

FY 2024 Brownfields Grant Guidelines

Overview of the Submission, Narrative Information Sheet & Threshold Requirements

Cleanup Grants

Recorded Training



Welcome!

The purpose of this training is to assist applicants with understanding the general application submission, Narrative Information Sheet, and Threshold requirements for:

- ❖ Cleanup Grants

For questions, please reach out to your Regional Brownfields Contact listed at the end of this presentation (also in Section VII. of the Guidelines).

The Guidelines supersede any information provided in this presentation or by the presenter.

Applying for a Cleanup Grant?

Join the live Narrative Criteria webinar on
Sep 27, 2023, at 1 PM ET via Zoom at
<https://usepa.zoomgov.com/j/1600119960>

Applying for a Multipurpose or Assessment Grant?

Join the live Narrative Criteria webinar on
Sep 26, 2023, at 12 PM ET via Zoom at
<https://usepa.zoomgov.com/j/1602838047>

Narrative Criteria webinar recordings will be posted on EPA's [MARC Grant Application Resources](#) page in the weeks following the live webinars.



Today's Agenda

For questions, please reach out to your Regional Brownfields Contact listed at the end of this presentation (also in Section VII. of the Guidelines).



This presentation:

- NEXT: General Overview & Application Submission
- Overview of the Narrative Information Sheet
- Overview of Threshold Criteria
- Wrap-up & Contact Information

Covered in live Narrative Criteria training on 9/27/23:

- Overview of Ranking Criteria
 - Project Area Description & Plans for Revitalization
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 - Task Descriptions, Cost Estimates, & Measuring Progress
 - Programmatic Capability & Past Performance



EPA Supports Community Efforts to Revitalize Brownfields

EPA's [Brownfields Program](#) provides grants and technical assistance to communities, states, Tribal Nations and others to assess, safely clean up and sustainably reuse contaminated properties.

To learn about EPA's broader efforts to put previously contaminated properties back into productive use, read about our [Land Revitalization Program](#).



Application Guidelines & Guidance Resources



MARC Grant Application Resources – “Open Solicitations”

www.epa.gov/brownfields/multipurpose-assessment-rlf-and-cleanup-marc-grant-application-resources

[Brownfields Home](#)

[Overview](#)

[Program Accomplishments](#)

[Environmental and Economic Benefits](#)

[Types of Grant Funding](#)

[Solicitations for Brownfield Grants](#)

[Brownfields and Land Revitalization Activities Near You](#)

[Select Publications](#)

[Grant Recipient Success Stories](#)

[Grant Recipient Reporting](#)

Multipurpose, Assessment, RLF, and Cleanup (MARC) Grant Application Resources

- [General Program Resources](#)
- [Open Solicitations](#)
- [Closed Solicitations](#)

The FY 2024 Brownfields Multipurpose, Assessment, and Cleanup Grant Guidelines are now available (go to [Open Solicitations](#)). The application submission deadline is November 13, 2023.

Grants offered by the Brownfields Program may be used to address sites contaminated by hazardous substances, pollutants, or contaminants (including hazardous substances co-mingled with petroleum) and petroleum. Please visit the [Types of Brownfields Grant Funding](#) for an overview of the Multipurpose, Assessment, Revolving Loan Fund, and Cleanup Grants. [Tipos de financiación con subvenciones para terrenos baldíos de la EPA \(pdf\) \(57.56 KB\)](#)

Applicants interested in **applying for more than one grant type in FY 2024**, review the [FY24 Eligibility Chart for Multiple Applications](#) to determine which other grants are available to you.

If you currently have an **EPA Brownfields Grant** and are interested in applying for an FY 2024 grant, review the [FY24 Eligibility Chart for Existing Grant Recipients](#) to determine which other grants are available to you.



