

Notice of Funding Availability

EPA 560F26219

Requests Due: **Friday, December 11, 2026**



**Office of Land and Emergency Management
Office of Brownfields and Land Revitalization**

FY27 Funding Guidance for CERCLA Section 128(a) State and Tribal Response Programs



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General Information

A. Executive Summary

Section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended,¹ authorizes the United States Environmental Protection Agency’s (EPA) Office of Brownfields and Land Revitalization (OBLR) to manage a noncompetitive grant program to establish or enhance state² and Tribal³ environmental response programs. State and Tribal response programs oversee assessment and cleanup activities at brownfield sites across the country. The depth and breadth of these programs vary; some focus solely on CERCLA-related activities, while others are multi-faceted, addressing sites regulated by both CERCLA and the Resource Conservation and Recovery Act (RCRA). Many states also offer accompanying financial incentive programs to spur cleanup and redevelopment of contaminated properties.

Pursuant to CERCLA Section 128(a)(1)(B)(ii)(III), OBLR has authority to allocate up to \$1.5 M of CERCLA § 104(k) funding for technical assistance grants (hereinafter referred to as “Section 128(a) TAG”) to assist small communities, Indian Tribes, rural areas, or disadvantaged areas, in carrying out activities described in CERCLA § 104(k)(7)(A), such as providing training, research, and technical assistance to individuals and organizations, as appropriate, to facilitate the inventory of brownfield sites, site assessments, remediation of brownfield sites, community involvement, or site preparation. By law, the maximum amount per Section 128(a) TAG is \$20,000.

For additional information about the Section 128(a) Program, please see the [Section 128\(a\) Fact Sheet](#) and the [Section 128\(a\) State and Tribal Response Program](#) page on the [EPA Brownfields Program website](#).

C. Key Dates

September 30, 2026	Funding guidance is posted and OBLR begins accepting requests for FY27 Section 128(a) and Section 128(a) TAG funding.
December 11, 2026	Requests for FY27 Section 128(a) funding due to respective EPA Regional Brownfields Contact . Requests received after December 11, 2026, will not be considered for FY27 Section 128(a) funding.

B. Key Information:

Opportunity Number:

EPA-CEP-02

Assistance Listing:

66.817

Funding Available:

Estimated \$46,250,000; awards will be made subject to the availability of funds.

¹ Section 128(a) was added to CERCLA in 2002 by the Small Business Liability Relief and Brownfields Revitalization Act, 42 USC 9628(a) and amended by the Brownfields Utilization, Investment, and Local Development (BUILD) Act (Public Law 115-141) of 2018.

² For purposes of this document, the term “state” is defined at CERCLA § 101(27).

³ For purposes of this document, the term “Indian Tribe” is defined at CERCLA § 101(36). Intertribal consortia, as defined in the Federal Register Notice at 67 FR 67181, Nov. 4, 2002, are also eligible for funding under CERCLA Section 128(a). There are currently 574 federally recognized Tribes, and there are many names that these sovereign nations use to describe their culture, history, and geography, including Tribe, Village, Nation, Band, and Pueblo. For this funding guidance, OBLR uses “Tribe” and “Tribal Nation” as all-encompassing terms.

March 5, 2027	Requests for FY27 Section 128(a) TAG funding due to respective EPA Regional Brownfields Contact . Requests received after March 5, 2027, will not be considered for FY27 Section 128(a) TAG funding.
April 2027	Anticipated notification of allocation amount.
Summer 2027	Anticipated award of funding.

D. Funding Details

CERCLA Section 128(a) (hereinafter referred to as “Section 128(a)”) response program grants are funded with categorical State and Tribal Assistance Grant (STAG) appropriations and awarded and administered in the form of a cooperative agreement by EPA regional offices. A cooperative agreement is a type of assistance agreement that is used when there is substantial federal involvement with the recipient during the performance of an activity or project.

Subject to the availability of funds, EPA anticipates awarding approximately \$46.25 million to state and Tribal response programs. This FY27 Section 128(a) funding guidance⁴ covers funding provided by EPA’s FY27 Annual Appropriation Act. EPA will consider funding requests up to a **maximum of \$1 million total** per cooperative agreement recipient (CAR) in FY27. EPA will accept one request for a FY27 CERCLA Section 128(a) response program grant from each eligible state or Tribal Nation. Please note demand for Section 128(a) funding is high and requests may not be fulfilled to the total amount requested. Additionally, funding requests from new⁵ entities are anticipated not to exceed \$150,000 and funding requests from entities establishing⁶ their response programs are anticipated not to exceed \$300,000.

1. Performance Partnership Grants (PPGs)

A Performance Partnership Grant (PPG) is a single grant combining funds from two or more eligible environmental program grants. Grants are eligible for inclusion in a PPG if they are funded through EPA’s categorical STAG appropriations, therefore CERCLA Section 128(a) funding from EPA’s FY27 annual appropriation may be included in a PPG, except for funding used to:

- capitalize a revolving loan fund for brownfields remediation under CERCLA § 104(k)(3);
- purchase insurance or develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a state or tribal response program; or
- provide CERCLA 128(a) TAG assistance under Section 128(a)(1)(B)(ii)(III).

⁴ EPA may waive any provision of this guidance that is not required by statute, regulation, Executive Order, or overriding EPA policies.

⁵ For this funding guidance, a “new” requestor is any state or Tribe that has never received Section 128(a) funding before, or a state or Tribe that has not received Section 128(a) funding in FY22 or any subsequent year thereafter.

⁶ For this funding guidance, an “establishing” requestor is any state or Tribe that has met at least one of the four essential elements but has not established all four yet.

E. Agency Contact Information

Requests for FY27 funding should be sent to the appropriate EPA Regional Brownfields contact listed below.

