which portion is ineligible during the threshold review process. If the eligible portion of the site is selected for funding,

the applicant may be awarded partial funding for the eligible portion of the site.

H.2. What types of acquisitions by Units of State and Local Government are NOT exempt from CERCLA liability under Section 101(20)(D)?

Acquisitions through purchase, inheritance or bequest, or gift or donation, will not be treated as exempt under Section 101(20)(D). However, these units of government may still be able to establish an innocent landowner or bona fide prospective purchaser defense to CERCLA liability.

Section 101(20)(D) exempts units of state and local government from owner or operator liability if ownership or control of a property was acquired by specific circumstances listed in the statute as well as "by virtue of [the governmental unit's] function as sovereign." Common governmental property acquisitions of this nature may include:

- Tax delinquency and tax lien foreclosures
- Some transfers between governmental units
- Tax increment financing transactions
- Escheat
- Holding an unexercised right of way
- Demolition lien foreclosure
- Foreclosure while administering a government loan, loan guarantee, or loan insurance program
- Acting as a conservator or receiver under a clear and statutory mandate or regulatory authority

H.3. Are properties on lands held in trust by the Federal government for Indian tribes eligible for Brownfields Grant funding?

EPA has not considered Indian tribes to be liable under CERCLA and, therefore, tribes are exempt from demonstrating that they meet the requirements of a CERCLA liability defense to be eligible for a Brownfields Grant to address sites contaminated with hazardous substances. For sites contaminated with petroleum, the tribal entity must submit to EPA the information required for a site eligibility determination (as outlined in the Guidelines). Contact your Regional Brownfields Contact for further information.

H.4. Are RCRA sites eligible for Brownfields Grant funding?

Some Resource Conservation and Recovery Act (RCRA) sites may be eligible. RCRA facilities that may be eligible for Brownfields Grant funding (subject to meeting all other Brownfields Grant eligibility requirements) include:

- RCRA interim status facilities that are not subject to any administrative or judicial order or consent decree;
- RCRA interim status facilities that are subject to administrative or judicial orders or consent decrees that do not include corrective action requirements or any other cleanup provisions (e.g., RCRA § 3008(a) orders without provisions requiring the owner/operator to address contamination); and

- parcels of RCRA facilities that are not under the scope of a RCRA permit or administrative or judicial order to conduct corrective action.

Facilities subject to an administrative or judicial order or consent decree, facilities with permits issued under the authorities of RCRA, Toxic Substances and Control Act (TSCA), and the Safe Drinking Water Act (SDWA), as well as facilities with permits issued under section 1321 of the Clean Water Act (the oil and hazardous substance liability provisions), are excluded from the definition of brownfield site but **may be eligible for funding if EPA makes a property-specific determination**. Without a property-specific determination provided in CERCLA § 101(39)(C), these specified RCRA facilities cannot receive grant or loan funding. Please review the FAQs in Section I. on property-specific determinations.

H.5. Are former military installations that have been closed and subsequently turned over to local and/or state governments or nonprofit organizations eligible for funding?

Yes. Generally, former military installations that are no longer owned or under the custody or control of the U.S. government, including properties that have been closed and subsequently turned over to state or local governments or nonprofit organizations may be eligible for brownfields funding. For example, the following types of facilities may be eligible for brownfields funding:

- privately-owned, Formerly Used Defense Sites (FUDS);
- privately-owned, Formerly Utilized Sites Remedial Action Program (FUSRAP); properties; and
- other former federal properties that have been disposed of by the U.S. government.

Facilities owned by, or under the custody or control of the federal government **are not eligible** for brownfields funding with the exception of land held in trust for an Indian tribe. Applicants/recipients should contact their Regional Brownfields Contacts for additional information.

I. PROPERTY-SPECIFIC DETERMINATIONS

I.1. Why do some sites require property-specific determinations to be eligible for funding?

Congress specifically prohibited certain types of sites from the definition of "brownfield site" in CERCLA § 101(39)(B) and, therefore, from being eligible for Brownfields Grant funding. However, Congress allowed consideration for funding for some of those excluded sites if an eligibility determination was made specific to that site. In keeping with this prohibition, property-specific brownfield funding determinations will be made based upon the availability of funding and the extent to which applicants can provide documentation that funding for particular sites will protect human health and the environment, **and** promote economic development **or** the creation, preservation, or addition to parks greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

I.2. How do I know if a site identified for funding requires a property-specific determination?

Grant applicants/recipients must determine if any of the properties, or facilities, proposed for funding require a property-specific determination. Although excluded from the definition of a brownfield site, certain types of properties are eligible for brownfields funding if a property-specific determination is made that funding for assessment or cleanup activities will meet the criteria set forth in the statute and meet the goals and criteria of the brownfields program. These types of properties include the following below.

1) Properties subject to planned or ongoing removal action under CERCLA.
2) Properties that include facilities subject to an administrative or judicial order or consent decree, or to which a permit has been issued by the U.S. or authorized state, under RCRA, FWPCA, TSCA, or SDWA.
3) Properties that include facilities subject to RCRA orders requiring corrective action (§ 3004(u) or § 3008(h)).
4) Properties that are land disposal units that have submitted a RCRA closure notification or that are subject to closure requirements specified in a closure plan or permit.
5) Properties where there has been a release of PCBs and all or part of the property is subject to TSCA remediation.
6) Properties receiving monies for cleanup from the LUST trust fund.

Grant applicants must determine whether the property or properties that are the subject of their application fall within the scope of one or more of the exclusions listed above. In their grant application, applicants should identify which funding exclusion is applicable to their property and describe why each property falls within that exclusion. Current recipients must coordinate with their EPA Project Officer to determine if a site proposed for funding falls within the category of exclusions. Please see *Information on Sites Eligible for Brownfields Funding Under CERCLA § 104(k)* for more information on each of these exclusions.

I.3. What sites are <u>not</u> eligible for property-specific determinations?

CERCLA, as amended, excludes the following three types of properties from funding eligibility and prohibits EPA from making property-specific determinations on these properties:

1) facilities listed (or proposed for listing) on the National Priorities List (NPL);
2) facilities subject to unilateral administrative orders, court orders, administrative orders on consent or judicial consent decrees issued to or entered into by parties under CERCLA; and
3) 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 generally eligible** for Brownfields Grant funding.)

I.4. Who makes the property-specific determination on whether a site is eligible for brownfields funding?

For applicants, a determination of eligibility for or exclusion from funding will be made by EPA at the time of application evaluation based upon information provided by the applicant.

To aid EPA in making this determination, if one or more properties that are the subject of a grant application fall within the scope of any of the types of properties listed above in FAQ I.1., the grant application must specifically identify the properties, identify the applicable funding exclusion from the list above in FAQ I.1., and describe why each property falls within that exclusion (e.g., RCRA permit for hazardous waste storage, CERCLA removal action on-going, etc.). Current recipients must coordinate with their EPA Project Officer to determine if a proposed for funding site falls within the category of exclusions.

I.5. What characteristics of a site does EPA look for in order to make a property-specific determination for brownfields funding eligibility?

The types of sites listed in FAQ I.1. may qualify for brownfields funding if EPA makes a property-specific determination that brownfields funding will protect human health and the environment **and** will either promote economic development **or** the creation, preservation, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

I.6. What information must I include if a site proposed for funding requires a property-specific determination?

If an applicant includes within the scope of a grant application a property that requires a property-specific determination, the application must include, on a separate page, the information below (to the extent this information replicates information requested elsewhere in the application, the applicant may directly copy the text to this page). Current recipients must provide similar information to their EPA Project Officer.

1) Basic site identification information and eligible entity identification information.
2) The specific circumstance that requires the grant recipient to request a property-specific determination.
3) A short explanation of why the site falls within the identified circumstance requiring the property-specific determination.
4) An explanation of how providing brownfields funding for the site will meet the criteria necessary for making a property-specific determination. See below for a description of the necessary criteria to address.
5) The degree to which other funding is or is not available for the assessment or cleanup of the site.
6) An explanation of whether or not the applicant/recipient is responsible for the contamination at a site.

Grant applications for brownfields funding that include, within the scope of planned assessment or cleanup activities, sites, properties, or facilities that potentially fall within any of the funding exclusions listed above, should specifically identify such circumstances and explain, in as much detail as possible, why the availability of brownfields funding will protect human health and the environment **and** promote economic development **or** the creation or preservation of greenspace (or other listed objectives). Information provided in addressing these criteria will be used in documenting EPA's decision in making property-specific

determinations for funding eligibility.

1. Protection of Human Health and the Environment

For each site requiring a property-specific determination, applicants must explain, in detail, how financial assistance for brownfields assessment or cleanup activities will ensure the protection of human health and the environment. This explanation should include one or more of the following:

- Specific examples of human health risks that will be mitigated by activities funded under a brownfield grant.
- Specific environmental improvements that can reasonably be expected to result from activities funded under a brownfield grant.
- Specific examples of contamination that will be addressed, including the specific hazardous substances, pollutants, or contaminants of concern and the environmental media that will be addressed.
- Description of how the proposed cleanup and redevelopment of the property will ensure that the property will be protective of human health and the environment and that the remedy will be both protective and consistent with the planned reuse of the property.

2. Promote Economic Development or the Creation of, Preservation of, or Addition to Parks, Greenways, Undeveloped Property, other Recreational Property, or Other Property Used for Nonprofit Purposes

If brownfields funding will be used to **promote economic development**, the applicant/recipient should include information such as the items below.

- A description of economic development activities that can reasonably be expected to occur as a result of brownfields funding (e.g., number of jobs created, estimated increase in the property and/or profits/sales tax base to the community, additional business expansion or new business relocation that may occur within the community).
- A description of how the redevelopment of the brownfield property will contribute to community-wide redevelopment and revitalization plans with a specific emphasis on how funding for the brownfields redevelopment is integral to the success of the community-wide plan.
- A description of new businesses or business expansions that are planned for the brownfield property.

If brownfields funding will be used to **preserve or create greenspace, recreational areas, undeveloped property, or property to be used for nonprofit purposes**, the applicant/recipient should provide specific documentation of these activities, such as the items below.

- A description of the proposed park, recreational property, greenspace, undeveloped space, or another type of property to be used for nonprofit purposes, including size, use, and surrounding environment that will be preserved or created as a result of brownfields funding.

- A description of how the property will be used and by whom.
- A description of how the property will be integrated with surrounding properties or environments.
- A description of how the property will be maintained or preserved for its continued use as a greenspace, recreational area, etc.

When documenting compliance with these criteria, applicants may copy information provided elsewhere in their application, if such information directly addresses the criteria. However, all documentation must be comprehensive and specific to actual events that will be mitigated or can reasonably be expected to occur as a result of federal brownfields funding, should the applicant receive brownfields funding.

I.7. What happens if I accidentally include an ineligible site in my application or I didn't realize I needed a property-specific determination?

Applicants that identify a specific site in the application may not substitute sites if EPA determines the site is not eligible. EPA may provide applicants with a limited opportunity to clarify site eligibility issues during the application process. If EPA has reason to believe a site that falls in the "excluded" category is eligible for a property-specific determination, EPA may seek clarification from the applicant before making that determination. EPA strongly encourages applicants to evaluate their site against the information provided in the *Information on Sites Eligible for Brownfields Funding Under CERCLA § 104(k)*. In addition, applicants should contact their Regional Brownfields Contact for pre-application assistance on site eligibility. EPA may clarify eligibility issues; however, if the site is found to be ineligible, the application may fail if it was based on that particular single site.

J. ASSESSMENT GRANTS

J.1. What are examples of eligible tasks and activities under Assessment Grants?

Assessment Grants are primarily intended to conduct environmental site assessments (ESAs), however, there are other allowable activities that may be conducted with Assessment Grant funds. Assessment Grant recipients may use their funds for the following activities:

- Inventory activities, such as surveying sites, creating lists or databases of brownfield properties;
- Monitoring activities, such as sampling groundwater monitoring wells, a local government may use up to 10% of its grant funds for monitoring the health of populations exposed to a hazardous substance from a brownfield site;
- Initial site investigation activities, such as a Phase I environmental site assessment as defined by ASTM standard E1527-13 or those contained in the All Appropriate Inquiry Final Rule;
- Site characterization activities to determine risks posed to human health or nature and extent of contamination from a brownfield site; including the development of site-

specific Quality Assurance Plans, Sampling and Analysis Plans or Field Sampling Plans;

- Planning activities, e.g., market feasibility studies, area-wide, or community planning activities may be conducted in support of redevelopment and revitalization of the target community area (see Planning Information Sheets); and
- Community Outreach, including social media platforms on the brownfield sites being assessed and public meetings to provide the public opportunities to participate in decision-making aspects of cleanup redevelopment options.

Eligible programmatic costs may also include:

- Costs associated with meeting community notification, public participation, and programmatic management requirements;
- Costs associated with determining whether assessment activities at a particular site are authorized under CERCLA § 104(k);
- Costs for ensuring that assessment complies with applicable requirements under federal and state laws or other cross-cutting requirements such as the National Historic Preservation Act or the Endangered Species Act;
- Costs associated with conducting site assessments under State Voluntary Cleanup Programs (VCPs) or other state cleanup programs; and
- Costs associated with the purchase of insurance required to carry out the assessment, such as workman's comp insurance.

J.2. If I am requesting a Site-Specific Assessment Grant waiver for $350,000, what must I include in my application to EPA? What criteria does EPA use to evaluate Site-specific Assessment Grant waiver requests?