Commonly Used Acronyms

AAI	All Appropriate Inquiry	IC	Institutional Control
ABCAs	Analysis of Brownfields Cleanup Alternatives	IIJA	Infrastructure Investment and Jobs Act
ACRES	Assessment, Cleanup and Redevelopment Exchange System	ILO	Innocent Landowner
AOR	Authorized Organization Representative	IR	Intergovernmental Review
ASAP	Automated Standard Application for Payments	MARC	Multipurpose, Assessment, RLF, and Cleanup
BABA	Build America, Buy America Act	MOA	Memorandum of Agreement
BFPP	Bona Fide Prospective Purchaser	NHPA	National Historic Preservation Act
BIL	Bipartisan Infrastructure Law	NPL	National Priority List
CAR	Cooperative Agreement Recipient	OBLR	Office of Brownfields & Land Revitalization
CEJST	Climate and Economic Justice Screening Tool	PO	Project Officer (or Project Manager)
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act	POC	Point of Contact
CFR	Code of Federal Regulations	PRP	Potential Responsible Parties
CIP	Community Involvement Plan	QEP	Qualified Environmental Professional
COA	Closeout Agreement (for RLF Grants)	RFA	Request for Application
CWAGST	Community-wide Assessment Grants for States & Tribes	RLF	Revolving Loan Fund
DBA	Davis-Bacon Act	SAM	System for Award Management
DUNS	Data Universal Numbering System	TAB	Technical Assistance to Brownfields
EPA	Environmental Protection Agency	UEI	Unique Entity Identifier
FAQ	Frequently Asked Question	USC	United States Code
FON	Funding Opportunity Number	UST	Underground Storage Tank
FY	Fiscal Year	VCP	Voluntary Cleanup Program

Eligible Entities for Cleanup Grants

- General Purpose Unit of Local Government.
- Quasi Governmental Entities.
- Regional Council established under governmental authority.
- Group of General Purpose Units of Local Government established under Federal, state or local law (e.g., councils of governments) to function as a single legal entity with authority to enter into binding agreements with the Federal Government.
- Redevelopment Agency that is chartered or otherwise sanctioned by a state.
- State.
- Federally recognized Indian tribe other than in Alaska.
- Alaska Native Regional Corporation, Alaska Native Village Corporation, and Metlakatla Indian Community.
- Nonprofit organization described in section 501(c)(3) of the Internal Revenue Code.
- Qualified community development entity as defined in section 45D(c)(1) of the Internal Revenue Code of 1986.
- **Cleanup only:** Other nonprofit organizations consistent with the definition of Nonprofit organization at 2 CFR § 200.1.

See the full list
of eligible
entities in
Section III.A.



Individual entities, for-profit organizations, and nonprofit organizations exempt from taxation under section 501(c)(4) of the Internal Revenue Code that lobby the Federal Government are not eligible to receive Brownfields Grants.



Cleanup Grants

- Cleanup Grants provide funding to carry out cleanup activities at one or more brownfield sites.
- An eligible entity **must own** the site(s) at the time of application.
- Consistent with the direction on cost sharing in the Bipartisan Infrastructure Law, a cost share is not required.
- **Funding:** An applicant may request
 - ✓ up to \$500,000, or
 - ✓ up to \$2 million, or
 - ✓ up to \$5 million.
- **Project Period:** up to 4 years



Submitting Your Application Package

Applications are due **November 13, 2023**, via Grants.gov

[**Grants.gov Tip Sheet**](#)

Grants.gov scheduled maintenance → EPA encourages applicants to apply before November 13

October 18-24, 2023	Server Maintenance	Scheduled Maintenance Outage: Training System will go Offline Wednesday October 18, 2023 at 12:01 AM ET. Training System will go Online Friday October 20, 2023 at 6:00 AM ET. Production System will go Offline Saturday October 21, 2023 at 12:01 AM ET. Production System will go Online Tuesday October 24, 2023 at 6:00 AM ET.
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Grants.gov Resources for Applicants



A screenshot of the Grants.gov website. The top navigation bar includes links for HOME, LEARN GRANTS, SEARCH GRANTS, APPLICANTS, GRANTORS, SYSTEM-TO-SYSTEM, FORMS, CONNECT, and SUPPORT. A search bar is located in the top right. A red banner on the left says "Special Alert: Grants.gov will be down for maintenance on October 18-24, 2023. See the 'What to Expect' page for details." The main content area features a large image of a hand holding a smartphone displaying the Grants.gov mobile app. Text on the page includes "Convenience Comes to Federal Grants" and "Download the Grants.gov Mobile App to search and submit on the go." A white callout box over the mobile app image lists "GRANT APPLICATIONS" and "APPLICANT RESOURCES" with various links. A red banner at the bottom right says "September 23 and 29, 2022. Read 'What to Expect'".