REGION	STATE CONTACT	TRIBAL CONTACT
EPA Region 1 CT, ME, MA, NH, RI, VT	AmyJean McKeown Phone: (617) 918-1248 mckeown.amyjean@epa.gov	AmyJean McKeown Phone: (617) 918-1248 mckeown.amyjean@epa.gov
EPA Region 2 NJ, NY, PR, VI	Ashita Patel Mehta Phone: (212) 637-4372 patel.ashita@epa.gov	Ashita Patel Mehta Phone: (212) 637-4372 patel.ashita@epa.gov
EPA Region 3 DE, DC, MD, PA, VA, WV	Chris Lesniak Phone: (215) 814-5360 lesniak.christopher@epa.gov	Michael McDonald Phone: (215) 814-3308 mcdonald.michael.p@epa.gov
EPA Region 4 AL, FL, GA, KY, MS, NC, SC, TN	Aditi Chakravarty Phone: (404) 562-9515 chakravarty.aditi@epa.gov	Aditi Chakravarty Phone: (404) 562-9515 chakravarty.aditi@epa.gov
EPA Region 5 IL, IN, MI, MN, OH, WI	Sarah Gruza Eric Knapke Phone: (312) 886-6004 & Phone: (312) 353-6292 gruza.sarah@epa.gov knapke.eric@epa.gov	Jacqueline Coreno Phone: (312) 886-6136 coreno.jacqueline@epa.gov
EPA Region 6 AR, LA, NM, OK, TX	Marsha Lay Phone: (214) 665-3163 lay.marsha@epa.gov	Marsha Lay Phone: (214) 665-3163 lay.marsha@epa.gov
EPA Region 7 IA, KS, MO, NE	Jennifer Morris Phone: (913) 551-77341 morris.jennifer@epa.gov	Monica Espinosa Phone: (913) 551-7541 espinosa.monica@epa.gov
EPA Region 8 CO, MT, ND, SD, UT, WY	Melisa Devincenzi Phone: (303) 312-6377 devincenzi.melisa@epa.gov	Ted Lanzano Phone: (303) 312-6596 lanzano.ted@epa.gov
EPA Region 9 AZ, CA, HI, NV, AS, GU, MP	Jennie Tung Phone: (415) 972-3698 tung.jennifer@epa.gov	Dominic MacCormack Phone: (415) 972-3753 maccormack.dominic@epa.gov
EPA Region 10 AK, ID, OR, WA	Sarah Frederick Phone: (206) 553-1601 frederick.sarah@epa.gov	Sarah Frederick Phone: (206) 553-1601 frederick.sarah@epa.gov

Eligibility Requirements

A. Eligible Entities

CERCLA Section 128(a) authorizes funding for activities necessary to establish or enhance the four elements and to establish and maintain a public record system. Eligible entities for Section 128(a) funding include:

- A State, as defined in CERCLA § 101(27)
- An Indian Tribe, as defined in CERCLA § 101(36)
- Intertribal consortia, as defined in the Federal Register Notice at 67 FR 67181, Nov. 4, 2002.

Further, in order to receive funding, an eligible entity must:

1. demonstrate that it has a response program that includes, or is taking reasonable steps to include, the four elements of a response program enumerated in CERCLA Section 128(a)(2) and described below in Section C. “Four Elements”; or be a party to a voluntary response program Memorandum of Agreement (VRP MOA) with EPA; **AND**
2. maintain and make available to the public a record of sites at which response actions have been completed in the previous year and are planned to be addressed in the upcoming year (see CERCLA Section 128(b)(1)(C)).

Intertribal consortia who request Section 128(a) funding must provide documentation⁷ that meets the requirements in 40 CFR 35.504(a) and (c). The purpose of this documentation is to demonstrate that all members of the consortium (within the United States) meet the eligibility requirements for the grant program and authorize the consortium to submit the funding request and receive the federal funding assistance outlined in this funding guidance.⁸

B. Public Record

In order to be eligible for Section 128(a) funding, states and Tribal Nations must establish and maintain a public record system, as described below, to enable meaningful public participation.⁹ Specifically, per CERCLA Section 128(b)(1)(C), states and Tribal Nations must:

1. maintain and update, at least annually, or more often as appropriate, a public record that includes the name and location of sites at which response actions have been completed during the previous year;
2. maintain and update, at least annually, or more often as appropriate, a public record that includes the name and location of sites at which response actions are planned in the next year; and
3. identify in the public record whether or not the site, upon completion of the response action, will be suitable for unrestricted use. If not, the public record must identify the institutional controls relied on in the remedy and include relevant information concerning the entity responsible for oversight, monitoring, and/or maintenance of the institutional and engineering controls; and how the responsible entity is implementing those activities.

State and Tribal response programs are also encouraged to include detailed location information in the public record such as the street address and latitude and longitude information for each site.¹⁰ Section 128(a) funds may be used to maintain and make available a public record system that meets the requirements discussed above.

It is important to note that the public record requirement of CERCLA Section 128(b)(1)(C) differs from the “timely survey and inventory” element in CERCLA Section 128(a)(2)(A) described below in Section C. “Four Elements.”

⁷ This “documentation” may be provided in any form that the consortium’s tribal members prefer and is efficient from the consortium’s perspective (examples include letter, email, conference call notes, transcription of a voicemail, resolution of the Board of Directors/Council Presidents, etc.). For more information, please reach out to your EPA Regional State & Tribal Brownfield Contact(s) listed in this funding guidance.

⁸ This documentation should be provided to the appropriate EPA Regional State & Tribal Brownfield contact(s) along with the funding request documents on December 11, 2026. If additional time is needed to provide the necessary documentation, your [EPA Regional Brownfields Contact\(s\)](#) has the discretion to grant extra time (not to exceed 45 days) to comply with this requirement. However, the remainder of the required funding request documentation outlined in this funding guidance must still be provided by the December 11, 2026, deadline.

⁹ Per CERCLA Section 128(b)(1)(C), each State and tribe receiving financial assistance under subsection (a) shall maintain and make available to the public a record of sites as provided in this paragraph.

¹⁰ For further information on data quality requirements for latitude and longitude information, please see the EPA’s data standards website available at https://www.epa.gov/sites/production/files/2015-06/documents/latlongstandard-v2a_10022014.pdf.

The public record addresses sites at which response actions have been completed in the previous year or are planned in the upcoming year. In contrast, the “timely survey and inventory” element refers to identifying brownfield sites regardless of planned or completed actions.

EPA’s goal is to enable states and Tribal Nations to make the public record and other information, such as information from the “survey and inventory” element, easily accessible. For this reason, EPA encourages states and Tribal Nations to use Section 128(a) funding to make such information available to the public on the internet. If a state or Tribal Nation places the public record on the internet, maintains the substantive requirements of the public record, and provides EPA with the link to that site, EPA will, for purposes of cooperative agreement funding only, deem the public record reporting requirement met. States and Tribal Nations should ensure that all affected communities have appropriate access to the public record; for example, by also making it available in-print at libraries or at other community gathering places.