CERCLA allows applicants who have identified an eligible site that will require more than $200,000 to complete assessment activities to apply for a waiver of the funding limit and request up to $350,000. In order for the waiver request to be considered, the applicant must include a one-page justification describing: the description of the site, why the assessment costs exceed the funding limit, and specific information regarding the circumstances which justify the extra costs (e.g., fiscal state of the community, size of the site, expected level of contamination, etc.). Please see Section I.A.2. of the Guidelines for more information on the assessment waiver request.

EPA will base all decisions on the information the applicant provides in the one-page attachment and will evaluate the information on the size of the site, the status of ownership of the site, and/or the anticipated level of contamination at the site.

Successful applicants will be notified at the time of the grant announcement if their waiver of the $200,000 funding limit was approved. If the waiver is not approved, the application may still be selected for funding, up to $200,000.

J.3. I have identified a site for assessment in our Site-specific Assessment Grant application. What sort of information should I have available when I ask EPA to determine its

eligibility for funding?

The *Information on Sites Eligible for Brownfields Funding Under CERCLA § 104(k)* and Section III.C. of the Assessment Grant Guidelines outline the types of information necessary to make an eligibility determination. Below are the types of information that will need to be considered.

Basic property and grant eligibility information, such as:

- the property's name and address;
- the grant recipient's name;
- the type of assessment proposed (Phase I, Phase II, etc.);
- how the property has been used in the past (from today going back to its first known use);
- why the property is thought to be contaminated, especially if it's been vacant for many years;
- whether the property is a "brownfield site," as defined by the statute (including whether the property is subject to any of the exclusions to the definition of "brownfield site" and if so, whether it is eligible for a property-specific determination); and
- whether the CERCLA § 107 prohibition applies (i.e., whether you are potentially liable as an owner/operator (current or at the time of disposal), arranger, or transporter).

Information about the current owner that will be of interest:

- the current property owner's name as depicted in publicly available records such as property descriptions for tax assessment purposes (do not provide personal information such as telephone numbers or social security numbers);
- what your relationship is with the owner and what will be their role in the work that is to be performed; and
- whether you have access to the property, or if not, how you will obtain access to the property.

If you are the current owner, EPA will also want to know:

- If you qualify for funding because the property is publicly owned and was acquired prior to January 11, 2002;
- If you meet the requirements for asserting an affirmative defense to CERCLA liability (e.g., the bona fide prospective purchaser defense per CERCLA § 101(40)).
- Whether you caused or contributed to any release of hazardous substances.

For petroleum sites you will also need to:

- obtain a written determination of statutory eligibility by the state LUST contact (talk to your Regional Brownfields Contact listed in Section VII. of the Guidelines);
- if the state is unable to make the determination, you will need to have available information regarding:
    - whether there is a viable responsible party that can address the petroleum contamination at the site (whether a party is "responsible" and "viable" is defined in the Guidelines);
    - whether you, the applicant, are potentially liable for cleaning up the site, as defined in the Guidelines (be prepared to provide information regarding

whether the party having such legal obligations has adequate financial resources to meet the obligation); and
- whether the site is subject to an order issued under Solid Waste Disposal Act § 9003(h).

Please note that some sites may either require a property-specific determination or may not be eligible at all for funding.

J.4. Do assessment activities include the production of reports including Phase I, Phase II, and the trenching, boring, and testing?

Yes - assessment activities include the above-listed items. In general, conducting an assessment is the process of evaluating whether or not contamination is present and the extent of that contamination prior to clean up. Assessment activities can also include evaluating alternatives as the extent of the contamination is determined. However, once an alternative has been selected, ensuing activities no longer are considered assessment activities.

J.5. Does redevelopment planning include obtaining a brownfields covenant not to sue, a feasibility study to use for community involvement, and the legal and project manager costs of rezoning if needed?

Assessment Grant funding is appropriate for a study on community involvement. Costs associated with securing a covenant not to sue or for rezoning are not allowable costs under Assessment Grants.

ASSESSMENT COALITIONS
[Note, EPA will not issue a request for Assessment Coalition Grants in FY22.]

J.6. What are Assessment Coalitions and what requirements must an Assessment Coalition meet?

Assessment Coalitions are designed for one "lead" eligible entity to partner with two or more eligible entities that do not have the capacity to apply for and manage their own EPA cooperative agreement.

The lead coalition member submits an Assessment Coalition Grant application on behalf of itself and the other members for assessment work that will be performed within the boundaries of the coalition members. The lead coalition member and each non-lead member must identify and plan to conduct work in separate target areas. The coalition may request up to **$600,000** to work on a **minimum of five** hazardous substance and/or petroleum sites.

The grant recipient (lead coalition member) **must apply for and** administer the grant, be accountable to EPA for the proper expenditure of the funds and be the point of contact for the other coalition members. A **Memorandum of Agreement** (MOA) documenting the coalition's site selection process must be in place prior to the expenditure (e.g., draw down) of any funds that have been awarded to the lead coalition member. It is up to the coalition to agree internally on the distribution of funds and the mechanisms for implementing the assessment work.

J.7. What does the Assessment Coalition Memorandum of Agreement (MOA) contain? How do I obtain a copy of a sample MOA?

The MOA is a simple agreement that all coalition members must sign prior to the expenditure of any awarded assessment funds. The MOA provides all members' contact information, how often the members will meet, how many sites the coalition will assess, how many Phase I and II environmental site assessments the members will perform and other specifics on the managing of contractors, community involvement plans, and site prioritization.

A Model MOA Template is posted on the EPA Brownfields website at https://www.epa.gov/brownfields/brownfields-assessment-coalitions-memorandum-agreement.

J.8. Can the lead Assessment Coalition member be replaced with another eligible entity after the application is submitted?

No. The lead entity cannot be replaced with another eligible entity after the application is submitted to EPA. Additionally, the lead member must partner with the other coalition members that were named in the application. EPA will evaluate the lead coalition member's Assessment Grant application based on the composition of the coalition as described in the application. Lead coalition members should contact their EPA Project Officer if concerns arise regarding other coalition members.

J.9. If I am the lead member of an active Assessment Coalition Grant, am I eligible to apply for an Assessment Grant?

Maybe. The lead member of an active Assessment Coalition Grant is the "recipient" that administers the grant, is accountable to EPA for the proper expenditure of funds, and is the point of contact for the coalition members. The lead coalition member may only apply for a Community-wide Assessment Grant, Site-Specific Assessment Grant or another Assessment Coalition Grant, if the entity/recipient has drawn down and disbursed at least 70.00% of the existing Assessment Coalition Grant funding by **October 1, 2021**.

J.10. If I am a non-lead member of an active Assessment Coalition Grant (i.e., but not the direct recipient of the cooperative agreement), am I eligible to apply for an Assessment Grant?

Yes. A non-lead member of an active Assessment Coalition Grant, that is not the direct cooperative agreement recipient, may apply for a Community-wide Assessment Grant, Site-Specific Assessment Grant or another Assessment Coalition Grant (as the lead or as a member) as long as it meets the threshold requirements outlined in the guidelines. For purposes of these grants, EPA defines "recipient" as the entity that administers the grant, is accountable to EPA for the proper expenditure of funds, and is the point of contact for the coalition members.

J.11. Can a city and a redevelopment agency from the same city be coalition members even though they are from the same city?

Yes, provided the entities are separate legal entities under state and local law and meet the

definition of an eligible entity as described in the Assessment Grant Guidelines.

Note: Assessment Coalitions are designed for the "lead" entity to partner with entities that have limited capacity to manage their own EPA cooperative agreement.

J.12. Can two separate state agencies be members of the Assessment Coalition?

No. Two state agencies cannot be coalition members if they are components of the state government that are subject to direct control of the governor such as environmental agencies, transportation agencies, health departments, parks and recreation departments and departments of commerce. Other entities created by the state legislature such a regional planning commissions that are not subject to the direct control of the governor can be coalition members along with a state agency.

J.13. Can two separate parts of a city or county government be Assessment Coalition members? For example, can the City Parks and Recreation and the City Economic Development Agency come in with another eligible entity as a coalition for an Assessment Grant?

No. Two city or county agencies that are part of the same unit of local government cannot qualify as coalition members.

J.14. If a Council of Government (COG) is applying for an Assessment Coalition Grant, can the cities/towns that are part of the COG's geographic service area but not part of the COG's coalition apply separately for their own Assessment Coalition Grant?

Yes. The COGs and the cities/towns are separate legal entities that are independently eligible for Assessment Grants. Although the cities/towns are within the COGs' geographic service area, they are not members of the COGs' Assessment Coalition and are therefore eligible to apply separately for their own Assessment Coalition Grant.

COMMUNITY-WIDE ASSESSMENT GRANTS FOR STATES AND TRIBES

J.15. Applicants are requested to highlight at least five sites that are a priority, including at least one site in each target area. Does that mean two of the priority sites can be located outside of the identified target areas?

No. The request is for applicants to discuss priority sites within the identified target areas. Therefore, one (or more) of the target areas will include more than one priority site.

For example,

- Target Area A has priority site 1
- Target Area B has priority site 2
- Target Area C has priority sites 3, 4, and 5

J.16. What information should be provided if the state (including the District of Columbia and U.S. Territories) does not have metropolitan statistical areas or only has metropolitan statistical areas?

EPA has advised that "[a]pplications from state entities will be evaluated the extent to which at least one target area is in a metropolitan statistical area and at least one target area is in a non-metropolitan statistical area. (*Note, a response will be evaluated less favorably if all of the target areas are in metropolitan statistical areas or if all of the target areas are in non-metropolitan statistical areas.)"*

Information available to EPA indicates that the following states/territories only have metropolitan statistical areas (MSAs) or do not contain any MSAs.

States/Territories with only MSAs

1. Rhode Island
2. New Jersey
3. Delaware
4. District of Columbia
5. Massachusetts has two non-MSAs, but those areas most likely do not have brownfield sites (Martha's Vineyard and Nantucket)

States/Territories with no MSAs

1. American Samoa
2. Guam
3. Virgin Islands
4. Northern Mariana Islands

Entities that are listed above should include a statement in response to the criterion that the state/entity only has a metropolitan statistical area(s) or does not have a metropolitan statistical area. Additionally, applicants should discuss how they will meet the intent of the criterion of conducting assessment work in areas of the state/territory that have lower population density and areas with higher population density, comparatively. For example, applicants should discuss their plan to target at least one area that is more populated (compared to other areas in the state/territory) and target at least one area that is less populated (as compared to other areas in the state/territory).

Applicants that find it challenging to satisfy the criterion and would prefer to not submit an application for a Community-wide Assessment Grant for States and Tribes (up to $2 million) may choose to instead apply for a Community-wide Assessment Grant (up to $500,000). Applicants for a Community-wide Assessment Grant will not be evaluated on whether the target areas are in metropolitan statistical areas.

K. REVOLVING LOAN FUND GRANTS

K.1. Are Revolving Loan Fund Grants available in the FY22 competition?

Yes, RLF Grants are available for eligible entities who **do not have an open cooperative**

agreement (an open cooperative agreement is one in which the *Period of performance* as defined in 2 CFR § 200.1 has not ended) **or are not a coalition member in an open cooperative agreement** for a Brownfields RLF at the time of application.

K.2. If I am a previous recipient or coalition member of one or more Brownfields RLF Grants, can I apply for a new RLF Grant in the FY22 competition?

It depends. For purposes of these grants, EPA defines "recipient" as the entity that administers the grant, is accountable to EPA for the proper expenditure of funds, and is the point of contact for the coalition members. The answer to this question is dependent on the circumstances as described below.

If the period of performance has ended for the cooperative agreement(s) associated with the Brownfields RLF Grant(s), then **yes**, the recipient and coalition member are eligible to apply for a new RLF Grant, regardless of whether the recipient and coalition member have an open closeout agreement associated with a Brownfields RLF Grant. In this case, the recipient and coalition member can apply for an RLF Grant together or separately.

If the period of performance for the cooperative agreement(s) associated with the Brownfields RLF Grant(s) has not ended (i.e., the recipient and/or coalition member have an open RLF cooperative agreement), then **no**, the recipient and coalition member are not eligible to apply for a new RLF Grant.

EPA expects to solicit requests from existing, high-performing RLF Grant recipients for supplemental funding in Fiscal Year 2022. Therefore, grant recipients with an open cooperative agreement will be given the opportunity to request additional funding to capitalize their RLF program through the Brownfields Program's annual, non-competitive, supplemental funding process. Beginning in FY22, instead of extending the existing RLF cooperative agreement period of performance with supplemental funding, EPA may choose to award a new RLF Grant to especially high-performing grant recipients who meet specific criteria, such as having performed their open RLF cooperative agreement for at least 12 years. If a grant recipient does not receive a new RLF Grant through the supplemental funding process, the grant recipient can apply for a new RLF Grant in the next biennial competition after their cooperative agreement is closed out.

Additional information on the timing, requirements, and procedures for supplemental funding requests will be available on EPA's Brownfields RLF Program website (https://www.epa.gov/brownfields/brownfields-revolving-loan-fund-rlf-grants). Note, beginning in FY22, EPA will advertise the annual request for supplemental funding on the Brownfields RLF Program website, rather than in the Federal Register.

K.3. As an RLF Grant recipient, can I issue intra-governmental loans?