Requirements to Submit an Application

REQUIREMENT	ACCEPT 	REJECT 
Active www.sam.gov account through November 13, 2023	<ul style="list-style-type: none">The account is active and matches the applying entity's info	<ul style="list-style-type: none">Inactive/expired accountAccount is being updated, but is in "processing" status
Obtain a Unique Entity Identifier (UEI) generated in www.sam.gov	<ul style="list-style-type: none">The same UEI must be used on future applications	<ul style="list-style-type: none">Another organization's/department's UEI is listed on the Standard Form 424
Active www.grants.gov account	<ul style="list-style-type: none">Associated with same, correct UEI number	<ul style="list-style-type: none">Application is not submitted through Grants.gov solely due to an incomplete registration/inactive account
Submission by the Authorized Organization Representative (AOR)	<ul style="list-style-type: none">Designated in Grants.gov by the E-business POC (listed in sam.gov)Has a Grants.gov accountSubmits the application in Grants.gov	<ul style="list-style-type: none">Someone other than the designated AOR submits the application

[How to Register to Apply for Grants](#)

Procurement Technical Assistance Center (PTAC) advisors can also help with SAM.gov enrollment: www.aptac-us.org/



Your www.grants.gov Application Package

REQUIRED FORMS

1. Application for Federal Assistance (SF-424)
2. Budget Information for Non-Construction Programs (SF-424 A)
3. Preaward Compliance Review Report (EPA Form 4700-4)
4. EPA Key Contacts (Form 5700-54)
5. Project Narrative Attachment Form, as one file (if possible)
include:
 - ✓ Narrative Information Sheet
 - ✓ Threshold Responses (and related attachments)
 - ✓ Narrative (responses to Narrative/Ranking criteria)

OPTIONAL FORMS

6. Grants.gov Lobbying Form – To be submitted by applicants requesting more than \$100,000 of EPA grant funding.
7. Negotiated/Proposed Indirect Cost Rate Agreement – submit using the Project Narrative Attachment Form.

- A workplan is not required at time of submission. Applicants that are selected for funding will negotiate a workplan with EPA before the cooperative agreement is awarded.
- Sample forms are available on the [MARC Grant Application Resources](#) webpage.

Refer to the Application Submission Checklist in Section IV.C. of the Guidelines



Exception to Applying through Grants.gov

Limited or No Access to Internet

- Must request a waiver at least 15 calendar days before the deadline
- EPA must approve the request
- See procedures in Appendix 1 of Guidelines

There's no guarantee EPA will approve the request.

**Every effort must be made to complete all prerequisites
in order to apply through www.grants.gov.**

**Note: EPA is no longer providing flexibility to applicants
experiencing challenges related to COVID-19.**





**KEEP
CALM
AND
CALL THE
GRANTS.GOV
HELP DESK!!**

The Application Has Been Submitted – Now What?

- After signing and successfully submitting the application package, within 24 to 48 hours the AOR should receive a series of notification emails from www.grants.gov.
- If the AOR did not receive notification emails or the application package did not transmit successfully, immediately **contact the www.grants.gov Help Desk** (open 24/7; except federal holidays) at 1-800-518-4726. **Make sure to get a case number.**
- Applications that are not successfully submitted and **‘validated’** by the deadline will be considered late and **will be rejected**.



Progress Check

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Changes to the Guidelines

NEW

In this presentation, **text in magenta** denotes information that is new/revised.