EPA encourages states and Tribal Nations to maintain public record information on a long-term basis (more than one year) for sites at which a response action has been completed. Subject to EPA regional office approval, states or Tribal Nations may include development and operation of systems that ensure long-term maintenance of the public record, including information on institutional controls (such as ensuring the entity responsible for oversight, monitoring, and/or maintenance of the institutional and engineering controls is implementing those activities) in their workplans.¹¹

Prior to awarding FY27 funding, EPA regional offices will verify and document that a public record exists and is being maintained. Specifically, for:

- CARs that received initial funding prior to FY26: Requests for FY27 funds will not be accepted from states or Tribal Nations that fail to demonstrate by December 11, 2026, that they have established and are maintaining a public record. Note, this may impact any CAR that had a term and condition placed on their FY26 cooperative agreement that prohibited drawdown of FY26 funds prior to meeting the public record requirement. CARs in this situation will not be prevented from drawing down their prior year funds once the public record requirement is met.
- CARs that received initial funding in FY26: By the time EPA awards the FY27 cooperative agreement, the CAR must demonstrate that they have established and maintained the public record. States and Tribal Nations that do not meet this requirement will have a term and condition placed on their FY27 cooperative agreement that prohibits the drawdown of FY27 funds until the public record requirement is met.

C. The Four Elements

Section 128(a) recipients that do not have a VRP MOA with EPA must demonstrate that their response program includes, or is taking reasonable steps to include, the four elements enumerated in CERCLA Section 128(a)(2) and described below. Achievement and continuing enhancement of the four elements should be viewed as a priority. EPA will not fund a CAR’s workplan if EPA determines that these elements are not met, or reasonable progress is not being made to meet the four elements. EPA may base this determination on the information the CAR provides to support its initial funding request, on previous year’s performance reports, or on EPA’s review of the CAR’s response program.

¹¹ States and Tribal Nations may find useful information on institutional controls on the EPA’s website at <https://www.epa.gov/superfund/superfund-institutional-controls-guidance-and-policy>.

The four elements of a response program enumerated in CERCLA Section 128(a)(2) are described below:

1. Timely survey and inventory of brownfield sites in state or Tribal land.

The goal for this element is to enable the state or Tribal Nation to establish or enhance a system or process that will provide a reasonable estimate of the number, likely locations, and the general characteristics of brownfield sites in their state or Tribal lands.

EPA recognizes the varied scope of state and Tribal response programs and will not require states and Tribal Nations to develop a “list” of brownfield sites. However, at a minimum, the state or Tribal Nation must develop and/or maintain a system or process that can provide a reasonable estimate of the number, likely location, and general characteristics of brownfield sites within their state or Tribal lands. Inventories may evolve to a prioritization of sites based on community needs, planning priorities, and protection of human health and the environment. Inventories should be developed in direct coordination with communities, and particular attention should focus on communities with limited capacity to compete for and manage a competitive brownfield assessment, revolving loan, or cleanup cooperative agreement.

Given funding limitations, EPA will negotiate workplans with states and Tribal Nations to achieve this goal efficiently and effectively and within a realistic timeframe. For example, many of EPA’s CERCLA § 104(k)(2) Brownfields Assessment cooperative agreement recipients conduct inventories of brownfield sites in their communities or jurisdictions. EPA encourages state and Tribal response programs to work with these CERCLA § 104(k)(2) Brownfields Assessment cooperative agreement recipients to obtain the information they have gathered and include it in the state or Tribal response program’s survey and inventory.

2. Oversight and enforcement authorities or other mechanisms and resources.

The goal for this element is to have state and Tribal response programs that include oversight and enforcement authorities, or other mechanisms and resources, to ensure that:

- a. a response action will protect human health and the environment and be conducted in accordance with applicable laws; and
- b. the state or Tribal Nation will complete the necessary response activities if the person conducting the response action fails to complete them (this includes operation and maintenance and/or long-term monitoring activities).

3. Mechanisms and resources to provide meaningful opportunities for public participation.¹²

The goal for this element is to have states and Tribal Nations include in their response program mechanisms and resources for meaningful public participation, at the local level, including, at a minimum:

- a. public access to documents and related materials that a state, Tribal Nation, or party conducting the cleanup is relying on or developing to make cleanup decisions or conduct site activities;
- b. prior notice and opportunity for meaningful public comment on cleanup plans and site activities; and
- c. a mechanism by which a person who is, or may be, affected by a release or threatened release of a hazardous substance, pollutant, or contaminant at a brownfield site – located in the

¹² States and Tribal Nations establishing this element may find useful information on public participation on the EPA’s community involvement website at <https://www.epa.gov/superfund/superfund-community-involvement>.

community in which the person works or resides – may request that a site assessment be conducted. The appropriate state or Tribal official must consider this request and appropriately respond.

4. **Mechanisms for approval of cleanup plans and verification and certification that cleanup is complete.**
The goal for this element is to have states and Tribal Nations include in their response program mechanisms to approve cleanup plans and to verify that response actions are complete, including a requirement for certification or similar documentation from the state, the Tribal Nation, or a licensed site professional that the response action is complete. Written approval by a state or Tribal response program official of a proposed cleanup plan is an example of an approval mechanism.

Use of Funding

A. Overview and Prioritization of Funds

Section 128(a) funding is intended for states and Tribal Nations that have the required management and administrative capacity within their government to administer a federal grant. CERCLA Section 128(a)(1)(B) authorizes states and Tribes to use Section 128(a) funding to establish or enhance their response programs. Specifically, a state or Tribe may use cooperative agreement funds to build and enhance response programs that include [the four elements](#). As expressly stated in the [Assistance Listing for 66.817](#), funding will be prioritized as follows:

1. Program activities to establish or enhance the four elements of a state or Tribal response program and to enable states and Tribal Nations to comply with the public record requirement in Section 128(b)(1)(C), including activities related to institutional controls;
2. Program activities to enhance the response program or the cleanup capacity of a state or Tribal response program;
3. Site-specific activities at eligible brownfield sites, as defined in CERCLA § 101(39)¹³;
4. Funding for environmental insurance mechanisms; and
5. Funding to capitalize brownfields cleanup RLFs.¹⁴

CERCLA Section 128(a)(1)(B)(ii)(III), as amended, authorizes a noncompetitive technical assistance grant (Section 128(a) TAG) program to allow state and Tribal response programs to assist small communities,¹⁵ Indian Tribes, rural areas, or disadvantaged areas¹⁶ to carry out activities outlined in

¹³ In addition to the requirement under Section 128(a)(2)(C)(ii) to provide for public comment on cleanup plans and site activities, EPA strongly encourages states and Tribal Nations to seek public input regarding the priority of sites to be addressed—especially from local communities with health risks related to exposure to hazardous waste or other public health concerns, those in economically disadvantaged or remote areas, and those with limited experience working with government agencies.

