

**Fiscal Year 2022**  
**Instructions for Requesting Brownfields**  
**Revolving Loan Fund Grant Supplemental Funding**

Approximately \$130,000,000 in Bipartisan Infrastructure Law (BIL) funds may be available to supplement existing Brownfields Revolving Loan Fund (RLF) Cooperative Agreement Recipients (CARs or recipients) who have made loan(s) and/or subgrant(s) and substantially depleted their pool of grant funds. Eligible recipients of RLF supplemental funding are only current CARs awarded under CERCLA Section 104(k) and those originally awarded under CERCLA Section 104(d) that have transitioned a grant(s) to Section 104(k) as provided in Section 104(k)(3)(D). RLF CARs requesting supplemental funding must address the considerations identified in Part [III](#) and content identified in Part [IV](#), below. EPA anticipates that supplemental funding awarded to existing CARs will advance the Administration’s Justice40 priorities. EPA will award this funding in accordance with the Biden Administration’s Justice40 Initiative, which promises to deliver at least 40 percent of the overall benefits from key federal investments to disadvantaged communities. Note that although EPA has provided a sample form for applying for funding (Appendix B), CARs will not be denied supplemental funding or otherwise penalized during the application review process for not using the sample form.

All EPA supplemental funding decisions are subject to the availability or appropriations and Agency budget priorities and EPA reserves the right to reject all requests and make no awards.

**I. Background**

CERCLA 104(k)(3)(A)(i) and 104(k)(5)(A)(ii), among other things, authorizes EPA to:

- award grants of up to \$1,000,000 per eligible entity to be used to capitalize RLFs and provide subawards for brownfields cleanup; and
- make an additional grant to RLF CARs for up to \$1,000,000 for any year after the year for which the initial grant is made (noncompetitive RLF supplemental funding).

In addition, subsection (8)(A)(iv) of the CERCLA 104(k) line-item in the BIL authorizes EPA to use the specified BIL appropriations “notwithstanding funding limitations” in the codified version of CERCLA 104(k) for “...grants under sections 104(k)(3)(A)(i) and 104(k)(5)(A)(ii) of CERCLA for capitalization of revolving loan funds in amounts not to exceed \$10,000,000 per grant”.

**II. Process**

**Notification of Supplemental Funding Availability**

- Information regarding the availability of RLF supplemental funding has been posted on the EPA Brownfield Program’s website at <https://www.epa.gov/brownfields/solicitations-brownfield-grants>. In addition, eligible CARs will be notified of the availability of RLF supplemental funding for Fiscal Year (FY) 2022 by EPA Regional RLF program staff.

**Requests for Supplemental Funding**

- FY 2022 RLF supplemental funding decisions will be based upon specified considerations defined in Part [III](#) below. The requester of supplemental funding must be the CAR of an open RLF grant. Submittals should note the dollar amount requested. Due to high demand and limited resources, supplemental funding awards have typically been between \$200,000 and \$500,000, in total. However, due to the availability of BIL funds, EPA anticipates awarding up to \$5,000,000 per grant for FY 2022 RLF supplemental funding. Each CAR will receive a new cooperative agreement that is separate from their existing RLF cooperative agreement.

- To be eligible for supplemental funding of **up to \$1,000,000**, CARs must meet the following general criteria by **March 18, 2022** when supplemental funding requests are due:
  - CARs must demonstrate that they have executed at least one loan or subgrant.<sup>1</sup>
  - CARs must demonstrate that they have significantly depleted funds (EPA funding, monetary cost share, and any available program income) and that they have a clear plan for quickly utilizing the additional requested funds. Program income refers to the funds generated or earned by all open and closed RLF grants, including principal repayments, interest earned on outstanding loan principal, interest earned on accounts holding RLF program income, loan fees and loan-related charges received from borrowers, and other income generated from RLF operations.
  
- For FY 2022, EPA defines “significantly depleted funds” as follows:
  - **For RLF CARs who have received more than \$1 million in EPA funding for their RLF program:** The balance of uncommitted funding 1) can equal no more than 35% of the total amount of RLF funds awarded under all open and closed grants, and 2) cannot exceed \$750,000. Uncommitted funding is the amount of available funding and is defined as the amount of Unspent RLF Funds minus the amount of Committed RLF Funds (see Part [IV](#) below for more details).
  - **For RLF CARs who have received \$1 million or less in EPA funding for their RLF program:** The balance of uncommitted funding cannot exceed \$400,000.
  - For calculation of the uncommitted balance, see Part [IV](#), below. For the purposes of this requirement, committed funds refers to funding designated for:
    - Pending loans and subgrants which are defined as loans/subgrants that have been approved through the applicant’s decision process (e.g., board or committee) but have not been awarded with a fully-signed agreement as of the date of the request for supplemental funding;
    - Unreimbursed costs for a cleanup that is completed or underway through an executed loan or subgrant, which is defined as a loan/subgrant with a fully-signed agreement and award date that precedes the supplemental funding request; and,
    - Estimated costs for personnel, travel, contracts, or other programmatic costs necessary to maintain the RLF.