Yes, RLF Grant recipients may make intra-governmental loans. An intra-governmental loan is a direct loan by the recipient to a branch or department within its own governmental unit. For an intra-governmental loan, standard loan eligibility restrictions apply, but the fund manager must also demonstrate the following:

- Establish that the borrowing entity has the legal authority to enter into a legally binding obligation to repay (for example, a memorandum from the city's legal counsel citing the statutory authority or a city council resolution that obligates the repayment from a particular funding source). The obligation to repay must be more than a "moral" obligation to repay or a simple unenforceable "promise" to do so.
- Ensure that there is an identifiable source of income/repayment, such as pilot (payment in lieu of taxes) funds, proceeds from tax increment financing (TIF), or funding from the sale, rent, or lease payments of the property.
- Identify an enforcement entity that can ensure that the loan is repaid. For example, the comptroller's office of the recipient can help avoid potential conflicts of interest.

If a fund manager chooses to make an intra-governmental loan, borrower eligibility requirements would apply and the substantive terms of the agreement must be reviewed by EPA. Please note intra-governmental loans are not eligible for loan forgiveness.

K.4. As an RLF Grant recipient, can I issue intra-governmental cleanup subgrants?

No. Cleanup subgrants, unlike loans, may **not** be made by the RLF Grant recipient within the same governmental entity that receives the RLF Grant (e.g., one department of a city government cannot "subgrant" to another department of the same governmental entity). However, RLF Grant recipients may choose to apply to EPA separately for a Cleanup Grant (note that entities applying for an FY22 RLF Grant may not apply for an FY22 Cleanup Grant). RLF Grant recipients may also make subgrants to different eligible governmental entities as well as nonprofit organizations.

K.5. If I am a member of an active RLF Coalition Grant, but am not the direct recipient of the RLF cooperative agreement, am I eligible to apply for an RLF Grant?

No, see FAQ K.2.

K.6. Can I apply as part of an RLF Coalition Grant application, as well as for an individual RLF Grant application?

No. You can either join an RLF Grant Coalition OR apply for an individual RLF Grant, but may not apply for both in the same grant competition cycle. A coalition member wishing to apply as a separate applicant must withdraw from the coalition to be eligible for individual RLF Grant funds.

K.7. How much of the RLF award amount must be used for loans?

At least 50% of the total award amount (i.e., EPA funds for the RLF Grant plus the recipient's cost share) must be used to provide loans for the cleanup of eligible brownfield sites and for associated eligible programmatic costs. For example, if EPA awards $100,000 to an applicant, the applicant's cost share is $20,000 (20%) and the total award amount is $120,000. Therefore, at least 50% of the total award amount (i.e., at least $60,000) must be used to provide loans for the cleanup of eligible brownfield sites and associated eligible programmatic costs.

L. CLEANUP GRANTS

L.1. How many Cleanup Grant applications can I submit in the same competition cycle?

You may submit only one Cleanup Grant application in the same competition cycle.

L.2. Must I own the site that is the subject of my Cleanup Grant application at the time of application submission?

Yes. Applicants must have sole ownership of the site at the time of application submission. For purposes of grant eligibility and the guidelines only, ownership is fee simple title as evidenced by a recorded deed; unless EPA approves a different ownership arrangement. EPA will find applicants ineligible if they do not meet the ownership requirement by the application submission deadline. Applicants may reapply in future years when they obtain ownership of the site.

L.3. If EPA grant funds have been expended at a site under a Cleanup Grant, can I apply for another Cleanup Grant for additional cleanup work at the same site?

No. For the FY22 Cleanup Grant competition, brownfield sites where Cleanup Grant funds were previously expended may not receive additional Cleanup Grant funding.

L.4. If EPA grant funds have been expended at a site under a Cleanup Grant, can additional brownfields funding be provided for additional cleanup work at the same site from a source other than another Cleanup Grant?

Yes, a Cleanup Grant recipient may apply for additional funding from a recipient of a Brownfields Revolving Loan Fund Grant (that is not the Cleanup Grant recipient) or apply for a Multipurpose Grant. A Cleanup Grant recipient may also request that a state or tribe conduct additional cleanup with CERCLA § 128(a) State and Tribal Response Program funding. The additional grant funds must cover different costs than those borne by the Cleanup Grant.

L.5. Can I apply for a Cleanup Grant for a site that received an RLF subgrant or loan?

Yes. You may apply for a direct Cleanup Grant for a site on which remediation activities were carried out under an RLF subgrant and/or loan. However, the Cleanup Grant must cover different costs than those borne by the RLF subgrant and/or loan.

L.6. Can I apply for a Cleanup Grant for a site that received CERCLA § 128(a) Grant funds?

Yes. You may apply for a Cleanup Grant for a site on which a state or tribe has already expended CERCLA § 128(a) Grant funds. However, the Cleanup Grant must cover different costs than those borne by the CERCLA § 128(a) grant.

L.7. How many sites can be submitted in a Cleanup Grant application?

While there is no limit on the number of sites that can be proposed, you should consider how many sites can reasonably be described in response to the ranking criteria within the page limit and cleaned up with the amount of funding being requested.

L.8. If my Cleanup Grant application includes more than one brownfield site, must the sites be contiguous, adjacent, or part of the same redevelopment project?

No. You may include any site that the applicant owns; regardless if the sites are contiguous, adjacent, or a part of the same redevelopment project.

L.9. What happens if one or more of the sites proposed are determined to be ineligible for funding?

If a Cleanup Grant application is submitted that includes any ineligible tasks, activities, or site(s), that portion of the application will be ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible for funding. You cannot propose an alternate site to clean up if the site identified in the application is determined by EPA to be ineligible for brownfields funding.

L.10. If my Cleanup Grant application includes more than one brownfield site, how should I demonstrate the project budget for each site?

It is the applicants' responsibility to present a clear budget for the tasks associated with each site requested for funding. Applicants may combine the budget in one table, but must clearly distinguish costs for each site. Alternatively, applicants may submit separate budget tables for each site.

L.11. Do tribes "own" tribal trust lands for purposes of Brownfields Cleanup Grants and RLF remediation subgrants?

Generally, EPA believes tribes have a sufficient ownership interest in tribal trust lands to "own" such lands for purposes of Brownfields Cleanup Grants and RLF remediation subgrants. Applicants should contact their Regional Brownfields Contact for additional information.

L.12. How does EPA define "other ownership arrangements" for purposes of Cleanup Grants?

If an eligible applicant does not hold absolute fee simple title, the applicant may still be eligible to receive a Cleanup Grant if the applicant can demonstrate that it has rights that are functionally equivalent to ownership and sufficient control of the property during the pendency of the grant and cleanup activity.

A "nominee agreement" may be used as part of demonstrating ownership. The nominee agreement would allocate the property rights between the nominee (title holder/grant recipient) and the beneficiary (often a for-profit). As long as the rights are allocated in the nominee agreement so that the grant recipient retains title while Cleanup Grant funds are expended at

the site, and has the right to perform the cleanup actions (including site access) under the grant, the recipient of the grant can be considered the "owner" of the site throughout the cleanup, as required in the statute.

While this policy was initially put in place to facilitate affordable housing projects utilizing RLF subgrant funds, the EPA has extended this policy to cleanup applicants **who can demonstrate ownership via the nominee agreement described in the above policy at the time of application submission,** or through another document, such as a restrictive easement, that will ensure access to and control of the property by the applicant.

If the Cleanup Grant was awarded for one site and ownership changes at any point, EPA may terminate the cooperative agreement for noncompliance. If the Cleanup Grant was awarded for multiple sites and ownership changes at one of the sites, the recipient must immediately discontinue expending Cleanup Grant funds at the affected site and contact EPA's Project Officer and Grant Specialist for advice.

L.13. How do Cleanup Grant applicants comply with the Community Notification threshold criterion?

The applicant is responsible for providing Community Notification and the opportunity for public comment about the applicant's plans for cleaning up the site that is the subject of its application. All target communities, including community members with limited English proficiency and community members with disabilities, must receive the notification and be provided an opportunity to comment on the application. Community Notification may be conducted by or on behalf of the applicant. The applicant's application must demonstrate how the applicant's personnel were involved in the community notification (i.e., attended a public meeting, responded to comments, etc.), even if another party acts on behalf of the applicant.

The Draft ABCA

The draft application must include, as an attachment, a draft Analysis of Brownfield Cleanup Alternatives (ABCA), which briefly summarizes information about the site and contamination issues, cleanup standards, applicable laws, cleanup alternatives considered, and the proposed cleanup. The draft ABCA should also include information on the effectiveness, the ability of the grant recipient to implement each alternative, the cost of each proposed cleanup alternative, and an analysis of the reasonableness of the various cleanup alternatives considered including the one chosen. Please note that the draft ABCA submitted as part of the application is intended as a brief preliminary document.

Community Notification Ad/Notifying the Community

The applicant must describe how the community was notified. The requirements for Community Notification are outlined in the Guidelines. The applicant must publish an ad in the local newspaper or an equivalent means that the applicant uses to communicate to the community targeted by the application. The publish date is when the community was notified (the run date); not the date the request was submitted to run the ad.

The notice must be published at least 14 calendar days before the date your application is submitted (which may be earlier than the submission deadline). The notice must state the date, time, and place of a public meeting(s) and must indicate a draft of the application is

available for comment. Any comments received and responses to those comments must be included in the Cleanup Grant application.

Many communities use local newspapers to provide information to their residents. Some communities may have other customary means of communicating with their residents. Some examples of "equivalent" notice to an ad in the local newspaper include:

- posting information on a website;
- listserv blast;
- mass mailer;
- television or radio broadcast;
- social media;
- mass message via telephone notification;
- placing an ad on a community bulletin board; and
- notifying affected residents door-to-door.

Applicants may describe other methods that were used to notify the community. Applicants should consider how members of the community best receive information and decide which method, or methods, are most appropriate, including ensuring accessibility to persons with limited English proficiency and persons with disabilities.

Even if an applicant has notified the community regarding an application submitted under a previous EPA Brownfields Grant competition, the applicant must notify the community of its current grant application, hold a meeting and respond to public comments.

The Public Meeting

The applicant must conduct a public meeting to discuss the grant application. Traditionally, the public meeting is held in-person, however, in light of social distancing orders or other restrictions as a result of COVID-19, applicants will need to consider an alternative format. The public meeting may be held virtually (e.g., a webinar, online meeting) or by teleconference.

Applicants may choose to hold more than one public meeting, and in more than one format. The public meeting must be held <u>before</u> the application is submitted to EPA/www.grants.gov.

Submission of Community Notification Documents

The guidelines list all of the documents that <u>must</u> be attached to the application submitted to EPA. Below is additional information to consider for providing documentation of the community notification ad and participant list.

Community Notification Ad

Regardless of how the community was notified, the applicant must provide documentation of the notice. The notice must demonstrate that the public was notified at least 14 calendar days before the application was submitted to EPA and that comments on the application were solicited.

Some examples of documentation include:

- a copy of the local newspaper ad or flyer

- an image of the website or social media post
- a copy of the mass mailer or listserv blast
- a copy of the vendor request telephone mass message, television or radio broadcast
- a copy of the television or radio transcript

Applicants may provide other documentation that was used to notify the community.

Meeting Sign-in Sheets/Participant list
Applicants must provide a list of people that attended the public meeting. If no one from the public participated in the meeting, the applicant must state this. If the meeting was held in-person, a common way to demonstrate public participation is by attaching a sign-in sheet. If the meeting was held virtually or by teleconference, applicants must provide a copy of the participant list. For example, a screen image or exported list of attendees that participated in an online meeting. Applicants may provide other documentation to demonstrate public participation.

L.14. Are the costs of Community Notification allowable under Cleanup Grants?

No. Costs for Community Notification are pre-award costs that will be incurred prior to selection under the competition and typically more than 90 days prior to award. Pre-award costs incurred more than 90 days prior to award require EPA approval to be allowable. Under 2 CFR § 200.458 pre-award costs must be incurred "…pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work." Costs incurred prior to a competitive selection in the competition do not meet this standard. In addition, EPA will not, as a matter of policy, approve pre-award costs for Community Notification due to the limited amount of funding EPA can provide for actual site cleanup work. Also, because EPA cannot reimburse unsuccessful applicants for Community Notification costs, as a matter of fairness, it will not reimburse successful applicants for such costs.

L.15. What does EPA mean by an "equivalent" Phase II report in the Cleanup Grant application requirements? If my site is a mining site does the Phase II report requirement still apply?

EPA has no requirement to what a Phase II report must conform. However, EPA is looking to see that the applicant has a basic understanding of what contaminants need to be cleaned up on the site, even if further Phase II assessment work is required. Most Phase II environmental site assessment reports for brownfield sites will typically conform to the American Society for Testing and Materials (ASTM) standards. Other brownfield sites may be assessed in compliance with standards required by their state voluntary cleanup programs or other state regulatory programs (for example, underground storage tank reports, asbestos surveys or lead paint surveys). For abandoned coal mine sites, Office of Surface Mining assessments of physical and safety hazards are considered Phase II equivalent reports. Applicants applying for Cleanup Grants should provide an explanation of the type of assessment completed, the date it was finalized, and summarize the findings.

L.16. What is an Analysis of Brownfields Cleanup Alternatives (ABCA)? What should my ABCA contain to meet Cleanup Grant threshold requirements?

Applicants should supply the following key components for the draft ABCA attached to their application for threshold eligibility purposes. This document must be available, along with the application, for public comment prior to submitting the application to EPA. The information should be derived from the response to the criterion on the project description.

For example, the document should start with an **Introduction & Background** section in which the site location (address), previous uses of the site, past site assessment findings, and the project goal (reuse plan) are summarized. The applicant should briefly summarize the environmental investigations that have occurred at the site, including what the Phase I and Phase II assessment reports revealed in terms of contamination present, if applicable.

