

On September 27, 2023, EPA's Office of Brownfields & Land Revitalization held a live webinar to assist applicants with preparing the Narrative portion of their application for the Fiscal Year 2024 **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.

Note that **general application submission, the Narrative Information Sheet, and Threshold requirements**, were covered in the recording available on the [MARC Grant Application Resources – “Open Solicitations”](#) webpage under Pre-Recorded Videos on Minimum Grant Requirements.

If you have general questions about EPA's Brownfields Program, the content of the pre-recorded videos, 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: Are the presentation recording and slides available?	A: Yes. The webinar recording and a copy of the presentation are available on the <u>MARC Grant Application Resources – “Open Solicitations”</u> webpage (see Grant Guideline Outreach Webinars - Narrative Ranking Criteria).
Q: Are there grant application requirements presented in this webinar that are not mentioned in the guidance?	A: No, all grant requirements that are covered in today's live webinar (as well as those covered in the Pre-Recorded Video on Minimum Grant Requirements on <u>EPA's MARC Grant Application Resources</u> webpage) are all included in the Guidelines.
Q: Where do we find the threshold criteria?	A: The threshold criteria are in Section III.B. of the Guidelines. Also, on the <u>MARC Grant Application Resources – “Open Solicitations”</u> webpage, the “Cleanup Grant Minimum Requirements Recording” covers the threshold criteria.
Q: Is the Cleanup Grant narrative 10-page limit per criterion?	A: No. The Cleanup Grant 10-page limit is for the application narrative (i.e., responses to all the Narrative/Ranking criteria and sub-criteria in Section IV.E. of the Guidelines).
Q: Are there specific numbers of grants per dollar value or is the number and amount of grants awarded based on the applications received?	A: Yes. You can see the number of Brownfields Grants EPA anticipates awarding and the maximum amount per award on slide 6 of today's presentation slides. See “FY 2024 Cleanup Grant Narrative Ranking Criteria Outreach Presentation” available on the <u>MARC Grant Application Resources – “Open Solicitations”</u> webpage. However, amounts are subject to change.

Cleanup Grants – General Questions/Eligibility

Q: The eligibility chart states existing Cleanup Grantees can re-apply. The FY24 Guidelines state existing cleanup grantees may not apply. Can you clarify?

A: A previous Cleanup Grant recipient may apply for funding in FY 2024, but the request must be for a different site - a site that did not previously receive funding from a Cleanup Grant.

Q: What options are there for a private landowner who is not the responsible party for the "leak" but wants to clean up a site to start a new business?

A: While ineligible for EPA Brownfields Cleanup Grants, private property owners who are not a potentially responsible party for contamination at the site may be eligible to receive a cleanup loan from an existing EPA Brownfield Revolving Loan Fund grant recipient.

Q: Is reuse planning still an eligible activity under the Cleanup Grant?

A: Yes, per FAQ G.4., "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." Please see the Guidelines or FY24 [FAQs](#) for additional information.

Q: What information or documents are needed to prove site ownership? In some remote areas, such documentation may be difficult or impossible to locate/obtain.

A: Generally, and as stated in the FY24 [FAQs](#), the ownership requirement is fee simple title as evidenced by a recorded deed; unless EPA approves a different ownership arrangement. 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. However, some form of documentation is necessary and even remote areas are within the jurisdiction of some unit of government that records interests in real property. If for some reason property records are unavailable, contact the Regional Brownfields Contact or a [Technical Assistance to Brownfields \(TAB\) provider](#) that covers your portion of the United States for guidance.

For assistance with determining the specific documentation needed to demonstrate ownership for purposes of determining if your site is eligible for funding, please contact your Regional Brownfields Contact in Section VII. of the Guidelines.

Q: If a site has received cleanup funds in the past but downgradient extent has not been entirely defined on additional properties, can cleanup or assessment funds be applied for?