NOTE: Do not include potential loans and subgrants that have not been approved through the applicant’s decision process (e.g., board or committee). To count as committed funds, the loan or subgrant must be executed or pending, as defined above.

- To be eligible for an FY22 supplemental funding award of **\$1,000,000 - \$5,000,000**, CARs must meet all of the following criteria by **March 18, 2022** when supplemental funding requests are due:

1	CAR must meet general supplemental funding criteria identified above.
2	CAR’s RLF program (open and closed grants) must have at least 3 sites which are in process or have achieved cleanup. <sup>2</sup>
3	CAR must have revolved program income from open and/or closed RLF grant(s) into at least one executed loan or subgrant.

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<sup>1</sup> Note: In order for RLFs to maintain focus on revolving, in FY 2023 this will be changed to “CARs must also demonstrate that they have executed at least one loan prior to requesting supplemental funding”.

<sup>2</sup> The references to “open and closed grants” mean all RLF cooperative agreements and closeout agreements the CAR has received, regardless of whether the period of performance has expired.

4	CAR's RLF program (open and closed grants) must have at least 2 sites that positively impacted disadvantaged communities <sup>3</sup>
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- A request for supplemental funding must be in the form of a letter (transmitted electronically) addressed to your Regional Brownfields Project Officer with a copy to Nicole Wireman, U.S. EPA Headquarters, at [wireman.nicole@epa.gov](mailto:wireman.nicole@epa.gov). The letter must include the information identified in Part [IV](#), below.

Note that the submitted request can be submitted as either 1) a letter which provides all the requested information in Part [IV](#), or 2) a very brief cover letter, with the sample format provided in Appendix B attached (see Part [IV](#) for an explanation of Appendix B). Requests for supplemental funding will not be rejected or reviewed unfavorably if an applicant chooses not to use Appendix B as long as the applicant provides the information identified in Part [IV](#).

### **Regional Input on Requests**

- EPA Regions will review request letters from RLF CARs. The Regions will screen the request for eligibility and submit an evaluation of the request to the EPA Office of Brownfields and Land Revitalization as it relates to the considerations in Part [III](#) below.

### **Deadlines**

- Request letters must be submitted via email to your Regional Brownfields Contact by **March 18, 2022**. If an RLF CAR is not able to submit their request by this deadline, they may have opportunities to request supplemental funding in a future year, subject to funding availability.

### **Selection/Award**

- Upon selection by the Assistant Administrator of the Office of Land and Emergency Management (OLEM), award of supplemental funds will be made by the Regional Administrator, or other delegated regional award official.
- Upon selection to receive an award of supplemental funds, RLF CARs will be required to work with their EPA Region to award a new cooperative agreement, create their workplan, and follow applicable award procedures.
- The new cooperative agreement will include a revised Closeout Agreement (COA) based on EPA's FY22 COA Template. EPA will require the CAR to operate the RLF program under a single COA based on the FY22 COA Template. That is, for CARs that have existing COAs, all post-closeout program income the CAR currently has (from past RLF grants where the period of performance has ended) or will have in the future (from any open RLF grants when the period of performance ends), will be combined and governed by a single COA under the oldest, original grant number.

## **III. Considerations**

- In addition to the depletion of funds, supplemental funding requests will be evaluated on the quality and extent to which the CAR's RLF program reflects the following considerations:

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<sup>3</sup> One way to define a disadvantaged community is a community with Environmental Justice (EJ) challenges. EPA defines EJ as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. CARs are encouraged to include data from EPA's EJSCREEN tool (or other EJ-focused geospatial mapping tools) in the supplemental funding request to help characterize and describe the affected communities/populations and area(s).