Second, the document should contain a discussion of **Applicable Regulations and Cleanup Standards**. For example, the applicant should provide a discussion of the Cleanup Oversight Responsibility (identify the entity, if any, that will oversee the cleanup, e.g., the state, Licensed Site Professional, other required certified professional), the cleanup standards for major contaminants (briefly summarize the standard for cleanup e.g., state standards for residential or industrial reuse) and the laws and regulations that are applicable to the cleanup (briefly summarize any federal, state, and local laws and regulations that apply to the cleanup). Finally, the document should contain an **Evaluation of Cleanup Alternatives**. For example, the applicant should provide a discussion of the cleanup alternatives considered (minimum two different alternatives plus a 'No Action' option), the adverse impact from potential extreme weather events to that remedy should it be selected, the cost estimate of cleanup alternatives, a brief discussion of the effectiveness, implementability, and a preliminary cost estimate for each alternative, and the 'Recommended Cleanup Alternative.'

L.17. How do I demonstrate that I considered potential adverse impacts caused by extreme weather events in the draft Analysis of Brownfields Cleanup Alternatives (ABCA)?

You should evaluate how the commonly accepted potential adverse impacts from changing weather events modeled for your locale might impact proposed cleanup remedies. For example, you should evaluate if a proposed remedy is still protective if the site is along a coastline, near a flood plain, in an area with a potential increase of drought, and what the potential impact of increased frequency and intensity of storms, etc. would be.

EPA acknowledges that there are limitations related to this analysis and expects you to rely on existing information instead of generating new data specifically to develop the ABCA. Please use the following websites as resources to identify risks and regional trends: scenarios.globalchange.gov/ and www.epa.gov/sites/production/files/2015-09/documents/epa_oblr_climate_adaptation_checklist.pdf.

The ability to evaluate potential changing conditions will improve as more tools become available.

M. MULTIPURPOSE GRANTS

M.1. How is a Multipurpose Grant different from an Assessment or Cleanup Grant?

Multipurpose Grant funds many of the same activities that are eligible under an Assessment Grant and a Cleanup Grant but is different because of how it allows the grant recipient to carry out the work. A Multipurpose Grant allows the grant recipient greater flexibility in carrying out eligible activities and allows for different activities (assessment, area-wide planning, cleanup planning, cleanup) to take place sequentially or concurrently, allowing the overall revitalization process to be more efficient.

M.2. If a site meets the definition of a brownfield, can I use Multipurpose Grant funding on it?

Not necessarily. For the purposes of meeting the Multipurpose Grant threshold criteria, determinations made regarding meeting the definition of CERCLA § 101(39) are not equivalent to a determination that the identified brownfield site would be eligible for site-specific grant funding. Whether or not grant funding can be used on a brownfield site requires a more robust eligibility determination by EPA. For example, the Multipurpose Grant recipient must own the site(s) that will be remediated and must meet other statutory eligibility requirements, if applicable, including not being potentially liable for the contamination at the site under CERCLA § 107.

M.3. How can Multipurpose Grant funds be used?

Multipurpose Grants provide up to $800,000 to grant recipients to carry out eligible activities under the grant. EPA will more favorably evaluate projects that allocate at least 70% of EPA awarded grant funds for tasks directly related to site-specific work, including site assessments, remediation, and associated tasks (with at least $200,000 designated for tasks directly associated with site remediation).

M.4. What is considered "site-specific work"?

Activities directedly related to the assessment, cleanup, or redevelopment of a brownfield site are considered "site-specific work." These can include:

- Characterizing sites;
- Assessing sites;
- Cleanup and redevelopment planning at a specific brownfield site;
- Conducting community involvement for a specific brownfield site; and
- Site-specific assessment and cleanup planning activities that are necessary to help determine the feasibility of site cleanup or reuse option(s) may be done if they support the recipient's decision-making and better inform implementation strategies.

Recipients must contact their EPA 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 site-specific assessment or cleanup planning activities. EPA approval for site-specific assessment or cleanup planning will be based on site eligibility and liability provisions under CERCLA § 101(39) and CERCLA § 104(k)(5)(B). A recipient who is potentially liable for contamination at a specific brownfield site is prohibited from conducting assessment or cleanup planning at that site using EPA grant funds under the Brownfields Multipurpose Grant.

M.5. What eligible activities are not considered "site-specific work"?

Eligible uses of grant funds that would not be considered "site-specific" include:

- Compiling an inventory of sites;
- Prioritizing sites;
- Conducting general community involvement;
- Producing an overall plan for revitalization.

M.6. What is considered an overall plan for revitalization?

An overall plan for revitalization is a document that guides the reuse or development of a property, area, or neighborhood. This plan reflects feasible and actionable approaches to reusing and improving the property. An overall plan for revitalization can be something that exists within the context of a larger plan for the project area, provided it includes a feasible site reuse strategy (as described in FAQ M.7.) for each brownfield site. For more information, please see the Planning Information Sheets on EPA's website.

M.7. What is a site reuse strategy?

- Site reuse strategy includes:
  - a reuse recommendation for each brownfield site;
  - a list of the resources (including assessment/cleanup) needed and infrastructure improvements necessary to support reuse; and
  - an outline of short- and long-term implementation actions and roles/responsibilities of key partners.

- Site reuse strategy must be based on:
  - community input/priorities; and
  - known project area/site conditions (state of market, environmental, health/social, infrastructure, etc.).

N. COST SHARE

N.1. What happens if I include a voluntary cost share in the application?

Some applicants may want to include a *Voluntary committed cost sharing*, as defined in 2 CFR § 200.1 in their application to EPA for competitive reasons. Note that **EPA will not consider or evaluate any proposed voluntary cost share.** Therefore, applicants must only include information on required cost shares in their application.

N.2. Can the Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) funds be used as a cost share on a Brownfields Multipurpose, Cleanup, or RLF Grant?

Yes. In general, funds from one federal grant (from any agency) may not be used to meet a statutory cost share requirement on another federal grant (from any agency) unless there is

specific statutory authority that provides otherwise. The CDBG statute, 42 U.S.C. § 5305(a)(9), is an example of statutory authority to use federal funds for a cost share on another grant. Another example of a statute that allows Federal grant funds to be used as cost share on another federal grant is the National Community Services Act which funds the AmeriCorps program.

N.3. How does EPA enforce the requirement for cost sharing for the Multipurpose, Cleanup, and RLF Grants?

EPA requires recipients to report on their cost sharing in financial status reports. Recipients must have documentation to support cash and in-kind contributions of labor, material and services for cost sharing expenses to be eligible and allowable. If a recipient fails to provide its agreed upon cost share by the end of the period of performance for the grant, EPA may take action to recover all or part of the grant as well as take other enforcement actions authorized by EPA's grant regulations.

N.4. How do I meet the cost share requirement if I'm addressing multiple sites in the same application?

Whether you are applying to address a single brownfield site or multiple brownfield sites, the required cost share is 20% of the total federal funds awarded for Cleanup Grants and RLF Grants and $40,000 for Multipurpose Grants. Assessment Grants do not require a cost share. The cost share may be in the form of a contribution of money, labor, material, or services from a non-federal source that meets the requirements of 2 CFR § 200.306. If the cost share is in the form of a contribution of labor, material, or other services, it must be incurred for an eligible and allowable expense under the grant and not for ineligible expenses. Eligible and allowable expenses may include administrative costs borne by the recipient or a third-party to meet its cost share obligation; including indirect costs, subject to the 5% limit on administrative costs.

If you are applying to address multiple sites, you may choose to apply the entire cost share to one site or divide the costs evenly or proportionally across multiple sites.

N.5. Can activities conducted/resources secured before the recipient was notified by EPA of selection for a Brownfield grant count toward the cost share?

No. In competitive situations, costs incurred before EPA notified the applicant/recipient of selection are generally not allowable. As indicated in 2 CFR § 200.458, pre-award costs are those incurred prior to the effective date of the Federal award directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work. Costs an applicant/recipient incurs prior to selection are very unlikely to meet the regulatory test.

However, selected applicants may incur allowable pre-award costs up to 90 days prior to award (at their own risk) under 2 CFR § 1500.9 without prior EPA approval. These applicants should include the pre-award costs in their final budget and workplan submitted to EPA and provide the date the pre-award costs were incurred. Note, EPA is not obligated to reimburse applicants for pre-award costs that are not included in the workplan and budget EPA approves. Selected applicants should discuss pre-award costs with their EPA Project Officer.

N.6. Can an institution use unrecovered Facilities & Administration costs to meet the cost share requirement?

Yes, if selected for funding, the recipient may use unrecovered Facilities and Administration costs (i.e., indirect costs) as provided at 2 CFR 200.306(c) to meet its cost share obligation. However, the amount of administrative costs (which include all indirect costs) that may be charged to the Brownfields Grant is limited by statute to 5% of the amount of funds made available through the EPA award (EPA grant funds plus, if applicable, the recipient's cost share). Unrecovered indirect costs counted towards cost share are subject to this same limitation.

O. ADMINISTRATIVE COSTS

O.1. How much of the grant funds can be used for administrative costs?

CERCLA § 104(k)(5)(E), as amended by the 2018 BUILD Act, allows recipients to charge up to 5% of the total award grant amount (EPA funds plus, if applicable, the recipient's cost share) for the payment of administrative costs. For example, if EPA awards a grant for $100,000 and the recipient's cost share is $20,000 (20%), the total award amount is $120,000. The 5% cap for administrative costs is based on the $120,000 total award amount and equals $6,000. (There is no similar cap on the amount that may be charged for the payment of programmatic costs.)

O.2. Does the term "administrative cost" include both direct and indirect costs?

Yes. Administrative costs include certain direct costs of grants administration and all indirect costs.

Direct Administrative Costs, including those in the form of salaries, benefits, contractual costs, supplies, and data processing charges, are costs that are not included in the recipient's indirect cost pool and are necessary to comply with the provisions of the *Uniform Administrative Requirements for Cost Principles and Audit Requirements for Federal Awards* at 2 CFR Parts 200.

Indirect Costs are those that are not specifically related to implementing the EPA award and are not readily identified with a specific project or organizational activity but incurred for the joint benefit of both projects and other activities. Overhead costs are a typical example of an indirect cost. Indirect costs are usually grouped into common pools and charged to benefiting objectives through an allocation process/indirect cost rate; 2 CFR § 200.414 and other provisions of the Uniform Guidance.

EPA's interpretation of the term "Administrative Cost" in CERCLA § 104(k)(5)(B) is based on similar limitations on administrative costs contained in sections 117(a)(1)and 319(h)(12) on the Clean Water Act.

O.3. My organization has a federally negotiated rate. Can we charge the Brownfields Grant for indirect costs?

We understand that many entities have negotiated indirect rates. However, the statutory authority for the Brownfields competitive grants caps the **amount** of grant funds that can be spent on administrative costs to 5%. The 5% cap of administrative costs is for all administrative costs, including indirect rates and other administrative expenses. For example, if an entity wants to charge their indirect rate to the grant, and their negotiated indirect rate is 15%, then they may charge their full negotiated rate (15%) but the total **amount** of allowable indirect costs is limited to 5% of the total award amount (EPA funds plus, if applicable, the recipient's cost share). No other administrative expenses may be charged to the grant.

O.4. Does the limit on administrative costs for Brownfield Grants conflict with the requirement in 2 CFR § 200.414(c) for EPA to accept recipients' negotiated indirect cost rate?

No. The regulation states that "[A] Federal awarding agency may use a rate different from the negotiated rate for a class of Federal awards or a single Federal award only when required by Federal statute . . . ". By statute, administrative costs for Brownfield Grants are limited to 5% of the amount of funds made available under a Brownfields Grant.

O.5. What is the difference between a direct administrative cost and a programmatic cost?

Direct Administrative Costs.

- Direct administrative costs include costs in the form of salaries, benefits, contractual costs, supplies, and data processing charges, incurred to comply with most provisions of the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* contained in 2 CFR Part 200 and 2 CFR Part 200, Subpart E.
- Direct administrative costs are defined in the applicable OMB Cost Principle Circular.
- As required by 2 CFR § 200.403(d), recipients must classify administrative costs as direct or indirect consistently and may not classify the same types of cost in both categories. Please review 2 CFR § 200.412, *Classifications of Costs*, for more information.

Programmatic Costs.

- EPA has determined that costs for activities that are integral to achieving the purpose of the cooperative agreement are considered as "programmatic" costs; not administrative costs.
- As required by 2 CFR § 200.403(d), recipients must classify administrative costs as direct or indirect consistently and may not classify the same types of cost in both categories. Please review 2 CFR § 200.412, *Classifications of Costs*, for more information.

O.6. What are examples of eligible <u>direct</u> administrative costs?

Eligible administrative costs subject to the 5% limitation include direct costs for costs incurred to comply with the following provisions of the *Uniform Administrative Requirements for Cost Principles and Audit Requirements for Federal Awards* at 2 CFR Parts 200 and 1500 other than those identified as programmatic.

i. Record-keeping associated with equipment purchases required under 2 CFR §

200.313;

ii. Preparing revisions and changes in the budgets, scopes of work, program plans, and other activities required under 2 CFR § 200.308;

iii. Maintaining and operating financial management systems required under 2 CFR § 200.302;

iv. Preparing payment requests and handling payments under 2 CFR § 200.305;

v. Financial reporting under 2 CFR § 200.328;

vi. Non-federal audits required under 2 CFR 200 Subpart F; and

vii. Closeout under 2 CFR § 200.344, with the exception of preparing the recipient's final performance report. (Costs for preparing the final performance report are programmatic and are not subject to the 5% limitation on direct administrative costs.)

