

INSTRUCTIONS FOR COMPLETING CERCLA 128(a) STATE AND TRIBAL PROGRAM ACTIVITY LEVELS (PALs) FORM

GENERAL INSTRUCTIONS

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2050-0192). Responses to this collection of information are mandatory (2 CFR 200.328, 2 CFR 200.333, 2 CFR 200.335, 40 CFR 30-31). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 2 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Overview:

As specified in your cooperative agreement terms and conditions, all CERCLA 128(a) State and Tribal cooperative agreement recipients must report to EPA on a regular basis. This OMB and EPA approved reporting form (OMB No. 2050-0192, EPA Form 6200-18) supplements your Quarterly or Semiannual Reports with information about specific activities and accomplishments that EPA deems necessary to adequately monitor and evaluate progress toward goals defined in the cooperative agreements. Please contact your EPA Regional representative if you have any questions when completing this form.

Compared to the Quarterly or Semiannual Reports, the PALs Form contains quantitative information on eight specific measures of recipient performance. Reporting on these specific activities and accomplishments must be provided in the attached PALs Form rather than in the Quarterly or Semiannual Reports.

When to Submit:

Cooperative agreement recipients must submit a PALs form annually when the annual funding submission is due to EPA. Generally, this occurs mid-December.

To Whom to Submit:

Cooperative agreement recipients must submit PALs Reporting Forms to their EPA Regional Representative identified in the terms and conditions or the cooperative agreement. Beginning in FY 2023, CARs must submit PALs information directly into EPA's Assessment, Cleanup, and Redevelopment Exchange System (ACRES). Data entered online will be automatically delivered to the EPA Regional Representative.

How to Submit:

ACRES is available online and is the preferred method for the CERCLA 128(a) State and Tribal cooperative agreement recipients to enter and submit the PALs Reporting Form. Until FY 2023, electronic reporting in ACRES is optional, and the PALs Reporting Form may instead be submitted in hard copy via e-mail to the EPA Regional Representative. In FY 2023 and beyond,

CARs must submit PALs information directly into ACRES. Please contact your EPA Regional representative if you have any questions on submitting the PALs form.

DETAILED INSTRUCTIONS FOR COMPLETING EACH ITEM ON FORM

PART I – COOPERATIVE AGREEMENT RECIPIENT INFORMATION

1. **State or Tribe.** Enter the state or tribe that received the CERCLA 128(a) cooperative agreement.
2. **Cooperative Agreement Recipient Name.** Enter the cooperative agreement recipient name. Use the official name provided in the cooperative agreement, unless otherwise directed by the EPA Regional Representative.
3. **Cooperative Agreement Number.** Enter the cooperative agreement number. Use the number as provided in the cooperative agreement.

PART II – PROGRAM ACTIVITY INFORMATION

4. **Select one or more of the following environmental programs where CERCLA Section 128(a) funds were used to support capacity-building (general program support, non-site-specific work) in the last federal fiscal year.** Indicate, as appropriate, which environmental programs are supported by CERCLA 128(a) funds. The list of programs are Brownfields, Underground Storage Tanks/Leaking Underground Storage Tanks, Federal Facilities, Solid Waste, Superfund, Hazardous Waste Facilities, VCP (Voluntary Cleanup Program, Independent Cleanup Program, etc.), and/or Other.
5. **Number of properties (or sites) enrolled in a response program during the last federal fiscal year.** Enter the number of properties enrolled in the response program. Include both traditional enrollment programs and programs that track properties under other oversight activities.
6. **Number of properties (or sites) where documentation indicates that cleanup work is complete AND all required Institutional Controls (“ICs”) or Engineering Controls (“ECs”) are either in place or not required (during the last federal fiscal year).** Enter the number of properties where documentation demonstrated that all cleanup work is completed, and all required ICs / ECs are in place or not required.
- 6a. **Total number of acres associated with properties (or sites) identified in number 6 above.** Enter the corresponding total acreage of all properties/sites counted in 6 above.
7. **Date of the last update to the Public Record.** Enter the date of the last Public Record update for the response program.
8. **If ICs / ECs have previously been placed on properties (or sites), the total number of audits, inspections, reviews, or other types of monitoring that have been conducted in the last federal fiscal year to ensure that the ICs / ECs are still maintained and fully effective.** Enter the number of audits, inspections, reviews, or other types of

monitoring conducted to ensure properties with engineering and institutional controls are still in place and protective of human health and the environment.

9. **OPTIONAL - Total number of properties where assistance was provided, but the properties were not enrolled in a response program.** Enter the total number of properties where assistance was provided but the property was not enrolled in a response program.
10. **Did you develop or revise legislation, regulations, codes, guidance documents or policies related to establishing or enhancing your Voluntary Cleanup Program/Response Program during the most recent fiscal year?** Enter whether your program has developed or revised legislation, regulations, codes, guidance documents or policies related to your program in the most recent year.
 - 10a. **If yes, please indicate the type and whether it was new or revised.** If yes, enter text to indicate the type of legislation, regulations, codes, guidance documents or policies and indicate 'new' or 'revised.'

PART III - DEFINITIONS

Properties: As defined in the Brownfields Program's Property Profile Form (PPF) it is a "contiguous piece of land under unitary ownership." A "site" for some programs may include more than one property. When information is available provide the number of properties for a site as part your total property count.

Enrolled: Enrolled for the purposes of this program activity level sheet, properties (or site) activities may include oversight, enforcement, assessment, cleanup, cleanup planning, implementation of institutional or engineering controls, and monitoring. For some programs there may be an official entrance procedure (registration and acceptance, i.e. VCPs, Response Programs) whereas, for other programs it may include properties identified for action(s) by Response Program officials. Properties where other technical assistance is provided should not be included, but instead captured under #9.

For example, if 128(a) program funding contributes to several programs under your response program (i.e., VCP, Brownfields, and UST/LUST) and these programs oversaw cleanup plans, IC tracking, etc. for 100 properties (or sites) then this number of 100 would be included in response to #5.

Response Program: Any state or tribal land program benefiting from CERCLA 128(a) funding may include a response program that focuses on hazardous and/or solid waste contamination. A response program may include both broader capacity building activities (e.g., regulation development, database tracking enhancements, or staff training) and site-specific activities (e.g., brownfield assessment or cleanup, cleanup oversight, or public participation for cleanup planning).

Required institutional controls (or land use controls): As required by state/tribal/local law, regulation, or ordinance as necessary to protect the environment and/or public health. In place institutional controls (as defined in the Brownfield Program's PPF) generally fall under four general categories; proprietary controls (e.g., easements, covenants); governmental controls (e.g., ordinances, zoning, building codes, drilling permit requirements); informational devices (e.g., state registries, deed notices, advisories), and enforcement/permit tools (e.g., order, permits, consent decrees).

Assistance: Examples of assistance include: working with potential purchasers for properties not being addressed under the response program; supporting a brownfield grantee to identify next steps for a particular property where they have a concern for contamination; technical review of site assessment documents,

quality assurance plans, CERCLA 104(k) grantee applications, etc. This section would not be for those reviews/technical assistance provided to properties (or sites) listed under #5.