

On October 4, 2022, EPA's Office of Brownfields & Land Revitalization held a webinar to assist applicants with preparing applications for Fiscal Year 2023 **Cleanup Grants**. Below is a transcript of questions submitted by participants and EPA's response. Responses below may include additional information than what was provided during the webinar.

If you have general questions about EPA's Brownfields Program or questions about a specific site for which you're seeking funding, please contact your Regional Brownfields Contact listed in Section VII. of the Guidelines. If you have questions on how to submit an application through www.grants.gov, please visit the "APPLICANTS" tab on the grants.gov website for information.

GENERAL QUESTIONS & ANSWERS

Q: Can applicants use an organizational chart to show staff that will be using the grant and if so, does the organizational chart count against the page limitation for the Narrative?

A: Any information provided as a response to the narrative/ranking criteria must be included in 10-page limit and attachments that are not specified will not be reviewed. If the organizational chart is part of the response to the narrative/ranking criteria response it will count toward the page limits.

Q: Will there be a second round of grant funding this year?

A: No, there will not be a second round of Brownfields Grant funding this year. EPA's competition policy requires that grant guidelines are available for 45 days. EPA issues Brownfields Grant guidelines 60 days prior to the submission deadline to give applicants additional time to meet all requirements and prepare their applications. EPA's Brownfields Program has also issued [Tips on How to Get Started Early on Preparing Your Brownfields MARC Grant Application](#) to help facilitate applicants' efforts to prepare a thorough, thoughtful, timely, and most importantly, successful application.

Q: I am a bit confused about the criteria outlined in Section III.B of the guidelines and how they relate to the narrative of the criteria at IV.D. It looks like the III.B criteria needs to be a separate attachment. How does EPA address the overlap between the two discussions on similar criteria?

A: The criteria in Section III.B. are the threshold criteria. The responses are pass/fail. The information requested in Section IV.D. is separate - this is information that is requested as part of the Narrative Information Sheets. These data are just for EPA records and are not pass/fail.

Grants.gov Forms

Q: Are there no forms other than what is in Grants.gov (Key contacts, SFLL forms, SF424A etc.). Are we creating all forms (budget, narrative, and tables)?

A: Correct, you will create the Narrative Information Sheet, your Narrative, and any required attachments.

Q: If I write a grant for an entity (e.g., a Tribe) who I am not a part of, do they submit the grant through Grants.gov? or can I submit for them?

A: Only an Authorized representative of the applicant may submit an application through Grants.gov.

Q: Clarifying: The Lobbying form is NOT optional if we are selected & requesting more than \$100k correct?

A: That is correct.

Q: Do any of the required forms need to have signatures? Or are they automatically signed when submitted through grants.gov?

A: Yes, the forms require signatures. We believe that Grants.gov will automatically apply the digital signature of the Authorized Organization Rep. EPA does not manage the Grants.gov system. Please review the information and resources available on www.grants.gov.

Cleanup Grants

Q: Does it hurt you to apply for more cleanup funding? Are the applicants who apply for \$500k more competitive than applicants who apply for \$1-2M?

A: EPA staff cannot advise you on whether a particular application strategy will be more competitive than another. You must make that decision based on the information in the guidelines.

As stated in the FY23 Cleanup Grant guidelines: "EPA anticipates awarding an estimated 40 Cleanup Grants for up to \$500,000, an estimated 25 Cleanup Grants for projects that are between \$500,001 and \$1,000,000, and an estimated 8 Cleanup Grants for projects that are between \$1,000,001 and \$2,000,000. These amounts are subject to the availability of funds, quality of applications, and other applicable considerations."

Q: If an applicant applies for a \$2M cleanup grant but does not get selected, will they automatically be considered for a lower dollar amount cleanup grant?

A: No, applicants that are not selected for a higher grant amount will not be automatically considered for a lower dollar amount. For selection purposes, EPA will prepare three ranked lists of applications with one list for each funding category.

Q: Can a fiscal agent apply for the grant in partnership for a separate 501(c)(3), local government or private owner?

A: No, only the owner of the site can apply for a Cleanup Grant. EPA does not recognize the "fiscal agent" concept for Brownfields Cleanup Grants. Applicants must apply for funding as the potential recipient and meet all eligibility requirements specified in the guidelines.

THRESHOLD CRITERIA QUESTIONS AND ANSWERS GENERAL QUESTIONS & ANSWERS

General

Q: If you have more than one site, are you limited to 10 pages for responses to the threshold criteria?

A: No, the 10-page limit is for the application Narrative, not responses to the threshold criteria.

Contractor/Subawards

Q: If a firm was paid by the city to update a Phase I and to provide an estimated cost of remediation, is that firm exempt (i.e., not allowed to bid) from bidding on the remediation if bids are taken through the public bidding process?

A: If the city is only using the estimated cost for remediation to develop the RFP, then the contractor may be able to bid on the remediation work provided the city also made an independent cost estimate to verify that the contractor's estimate is realistic. The city must make a concerted effort to ensure that there is robust price competition from other bidders under these circumstances. The regulations require that contracts be awarded through full and open competition so prior contracting relationships with a firm must not be a determinative factor.

Cleanup Grants

Q: Are public school districts (County level) eligible for cleanup grants for land remediation costs prior to school construction?