For a complete list of changes, please review the **“Summary of FY24 Brownfields Multipurpose Assessment, and Cleanup Grant Guidelines Changes”** available at www.epa.gov/brownfields/multipurpose-assessment-rlf-and-cleanup-marc-grant-application-resources.

FY24 Summary of the Brownfield Multipurpose, Assessment, and Cleanup (MAC) Grant Guidelines Changes (as of 9/12/23)

EPA prepared this Summary of Changes document to assist prospective applicants with preparing Brownfields Multipurpose, Assessment, and Cleanup Grant applications. Please review the [FY24 Application Guidelines](#) (also referred to as Request for Application (RFA) or the solicitation) when preparing your application. If the information in the Summary of Changes differs from information in the statute, regulation, or the Guidelines, then the statute, regulation, or the Guidelines will take precedence.

If you are interested in applying for more than one grant type in FY24, review the [FY24 Eligibility Chart for Multiple Applications](#) to determine which other grants are available to you.

If you currently have an EPA Brownfields Grant and are interested in applying for an FY24 grant, review the [FY24 Eligibility Chart for Existing Grant Recipients](#) to determine which other grants are available to you.

A solicitation for new Revolving Loan Fund Grants will not be issued in FY24. EPA expects to solicit requests from existing, high-performing RLF Grant recipients for supplemental funding through a Federal Register notice in early 2024.

[Changes to All Grant Types](#)

[Changes to the Multipurpose Grant Guidelines](#)

[Changes to the Community-wide Assessment Grant Guidelines](#)

[Changes to the Assessment Coalition Grant Guidelines](#)

[Changes to the Community-wide Assessment Grants for States and Tribes Guidelines](#)

[Changes to the Cleanup Grant Guidelines](#)

CHANGES TO THE MULTIPURPOSE, ASSESSMENT, AND CLEANUP GRANT GUIDELINES		
Topic	FY23 Multipurpose, Assessment, and Cleanup Grant Guidelines	FY24 Multipurpose, Assessment, and Cleanup Grant Guidelines
General Information		
EPA's Flexibility for Applicants Experiencing Challenges Related to COVID-19	EPA provided flexibility to applicants experiencing challenges related to COVID-19.	EPA is no longer providing flexibility to applicants experiencing challenges related to COVID-19.



Narrative Information Sheet



- ❖ Applicant Name and Address
- ❖ Amount of Funding Requested
- ❖ Project Location
- ❖ Property Information
- ❖ Project Contacts
- ❖ Population Data
- ❖ Other Factors
- ❖ EPA's Plan to Release Copies of Applications

- ✓ Provide on official letterhead
- ✓ 3-page limit
- ✓ **Do not include a project summary/overview**



Certifying Confidential/Privileged Information

- EPA intends to post submitted applications on our website after the sections are announced in the spring 2024.
- 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.).
- On the Narrative Information Sheet...**Clearly indicate which portion(s) of the application you are claiming as confidential, privileged, or sensitive information, or state 'n/a' or 'not applicable' if application does not have confidential, privileged, or sensitive information."**
- Information that is claimed as confidential, privileged, or sensitive will be redacted before release.



Review Section IV.G. for more information



Progress Check

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Threshold Criteria Overview

Every application must clear the
Threshold Requirements



Threshold Criteria for Cleanup Grants

**No Cost Share
Requirement!**



1.	Applicant Eligibility
2.	Previously Awarded Cleanup Grants
3.	Expenditure of Existing Multipurpose Grant Funds
4.-7.	Site Ownership, Information, Status/History, and Site Definition
8.-9.	Environmental Assessments and Site Characterization
10.	Enforcement or Other Actions
11.	Property-specific Determination
12.	Criteria Related to CERCLA/Petroleum Liability
13.	Cleanup Authority and Oversight Structure
14.	Community Notification
15.	Contractors and Named Subrecipients