- 1) The number of imminent and potential projects in the RLF program pipeline, demonstrating the program’s ability to make loans and subgrants for cleanups that can be started and completed, as well as quickly lead to redevelopment;
  - 2) Community benefits from executed and pending loan(s) and/or subgrant(s), with particular consideration given to CARs who can demonstrate benefits to disadvantaged communities; and
  - 3) The ability to administer, preserve, and revolve the capitalization funding in the RLF grant.
- The BIL does not require cost share from grant recipients. Therefore, for this new BIL-funded cooperative agreement, no cost share is required for the entire RLF grant award. Note that a 20% cost share is still required under existing cooperative agreements for RLF grants which were not awarded using BIL funds.
  - EPA encourages innovative approaches to maximizing revolving and leveraging with other funds, including use of grant funds as a loan loss guarantee, or by combining with other government or private sector lending resources.
  - EPA may also consider relevant information from other sources including information from EPA files and/or from other federal or non-federal grantors to verify or supplement information provided by the applicant.
  - All FY 2022 supplemental funding recipients will have the following new policy changes apply to their new awards via terms and conditions:
    - The allowable subgrant limit has increased from \$350,000 to \$500,000, with the limited possibility of a waiver of an amount above \$500,000.
    - The discounted amount in a discounted loan has increased from a maximum of \$200,000 to \$500,000 and from up to 30% of the loan to up to 50% of the loan, with the limited possibility of a waiver for either condition. Note that the discounted amount will still apply towards subgrants in the 50/50 loan to subgrant ratio (i.e., the discounted amount cannot apply towards the 50% of EPA funds + cost share that must be spent on loans and associated eligible programmatic expenses).

**IV. Content of Supplemental Request**

CARs requesting supplemental funding must provide sufficient information to demonstrate the eligibility for supplemental funding and to allow for evaluation of the considerations above. The request must, therefore, include all of the following information. CARs may, but are not required to, use the optional sample format in Appendix B as an attachment to your cover letter request so that the information is complete and in the correct order. **However, CARs that do not use the sample formats and tables below and in Appendix B will not be denied supplemental funding or otherwise penalized during the application review process.**

1. **A demonstration of CAR’s eligibility for supplemental funding, to include the significant depletion of funds.**

Data and Calculations for Significant Depletion of Funds Determination

- A. TOTAL RLF FUNDS (sum of three bullets below) = \_\_\_\_\_
- Total amount of EPA funds awarded to CAR under all open and closed RLF grants = \_\_\_\_\_

- Total amount of monetary cost share under all open and closed RLF grants = \_\_\_\_\_
- Total amount of program income generated under all open and closed RLF grants = \_\_\_\_\_

B. UNSPENT RLF FUNDS (sum of three bullets below) = \_\_\_\_\_

- Total amount of unspent EPA funds awarded to CAR for all open RLF grants = \_\_\_\_\_
- Total amount of unspent (unmet) monetary cost share for all open RLF grants = \_\_\_\_\_
- Total amount of unspent program income generated under all open and closed RLF grants = \_\_\_\_\_
- NOTE: Please consult with the appropriate Region for the amount of unspent EPA funds reported in the EPA’s Financial Management System.

C. COMMITTED RLF FUNDS (sum of four bullets below) = \_\_\_\_\_

- Total amount of committed funds under all open and closed RLF grants for loans = \_\_\_\_\_
- Total amount of committed funds under all open and closed RLF grants for subgrants = \_\_\_\_\_
- Total amount of committed funds under all open and closed RLF grants for contracts = \_\_\_\_\_
- Total amount of committed funds under all open and closed RLF grants for eligible program management costs (e.g., personnel, fringe, travel, supplies, indirect charges) = \_\_\_\_\_
- NOTES:
  - Do not include any expenses that you have already drawn down.
  - Do not include funds for potential loans or subgrants that have not been approved through the applicant’s decision process (e.g., board or committee); those funds should be included in [B above](#).

D. UNCOMMITTED FUNDS = UNSPENT RLF FUNDS ([B above](#)) – COMMITTED RLF FUNDS ([C above](#)) = \_\_\_\_\_

E. UNCOMMITTED BALANCE PERCENTAGE = UNCOMMITTED FUNDS ([D above](#)) ÷ TOTAL RLF FUNDS ([A above](#)) x 100 = \_\_\_\_\_

F. Significant depletion of funds determination:

- Has the CAR been awarded more than \$1,000,000? Yes/No
  - If yes, does the uncommitted balance exceed 35% of total RLF funds awarded (i.e., is [E above](#) greater than 35%)? Yes/No
  - If no, does the uncommitted balance exceed \$750,000 (i.e., is [D above](#) greater than \$750,000)? Yes/No
- Has the CAR been awarded less than or equal to \$1,000,000? Yes/No
  - If yes, does the uncommitted balance exceed \$400,000 (i.e., is [D above](#) greater than \$400,000)? Yes/No