O.7. What are examples of allowable programmatic costs that are not subject to the 5% administrative cap?

EPA has determined that direct costs for activities that are integral to achieving the purpose of the cooperative agreement are considered as "programmatic" costs; not administrative costs. Direct costs are defined at 2 CFR § 200.413. As required by 2 CFR § 200.403(d), recipients must classify administrative costs as direct or indirect consistently and may not classify the same types of cost in both categories. Please review 2 CFR § 200.412, *Classifications of Costs*, for more information.

The following are examples of eligible *programmatic costs*:

1. In the case of cooperative agreements for site characterization and assessment, expenses for inventorying, characterizing, assessing, and conducting planning related to brownfield sites.

2. In the case Revolving Loan Fund Grants:
   - expenses for making and managing loans;
   - expenses, including financial management expenses, for operating the revolving loan fund; and
   - expenses for making and managing subgrants under CERCLA § 104(k)(3)(B)(ii).

3. In the case of cooperative agreements for remediation of brownfield sites under CERCLA § 104(k)(3)(A)(ii), expenses for site remediation activities.

4. In the case of a cooperative agreement for the implementation of Brownfields Programs under CERCLA § 104(k)(7), expenses for providing training, research, and technical assistance.

5. Costs incurred for complying with the procurement standards of 2 CFR §§ 200.317 through 200.327 are considered eligible programmatic costs only if the procurement contract is for services or products that are direct costs for performing eligible programmatic activities under the cooperative agreement.

6. Costs for performance reporting required under 2 CFR § 200.329 is an eligible programmatic cost. Performance reporting is an essential programmatic tool for both the recipient and EPA to ensure that cooperative agreements are carried out in accordance with statutory and regulatory requirements.

Other examples of *programmatic costs* include:

- Expenses for travel, training, equipment, supplies, reference materials, and contractual support if those costs are reasonable and allocable to tasks specified in a grant recipient's EPA-approved workplan.
- Salaries and fringe benefits of employees working on eligible programmatic activities under the EPA award.
- Operation of a public repository associated with the remediation of a site.
- Maintenance of the brownfields project website. (This is an allowable community involvement cost.)
- Title search. For example, in an RLF Grant, post-award costs for title searches the recipient incurs in connection with making a loan or a subaward.
- Legal services. For example, post-award legal services such as reviewing contracts under all types of grants, or subaward agreements (loans or subgrants) or CERCLA § 107 (hazardous substances)/petroleum liability analyses in the RLF Grants.

For further information on these prohibitions, contact your Regional Brownfields Contact.

O.8. Can I meet the required statutory cost share with administrative costs?

Yes. Eligible and allowable expenses may include administrative costs borne by the recipient or a third-party to meet its cost share obligation; including indirect costs, subject to the 5% limit on administrative costs.

O.9. Are Management Fees allowable under Brownfield Grants?

No. Recipients must not include management fees or similar charges in excess of the direct costs in budgets for Brownfield Grants. The term "management fees or similar charges" refers to expenses added to the direct costs and allowable indirect costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs that are not allowable under EPA Grants. This restriction applies to all EPA grants as indicated in EPA's General Terms and Conditions.

O.10. If I am a successful applicant and I properly contract with an environmental services contractor to perform services within the scope of the grant (such as investigation of the contamination, or performance of a response action) on a cost reimbursement basis, can I charge the grant to reimburse the contractor at its full indirect cost rate?

Yes. The administrative costs limitation apply to the grant recipient's indirect costs and not to costs the grant recipient incurs under a contract for eligible programmatic costs.

Section 104(k)(5)(B)(ii) of CERCLA provides that the administrative costs do not apply to costs for investigation and identification of the extent of contamination and the design and performance of a response action. The *Information on Sites Eligible for Brownfields Funding Under CERCLA § 104(k)* provides that eligible programmatic costs are expenditures for activities that are integral to achieving the purpose of the grant. It states that eligible programmatic costs include costs for ". . . contractual support if those costs are reasonable and allocable to tasks specified in a grant recipient approved scope of work for carrying out the activities" that are excluded by statute from the reach of the administrative costs. A contractor's indirect costs that are otherwise reasonable (e.g., are covered by an indirect cost rate agreement with its cognizant federal agency) and normally charged to cost reimbursement contracts are programmatic rather than administrative.

P. APPLICATION PREPARATION COSTS

P.1. If I am a successful applicant, can I charge the grant to prepare the required workplan?

Yes. Post-selection grant application preparation (including the final workplan) is an eligible direct administrative cost subject to the 5% administrative cost limitation. The cost can also be included in the recipients' indirect cost pool as provided by 2 CFR § 200.460 but may not also be charged to Brownfield Grants as a direct administrative cost. As required by 2 CFR § 200.403(d), recipients must classify administrative costs as direct or indirect consistently and may not classify the same types of cost in both categories.

P.2. If I am a successful applicant, will EPA reimburse me directly for the costs of paying a consultant to prepare my application that I submitted under the Brownfields Grant competition?

No. Pre-selection application preparation costs are not allowable as direct costs under Brownfield Grants.

P.3. Can a current recipient charge the grant to write/prepare an application for another Brownfields Grant that the recipient itself is seeking?

No. All costs under the award must be reasonable, allocable, eligible, and necessary. Application preparation costs for a different Brownfields Grant that the recipient itself is seeking are neither necessary for the successful completion of the current award nor allocable to that award and are therefore unallowable.

P.4. Can a state or tribe use LUST Trust Fund money from a RCRA § 9003(h) cooperative agreement to pay for its preparation of its own Brownfields petroleum grant proposal under the CERCLA § 104(k)?

Not as a direct cost. Proposal preparation costs must be necessary, reasonable, adequately documented, and allocable to the assistance agreement the recipient charges directly. EPA's Policy on proposal preparation costs for Continuing Environmental Program grants such as LUST cooperative agreements provides that "[T]o be necessary, reasonable and allocable, the proposal preparation costs must only be for the assistance agreement under development…"

State or tribal recipients indirect cost base may include proposal preparation costs for other assistance agreements to the extent authorized by 2 CFR § 200.460.

Q. ALL APPROPRIATE INQUIRIES

Q.1. What is "All Appropriate Inquiries" (AAI) and who conducts "All Appropriate Inquiries"?

The Small Business Liability Relief and Brownfields Revitalization Act ("Brownfield Amendments") amended CERCLA in 2002 and established that site characterizations or assessments conducted with the use of Brownfield Grants awarded under CERCLA §104(k)(2)(B)(ii) must be conducted in accordance with the federal "all appropriate inquiries" (AAI) standards established under CERCLA and addressed in EPA's final rule setting standards and practices for AAI at 40 CFR Part 312.

AAI refers to the requirements for assessing the environmental conditions of a property prior to its acquisition, for purposes of establishing certain landowner liability protections under Subtitle B of Title II of the Brownfield Amendments. These landowner liability protections (bona fide prospective purchaser, contiguous property owner, and innocent landowner) require that a person perform "all appropriate inquiries" into the previous ownership and uses of a property before acquiring title to the property.

- To qualify as a bona fide prospective purchaser, a person must meet the criteria set forth in §§ 107(r) and 101(40) of CERCLA (both threshold criteria and continuing obligations after purchase), purchase the property after January 11, 2002 (the date of enactment of the Brownfield Amendments), and must perform AAI prior to purchase. These parties may buy knowing, or having reason to know, of contamination on the property. **Please note that brownfield grant applicants that otherwise would meet the requirements for a bona fide prospective purchaser, except for having purchased the property prior to January 11, 2002, are eligible for federal brownfields funding.**

- To qualify as a contiguous property owner, a person who owns property that is contiguous or otherwise similarly situated to a facility that is the only source of contamination found on his/her property must meet the criteria set forth in CERCLA § 107 (q)(1)(A). Contiguous property owners must perform AAI prior to purchase and cannot know, or have reason to know, of contamination on the property.

- To qualify as an innocent landowner, a person must meet the criteria set forth in CERCLA §§ 107(b)(3) and 101(35), perform AAI prior to the purchase of a property and cannot know, or have reason to know, of contamination on the property.

Applicants should note that there are continuing obligations after purchase that are relevant to each of the above liability protections. For more detailed information on the requirements necessary to meet these liability protection, see EPA's Enforcement Discretion Guidance Regarding Statutory Criteria for Those Who May Qualify as CERCLA Bona Fide Prospective Purchasers, Contiguous Property Owners, or Innocent Landowners ("Common Elements").

Q.2. What are the federal standards for conducting "All Appropriate Inquiries?"

As of November 1, 2006, parties must comply with the standards and practices set forth in the All Appropriate Inquiries Final Rule (40 CFR 312, see www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr312_main_02.tpl). The Final Rule was amended on December 30, 2013 to recognize an updated industry standard practice (ASTM E1527-13) as compliant with the requirements of the Final Rule (78 FR 79319). The Final Rule was also amended on September 15, 2017 to recognize another industry standard practice (ASTM E2247-16) as compliant with the requirements of the Final Rule (82 FR 43310) (available at www.astm.org/).

Q.3. What are the statutory criteria for conducting "All Appropriate Inquiries"?

Congress directed EPA to establish, by regulation, standards, and practices for conducting AAI. In the 2002 Brownfield Amendments, Congress directed EPA to include, within the standards for AAI, the nine criteria shown below. Each of these criteria is addressed in the AAI Final Rule (70 FR 66070):

- the results of an inquiry by an environmental professional;
- interviews with past and present owners, operators, and occupants of the facility for the purpose of gathering information regarding the potential for contamination at the facility;
- reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land-use records, to determine previous uses and occupancies of the real property since the property was first developed;
- searches for recorded environmental cleanup liens against the facility that are filed under Federal, State, or local law; Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records concerning contamination at or near the facility;
- visual inspections of the facility and adjoining properties;
- specialized knowledge or experience on the part of the defendant;
- the relationship of the purchase price to the value of the property if the property was not contaminated;
- commonly known or reasonably ascertainable information about the property; and
- the degree of obviousness of the presence or likely presence of contamination at the property and the ability to detect the contamination by appropriate investigation.

Q.4. How do I demonstrate "All Appropriate Inquiries" was conducted?

Brownfields funding cannot be used at sites for which the grant recipient is a potentially responsible party (PRP) under CERCLA. If an applicant is a PRP, the applicant must demonstrate that it qualifies for a CERCLA liability defense or protection, including the bona fide prospective purchaser, innocent landowner, or contiguous property owner protections. To qualify for these protections, the applicant must have conducted AAI prior to acquiring the

property. The particular standard that may be used to meet the pre-acquisition AAI requirement depends on when the property was acquired.

If the property was acquired on or after November 1, 2006, parties seeking certain CERCLA liability protections must demonstrate compliance with either the standards and practices set forth in the AAI Final Rule (40 CFR 312) or the process established in either of the updated industry standard practices, ASTM E1527-13 "Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process," or ASTM E2247-16 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property".

For properties acquired between January 11, 2002 and November 1, 2006, the purchaser must demonstrate that prior to acquiring the property, the purchaser conducted AAI or a Phase I Environmental Site Assessment using the ASTM E1527 standard for Phase I environmental site assessments available at the time of purchase (i.e., E1527-97, E1527-00 or E1527-05).

Prior to the enactment of the 2002 Brownfield Amendments, the standard for AAI contained in CERCLA was that a party must show they conducted AAI into the previous ownership and uses of the property consistent with good commercial or customary practice. This is generally evaluated by looking at commercial or customary practice at the time and place the property was acquired. Depending on the specific circumstances, this may be anything from a title search to a full environmental assessment. However, as of 1997, the ASTM E1527 standard for Phase I environmental site assessments was the generally accepted commercial standard for due diligence. Therefore, if the property was acquired after 1997, compliance with the relevant version of the ASTM E1527 standard (i.e., the ASTM E1527-97, E1527-00, E1527-05 or E1527-13 Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process) is sufficient to demonstrate that the applicant has satisfied its AAI obligations.

The site eligibility determination is a site-specific process and each individual application is reviewed and verified based on the circumstances in which the party acquired the property. For more information on site eligibility, please contact your Regional Brownfields Contact.

R. PETROLEUM BROWNFIELD SITES

R.1. What statutory determinations must my state (or EPA) make to assure that petroleum-contaminated sites (or portions of properties contaminated with petroleum) are eligible for brownfields funding?

CERCLA, as amended, outlines specific criteria by which petroleum sites may be eligible for brownfield grant funding if the state or EPA makes a petroleum eligibility determination. The state or EPA must determine:

1. there is no viable responsible party; and
2. funding will be used by a party that is not potentially liable for the petroleum contamination to assess, investigate, or clean up the site.

In addition, petroleum-contaminated sites must not be subject to a corrective action order under the Resource Conservation and Recovery Act (RCRA) § 9003(h).

For further information, review the *Information on Sites Eligible for Brownfields Funding Under CERCLA § 104(k)*, Section 2.3.2, Contamination by Petroleum or Petroleum Product.

R.2. What information must I provide to a state or EPA so that my petroleum contaminated site is eligible for grant funding?

Non-tribal applicants must provide the information required for a petroleum site eligibility determination to the state so that the state can make the necessary determination on petroleum site eligibility. Where the state is unable to make the eligibility determination, EPA will make the determination. Applicants must provide EPA with a copy of the state determination letter in each application (grant recipients must provide a copy of the state's determination to their EPA Project Officer).