¹⁴ Capitalizing a revolving loan fund (RLF) for brownfields cleanup is authorized under CERCLA § 104(k)(3). These RLFs are subject to the same statutory requirements and cooperative agreement terms and conditions applicable to RLFs awarded under CERCLA § 104(k)(3), with one exception: the source of the funding would be the CERCLA Section 128(a) appropriation rather than the CERCLA § 104(k) appropriation. Requirements include a 20% cost share (in the form of money, labor, material, or services from a non-federal source in compliance with 2 CFR 200.306) on the amount of Section 128(a) funds used for the RLF, the 5% limitation on eligible administrative costs, and a prohibition on using RLF loans or subgrants for response costs at a site for which the recipient may be potentially liable under CERCLA § 107. Other prohibitions relevant to CERCLA § 104(k)(4) also apply.

¹⁵ CERCLA Section 128(a)(1)(B)(iv)(II) defines Small Community as a community with a population of not more than 15,000 individuals, as determined by the President based on the latest available decennial census.

¹⁶ CERCLA Section 128(a)(1)(B)(iv)(I) defines Disadvantaged Area as a community with an annual median household income that is less than 80 percent of the statewide annual median household income, as determined by the President based on the latest available decennial census.

CERCLA § 104(k)(7). For more information on requesting FY27 funding for a Section 128(a) TAG, please see Appendix A.

B. Establishing and Enhancing Response Programs

Under Section 128(a), “establish” includes activities necessary to build the foundation for the four elements of a state or Tribal response program and the public record requirement. For example, a state or Tribal response program may use Section 128(a) funds to develop regulations, ordinances, procedures, guidance, and a public record.

Under Section 128(a), “enhance” includes related activities that add to or improve a state or Tribal response program and/or increase the number of sites at which response actions are conducted. The exact enhancement activities that may be allowable depend upon the workplan negotiated between the EPA regional office and the state or Tribal Nation. For example, regional offices and states or Tribal Nations may agree that Section 128(a) funds may be used for outreach and training directly related to increasing awareness of their response programs and improving the skills of program staff. Training examples include ASTM standards for conducting Limited Transaction Screens and Environmental Phase I and Phase IIs. Enhancement may also include developing better coordination and understanding of other state or Tribal environmental programs.

State and Tribal response program enhancement activities can also include outreach to local communities to increase awareness about brownfields, building a sustainable brownfields program, federal brownfields technical assistance¹⁷ (e.g., holding workshops to assist communities in applying for federal Brownfields Grant funding, attending health fairs and cleanup days to inform individuals how to identify hazards in their own living areas, abandoned buildings, and among dumping areas), and knowledge regarding the importance of monitoring engineering and institutional controls. Additionally, enhancement activities can include facilitating the participation of the state and local agencies (e.g., transportation, water, etc.) in implementation of brownfields projects. States and Tribal Nations can also help local communities collaborate with local workforce development entities or Brownfields Job Training¹⁸ recipients on the assessment and cleanup of brownfield sites. Other response program enhancements may be allowable as well.

C. Site-Specific Activities

Site-specific assessment and cleanup activities must establish or enhance the response program and be tied to the four elements. States and Tribal Nations that perform site-specific activities should plan to directly engage with and involve affected communities. For example, a Community Involvement Plan (CIP) could be developed to provide reasonable notice about a planned response action, as well as opportunities for the public to comment on the cleanup. Site-specific assessments and cleanups can be both eligible and allowable if the activity is included in the workplan negotiated between the EPA regional office and the state or Tribal Nation, but activities must comply with all applicable laws and are subject to the following restrictions:

- Section 128(a) funds can only be used for assessments or cleanups at sites that meet the definition of a brownfield site at CERCLA § 101(39). EPA encourages states and Tribal Nations to use site-specific funding to perform assessment (e.g., Phase I, Phase II, supplemental environmental assessments, and

¹⁷ EPA expects states and Tribal Nations will familiarize themselves with EPA’s brownfields technical assistance opportunities for communities. For more information on technical assistance opportunities, please visit <https://www.epa.gov/brownfields/technical-assistance>.

¹⁸ For more information about EPA’s Brownfields Job Training Program, please visit <https://www.epa.gov/brownfields/brownfields-job-training-it-grants>.

cleanup planning) and cleanup activities that will expedite the reuse and redevelopment of sites, and prioritize sites based on the needs of the community.

- As provided in the terms and conditions of Section 128(a) cooperative agreements, absent EPA Project Officer approval, no more than \$350,000 per site assessment can be funded with Section 128(a) funds, and no more than \$350,000 per site cleanup can be funded with Section 128(a) funds.
- As provided in the terms and conditions of Section 128(a) cooperative agreements, absent EPA Project Officer approval, the CAR may not use Section 128(a) funds to assess and/or cleanup sites owned or operated by the CAR or, in the case of Tribal Nations, held in trust by the United States Government for the CAR.
- Assessments and cleanups cannot be conducted at sites where the state is a potentially responsible party (PRP) pursuant to CERCLA § 107, except when the state acquired the property before January 11, 2002, and has not caused or contributed to a release or threatened release of a hazardous substance at the property.
- As provided in the terms and conditions of Section 128(a) cooperative agreements, the amount recipients may utilize for site-specific assessments and cleanups may not exceed 50% of the recipient's total amount of FY27 Section 128(a) funding.¹⁹ Waivers to this restriction will be considered and approved on a very limited basis, as described in the terms and conditions of Section 128(a) cooperative agreements.