A: Probably. Local governments as defined in 2 CFR 200.1 are eligible to apply for Cleanup Grants. That definition includes certain types of public school systems. We suggest that you review the definition and consult with your district's legal department.

Q: We have a property in mind for the cleanup grant. It's not owned yet however we are in negotiations now. I know it was stated that property must be owned by Nov 22, 2022. Are there any exceptions to that date?

A: No, there are no exceptions. You must own the site by the time specified in the guidelines.

Q: How many sites can you submit on? For more than one site, do you need a separate ABCA for each site? Also, do the sites have to be contiguous?

A: The sites do not have to be contiguous. Yes, you will need include a separate ABCA if the sites are not contiguous. If the sites are adjacent, then it may be acceptable to provide one ABCA if the ABCA discusses all the subject sites. Note, you will need to provide a response to all threshold criteria for each site.

Q: How extensive does the ABCA need to be? We've already ran Phase I & II reports. Do we need actual site plans for future use in the ABCA portion?

A: A draft ABCA is sufficient to meet the requirement. If you have site plans, even in draft, that will be sufficient to meet the threshold criterion.

Q: How can we prepare an ABCA if we have not completed site characterization sufficient to begin cleanup?

A: The requirement is a draft ABCA, which can be modified before finalized if needed.

Q: Regarding the Community Notification and the public meeting, having the final draft of the application available is difficult given the tight timeline. Does the full draft application need to be available or can just portions be publicly available?

A: Yes - Applicants must provide the community with notice of its intent to apply for an EPA Brownfields Cleanup Grant and allow the community an opportunity to comment on the draft application.

Q: In reference to the Threshold criterion in *Section III.B. 9.b. Site Characterization*, does the State or Tribal Environmental Authority need to affirm if the site is required to be enrolled in the voluntary response program or eligible to be enrolled?

A: EPA recognizes that not all State or Tribal Environmental Authorities require sites to be enrolled in their voluntary response program. As stated in the FY23 Cleanup Grant guidelines, this requirement is asking for affirmation that the site is eligible to be enrolled. This clarification was made during the Cleanup Grant guideline webinar and the presentation slides have been corrected to reflect this.

PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION QUESTIONS & ANSWERS

No questions were submitted for this criterion.

COMMUNITY NEED AND COMMUNITY ENGAGEMENT QUESTIONS & ANSWERS

Q: How can community partners be part of the cleanup of the site if there are contaminants there?

A: The community plays an important role, even for Cleanup Grants. They may provide meeting space, translation services, be the community champion to ensure the project and reuse is carried out with community's voice and vision in mind.

TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS QUESTIONS & ANSWERS

Q: Cleanup grant guidelines mention that demolition must be necessary to the remediation of the site, and the FAQs further elaborate that an engineering analysis that supports a decision to demolish a structure to address contamination is required. We have a site with asbestos where the second floor has been deemed unsafe (i.e., we do not want to put an abatement worker in harm's way and therefore demolition with appropriate controls is the most appropriate). Would an engineering analysis with the primary concern being the safety of workers and concluding demolition and handling all materials as contaminated by asbestos be sufficient?

A: Yes. An engineering analysis concluding that demolition is necessary to protect workers conducting abatement would be satisfactory support for using cleanup funds for demolition.

Q: Can you apply for funding to cover cleanup costs that you've already incurred?

A: EPA only allows pre-award cleanup costs in very limited situations. Refer to 2 CFR Parts 200 and 1500 for regulatory requirements for pre-award costs. Pre-award costs incurred prior to being notified of selection will not meet regulatory requirements. Also, all

construction contracts must comply with Davis-Bacon prevailing wage requirements, including pre-award costs.

Q: Is there any criteria where cleanup funds can be utilized at a site not owned by the grantee?

A: No. The recipient must own the site to be cleaned up with EPA Cleanup Grant funds. This is a statutory requirement that EPA cannot waive.

Q: Does asbestos removal count as construction?

A: Yes. Asbestos removal is a repair to a building.

Q: The information provided in the presentation sounded like all activities subject to Davis Bacon Act need to be listed on the construction budget line. However, not all activities that are subject to Davis Bacon Act are construction. For instance, soil dig and haul activities and asbestos material remediation. Please clarify whether or not all activities subject to Davis Bacon Act need to be listed on the construction budget line.

A: If an activity is subject to Davis Bacon, it is considered a construction activity and must be included on the construction budget line. Asbestos removal is an activity that involves repair to a building which also triggers Davis Bacon to the best of our knowledge. We follow DOL's Bunker Hill Superfund decision with regard to soil remediation.

PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE QUESTIONS & ANSWERS

Q: If a non-lead member of an Assessment Coalition Grant previously received an EPA Brownfields Grant, can the applicant (lead member) respond to criterion 4.b.i. *Currently Has or Previously Received an EPA Brownfields Grant*?

A: No, under 4.b. *Past Performance and Accomplishments*, EPA is asking for past performance information for the lead recipient of a grant, not for non-lead coalition members. Depending on your situation, you should respond to 4.b.ii. *Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements* or 4.b.iii. *Never Received Any Type of Federal or Non-Federal Assistance Agreements*.

Q: Can you describe subawardee experience with past Brownfields Grants in the Programmatic Capability section or does it need to be only the applicant?

A: EPA will only consider the information for the entity that is applying for the grant.