The following information is required for the state or EPA to make the petroleum site eligibility determination:

i. Current and Immediate Past Owners. Identify the current and immediate past owner of the site. For purposes of petroleum eligibility determinations at time of application submission, the current owner is the entity that will own the site by the application submission deadline. For Cleanup Grants, this must be the applicant.

ii. Acquisition of Site. Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, inheritance).

iii. No Responsible Party for the Site. Identify whether the current and immediate past owner (which includes, if applicable, the applicant) (1) dispensed or disposed of petroleum or petroleum product, or exacerbated the existing petroleum contamination at the site; and (2) took reasonable steps with regard to the contamination at the site.

iv. Assessed/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.

v. 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.

vi. Subject to RCRA. Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act.

vii. 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 iii. or iv. above, then the petroleum-contaminated site may be eligible for funding. If a responsible party is identified above, the state or EPA 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**. For more information, see the *Information on Sites Eligible for Brownfields Funding Under CERCLA § 104(k)*, Section 2.3.2.

If you are not able to provide the state or EPA with all the above information, then your request to the state or EPA for the determination of site eligibility also must include a brief explanation as to why the information requested above is not available.

R.3. What happens if I do not receive a petroleum determination letter back from my state prior to the application submission deadline?

For instances where you requested the state to make a petroleum determination, but did not receive a determination letter prior to the application submission deadline, you must attach a copy of the request submitted to the state and indicate the date you submitted your request to the state. EPA will then coordinate with the state and EPA will make the petroleum determination if necessary.

R.4. If a site is contaminated with petroleum, diesel, and lead from gasoline, can funding address all three contaminants?

Yes. CERCLA § 101(39)(D)(ii)(II)(aa) provides that a brownfield site includes a site that is "contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance' ..." "Diesel" and "lead from gasoline" would fall within the purview of "petroleum or a petroleum product" and thus a site contaminated by those substances would meet the definition of a brownfield site.

R.5. Can tanks be pulled under a Brownfields Assessment Grant?

Maybe. An underground storage tank may be pulled under an Assessment Grant only if the recipient determines that the tank must be pulled in order to conduct the assessment. The grant recipient is accountable for any decision made to pull a tank and will need to document the reasons for its decision (e.g., with an engineering analysis) for audit purposes.

R.6. What happens if I want to clean up my petroleum brownfield site to a higher cleanup standard than required under state law or regulation, but a responsible party exists that is required to clean up the site to meet the standard in the state law or regulation?

You may still be eligible for the grant, even if another party is responsible for the initial cleanup to meet regulatory requirements as long as that party is not under a legal obligation to perform the same cleanup activities identified in your grant application. The state or EPA is required to determine that there is no viable responsible party that can address the petroleum

contamination at the site. This analysis is twofold -- the state or EPA 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 application. Applicants are responsible for providing information in their application that demonstrates that the activities for which they seek funding have no liable or viable responsible party. 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 application. In this case, even though the responsible party is financially capable of conducting the cleanup, the party may not be responsible for cleaning up the petroleum site to the applicant's desired level and the site may be eligible for brownfields funding consideration.

R.7. Can a state or tribe use LUST Trust Fund money as a direct cost under its RCRA § 9003(h) grant to pay for providing advice, technical assistance, or (in the case of states) making determinations *related to another eligible entity or nonprofit organization's* Brownfields Grant application?

It depends. As a threshold matter, under the LUST Trust Fund, the Brownfields Grant application must be for corrective action for releases of petroleum from federally regulated USTs. Activities a state carries out in connection with applications for non-petroleum, non-corrective action activities and/or for non-federally regulated USTs would not be an eligible cost under a LUST cooperative agreement and would not qualify for financial support from the LUST Trust Fund. For example, assisting an eligible entity or nonprofit organization apply for hazardous substances funding would not be an eligible use of the LUST Trust Fund under RCRA § 9003(h).

However, providing advice and assistance to applicants regarding petroleum funding, including a state making determinations under CERCLA § 101(39)(D)(ii)(II)(bb), is a legitimate use of the LUST Trust Fund because it is an eligible cost under RCRA § 9003(h) associated with corrective action for petroleum releases. The Region awarding the grant would have to examine whether EPA's LUST Trust Fund cooperative agreement with the state allows for this type of activity within its scope of work. If the activity is within the scope of work, it would be eligible as a direct cost.

S. BROWNFIELDS AND PUBLIC HEALTH, FLOOD EVENTS

S.1. For purposes of the grant solicitations that seek to advance environmental justice principles, what are disproportionate and adverse impacts?

Disproportionate and adverse environmental, human health, climate-related and other cumulative impacts, as well the accompanying economic challenges of such impacts, may result when greater pollution burdens or consequences, and the impact of them, are more likely to affect people/communities of color, low income, tribal and indigenous populations, and vulnerable populations. The impacts may result from various factors including but not limited to being a function of historical trends and policy decisions.

Factors that may indicate disproportionate and adverse impacts include:

- differential proximity and exposure to adverse environmental hazards;
- greater susceptibility to adverse effects from environmental hazards (due to causes such as age, chronic medical conditions, lack of health care access, or limited access to quality nutrition);
- unique environmental exposures because of practices linked to cultural background or socioeconomic status (for example, subsistence fishing or farming);
- cumulative effects from multiple stressors;
- reduced ability to effectively participate in decision-making processes (due to causes such as lack of or ineffective language access programs, lack of programs to make processes accessible to persons with disabilities, inability to access traditional communication channels, or limited capacity to access technical and legal resources); and
- degraded physical infrastructure, such as poor housing, poorly maintained public buildings (e.g., schools), or lack of access to transportation.

S.2. Our community is concerned about health problems that may be related to brownfield sites. How do we apply for funds to conduct health monitoring at our brownfield sites?

Under CERCLA, only local governments are eligible to use up to 10% of brownfield grant funds to monitor the health of populations that may be exposed to hazardous substances or monitor institutional controls to ensure they continue to protect public health.

Interested applicants may wish to review the factsheet on brownfields, health monitoring and public health to learn more about current examples of funded activities or other potentially eligible activities.

They should also contact and involve their local or state health department in preparing their grant application and in determining what types of health monitoring may be appropriate given the brownfield sites in their community and the likely types of hazardous substance exposures from that site or multiple sites that may occur.

The Agency for Toxic Substances and Disease Registry (ATSDR) and Centers for Disease Control and Prevention (CDC) also have valuable tools to provide communities with information and assistance on environmental health issues. Please see their websites at www.atsdr.cdc.gov/ and www.cdc.gov/ for additional information that may relate to environmental contaminants that pose health risks or ways to create healthier communities.

S.3. What is a "risk" and what is a "stressor"?

While there are many definitions of the word "risk," **EPA considers risk to be the chance of harmful effects to human health or to ecological systems** resulting from exposure to an environmental stressor.

A "stressor" is any physical, chemical, or biological entity that can induce an adverse response. Stressors may adversely affect specific natural resources or entire ecosystems, including plants and animals, as well as the environment with which they interact.

Please visit EPA's Risk Assessment Portal (www.epa.gov/risk) for more information.

S.4. What is a sensitive population?

Generally, sensitive populations include children, pregnant women, minority groups, low-income populations and other sensitive groups subject to environmental exposures consistent with CERCLA § 104(k)(6)(C)(iii). However, there is no one definition of a sensitive population. Research has found your age can make a difference for risk to pollutants in the environment, either because you may be more highly exposed, or because you may have a greater response to exposures. Research has documented that risk to environmental pollutants can be greater for the very young and adults over 65 years of age.

Individuals are exposed to multiple chemical and non-chemical stressors that can have the potential to negatively affect their health. EPA traditionally has used the risk assessment paradigm to assess exposures and risks to single chemicals. However, recently EPA has assessed risk to multiple contaminants like organophosphate pesticides and hazardous air pollutants. Additionally, the traditional risk assessment has not been used to assess the interaction of non-chemical stressors (e.g., stress, poverty) and environmental exposure to chemicals.

Different communities face different exposures to chemical and non-chemical stressors. Some communities may be more vulnerable to such stressors, due to genetics, social or other environmental factors. For many years, the environmental justice movement and local communities have been asking EPA to assess cumulative exposures. Community-based risk assessment (CBRA) is an attempt to address exposures and environmental health risks in real-world contexts.

EPA and researchers also are involved in 'life stage research'. The goal of life stage research is to provide a fundamental understanding of the many factors that can lead to increased risk to sensitive populations. Research will focus on how exposure to pollutants may be impacted by life stage, determine if there are unique biological responses, and evaluate the developmental time periods (i.e., so-called "windows of susceptibility") during which children may be more susceptible to certain environmental toxicants. This research focuses on three general approaches: (1) research on the long-term effects following developmental exposure; (2) development of tools to measure exposure and effects in older populations; and (3) studies on specific exposures and associated effects in children.

S.5. What is a flood zone?

A flood zone is described by the Federal Emergency Management Agency as a flood hazard area. Flood Hazard Areas are identified on maps as special flood hazard areas (SFHA) and moderate flood hazard areas. The SFHA is the area "that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year". The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. Flood maps highlight these areas using a range of codes, Zone A and Zone V identified in map and map legend below.

Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the Flood

Insurance Rate Map, and are the areas between the limits of the base flood and the 0.20-percent annual chance flood (or 500-year) flood. The areas of minimal flood hazard, which are areas outside the SFHA and higher than the elevation of the 0.2 percent chance flood, are labeled Zone C or Zone X (unshaded).

S.6. How can I find out if my community is in a flood zone?

The Federal Emergency Management Agency (FEMA) Flood Mapping Service allows you to search by address to see if your property or community is in a flood zone.

- https://msc.fema.gov/portal/search

A Draft Flood Map viewer developed to support the National Flood Insurance Program may also help identify locations where new flood information is reflected in flood mapping and requirements for flood insurance.

- https://www.fema.gov/draft-national-flood-hazard-layer

The U.S. Geological Service (USGS) also provides some flood mapping and flood inundation information that included real-time flood information linked with real-time streamflow information, flood forecasts, and other topographic information.

- https://www.usgs.gov/media/images/flood-inundation-mapping-interactive-floodplain-mapping-tool
- https://wimcloud.usgs.gov/apps/FIM/FloodInundationMapper.html

The National Weather Service also provides some flooding information and links to state and local flood information.

- https://www.weather.gov/safety/flood-map

EPA's Cleanups In My Community (CIMC) which displays past brownfields and other contaminated site program information reported to EPA includes a layer with FEMA special flood hazard layer and sea-level risk estimations which can be added to explore flood hazards. FEMA is recommended as a more authoritative source for flood map information.

- https://www.epa.gov/cleanups/cleanups-my-community

S.7. What types of revitalization are possible in a flood zone?

It will depend on the requirements in your area. Development, land use planning, zoning, and building decisions will be regulated and permitted at the local level. In areas with higher flood risks, flood plain managers may also be involved and require new development and upgrades to meet updated building codes or raise structures. The Association of Floodplain Managers can help you identify your State, Regional, or County Flood district contacts at www.floods.org/.

EPA developed the following publication to assist communities in learning what climate-vulnerable communities are doing to support resilient revitalization: www.epa.gov/land-revitalization/climate-smart-brownfields-manual.

T. BENEFITS of BROWNFIELDS PROJECTS

T.1. What are some of the benefits associated with assessing and cleaning up a brownfield site?

There are numerous environmental, economic, and social benefits that a community can expect upon the assessment and cleanup of brownfield sites. Examples include, but are not limited to, the benefits listed below.

- Economic benefits include an increase in local tax base and new job growth. There are numerous tax incentives from both state and local governments available for brownfields projects.

- Environmental/social benefits include: assessment and remediation of contamination, reuse of existing infrastructure, development pressure taken off undeveloped land, prevention of sprawl, cleaner air and water, and reduced natural habitat destruction.

- Approximately 33% of assessments conducted with Brownfield Grants reveal that no cleanup is necessary and that the site is ready for development. This quick re-use is good for the developer, the local government which has been losing tax revenue, and the local community which has been living with a potentially toxic site blighting their neighborhood.

T.2. What are examples of activities and EPA initiatives that support the sustainable reuse of brownfield sites?

There are many different activities and EPA initiatives that support the sustainable reuse of brownfield properties. Several activities and EPA initiatives are listed below. Please note that while EPA encourages applicants/recipients to incorporate elements of sustainable reuse in their brownfield projects, not all of the activities in the initiatives identified below will be eligible costs under the Brownfields Grant. Please contact your Regional Brownfields Contact if you intend to seek brownfield grant funding for any of these activities.

1) Clean Energy/Energy Efficiency at a Brownfield Site

- Consider the use of renewable sources of energy such as solar, wind, geothermal or biomass for power on your brownfield site.
- Consider ways to reduce the use of conventional, hydrocarbon power on your brownfield site by using energy-efficient appliances and fixtures.

For more information on Clean Energy and Energy Efficiency go to www.epa.gov/energy/clean-energy-programs, www.epa.gov/greenpower or www.energystar.gov.

2) Water Efficiency at a Brownfield Site

- Consider ways to conserve water on your brownfield site by incorporating high-efficiency water fixtures and toilets into any new or revitalized buildings.
- Consider ways to promote water conservation techniques and sustainable practices at the brownfield site through such techniques as Low Impact Development (LID) or Storm Water Retention.