States and Tribal Nations may use Section 128(a) funds for activities that establish or enhance response programs addressing petroleum contamination at brownfield sites. Subject to the restrictions listed above for all site-specific activities, the costs of site-specific assessment and cleanup activities at brownfield sites contaminated by petroleum, as defined in CERCLA §101(39)(D)(ii)(II), are both eligible and allowable if the activity is included in the workplan negotiated between the EPA regional office and the state or Tribal Nation.²⁰

States and Tribal Nations are encouraged to reach out to their [EPA Regional Brownfields Contact](#) with questions on petroleum brownfield site eligibility. Additional resources can be found on EPA's Brownfields Program website, such as [Community Visions for Abandoned Gas Stations](#) and EPA's Office of Underground Storage Tanks' (OUST) [Petroleum Brownfields webpage](#).

Other eligible uses of funds for site-specific related work include, but are not limited to, the following activities:

- technical assistance to CERCLA § 104(k) brownfields cooperative agreement recipients;
- development and/or review of quality assurance project plans (QAPPs); and
- entering data into the Assessment, Cleanup, and Redevelopment Exchange System (ACRES) database.

Other uses of Section 128(a) funding not specifically referenced in this guidance may also be eligible and allowable. Recipients should consult with their EPA Project Officer for additional guidance. Costs incurred for activities at non-brownfield sites may be eligible and allowable if such activities are included in the state or Tribe's workplan, however, direct assessment and cleanup activities may only be conducted on eligible brownfield sites, as defined in CERCLA Section 101(39).

¹⁹ Oversight of assessment and cleanup activities performed by responsible parties (other than the state or Tribal Nation) does not count toward the 50% limit. The 50% cap also does not include personnel or supplies/equipment purchased in support of site-specific work.

²⁰ Section 128(a) funds used to capitalize a Brownfields RLF may be used at brownfield sites contaminated by petroleum to the extent allowed under CERCLA § 104(k)(3), subject to the Brownfields RLF Program requirements.

D. Subawards

Subawards are defined at 2 CFR 200.1 and may not be awarded to for-profit organizations. If the recipient plans on making any subawards under the cooperative agreement, then it becomes a pass-through entity for the purposes of EPA's "Establishing and Managing Subawards" [General Term and Condition](#) and EPA's [Subaward Policy](#). As the pass-through entity, the recipient must report on its subaward monitoring activities under 2 CFR 200.332(d). Additional reporting requirements for these activities will be included in the cooperative agreement.

In addition, subawards cannot be provided to entities that may be PRPs (pursuant to CERCLA § 107) at the site for which the assessment or cleanup activities are proposed to be conducted, except when the subrecipient acquired the property before January 11, 2002, and has not caused or contributed to a release or threatened release of a hazardous substance at the property.

Requestors must ensure that they have the necessary processes and systems in place to comply with the subaward and executive total compensation reporting requirements established under OMB guidance at 2 CFR Part 170, unless they qualify for an exception from the requirements.

Funding Requests

A. Funding Request Requirements

Funding authorized under Section 128(a) is awarded through a cooperative agreement between EPA and a state or a Tribal Nation. OBLR administers cooperative agreements under the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* regulations found in 2 CFR Part 200 and any applicable EPA regulations at 2 CFR Part 1500, as well as applicable provisions of 40 CFR Part 35 Subparts A and B. Under these regulations, the CAR for a Section 128(a) grant is the entity to which a cooperative agreement is awarded, and who is accountable for use of the funds provided. The CAR is the legal entity even if only a particular component of the entity is designated in the cooperative agreement award document. Further, unexpended balances of cooperative agreement funds are subject to restrictions under 40 CFR 35.118 and 40 CFR 35.518. EPA allocates funds to state and Tribal response programs consistent with 40 CFR 35.420 and 40 CFR 35.737.

EPA will accept one funding request from each eligible entity. EPA will consider funding requests up to a **maximum of \$1 million** for FY27 Section 128(a) funding per CAR. This maximum amount does not include TAG funding, which is considered separately as outlined in [Appendix A](#). Due to high demand for Section 128(a) funding and limited resources, requests may not be fully funded. Additionally, funding requests from new entities are anticipated not to exceed \$150,000 and funding requests from entities establishing their response programs are anticipated not to exceed \$300,000.

Requests for FY27 Section 128(a) funding are due **December 11, 2026**, and should be emailed directly to a state or Tribe's appropriate [EPA Regional Brownfields Contact](#). Requests received after December 11, 2026, will not be considered for FY27 Section 128(a) funding.

All EPA funding opportunities use Unique Entity Identifier (UEI)-compatible grant application packages. To learn more about SAM, go to SAM.gov. If an applicant fails to comply with these requirements, it will affect their ability to receive the award.

FY27 Section 128(a) funding requests should include the following information:

1. State or Tribal Response Program

CARs must define, in their funding request, the Section 128(a) response program(s) to which the funds will be applied and may designate a component of the state or Tribal Nation that will be EPA's primary point of contact. When EPA awards the Section 128(a) cooperative agreement, CARs may distribute these funds among the appropriate state and Tribal agencies that are part of the Section 128(a) response program. This distribution must be clearly outlined in the CAR's final workplan.

CARs must identify a response program point of contact, providing the individual's title and contact information.

2. Basis for Request

Requests for FY27 Section 128(a) funding must expressly state the amount of funding being requested and must provide a detailed explanation of the CAR's request including information on proposed activities and expenditures and, if applicable, any planned collaborative projects with other federal agencies, new activities, or enhancements to the response program.

CARs without an MOA with EPA should provide an explanation of how the response program includes, or is taking reasonable steps to include, the [four elements](#) described in this funding guidance.

New or establishing requestors should contact their [EPA Regional Brownfields Contact](#) before preparing a FY27 Section 128(a) request to determine if the requestor needs to include information on programmatic capability. EPA may request this information from any requestor, especially if a requestor has experienced key staff turnover or has open programmatic review findings.

If EPA informs a requestor that this information is required, the following should be included in the FY27 funding request:

- Describe the organizational structure you will utilize to ensure sound program management to guarantee or confirm timely and successful expenditure of funds, and completion of all technical, administrative, and financial requirements of the program and cooperative agreement.
- Include a brief description of the key qualifications of staff to manage the response program and/or the process you will follow to hire staff to manage the response program. If key staff are already in place, include their roles, expertise, qualifications, and experience.
- Discuss how this response program fits into your current environmental program(s). If you do not have an environmental program, describe your process to develop, or interest to start one.
- Describe if you have had adverse audit findings. If you have had problems with the administration of any grants or cooperative agreements, describe how you have corrected, or are correcting, the problems.