A: This situation is fact specific and difficult to answer without further information. Please contact your Regional Brownfields Contact listed in Section VII. of the Guidelines to discuss your proposed project and its eligibility.

Q: Are Cleanup Grants still limited to new properties?

A: Yes. Brownfield sites where EPA Cleanup Grant funds were previously expended may not receive additional EPA Cleanup Grant funding in FY 2024.

Q: I will be applying on behalf of my City. Do the properties that need clean-up need to be condemned by the City first?

A: A site does not necessarily need to be condemned to be a brownfield. To be eligible for Brownfields Grant funding, sites must meet the definition of a brownfield under CERCLA § 101(39). Please see the [FY 2024 Cleanup Grant Guidelines](#), Section III.B. Criterion 7 for additional details.

Q: I utilized grant funds provided through a brownfield assessment coalition in Region 3. After a Phase II was provided, additional investigation was warranted to determine if remedial actions would be necessary prior to redevelopment. Can I obtain additional funding to cover these costs?

A: Possibly. Since each case is very fact-specific and EPA would need more details to determine eligibility, please contact your Regional Brownfields Program Contact listed in Section VII. of the Guidelines to provide the background and details of your project.

PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION QUESTIONS & ANSWERS

Q: For climate adaptation/mitigation capacity and resilience factor, can responses discuss how the remediation measures advance those factors, how the end land uses advance those factors, or both?

A: Yes, responses to *1.b.ii. Outcomes and Benefits of Reuse Strategy* can discuss how the remediation or the end use of the site will improve local climate adaptation/mitigation capacity in resilience, or both.

COMMUNITY NEED AND COMMUNITY ENGAGEMENT QUESTIONS & ANSWERS

Q: Will CEJST include the new CEP that is effective in October for LMI for students when determining disadvantage?

A: CEJST was developed and is managed by the Council on Environmental Quality (CEQ). Please refer to the [CEJST website](#) for any updates on what data is included in this mapping tool.

Q: Under *2.b.ii. Project Roles* – the Guidelines ask for name and email - in past Guidelines, it said email or phone. Does it matter or are we just doing emails for the contacts we list in that table?

A: EPA recommends conforming responses to the criteria but if email is not available, a phone number is sufficient. For this sub-criterion, the primary focus is to describe the role each identified local organization/entity/group will have in the project including how it will be meaningfully involved in making decisions with respect to the cleanup and future reuse of the proposed site(s).

Q: Does it help to include EJ in the narrative statements?

A: Yes. Applications are evaluated based on the responses to the criteria in the Guidelines. There are two sub-criteria in the Guidelines where environmental justice is of focus, particularly, *2.a.ii.(3)(a) Identification of Environmental Justice Issues* and *2.a.ii.(3)(b) Advancing Environmental Justice*. Additional information on environmental justice is included in the Guidelines under Section I.E. Supporting Environmental Justice and in the FY24 [FAQs](#).

**TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS
QUESTIONS & ANSWERS****Q: Are the in-kind admin costs included in the 5% cap of admin cost or just grant \$?**

A: We assume that the term “in-kind” refers to contributions the recipient or a third-party makes to a required cost share as authorized by CERCLA 104(k)(10)(B)(iii) and 2 CFR 200.306(d) and (e). Per the [FAQs](#), recipients may “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” and in-kind contributions for administrative costs may be counted toward the \$6,000 cap. Please keep in mind that a cost share is not required for FY 2024 Cleanup Grants so there is no reason to include in-kind contributions towards admin costs in the budget this year.

Q: For purposes of a Cleanup Grant application and the narrative tasks, costs and measuring progress section, can a "site" consist of multiple properties that share common elements, such as proximity, contaminants of concern, remediation plan, etc., particularly if the site definition is accepted by the applicable state voluntary cleanup program? Please assume common ownership and eligibility factors for all properties in the site.