1. Applicant Eligibility

- Describe how you are an eligible entity (complete list in Section III.A.)
 - For entities that are cities, counties, Tribes, or states, affirm that the organization is eligible for funding.
 - For entities other than cities, counties, Tribes, or states, attach documentation of your eligibility (e.g., resolutions, statutes, etc.).
 - For Intertribal consortia, attach documentation that meets the requirements in 40 CFR 35.504(a) and (c). All members of the Intertribal consortium must authorize submission of an application.
 - For nonprofit organizations and qualified community development entities, attach documentation certifying the organization's status.
 - Indicate if your organization is exempt from Federal taxation under section 501(c)(4) of the Internal Revenue Code.
 - If yes, indicate if your organization lobbies the Federal government.
 - If yes, but your organization does not lobby the Federal government, attach a legal opinion that states that the organization does not engage in lobbying activities.



2. Previously Awarded Cleanup Grants

Affirm that the proposed site(s) has not received funding from a previously awarded EPA Brownfields Cleanup Grant. (*Section III.B.2.*)

3. Expenditure of Multipurpose Grant Funds

- Current EPA Multipurpose Grant recipients must draw down, and disburse, at least 70.00% of each Multipurpose cooperative agreement by **October 1, 2023**, before applying for a **Cleanup Grant**. (*Section III.B.3.*)
- Attach a copy of a financial record displaying the amount of funds drawn down (e.g., a report from the Automated Standard Application for Payments (ASAP) or general ledger entries).

Otherwise: Affirm you do not have an active EPA Brownfields Assessment or Multipurpose Grant.



4. Site Ownership

Identify the current owner of the site (if you are not the current owner, the date you plan to acquire ownership of the site).

By November 13, 2023:

- Cleanup Grant applicants must own site(s) listed in the application.
 - Fee simple title through a legal document (recorded deed)...
 - ...unless EPA approves a different ownership agreement (for example, a nominee agreement or 99-year irrevocable lease)

→ Talk with EPA NOW to make sure the arrangement will be approved



See [FAQ L.12.](#)



5. Basic Site Information

Identify the name and address of the site.

6. Status and History of Site

Identify:

- whether this site is contaminated by hazardous substances and/or petroleum;
- the operational history and current use(s) of the site;
- environmental concerns, if known, at the site; and
- how the site became contaminated, and to the extent possible, describe the nature and extent of the contamination.

7. Brownfield Site Definition

Affirm that the site is:

- not listed or proposed for listing on the National Priorities List;
- not subject to orders under CERCLA; and
- not subject to the jurisdiction, custody, or control of the U.S. government. (*Note: Land held in trust by the U.S. government for an Indian Tribe is eligible for funding.*)



8. Environmental Assessment Required for Cleanup Grant Applications

A written ASTM E1903-19 or equivalent Phase II environmental site assessment report (a draft report is sufficient) must be completed prior to application submission. (*Section III.B.8.*)

- Describe the type of environmental assessments conducted at your proposed site (do not attach assessment reports).
- Provide the date of the Phase II or equivalent report.

See [FAQ L.15.](#)



9. Site Characterization

This criterion is to determine if there will be a sufficient level of site characterization from the environmental site assessment performed to date for the remediation work to begin on the site(s)...or will be performed by June 15, 2024.

Provide information for all that apply:

- a. For an applicant **that is a State or Tribal Environmental Authority**
- b. For an applicant **other than a State or Tribal Environmental Authority** that is proposing a site(s) that is **eligible to be enrolled in a voluntary response program**
- c. For an applicant **other than a State or Tribal Environmental Authority** that is proposing a site(s) that is **not eligible to be enrolled in a voluntary response program**

- a. For an applicant **that is a State or Tribal Environmental Authority**: Include a statement affirming that there is a sufficient level of site characterization from the environmental site assessment performed to date for the remediation work to begin on the site(s).



9. Site Characterization (cont'd)



The letter must clearly indicate that the information is for the FY24 Cleanup Grant application and not a previously submitted application.