3. Utilization of Prior Funding

EPA and its Congressional appropriations committees place significant emphasis on the utilization of prior years' funding. EPA will consider unused funds awarded prior to or during FY25 in the allocation process when determining the recipient's programmatic needs under 40 CFR 35.420 and 40 CFR 35.737. EPA will use internal budget systems to analyze a CAR's level of unused funds on February 15, 2027; the more funding a

CAR has remaining on open cooperative agreements and the older that funding is, the more it will limit a CAR's FY27 allocation.

B. Funding Request Format

CARs are not required to provide full draft workplans and budgets with the funding request due December 11, 2026. Instead, information can be provided in a format like the sample request form in Appendix B. Note that this is an optional, sample form being provided for convenience, and CARs who do not use this form will not be penalized for providing the information in a different format.

EPA Regions and CARs should work together to be sure CARs are providing sufficient information for their funding request and may alter the sample form to memorialize those communications. EPA may request additional information, if it is deemed appropriate, to fully understand a CAR's funding request. Funding requests must provide enough detail to inform EPA how the CAR proposes to spend the Section 128(a) funds. Requests that lack sufficient detail may not be funded.

CARs should work, as early as possible, with their [EPA Regional Brownfields Contact](#) to ensure that the funding amount requested can be reasonably spent in one year and the funding request provides sufficient detail of planned activities.

Funding Allocation Process

A. Overview

EPA regional offices will work with interested CARs to develop their FY27 funding requests. After the December 11, 2026, request deadline, EPA regional offices will submit summaries of CAR requests and allocation recommendations to OBLR. Regional offices may take multiple factors into account when determining recommended allocation amounts, including, but not limited to the depth and breadth of the CAR's program, and the scope of the perceived need for funding (e.g., size of state or Tribal jurisdiction or the proposed workplan balanced against capacity of the program, amount of current year funding, funds remaining from prior years, etc.).

After receipt of the regional recommendations, OBLR will consolidate requests and make final recommendations on the FY27 funding allocation to the Assistant Administrator (AA) for the Office of Land and Emergency Management (OLEM). The OLEM AA makes final determinations on the allocation of funds, after which the appropriate EPA regional office will communicate those final allocation decisions to CARs.

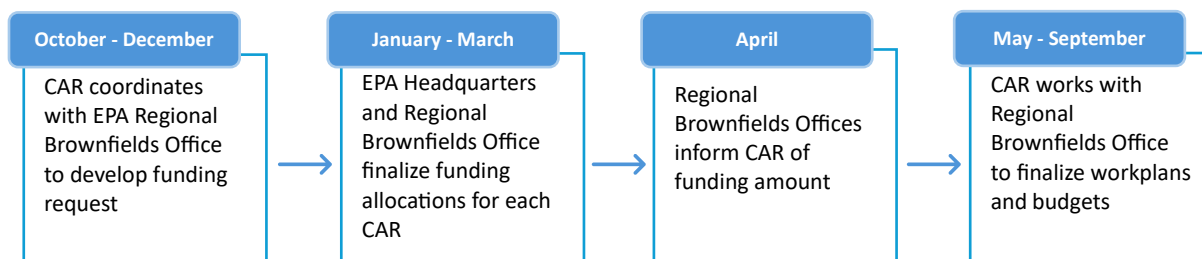
CARs will then work with the appropriate EPA regional office to negotiate final cooperative agreement workplans and budgets. Cooperative agreements between EPA and CARs will include programmatic and administrative terms and conditions and will outline EPA's substantial involvement with the CAR during the period of performance, including technical assistance and collaboration on program development and prior approvals for site-specific activities.

Generally, EPA anticipates final, negotiated cooperative agreements will be awarded from May through September 2027. Because Section 128(a) cooperative agreements are awarded and administered by EPA regional offices, CARs should contact their regional EPA Project Officer for more specific timing on cooperative agreement awards. The EPA Project Officer, or other authorized EPA official, must provide written approval of the final

workplan prior to the CAR expending funds under the cooperative agreement. Unless the EPA Award Official or Grants Management Officer grants a waiver, no funds may be drawn down without an EPA approved final workplan. If the recipient fails to obtain EPA approval of the final workplan within 60 calendar days of award, EPA may terminate the agreement under 2 CFR § 200.340.

B. General Timeline

The general schedule and process are illustrated below. Dates displayed are estimates and subject to change:



Post-Award Requirements and Administration

A. Project Period

EPA regional offices will determine the project period for each cooperative agreement. Depending on the EPA regional office's policies, cooperative agreement project periods may be for multiple years. CARs are encouraged to discuss this potential option with their regional EPA Project Officer. Regardless of project period, each cooperative agreement must have an annual budget period tied to an annual workplan because CARs must submit annual funding requests to have additional funds added to the agreement. While not prohibited, pre-award costs are subject to 40 CFR 35.113 and 40 CFR 35.513.

B. Performance Reports

In accordance with 2 CFR 200.329 and related EPA regulations, CARs must provide performance reports meeting the terms and conditions of their negotiated cooperative agreement. A CAR's costs for complying with reporting requirements are an eligible expense under the Section 128(a) cooperative agreement. Performance reports must include both a narrative discussion and performance data relating to the CAR's accomplishments and environmental outputs associated with the approved budget and workplan. If applicable, the CAR must include information on activities related to establishing or enhancing the four elements of the CAR's response program. All CARs must provide information related to establishing or, if already established, maintaining the public record.

A CAR that receives an award under this funding guidance is expected to manage cooperative agreement funds efficiently and effectively and make sufficient progress toward completing the project activities described in the workplan in a timely manner. Performance reports must include updates on costs incurred to date.

1. States and Tribal Nations without a MOA

All CARs without a VRP MOA must report activities related to establishing or enhancing the four elements of their response programs. For each element, CARs must report how they are maintaining the element or how they are taking reasonable steps to establish or enhance the element as negotiated in individual CAR workplans. For example, pursuant to CERCLA Section 128(a)(2)(B), reports on the oversight and enforcement authorities/mechanisms element may include a:

- narrative description and copies of applicable documents updated, developed, or under development to enable the response program to conduct enforcement and oversight at sites. For example:
 - legal authorities and mechanisms (e.g., statutes, regulations, orders, agreements); and
 - policies and procedures to implement legal authorities; and other mechanisms.
- description of the resources and staff allocated/to be allocated to the response program to conduct oversight and enforcement at sites as a result of the cooperative agreement;
- narrative description of how these authorities or other mechanisms, and resources, are adequate to ensure a response action will protect human health and the environment; and be conducted in accordance with applicable federal and state laws; and if the person conducting the response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities will be completed; and
- narrative description and copy of appropriate documents demonstrating the exercise of oversight and enforcement authorities by the response program at a brownfield site.