- By promoting water efficiency at the brownfield site a storm water management plan can prevent untreated stormwater from washing contaminants from the brownfield site into waterways.

For more information on water efficiency go to www.epa.gov/watersense.

For more information on stormwater retention go to www.epa.gov/npdes/npdes-stormwater-program.

For more information on Low Impact Development go to www.epa.gov/polluted-runoff-nonpoint-source-pollution/urban-runoff-low-impact-development.

3) Green Remediation of a Brownfield Site

- Green Remediation is defined by EPA as "the practice of considering all environmental effects of remedy implementation and incorporating options to maximize net environmental benefit of cleanup actions."
- Consider ways to incorporate sustainable practices when cleaning up a brownfield site including: ways to reduce harmful air emissions, minimize water consumption, reduce land and ecosystem impacts during the cleanup and reduce material consumption and waste generation.

For more information on Green Remediation practices at brownfield sites go to www.clu-in.org/download/remed/Green-Remediation-Primer.pdf.

4) Construction and Demolition Recycling

- Consider ways of incorporating construction and demolition materials recycling into the assessment, cleanup, or redevelopment of your brownfield site.
- If your site has buildings that need to be demolished, plan to recover and sell, donate, or reuse the uncontaminated usable materials rather than disposing of them in a landfill. Materials such as clean untreated wood, gypsum wallboard, metal, asphalt paving, concrete, brick, roofing material, and architectural salvage materials are commonly recycled.
- If your project will include new construction, plan to use recycled materials such as those from deconstruction projects or from materials that have been made out of recycled goods.

For more information on Construction and Demolition Recycling at brownfield sites got to www.epa.gov/sites/production/files/2015-09/documents/cdbrochure.pdf.

5) Diesel Emission Reduction at a Brownfield Sites (Especially During the Cleanup of Your Brownfield Site

- Consider ways to reduce harmful emissions released by the burning of diesel fuels by incorporating modifications to operations such as: reducing operating and idle times of machinery, keeping engines well-tuned and maintained in accordance with engine manual (i.e., change air filters, check engine timing, fuel injectors and pumps) or replacing existing engines with cleaner diesel engines, hybrid or alternative fuels.

For more information on diesel emission reduction go to www.epa.gov/cleandiesel.

T.3. How can I successfully engage with local environmental job training programs?

One way applicants/recipients can engage a local environmental training program is to connect with an organization that received a Brownfields Job Training Grant (previously called an Environment Workforce Development and Job Training Grant) from EPA.

Even where no environmental job training programs or EPA funded Job Training Programs currently exist, applicants have the ability to foster local hiring and stimulate their local economies working through their local Workforce Investment Board (WIB) or One-Stop Center to identify ways to hire locally. These organizations are dispersed throughout every state and metropolitan area in the United States. By promoting local hiring, assessment and cleanup grant recipients help ensure the economic benefits derived from brownfields revitalization benefit local residents - those who the program was intended to help.

The National Institute of Environmental Health Sciences (NIEHS) also has established job training grant programs throughout the country from which local residents have gained the certifications and skills to perform assessment and cleanup work.

T.4. What are some examples of sustainable and equitable development outcomes that communities can consider as part of the Brownfield Grants?

EPA encourages applicants and grant recipients to research sustainable and equitable cleanup and reuse approaches and incorporate them into their proposed project/program. Sustainable and equitable approaches can ensure brownfield sites are cleaned up and reused in ways that:

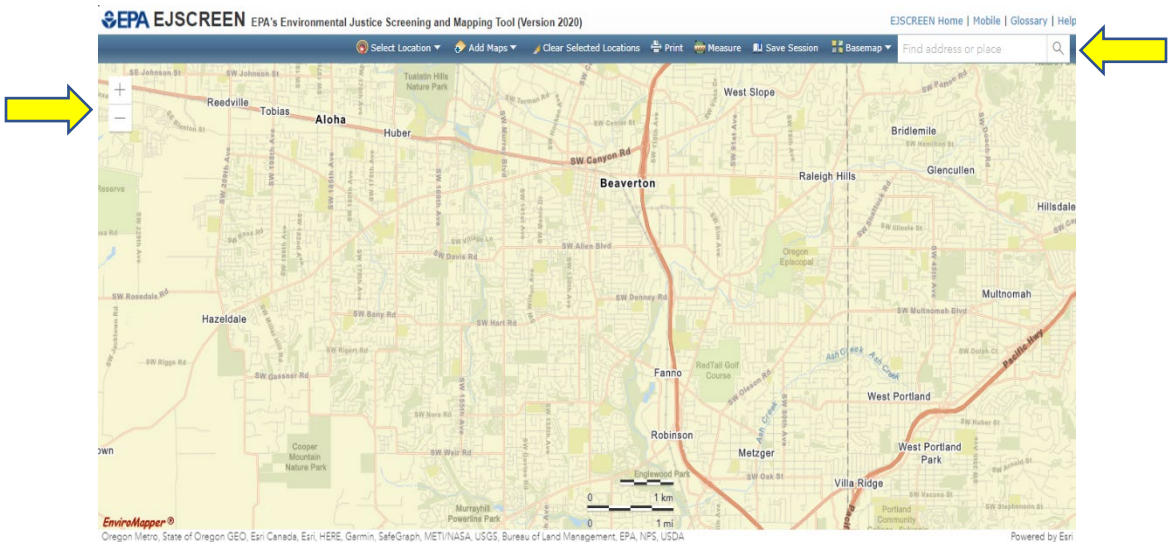
- contribute to greener and healthier homes, buildings, and neighborhoods;
- mitigate environmental conditions through effective deconstruction and remediation strategies that address solid and hazardous waste, and improve air and water quality;
- improve access by residents to greenspace, recreational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

APPENDIX

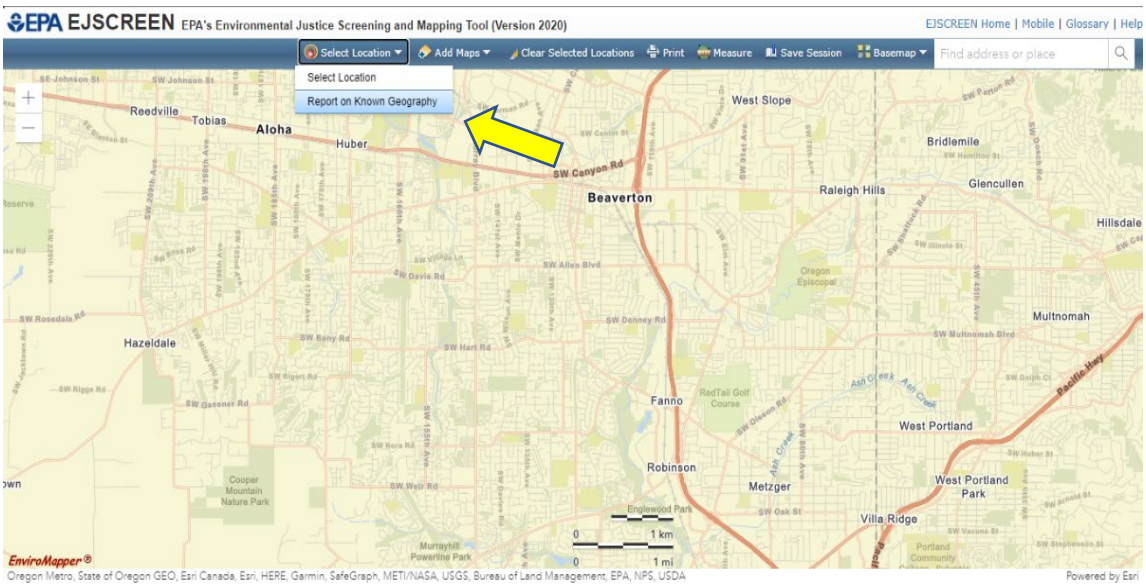
1. How can I find a census tract number for my target area?

If you are proposing to serve a target area beyond a single site, one way to find your target area's census tract number(s) is using EPA's Environmental Justice Screening and Mapping Tool (EJSCREEN), https://ejscreen.epa.gov/mapper/.

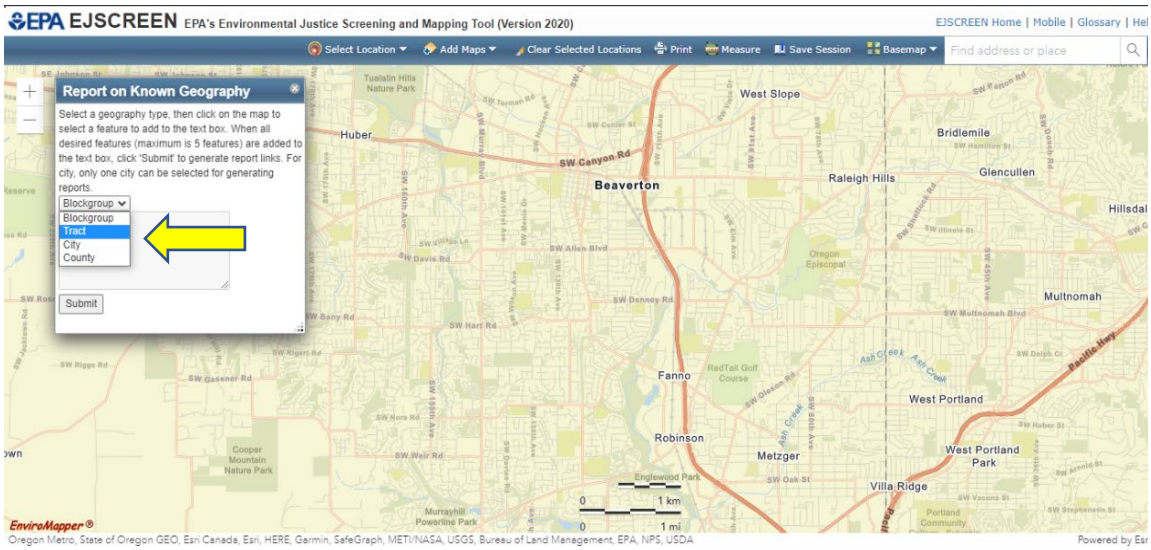
Use the search bar at the top right to find an address or place on the map. Use the plus (+) symbol in the top left to zoom in, or the minus (-) symbol to zoom out.



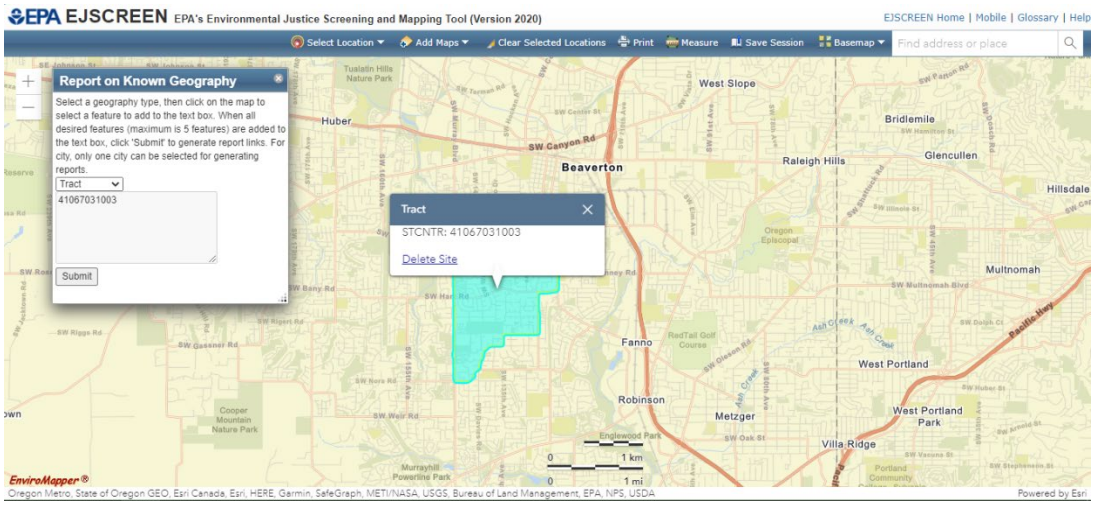
Click "Select Location" on the menu bar and click "Report on Known Geography."



In the pop-up that appears, select “Tract” from the dropdown menu.



Click on any area of the map, and the area’s census tract number will auto-populate in the pop-up.