Additional Supporting Information

G. Number of loans and/or subgrants under all open and closed RLF grants

- Number of executed loans = \_\_\_\_\_

- Number of executed subgrants = \_\_\_\_\_
- Number of pending loans = \_\_\_\_\_
- Number of pending subgrants = \_\_\_\_\_
- NOTE: Executed means the CAR has a fully-signed loan or subgrant agreement with an award date that precedes the supplemental funding request. Pending means a loan or subgrant has been approved through the applicant’s decision process (e.g., board or committee), but there is no fully signed loan or subgrant agreement as of the date of the request for supplemental funding. Do not include potential loans or subgrants that have not been approved through the applicant’s decision process (e.g., board or committee).
- Consider using the following table to justify the numbers provided in the bullets above:

**Table 1**  
**Sample Format for Executed and Pending Loans and Subgrants**

Name of Borrower or Subgrantee	Loan or Subgrant?	Executed or Pending?	Amount	If Executed, Award Date	For Loans		
					Repayment Period Length	Interest Rate	Repayment Status (not started, in progress, or complete)

- H. A list of projects and associated costs that demonstrate the current funding commitments, associated leveraging, and anticipated outcomes:  
The list should account for your total committed funds amount listed above and include, at minimum, the following information: project name, location, form of commitment (loan, subgrant, or combination of the two), the dollar amount, project status (current status and projected timeline for completion of project), the amounts and sources of associated leveraged funding and whether the funding is firm (secured), proposed cleanup actions, and other anticipated outcomes (including anticipated reuse of property, the estimated number of cleanup and redevelopment jobs that will be created, and other anticipated outcomes that have a direct benefit to the community such as public health and environmental benefits). **Table 2** below provides examples of the level of information required for this demonstration.
2. **A list of imminent and potential projects in your pipeline that are most likely to use the requested funding to demonstrate the likelihood that the supplemental funding will be used expeditiously, lead to preservation of the fund, promote reuse of sites, and provide community benefits.**

Include, at minimum, the following information: project name, location, form of anticipated commitment (loan, subgrant, or other), the estimated dollar amount, project status and projected timeline for completion of project, the amounts and sources of leveraged funding and whether the funding is firm (secured), proposed cleanup actions, and other anticipated outcomes (including anticipated reuse of property, the estimated number of cleanup and redevelopment jobs that will be created, and other anticipated outcomes that have a direct benefit to the community such as public health and environmental benefits). **Table 3** below provides examples of the level of information required for this demonstration.

**Table 2**  
**Sample Format and Examples for Committed Funds**  
(Supplement as appropriate using additional rows or text)

<b>Project Name</b>	<b>Location</b>	<b>Estimated Amount (\$)</b>	<b>Form of commitment (Loan, Subgrant, or Other)</b>	<b>Status/Timeline</b>	<b>Firm Leveraging Commitments and Estimated Leveraging</b>	<b>Proposed Cleanup and Anticipated Reuse and Outcomes</b>
E.g., Site A	City of Wherever, State	\$300,000	Loan	Executed RLF loan, cleanup underway and anticipated to be complete by end of summer 2021, redevelopment spring of 2022.	Firm: \$300,000 of private funding escrowed by private party for cleanup. County Parks and Rec has approved plan and committed to upkeep and maintenance of complex. Potential: Up to \$500,000 from national sports organization.	Cleanup of former landfill, expected reuse as a sports complex, creating 1 full time and 3 part-time jobs.
E.g., Site B	Unincorporated County of Anyplace, State	\$200,000	Subgrant	Approval from City Council; Subgrant to be executed in Fall 2021 & cleanup in Spring 2022.	Firm: \$500,000 for cleanup and redevelopment from local health organization. Potential: HUD Funding for affordable housing	Cleanup of abandoned hospital, affordable housing, 2 full-time jobs and the ability for aging residents to remain within neighborhood.
Programmatic Costs for Sites A & B and management of RLF	Not Applicable	\$10,000 \$10,000 \$10,000	Personnel Environmental Professional Contract Fund Manager Agreement	Internal set-aside for personnel, contract and MOA with fund manager. To be expended during cleanup of sites A & B and on an ongoing basis for management of program income.		Successful implementation of RLF, Preservation of the RLF funds
<b>Total Committed Funds</b>		<b>\$530,000</b>				

**Table 3**  
**Sample Format and Examples for Potential Projects**  
(supplement as appropriate using additional rows or text)