2. Site-Specific Assessment or Cleanup Activities

CARs with workplans that include funding for brownfield site-specific assessment or cleanup activities must input information required by the OMB-approved Property Profile Form into the ACRES database for each site assessment and/or cleanup.

In addition, per CERCLA Section 128(a)(2)(C)(ii), CARs must report how they will provide the affected community with prior notice and opportunity for meaningful participation on proposed cleanup plans and site activities. For example, EPA expects that CARs will seek public input regarding the priority of sites to be addressed and to solicit input from local communities, communities with a health risk related to exposure to hazardous waste or other public health concerns, economically disadvantaged, or remote communities, and communities with limited experience working with government agencies.

3. Other Site-Specific Activities

CARs with workplans that include funding for other site-specific related activities must include a description of the site-specific activities and the number of sites at which each activity was conducted. For example, the:

- number and frequency of oversight audits of licensed site professional certified cleanups;
- number and frequency of state/Tribal oversight audits conducted;
- number of sites where staff conducted audits, provided technical assistance, or conducted other oversight activities; and
- number of staff conducting oversight audits, providing technical assistance, or conducting other oversight activities.

4. Environmental Insurance

CARs with workplans that include funding for environmental insurance must report the:

- number and description of insurance policies purchased (e.g., name of insurer, type of coverage provided, dollar limits of coverage, any buffers or deductibles, category and identity of insured persons, premium, first dollar or umbrella, whether site-specific or blanket, occurrence or claims made, etc.);
- number of sites covered by the insurance;
- amount of funds spent on environmental insurance (e.g., amount dedicated to insurance program, or to insurance premiums); and
- amount of claims paid by insurers to policy holders.

5. Additional Information

EPA regional offices may also request that additional information be added to the performance reports, as appropriate, to properly document activities described by the cooperative agreement workplan, such as information regarding updated brownfields inventories/databases, copies of public outreach materials, community meeting flyers and attendance information, lists of completed training, etc. EPA regions may allow CARs to provide performance data in an appropriate electronic format. The regional offices will forward performance reports to OBLR, if requested. This information may be used to develop national reports on the outputs and outcomes of Section 128(a) funding to states and Tribal Nations.

C. Program Activity Levels

All CARs must report a summary of the previous federal fiscal year's work (October 1, 2025, through September 30, 2026) through the Program Activity Levels (PALs) form. CARs must report PALs annually when the Section 128(a) funding request is due to the appropriate EPA Regional Office in mid-December.

CARs who have more than one active Section 128(a) cooperative agreement are not required to provide separate PALs forms; their one PALs form should reflect all activities for the period covering the last federal fiscal year.

For FY26 PALs reporting (due by December 11, 2026), CARs must report PALs information directly in EPA's ACRES database.

D. Public Record

All CARs must report information related to establishing, or if already established, maintaining a [public record](#), as specified in the terms and conditions of their cooperative agreement and this guidance. To meet this reporting requirement, a CAR needs to demonstrate that the public record exists, is up-to-date, and is adequate. CARs can refer to an existing public record (e.g., website or other public database) to meet the public record requirement.

A public record must, as appropriate, include the following information:

1. A list of sites at which response actions have been completed in the past year, including:
 - date the response action was completed;
 - site name;
 - name of owner at time of cleanup, if known;
 - location of the site (street address, and latitude and longitude);
 - whether an institutional control is in place;

- type of institutional control(s) in place (e.g., deed restriction, zoning restriction, local ordinance, state registries of contaminated property, deed notices, advisories, etc.);
 - nature of the contamination at the site (e.g., hazardous substances, contaminants or pollutants, petroleum contamination, etc.); and
 - size of the site in acres.
2. A list of sites planned to be addressed by the state or Tribal response program in the coming year, including:
- site name and the name of owner at time of cleanup, if known;
 - location of the site (street address, and latitude and longitude);
 - to the extent known, whether an institutional control is in place;
 - type of the institutional control(s) in place (e.g., deed restriction, zoning restriction, local ordinance, state registries of contaminated property, deed notices, advisories, etc.);
 - to the extent known, the nature of the contamination at the site (e.g., hazardous substances, contaminants, or pollutants, petroleum contamination, etc.); and
 - size of the site in acres.

E. State Response Program Report

State CARs must update their [State Brownfields and Voluntary Response Programs](#) information in [ACRES](#) at least once a year (and may update more frequently if changes in their response program warrant additional updates), so that EPA has accurate, up-to-date information to share with the public in the form of an online [State Brownfields and Voluntary Response Program Search](#). EPA expects that this annual update will occur when states are already in the [ACRES database](#) performing other required ACRES reporting, thereby reducing the administrative burden.

Appendix A: Funding Guidance for CERCLA Section 128(a) Technical Assistance Grants

Section 128(a)(1)(B)(ii)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, authorizes a noncompetitive \$1.5 million²¹ technical assistance grant (“Section 128(a) TAG”) program to assist small communities,²² Indian Tribes,²³ rural areas, or disadvantaged areas²⁴ to carry out activities outlined in CERCLA Section 104(k)(7) (e.g., providing training, research, and technical assistance to individuals and organizations to facilitate the inventory of brownfield sites, site assessments, remediation of brownfield sites, community involvement, or site preparation).

Per CERCLA Section 128(a)(1)(B)(iii)(II), the maximum amount of funding allowed per grant is **\$20,000**. These funds may not be used to augment an existing CERCLA 128(a) State and Tribal Program and may not be placed in Performance Partnership Grants (PPGs). FY27 requests for Section 128(a) TAGs are due to the appropriate [EPA Regional Brownfields Contact](#) by **March 5, 2027**.