- b. For an applicant **other than a State or Tribal Environmental Authority** that is proposing a site(s) that is **eligible to be enrolled in a voluntary response program**, attach a **current** letter from the appropriate State or Tribal Environmental Authority (or equivalent state or tribal regulatory oversight authority) that:
 - i. Affirm that the site(s) is eligible to be enrolled in the state or tribal voluntary response program.
 - ii. Indicate whether the site(s) is enrolled, or intends to be enrolled, in the state or tribal voluntary cleanup program.
 - iii. Indicates that there is a sufficient level of site characterization from the environmental site assessment performed to date for the remediation work to begin on the site(s).
- c. For an applicant **other than a State or Tribal Environmental Authority** that is proposing a site(s) that is **not eligible to be enrolled in a voluntary response program** or State or Tribal equivalent oversight program (e.g., sites contaminated with hazardous building material):
 - i. Attach a **current** letter from the appropriate State or Tribal Environmental Authority (or equivalent state or tribal regulatory oversight authority) that explains why the site(s) is not eligible to be enrolled.
 - ii. Additionally, state whether an Environmental Professional has certified that there is a sufficient level of site characterization from the environmental site assessment performed to date for the remediation work to begin on the site(s).

Letter must be submitted with the application → Coordinate early with the state/tribal environmental authority



New optional
letter template
[available here](#)



10. Enforcement or Other Actions

Identify known ongoing or anticipated environmental enforcement or other actions related to the brownfield site...

...by describing any inquiries, or orders from government entities regarding the responsibility of any party (including the applicant) for the contamination, or hazardous substances at the site, including any liens.

Alternatively, affirm there are no known ongoing or anticipated environmental enforcement or other actions.

11. Sites Requiring a Property-Specific Determination

Certain types of sites require a property-specific determination in order to be eligible for funding (rare cases).

- Refer to Section III.B.11. in the Cleanup Guidelines, or Section 1.5. of the [Information on Sites Eligible for Brownfields Funding under CERCLA § 104\(k\)](#) to determine whether your site requires a property-specific determination.
Contact your Regional Brownfields Contact if you think your site requires a property-specific determination.
- If your site requires a property-specific determination, then you **must attach the information** requested in the [Brownfields FAQs](#).
- If not required, **affirm that the site does not need a property-specific determination.**



12. CERCLA/Petroleum Liability



Which Type of Site Contamination?

Petroleum Sites
(Slide 45)

Hazardous Substance Sites

Defense to CERCLA Liability

i. Exempt from
CERCLA
(Slides 30-32)

ii. Publicly owned sites
acquired prior to 1/11/02
(Slide 33)

iii. Landowner
Liability Defenses
(Slides 34-35)



12. Threshold Criteria Related to CERCLA Liability

Sites contaminated with hazardous substances, contaminants, pollutants, controlled substances, and mine scarred land wastes; and sites co-mingled with petroleum product where hazardous substances are the predominant contaminant.

i. Exemptions to CERCLA Liability

1. Indian Tribes
2. Alaska Native Villages and Alaska Native Corporations
3. Property Acquired under Certain Circumstances by State and Local Government

ii. Publicly Owned Brownfield Sites Acquired Prior to January 11, 2002

iii. Defenses to CERCLA Liability (e.g., the bona fide prospective purchaser defense)



12. Threshold Criteria Related to CERCLA Liability

i. Exemptions to CERCLA Liability

1. Indian Tribes

Indian tribes are exempt from demonstrating that they meet the requirements of a CERCLA liability defense to be eligible for a Brownfields Grant.

- **Affirm the applicant is an Indian tribe.**

2. Alaska Native Village Corporations and Alaska Native Regional Corporations

Acquired title to property under the Alaska Native Claims Settlement Act.

- **How and when was the property acquired?**
- **Did you cause or contribute to the contamination?**



12. Threshold Criteria Related to CERCLA Liability

i. Exemptions to CERCLA Liability (cont'd)

3. Property Acquired under Certain Circumstances by State and Local Government

Acquired title to a property by:

- Seizure or in connection with law enforcement activity;
- Bankruptcy;
- Tax delinquency; or
- Abandonment.