<b>Project Name</b>	<b>Location</b>	<b>Estimated Amount (\$)</b>	<b>Form of commitment (Loan, Subgrant, or Other)</b>	<b>Status/Timeline</b>	<b>Firm Leveraging Commitments and Estimated Leveraging</b>	<b>Proposed Cleanup and Anticipated Reuse and Outcomes</b>
E.g., Site D	City/Town, State	\$500,000	Loan	Developer has completed cleanup planning and is preparing RLF application. Anticipated schedule starting from date of supplemental award (12 months total): Application Submittal, Approval and Processing (3 months); Cleanup (1 month); Redevelopment Complete within 8 months.	Firm: \$1,000,000 from developer	Cleanup of a former foundry will make way for a new Nursing Home allowing elderly to remain within their community. Proposed project will create 30 jobs for both skilled and unskilled workers.
E.g., Site E	City/Town, State	\$100,000	Subgrant	Local non-profit submitted a preliminary application. Anticipated schedule starting from date of supplemental award: Application submittal (4 <sup>th</sup> Quarter FY21); approval, processing and cleanup (1 <sup>st</sup> Quarter, FY22); Cleanup (2nd Quarter, FY22); Redevelopment Complete (by end of FY22).	Potential: up to \$200,000 from State DOT	Cleanup of a former railroad that will be redeveloped into a new bike path and greenspace to improve the quality of life for community residents.
Programmatic Costs for Sites D & E and management of RLF	City/Town, State	\$5,000 \$5,000 \$5,000	Personnel Environmental Professional Contract Fund Manager Agreement	Internal set-aside for estimated personnel, environmental contract and MOA with fund manager. To be expended during cleanup of sites D & E and on an ongoing basis for management of program income.	Additional Personnel Costs from City	Compliance with Award Conditions and Revolve of Funds
<b>Total for Potential Projects</b>		<b>\$615,000</b>				



3. **A summary of major RLF accomplishments for projects where RLF funding has been expended to further demonstrate the CAR's ability to award and manage loans/subgrants, preserve the fund, successfully promote reuse of sites, and provide community benefits.**

The summary shall include, at a minimum, the following (NOTE: Your regional EPA project officer will confirm that appropriate accomplishments are reported in ACRES.):

- Whether the CAR's RLF program has **revolved** (i.e., has any amount of program income been used to execute a loan or subgrant), and if Yes, provide the revolved dollar amount = Yes/No
- The number of loans and number of subgrants executed = \_\_\_\_\_
- The total amount of program income generated = \_\_\_\_\_
- The number of ongoing cleanups (Provide names of sites as they appear in ACRES) = \_\_\_\_\_
- The number of cleanups completed (Provide names of sites as they appear in ACRES) = \_\_\_\_\_
- The number of sites in CAR's RLF program (open and closed grants) that have positively impacted disadvantaged communities = \_\_\_\_\_
  - Provide names of sites as they appear in ACRES and include/attach a description and/or supporting documentation (e.g., data from EPA's EJSCREEN tool or other EJ-focused geospatial mapping tools) to help characterize and describe the affected communities/populations and area(s). See Appendix A for more information on how to find and use EJSCREEN data in your request for RLF supplemental funding = \_\_\_\_\_
- The significant outcomes to date (including leveraged cleanup and redevelopment funding, cleanup and redevelopment jobs created, number of properties reused and other outcomes that have a direct benefit to the community) = \_\_\_\_\_

4. **A discussion on the management of the RLF to demonstrate the CAR's competency in managing an RLF program.**

This shall include, at a minimum:

- Information regarding the timeliness of submission of required reports and work products (including Quarterly Performance Reports and ACRES data);
- Completion of critical work plan tasks;
- Compliance with terms and conditions of the grant, and, if applicable, closeout agreement requirements for closed grants;
- Compliance with established loan review/approval process, or discussion of updates/changes to this process;
- Ability to meet the 20% cost-share requirement, when required; and
- Other information that further supports this demonstration. If RLF grant management issues occurred, such as milestones weren't met or submittals delayed, please explain how these were identified and corrected, and how they will be prevented in the future.
- **Note: If the CAR is requesting more than \$1,000,000 in supplemental funding and does not have sufficient potential projects in Table 3 for that amount (i.e., the total amount in Table 3 is lower than the amount requested), the CAR should include information on the process employed to justify a supplemental funding award of the requested amount (e.g., how the CAR's past performance demonstrates their ability to execute the requested amount and what steps will be taken in marketing to ensure the funds are used and not sitting idle in the RLF account).**