

FY 2026 Brownfields Grant Guidelines

Overview of the Submission, Application Information Sheet & Threshold Requirements

Cleanup Grants

Recorded Training



Welcome!

The purpose of this training is to assist applicants with understanding the general application submission, Application 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 1.E. of the Guidelines).

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

Applying for an Assessment Grant or a Multipurpose Grant?

Join the live Narrative Criteria webinar on December 3, 2025, at 12 PM ET via Zoom at <https://usepa.zoomgov.com/j/1604721613>

Applying for a Cleanup Grant?

Join the live Narrative Criteria webinar on December 4, 2025, at 1 PM ET via Zoom at <https://usepa.zoomgov.com/j/1617087652>

Narrative Criteria webinar Zoom link and recordings will be posted on EPA's [MARC Grant Application Resources](#) page.

Today's Agenda

For questions, please reach out to your Regional Brownfields Contact listed at the end of this presentation (also in Section 1.E. of the Guidelines).



This presentation:

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

Covered in live Narrative Criteria training on 12/04/25:

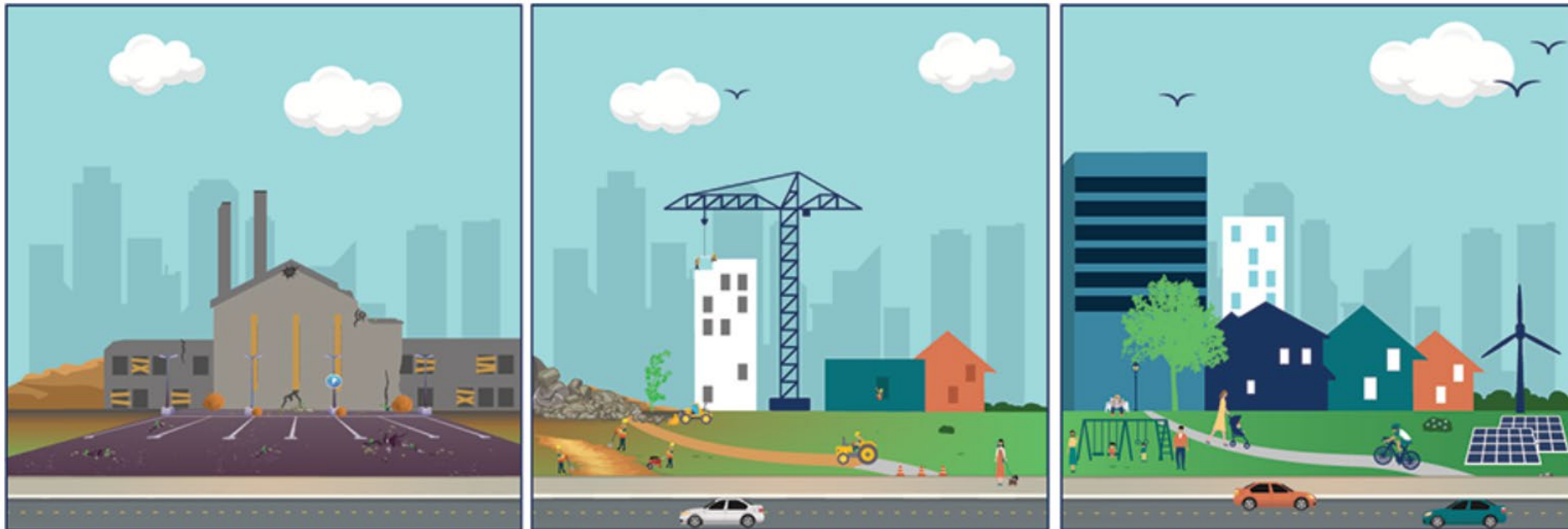
- ☐ Overview of Narrative Criteria
 - ☐ Project Area Description & Plans for Revitalization
 - ☐ Community Need & Community Engagement
 - ☐ Task Descriptions, Cost Estimates, & Measuring Progress
 - ☐ Programmatic Capability & Past Performance



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/marc-grant-application-resources

A screenshot of the EPA website's "Brownfields Grants and Funding" page. The left sidebar shows a navigation menu with "Brownfields" selected, and sub-menu items including "About", "Grants and Funding" (which is highlighted), "Types of Funding", "Brownfields Job Training Grants", "Revolving Loan Fund (RLF) Grants", and "MARC Grant Application Resources". The main content area is titled "Multipurpose, Assessment, RLF, and Cleanup (MARC) Grant Application Resources" and lists several links: "FY26 Multipurpose, Assessment, and Cleanup Grant Competitions", "General Program Resources", "Open Solicitations" (highlighted in yellow), and "Closed Solicitations". Below the links, a paragraph states that grants may be used for hazardous substances, pollutants, or contaminants, and provides a link to "Types of Brownfields Grant Funding" for an overview. It also includes a link to a PDF document titled "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 2026**, review the [FY26 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 2026 grant, review the [FY26 Eligibility Chart for Existing Grant Recipients](#) (p.2 of PDF) to determine which other grants are available to you.