- **How and when was the property acquired?**
- **Did you cause or contribute to the contamination?**
- **Did you arrange for the disposal/transportation of contamination?**



12. Threshold Criteria Related to CERCLA Liability

ii. **Publicly Owned Brownfield Sites Acquired Prior to January 11, 2002**

(state or local governments only)

Public entities that acquired property prior to January 11, 2002.

Eligible even if the entity does not qualify as a bona fide prospective purchaser.

- **How and when was the property acquired?**
- **Did the applicant cause or contribute to the contamination?**
- **Did you arrange for the disposal/transportation of contamination?**



12. Threshold Criteria Related to CERCLA Liability

iii. Landowner Defenses to CERCLA Liability

1. Asserting a bona fide prospective purchaser (BFPP) defense (the most common defense).

Property acquired after January 11, 2002.

- **How and when was the property acquired?**
- **What environmental due diligence was performed before acquisition?**
- **Did you arrange for the disposal/transportation of contamination?**
- **What happened on the property after acquisition? What steps were taken to stop and prevent future releases?**



12. Threshold Criteria Related to CERCLA Liability

iii. Landowner Defenses to CERCLA Liability

2. Non-public entities that acquired property prior to January 11, 2002 may be eligible for a Brownfields Grant.
 - **How and when was the property acquired?**
 - **What environmental due diligence was performed before acquisition? Was it customary at the time?**
 - **Did you arrange for the disposal/transportation of contamination?**
 - **What happened on the property after acquisition? What steps were taken to stop and prevent future releases?**



12. Threshold Criteria Related to Petroleum Liability

Sites contaminated with petroleum and petroleum product.

- State environmental agency (or EPA) will determine if the site is eligible.
- EPA will determine eligibility for Tribes.
- Petroleum Eligibility Letter must be attached to application.
Letter must clearly indicate that the applicant is applying for an FY24 Brownfields Cleanup Grant.

NEW

– Who contaminated it?

Who are the current and previous owners?

Current AND previous owner must not be responsible for contamination.

– If current or previous owner is responsible...

Are they financially viable?

Petroleum determination should be completed before submitting your application.



Clarified that the liability for an underground storage tank is the owner of the tank, not the owner of the land.



13. Cleanup Authority and Oversight Structure

- Cleanup Oversight
 - Describe the oversight plan.
 - Indicate if you plan to enroll in state or Tribal Voluntary Cleanup Program.
 - If not enrolling, describe how you will provide or acquire the necessary technical expertise to conduct and oversee the cleanup.
- Adjacent Property(s) Access Plan
 - Plan to obtain access to adjacent properties, if needed.



14. Community Notification

- Provide an opportunity for the community (including persons with limited English proficiency and disabilities) to submit comments on your application and the draft Analysis of Brownfields Cleanup Alternatives (ABCAs).
- Publish an ad (or equivalent) about intent to apply and notice of a public meeting.
- Notify the community at least **14 calendar days before submitting the application** and **no later than October 30, 2023**, if the application is submitted on November 13, 2023.
- Include in ad:
 - Date, time, and location of meeting
 - Where the application/draft ABCA are located
 - How the public can submit comments
- Host the public meeting (in-person, virtually, and/or by teleconference) after the ad is published, but before submitting the application.

Attach draft ABCA(s)
to your application

See full
requirements in
III.B.14. of the
guidelines and
additional guidance
in FAQ L.13.



Contractors and Named Subrecipients

- **Contractors.**

Applicants, other than state applicants, that have procured a contractor(s) where the amount of the contract will be more than the micro-purchase threshold in [2 CFR § 200.320\(a\)\(1\)](#) (\$10,000 for most applicants) must demonstrate how the contractor (including consultants) was selected in compliance with **the fair and open competition requirements** in 2 CFR Part 200 and 2 CFR Part 1500.

States: Consistent with 2 CFR § 200.317, follow the same competitive policies and procedures used for procurements from non-Federal funds.