A: We leave it to the applicant to define the site. So, yes, a site can consist of multiple properties. Keep in mind that once the site is defined, it cannot be defined differently under future Brownfields Grants. Please contact your Regional Brownfields Contact listed in Section VII. of the Guidelines. to discuss your proposed project to ensure it is eligible. Assuming common ownership and eligibility factors will make it easier for your Regional Brownfields contact to determine eligibility in defining the multiple sites as one.

Q: Is deconstruction considered "construction"?

A: Yes. Deconstruction is the alteration of a building which is an activity that falls under the 40 CFR 33.103 definition of “construction.”

Q: If the QEP subcontracts the construction-related activities and those activities are 50%+ of the costs, is it Contractual or Construction?

A: Please categorize those costs on the Construction budget line on the SF-424A.

Q: Would abatement and disposal be considered construction costs and should that go on the construction line if greater than 50%?

A: Yes, abatement is a remediation activity that may be classified as construction. If the abatement and disposal costs (and any additional construction costs) make up 50% or more of the contract, the entire cost of the contract belongs on the Construction budget line on the SF-424A.

PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE QUESTIONS & ANSWERS

Q: Does a community lose points if they have not previously managed a Brownfields Grant?

A: No, not by default. A neutral score is given to applicants who indicate they have never received *any* type of federal or non-federal assistance agreements (including previously managing a Brownfields Grant). Note, applicants must choose one of the three options in response to *4.b. Past Performance and Accomplishments* criterion. If you have never received an EPA Brownfields MARC or 128(a) Grant but have received other federal or non-federal assistance agreements (such as a grant or cooperative agreement including only receiving an Area-Wide Planning Grant or Environmental Workforce Development & Job Training Grant), then summarizing those resources would be appropriate under *4.b.ii*.

Q: Does *4.b.ii. Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements* include American Rescue Plan Act (ARPA) grants?

A: Yes. If the entity has only received ARPA Grant funds, please respond to *4.b.ii. Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements*.

Q: Does participation in the management of a Coalition Grant by a Coalition member as a sub-grantee count as experience/programmatic capability? I co-managed an Assessment Coalition Grant and a Coalition RLF. After the staff person POC at the grantee organization left, I essentially managed ongoing work.

A: You can discuss your experience as a part of the coalition. However, if the organization has not had its own Brownfields Grant, then please respond to *4.b.ii. Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements*. EPA suggests including any information that you feel is relevant and can support the proposed project, but please ensure that you are also clearly addressing the criteria as stated.

Q: Regarding high-quality jobs and strong labor practices criteria, how do we advance these goals in our procurements and contracting? Are there resources and examples we can follow?

A: Compliance with Davis Bacon is one means but there are also Department of Labor resources listed on page 10 of the [FY 2024 Cleanup Grant Guidelines](#) under Section I.G. Supporting High-Quality Jobs, Strong Labor Practices, and Equitable Workforce Pathways. The Department of Transportation's [Grant Application Checklist for a Strong Transportation Workforce and Labor Plan](#) is an additional resource for applicants.

Q: Are we expected to address high-quality jobs and strong labor practices with regard to redevelopment construction and end use full-time jobs, since that is often up to developers and others and beyond our control?

A: As stated under criterion *4.a.iii. Acquiring Additional Resources* in the [FY 2024 Cleanup Grant Guidelines](#), EPA is asking applicants to "Describe [their] efforts to promote strong labor practices, local hiring/procurement, or link members of the community to potential employment opportunities in brownfields assessment, cleanup, or redevelopment related to your project in a meaningful and equitable way." It is the applicant's decision how to address the role of developers in responding to that evaluation factor.

Q: My project is receiving assistance from the UCONN TAB program - is that considered a form of federal grant that should be reported?

A: No, under *4.b. Past Performance and Accomplishments*, EPA is asking for past performance information for the recipient of a federal grant, not receipt of technical assistance as a program beneficiary under a TAB grant. 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*.