Commonly Used Acronyms

AAI	All Appropriate Inquiry	ILO	Innocent Landowner
ABCA	Analysis of Brownfields Cleanup Alternatives	IR	Intergovernmental Review
ACRES	Assessment, Cleanup and Redevelopment Exchange System	MARC	Multipurpose, Assessment, RLF, and Cleanup
AOR	Authorized Organization Representative	MOA	Memorandum of Agreement
ASAP	Automated Standard Application for Payments	NHPA	National Historic Preservation Act
BABA	Build America, Buy America Act	NOFO	Notice of Funding Opportunity
BFPP	Bona Fide Prospective Purchaser	NPL	National Priority List
CAR	Cooperative Agreement Recipient	OBLR	Office of Brownfields & Land Revitalization
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act	PO	Project Officer (or Project Manager)
CFR	Code of Federal Regulations	POC	Point of Contact
CIP	Community Involvement Plan	PRP	Potential Responsible Parties
COA	Closeout Agreement (for RLF Grants)	QEP	Qualified Environmental Professional
CWAGST	Community-wide Assessment Grants for States & Tribes	RCRA	Resource Conservation and Recovery Act
DBA	Davis-Bacon Act	RFA	Request for Application
DUNS	Data Universal Numbering System	RLF	Revolving Loan Fund
EPA	Environmental Protection Agency	SAM	System for Award Management
FAQ	Frequently Asked Question	STRP	State and Tribal Response Program
FON	Funding Opportunity Number	TAB	Technical Assistance to Brownfields
FY	Fiscal Year	UEI	Unique Entity Identifier
IC	Institutional Control	USC	United States Code
IJA	Infrastructure Investment and Jobs Act	UST	Underground Storage Tank
		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 the 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 2.A.

*Includes D.C, Puerto Rico, Guam, American Samoa, U.S. Virgin Islands, Northern Marianas, and any other U.S. Territory

Individuals, for-profit organizations, and organizations exempt from taxation under section 501(c)(4) of the Internal Revenue Code that lobby the Federal Government are ineligible 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 Infrastructure Investment and Jobs Act, a cost share is not required.
- **Funding:** An applicant may request
 - ✓ up to \$500,000, or
 - ✓ up to \$4 million.
- **Project Period:** up to 4 years



Submitting Your Application Package

[Tips for Submitting Brownfields Grant Applications Through www.grants.gov](#)

Applications are due **January 28, 2026**, via Grants.gov

Grants.gov scheduled maintenance → **EPA encourages applicants to apply before January 28**

December 20-22, 2025	Maintenance	Scheduled Maintenance Outage: Production System will go Offline Saturday December 20, 2025 at 12:01 AM ET. Production System will go Online Monday December 22, 2025 at 6:00 AM ET.
January 17-19, 2026	Maintenance	Scheduled Maintenance Outage: Production System will go Offline Saturday January 17, 2026 at 12:01 AM ET. Production System will go Online Monday January 19, 2026 at 6:00 AM ET.

Grants.gov Resources for Applicants

The screenshot displays the Grants.gov homepage. At the top, the logo reads "GRANTS.GOV™" with the tagline "FIND. APPLY. SUCCEED.®". Navigation links include "Help", "Register", and "Login". A search bar is present with the placeholder "Search site content". The main navigation bar includes "Home", "Learn Grants", "Search Grants", "Applicants", "Grantors", "System-To-System", "Forms", "Connect", and "Support". The "Applicants" dropdown menu is open, showing "Grant Applications" (with sub-links "How to Apply for Grants" and "Track My Application") and "Applicant Resources" (with sub-links "Workspace Overview", "Applicant Eligibility", "Applicant Registration", "Applicant Training", "Applicant FAQs", and "Adobe Software Compatibility"). The main content area features a "Your Team. Your Workspace" section with the text: "Applying for a funding opportunity is easier when your team collaborates. Grants.gov Workspace makes it possible." and a button "Apply for a Grant Using Workspace". A large image of a smiling woman is visible on the right side of the page.



Requirements to Submit an Application

REQUIREMENT	ACCEPT 	REJECT 
Active www.sam.gov account through January 28, 2026	The account is active and matches the applying entity's info	- Inactive/expired account - Account is being updated, but is in "processing" status
Obtain a Unique Entity Identifier (UEI) generated in www.sam.gov	The same UEI must be used on future applications	Another organization's/ department's UEI is listed on the Standard Form 424
Active www.grants.gov account	Associated with same, correct UEI number	Application is not submitted through Grants.gov solely due to an incomplete registration/inactive account
Submission by the Authorized Organization Representative (AOR)	- Designated in Grants.gov by the E-business POC (listed in sam.gov) - Has a Grants.gov account - Submits the application in Grants.gov	Someone other than the designated AOR submits the application

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

Advisors from APEX Accelerators can also help with SAM.gov enrollment:
www.apexaccelerators.us



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:
 - ✓ Application Information Sheet
 - ✓ Threshold Responses (and related attachments)
 - ✓ Narrative (responses to Narrative/Review 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 and submission checklist are available on the [MARC Grant Application Resources](#) webpage.