- **EPA will not accept sole source justifications** for procurement contracts for services such as environmental consulting, engineering, and remediation that are available in the commercial marketplace.
- Firms or individual consultants that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals **must be excluded** from competing for such procurements as provided in [2 CFR § 200.319\(b\)](#). EPA interprets this regulation to preclude applicants from directly receiving **any assistance** from prospective contractors in developing RFPs if the prospective contractor will be allowed to compete for the work covered by the RFP.
- Consistent with 2 CFR § 200.320(b)(2)(iii), for contracts over \$250,000, **price must be an evaluation factor** in the review of proposals or quotes.

EPA provides guidance on complying with the competition requirements in the [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) and the [Brownfields Grants: Guidance on Competitively Procuring a Contractor](#).

Contractors and Named Subrecipients

- **Contractors cont'd:**

Applicants must disclose whether they have already selected a contractor that will be compensated with EPA funds made available under the grant.

- Disclose whether you have already selected a contractor that will be compensated with EPA funds made available under this RFA.
- If a contractor(s) has been selected prior to submitting the application to EPA, describe/include:
 - the procurement procedures that were followed to hire the contractor(s), including **where and when** the Request for Proposals (RFP)/Request for Qualifications (RFQ) was posted;
 - **the length of time the RFP/RFQ was advertised;**
 - the number of firms solicited and the number of offers received and considered; and
 - **the name(s) of the firm(s) the applicant entered into contract with.**
- Provide a copy of (or link to) the solicitation documents and the signed executed contract.
- Alternatively, state 'n/a' or 'not applicable' if a contractor has not been procured.



Failure to provide the requested information will result in the rejection of the application/award.

States/territories respond
'n/a' or 'not applicable'

See Section D. of the [FAQs](#)

Contractors and Named Subrecipients

- **Named Subrecipients.**

All applicants, including states, that name a specific subrecipient in this application must demonstrate that the subrecipient is eligible for a subaward in compliance with [Appendix A of EPA's Subaward Policy for EPA Assistance Agreement Recipients](#). This policy provides, among other things, that transactions between recipients and for-profit firms and individual consultants are procurement contracts rather than subawards when the transaction involves the acquisition of services from the firm or individual.

Describe how the named subrecipient is eligible for a subaward (e.g., is a nonprofit organization or unit of government). Alternatively, state 'n/a' or 'not applicable' if a subrecipient is not named.

Refer to [EPA's Contracts and Subawards Solicitation Clause](#) for additional guidance.



Progress Check

For questions, please reach out to your Regional Brownfields Contact listed at the end of this presentation (also in Section VII. of the Guidelines).



This presentation:

- General Overview & Application Submission
- NEXT: Overview of the Narrative Information Sheet
- Overview of Threshold Criteria
- Wrap-up & Contact Information

Covered in live Narrative Criteria training on 9/27/23:

- Overview of Ranking Criteria
 - Project Area Description & Plans for Revitalization
 - Community Need & Community Engagement
 - Task Descriptions, Cost Estimates, & Measuring Progress
 - Programmatic Capability & Past Performance



Regional Cleanup Brownfield Contacts

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EPA Region 10 – Terri Griffith Griffith.Terri@epa.gov (206) 553-8511	AK, ID, OR, WA



- A **copy of today's presentation** is available on the Brownfields MARC Grant Application Resources webpage at <https://www.epa.gov/brownfields/multipurpose-assessment-rlf-and-cleanup-marc-grant-application-resources>.
- The **live overview of the Cleanup Ranking Criteria will be on 9/27/23**, and the recording will be made available. Please check the [Brownfields MARC Grant Application Resources](#) webpage (link above) for updates.



BROWNFIELDS AND LAND REVITALIZATION

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Thanks for Listening!!

Applying for a Multipurpose or Assessment Grant?

Join the live Narrative Criteria webinar on Sep 26, 2023, at 12 PM ET via Zoom at <https://usepa.zoomgov.com/j/1602838047>

Applying for a Cleanup Grant?

Join the live Narrative Criteria webinar on Sep 27, 2023, at 1 PM ET via Zoom at <https://usepa.zoomgov.com/j/1600119960>