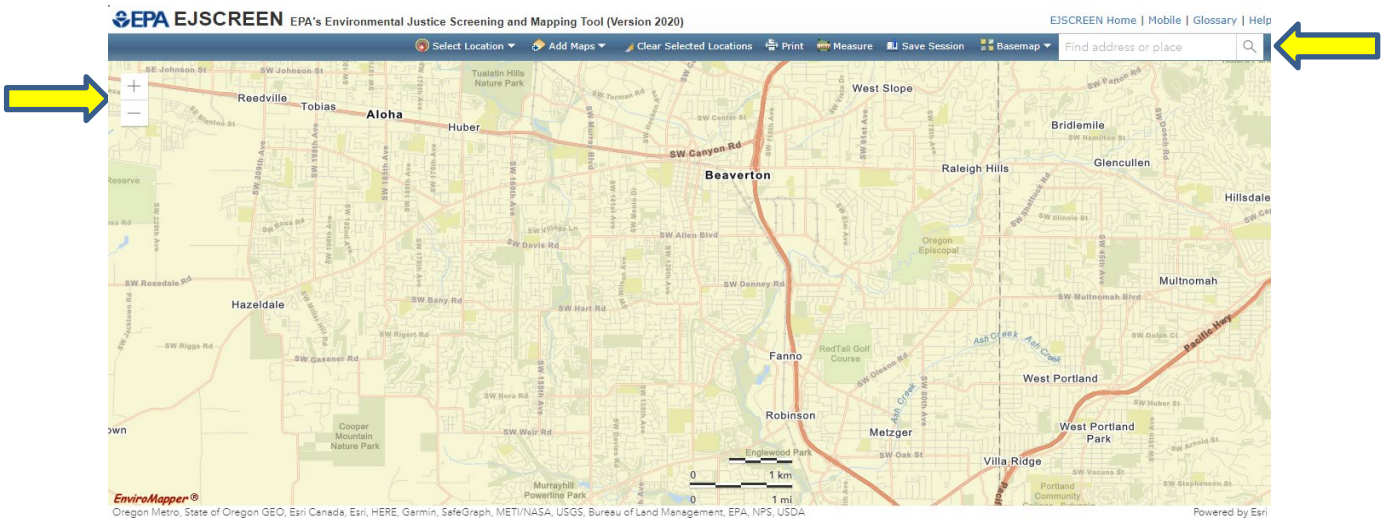


Click additional areas to highlight them on the map and add their census tract number to the pop-up box. You can remove a selected census tract by clicking on the highlighted area and selecting “Delete Site.” Click and drag your cursor to highlight the census tract numbers in the pop-up and copy and paste the numbers into your application Narrative Information Sheet.

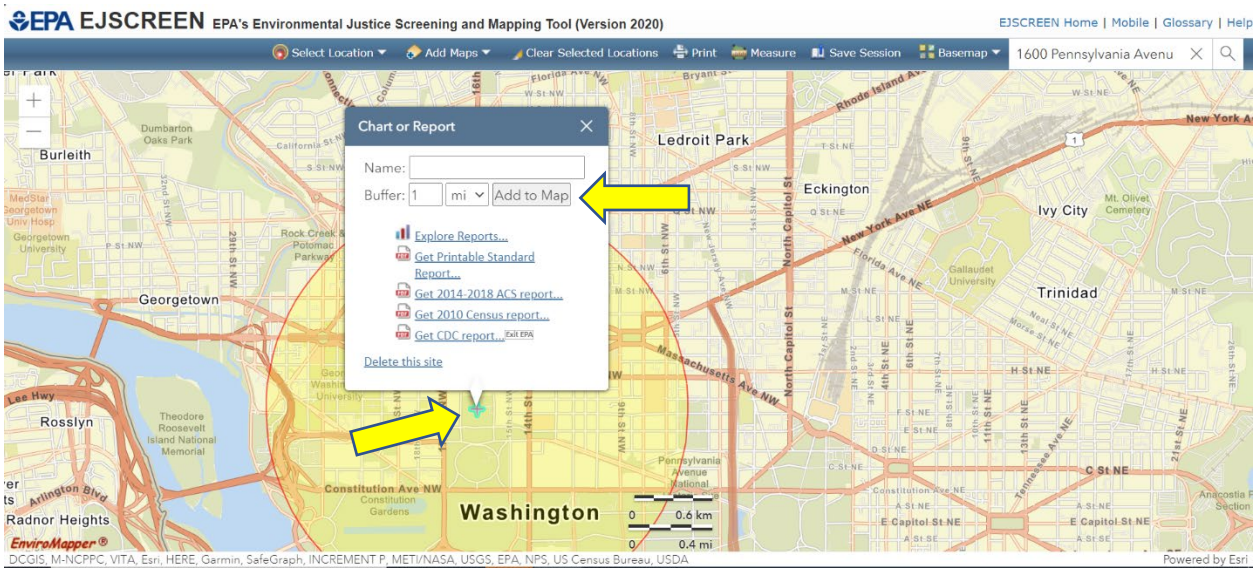
2. How can I find and use EJSCREEN data in my Brownfields Grant application?

Please see FAQ C.11. for an overview of EJSCREEN. The information below explains how applicants can access reports for a geographic location or area using EJSCREEN. For additional information on EJSCREEN, general guidance on how to use the tool, understanding results, technical information, and more resources, visit https://www.epa.gov/ejscreen.

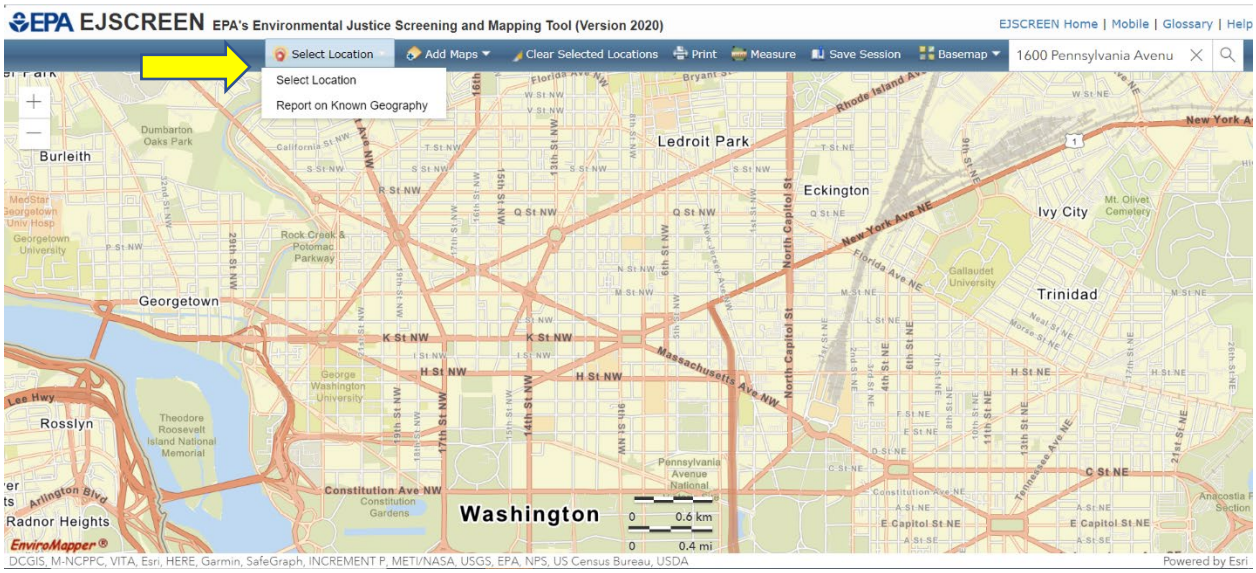
Visit https://ejscreen.epa.gov/mapper/ to access EPA's EJSCREEN Tool.
Use the search bar at the top right to find an address or place on the map. Use the plus (+) symbol in the top left to zoom in, or the minus (-) symbol to zoom out.



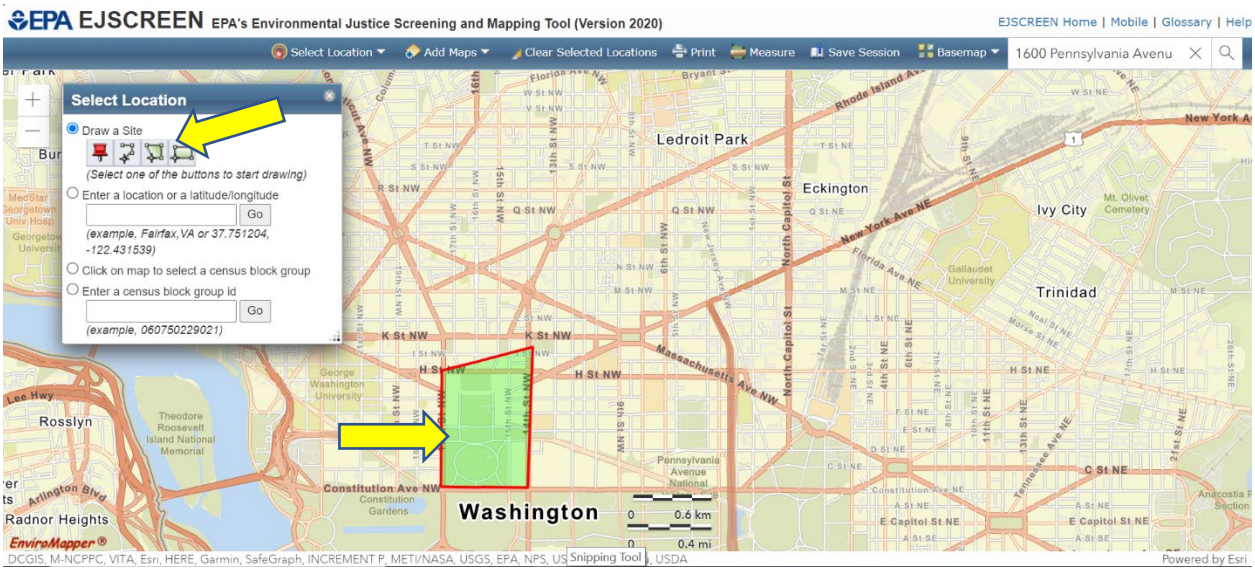
If you have an address for a proposed priority site, you can click on the plus (+) symbol that appears on the map and add an area buffer.



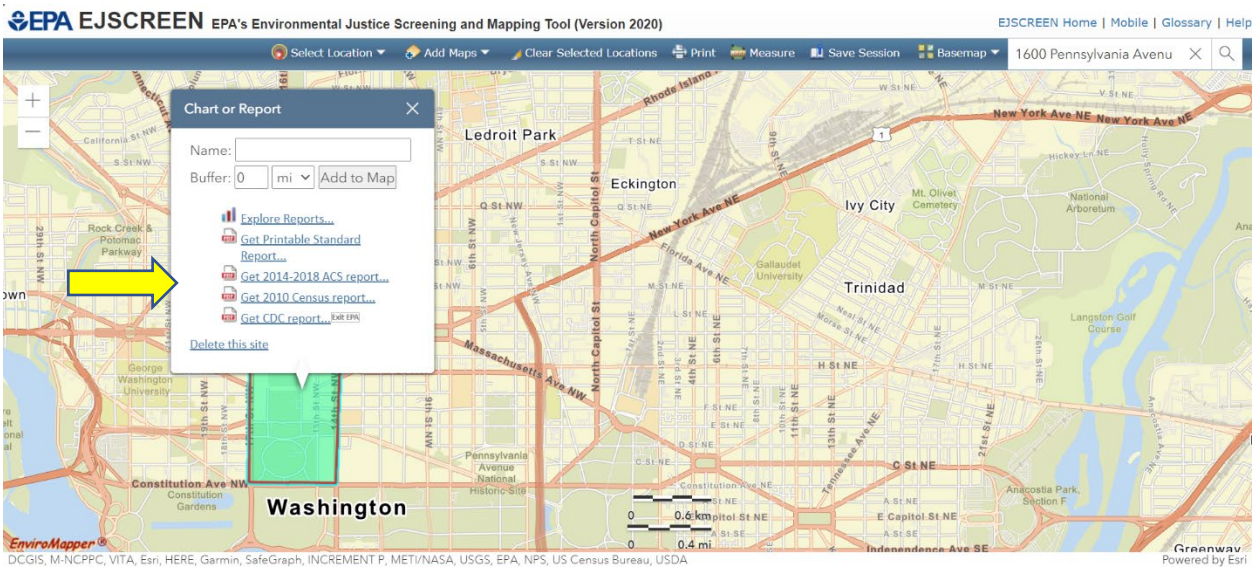
Another way to select an area is to click “Select Location” and then “Select Location” from the dropdown menu to draw your own area on the map. You can also select “Report on Known Geography” from the dropdown menu to select an area based on census block group(s), census tract(s), city(ies), or county(ies).



Draw an area by selecting the polygon shape and clicking on the map to encompass the desired area.



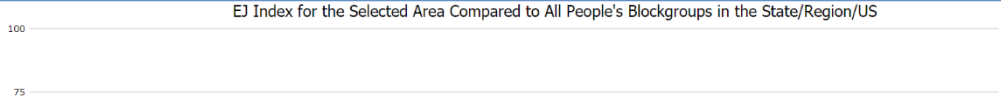
Click on the area, and in the pop-up select “Get Printable Standard Report...” for a summary of the EJ Indices, Environmental Indicators, and Demographic Indicators for your area. You can also click on “Get 2014-2018 ACS report...”, “Get 2010 Census report...”, and “Get CDC report...” for more statistics based on your selected area.



Include any information from these reports that may help characterize and describe target area(s) and its community(ies)/population(s).

Save as PDF

EJSCREEN Report (Version 2020)
the User Specified Area
DISTRICT OF COLUMBIA, EPA Region 3
Approximate Population: 203
Input Area (sq. miles): 0.25

Selected Variables	Percentile in State	Percentile in EPA Region	Percentile in USA
EJ Indexes			
EJ Index for Particulate Matter (PM 2.5)	24	48	38
EJ Index for Ozone	24	50	39
EJ Index for NATA* Diesel PM	20	10	8
EJ Index for NATA* Air Toxics Cancer Risk	23	38	30
EJ Index for NATA* Respiratory Hazard Index	22	32	26
EJ Index for Traffic Proximity and Volume	4	0	0
EJ Index for Lead Paint Indicator	28	37	23
EJ Index for Superfund Proximity	16	22	15
EJ Index for RMP Proximity	16	23	20
EJ Index for Hazardous Waste Proximity	10	0	0
EJ Index for Wastewater Discharge Indicator	26	37	27

EJ Index for the Selected Area Compared to All People's Blockgroups in the State/Region/US