Refer to the Application Submission Checklist in Section 4.A. 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 Section 5.E. 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.





**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

For questions, please reach out to your Regional Brownfields Contact listed at the end of this presentation (also in Section 1.E. of the Guidelines).



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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 FY26 Brownfields Multipurpose, Assessment, and Cleanup Grant Guidelines Changes”
available at
www.epa.gov/brownfields/marc-grant-application-resources



FY26 Summary of the Multipurpose, Assessment, and Cleanup (MAC) Grant Guidelines Changes (as of 11/18/25)

EPA prepared this Summary of Changes document to assist prospective applicants with preparing Brownfields Multipurpose, Assessment, and Cleanup Grant applications. **Please review the FY26 Application Guidelines** (also referred to as Notice of Funding Opportunity (NOFO) 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 FY26**, review the [FY26 Eligibility Chart for Multiple Applications](#) (see p.1) to determine which other grants are available to you.

If you **currently have an EPA Brownfields Grant** and are interested in applying for an FY26 grant, review the [FY26 Eligibility Chart for Existing Grant Recipients](#) (see p.2) to determine which other grants are available to you.

A solicitation for new Revolving Loan Fund Grants will not be issued in FY26.

[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	Most Recent Multipurpose, Assessment, and Cleanup Grant Guidelines	FY26 Multipurpose, Assessment, and Cleanup Grant Guidelines
General Information		
New NOFO Template		EPA is now using the streamlined NOFO template, in line with the 2024 Uniform Grants Guidance updates. Information has been rearranged into different sections. The new sections for applicant eligibility, the submission checklist, the Applicant Information Sheet, threshold criteria, narrative criteria, review criteria, and submission requirements are identified below. Please review the FY26 guidelines for details.



Application Information Sheet

- ❖ Applicant Name and Address
- ❖ Applicant Website URL
- ❖ 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 2026.
- EPA recommends that applications not include confidential business information (CBI) or trade secrets. Applicants must not include information that, if disclosed, would invade another individual's personal privacy (e.g., an individual's salary, personal email addresses, etc.).
- On the Application Information Sheet... **"All CBI claims must be asserted at the time the application is submitted to EPA. Applicants must clearly indicate CBI claims by including them on the application or attaching a cover sheet, stamped or typed legend, or another appropriate notice. CBI claims should employ language such as "trade secret," "proprietary," or "confidential" as per [40 CFR § 2.203\(b\)](#). Indicate which portion(s) of the application you claim has CBI. If the application does not include CBI, state 'n/a' or 'not applicable.'"**
- Information that is claimed as confidential will be redacted before release.



**Review Section 4.B.(10).
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!**



**You MUST Attach Responses
to Your Application and
Responses MUST be
Separate from the Narrative**

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

- **Indicate** your applicant type and demonstrate how you are an eligible entity (complete list in Section 2.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.
 - All applicants: **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. *Note, the organization lobbies the federal government, the organization is ineligible for an EPA Brownfields Grant.*
 - 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 2.B.(1).*)

3. Expenditure of Multipurpose Grant Funds

- **Indicate** if you have an open Brownfields Multipurpose Grant.
- Current EPA Multipurpose Grant recipients must draw down, and disburse, at least **70.00%** of each Multipurpose cooperative agreement by **October 1, 2025**, before applying for a **Cleanup Grant**. (*Section 2.B.(3).*)
- **Attach** a copy of a financial record displaying the amount of funds drawn down and corresponding dates (e.g., a report from the Automated Standard Application for Payments (ASAP) or general ledger entries documenting receipts for funds drawn down from ASAP or the required State financial system).



4. Site Ownership

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

By the application deadline:

- 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 [FAQs](#) L.14.-L.16 for details on
“other ownership arrangements”



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 2.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.19](#). for information about “equivalent” Phase II reports.



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, 2026.

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)

- b. The letter must clearly indicate that the information is for the **FY26 Cleanup Grant** application and not a previously submitted application.
 - i. 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). The letter must affirm that:
 - a. The applicant requested, or will request, State or Tribal oversight for the site(s).
 - b. The site(s) is eligible to be overseen by a State or Tribal program office.
 - c. Based on the environmental site assessment(s) performed to date and information provided by the applicant, there is a sufficient level of site characterization for the remediation work to begin on the site(s); or that additional site assessment is needed.
 - ii. If additional assessment is needed, applicants should include a statement to that effect and affirm that a sufficient level of site characterization will be completed by June 15, 2026, so site remediation can begin.



9. Site Characterization (cont'd)

- 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. If applicable, the letter may state that no voluntary response program or equivalent oversight program exists.
 - 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 should be submitted with the application → Coordinate early with the state/tribal environmental authority

Optional letter
template
[available here](#)



10. Enforcement or Other Actions

Affirm there are no known ongoing or anticipated environmental enforcement or other actions.

Alternatively, **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.

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 2.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 38)

Hazardous Substance Sites

Demonstrate that you are not liable under CERCLA

i. Exempt
from CERCLA
(Slides 31-33)

ii. Publicly Owned Sites
Acquired Prior to 1/11/02
(Slide 34)

iii. Landowner
Liability Defenses
(Slides 35-36)

iv. Hazardous Building
Material(s) Not Released
into Environment (Slides 37)

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)**
- iv. **Sites with Hazardous Building Material(s) that is Not Released into the Environment**



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 was 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 CERCLA Liability

iii. Sites with Hazardous Building Material(s) that is Not Released into the Environment

If the site has a hazardous substance contained in the building materials (e.g. insulation, flooring, caulk, etc.) and it has not been released (and there is no threat of release) into the outdoor environment (e.g., air, groundwater, land surface, etc.), CERCLA § 107 liability may not apply.

- **Affirm that there has been no release and that there is no threat of release of the hazardous substance(s) from building materials into the outdoor environment based on the site conditions.**

See [FAQ L.22](#) to help determine if a site with hazardous building materials that has not been released into the environment is eligible for funding.



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 FY26 Brownfields Cleanup Grant.
- **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.



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** how you will ensure adequate oversight of the cleanup.
 - **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
 - **Provide** your 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 (ABCA)**.
- 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**. For example, since the application deadline is January 28, the community must be notified no later than January 14 (if submitting on the deadline).
- Include in ad:
 - Date, time, and location of meeting
 - Where the application AND the 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
2.B.14. of the
guidelines and
additional guidance
in [FAQ L.17](#).**



Section 4.D. Applicants Using Contractors and/or Subrecipients

Contractors.

Applicants (other than States, territories, Tribes, and eligible Tribal entities) 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\(a\)\(1\)](#) 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](#).

- All applicants must conduct procurement in accordance with the six good faith efforts discussed in 40 CFR Part 33, Subpart C (EPA's Participation by Disadvantaged Business Enterprises regulations).
- **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\(b\)\(2\)\(iii\)](#), when the value of a procurement transaction exceeds the simplified acquisition threshold, **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

States & Tribes
(including eligible Tribal entities): Consistent with 2 CFR § 200.317, follow the same competitive policies and procedures used for procurements from non-Federal funds.

- **Contractors**

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 NOFO and the procurement procedures followed to hire the contractor(s).
- If a contractor(s) has been selected prior to submitting the application to EPA, **describe/include**:
 - **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(s) with.
- **Provide** a copy of (or link to) the solicitation document(s) and the signed executed contract(s).
- Alternatively, **state** 'n/a' or 'not applicable' if a contractor has not been procured at the time of application submission.

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

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

Contractors and Named Subrecipients (continued)

From Section 4.D. *Applicants Using Contractors and/or Subrecipients*

All applicants, including states, territories, and Tribes, 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.

- **Named Subrecipients.**
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 procured at the time of application submission.

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 1.E. of the Guidelines).



This presentation:

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

Covered in live Narrative Criteria training on 12/04/25:

- ☐ Overview of Narrative 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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- A **copy of today's presentation** is available on the Brownfields MARC Grant Application Resources webpage at www.epa.gov/brownfields/marc-grant-application-resources.
- The **live overview of the Cleanup Narrative Criteria will be on 12/04/25** and the recording will be made available. Please check the [Brownfields MARC Grant Application Resources](http://www.epa.gov/brownfields/marc-grant-application-resources) webpage (link above) for updates.



**BROWNFIELDS AND
LAND REVITALIZATION**

Sign up to the Brownfields Listserv

When you sign up you will receive important updates and notifications from EPA's Office of Brownfields and Land Revitalization.

* Email

* First Name

* Last Name

* Company

[Click Here to Join the
Brownfields Program Listserv](#)



Thanks for Listening!!

Applying for an Assessment or Multipurpose Grant?

Join the live Narrative Criteria webinar on
December 3, 2025 at 12 PM ET via
Zoom at <https://usepa.zoomgov.com/j/1604721613>

Applying for a Cleanup Grant?

Join the live Narrative Criteria webinar on
December 4, 2025 at 1 PM ET via
Zoom at <https://usepa.zoomgov.com/j/1617087652>