Cooperative agreement recipients (CARs) with active CERCLA Section 128(a) grants who are requesting funds in FY27 are eligible to submit requests for **up to three (3) TAGs** of \$20,000 each to assist a small community, Indian Tribe, rural area, or disadvantaged area. Once approved, the Section 128(a) TAGs may be awarded in the same cooperative agreement as the CAR’s 128(a) annual appropriation allocation, as authorized by CERCLA Section 128(a)(1)(B)(iii)(III).

Multiple eligible communities may be assisted by one Section 128(a) TAG. EPA’s goal is for TAGs to benefit as many communities as possible, therefore, if a CAR requests more than one Section 128(a) TAG, each \$20,000 grant should be to assist a different eligible beneficiary or different project. CARs should work with their EPA regional contact to discuss eligible beneficiaries and activities for these TAGs.

For additional information on Section 128(a) TAGs, including examples of uses for the funds, see the [Section 128\(a\) TAG fact sheet](#) on the Brownfields website, and the [ASTSWMO Section 128\(a\) TAG StoryMap](#).

Requests will be considered based on the following:

- readiness of the recipient and community to complete the project within a year of award,
- the recipient is in good standing with their current CERCLA Section 128(a) grant,
- the recipient has documented support from the community benefiting from this grant, and
- the recipient adequately responds to the criteria listed below.

Each request should be no more than 2-3 pages and should include the following:

1. the amount of funding requested,

²¹ If EPA receives over \$1.5 million in requests, it will evaluate projects based on the criteria listed in Appendix A. EPA will prioritize fully funding high-quality projects until the appropriation cap is reached.

²² CERCLA Section 128(a)(1)(B)(iv)(II) defines Small Community as a community with a population of not more than 15,000 individuals, as determined by the President based on the latest available decennial census.

²³ CERCLA § 101(36) defines Indian Tribe.

²⁴ CERCLA Section 128(a)(1)(B)(iv)(I) defines Disadvantaged Area as a community with an annual median household income that is less than 80 percent of the statewide annual median household income, as determined by the President based on the latest available decennial census.

2. a description of the target community and how it meets the definition of a small community, Indian Tribe, rural area, or disadvantaged area,
3. a description of the proposed project, including an explanation of key activities and how the proposed project will further brownfields reuse,
4. the expected outcomes and timeline to complete the project,
5. how/who will be conducting the activities (e.g., state, Tribal Nation, contractor),²⁵
6. if additional resources are necessary to complete the project, please explain how you will secure them,
7. an explanation of why existing state or Tribal funding is inadequate to complete the proposed project,
8. a letter or other written record demonstrating that the community supports the state or Tribal Nation receiving the grant; this may be a separate letter attached to the submission, and
9. if the CAR has previously received a Section 128(a) TAG, include a brief update on the previous project's status or successful completion.

²⁵ If a CAR plans to use a contractor or provide a subaward, the CAR will have to follow EPA's general procurement terms and conditions, as well as any relevant state or tribal requirements.

Appendix B: Sample Section 128(a) Funding Request Form

The optional sample form below for requesting FY27 Section 128(a) funding is provided for convenience. CARs who do not use this form will not be penalized for providing the information in a different format. EPA Regions and CARs should work together to be sure CARs are providing sufficient information for their funding request and may alter this sample form to memorialize those communications. EPA may request additional information, if it is deemed appropriate to fully understand a CAR's funding request.

Federal Fiscal Year 2027 Request for Funding
CERCLA Section 128(a) State and Tribal Response Program
Assistance Listing: 66.817

Period of Performance: [Month, Day, Year] through [Month, Day, Year]
New or Existing Cooperative Agreement: [if existing, include the cooperative agreement number]

1. **State or Tribal Response Program to which the funds will be applied:**

2. **Response Program Point of Contact:**

3. **Total Amount Requested:**

4. **Do you plan to include CERCLA Section 128(a) funding in Performance Partnership Grant?**
☐ Yes ☐ No

5. **Public Record:** Provide the date of the last update to the public record and where the information was posted (i.e., hyperlink to website, name of library or community gather place where public record can be found, etc.)

6. Provide an overall basis for this funding request, including, if applicable, any planned collaborative projects with other federal agencies, new activities, or enhancements to the response program *[New or establishing requestors should provide an explanation of how your program includes, or is taking reasonable steps to include, the four elements described in the FY27 funding guidance. Demonstration of the four elements will be part of the final workplan negotiation process]:*

7. Programmatic Capability *[Only Include if Specifically Requested by Region]:*

8. Use the table below to provide a breakout of proposed expenditures of FY27 Section 128(a) funds. *[Example activities included in the table below are for reference only; Requestors are expected to edit the information below to accurately reflect their proposed work and provide additional detail about the basis for their funding request prior to submitting their request.]*

Funding Use	FY27 Request	Detailed Summary of Intended Use
Establish or enhance the four elements: 1. Timely survey and inventory of brownfield sites. 2. Oversight and enforcement authorities or other mechanisms. 3. Mechanisms and resources to provide meaningful opportunities for public participation. 4. Mechanisms or approval of a cleanup plan and verification and certification that cleanup is complete.	\$XX,XXX	1. Examples: • inventory and prioritize brownfield sites • develop or improve Institutional Controls/Engineering Controls tracking and SOPs 2. Examples: • develop/enhance ordinances, regulations, and procedures for response programs 3. Examples: • develop a community involvement process • build up community outreach and participation • issue public notices of site activities • develop a process to seek public input from local communities, especially communities with a health risk related to exposure to hazardous waste or other public health concerns, economically disadvantaged, or remote areas, and communities with limited experience working with government agencies to prioritize sites to be addressed • digitize response program records for easier public access 4. Examples: • develop/update cleanup standards • review cleanup plans and verify completed actions

		• build the capacity and process to verify that an assessment or cleanup was done properly and include documentation in the public record
Establish and maintain the public record	\$XX,XXX	Examples: • maintain public record • create web site for public record • disseminate public information on how to access the public record
Enhance the response program	\$XX,XXX	Examples: • provide oversight of site assessments and cleanups • attend training and conferences on brownfields cleanup technologies and other brownfields topics • update and enhance program management activities • negotiate/oversee contracts for response programs • enhance program management and tracking systems • Brownfields mentoring and training / succession-planning • develop or improve electronic document management system • <i>[even if response programs have MOAs with EPA, examples provided above in the four elements section may also be helpful if those aspects of the program need enhancing]</i>
Site-specific activities¹	\$XX,XXX ²	Examples: • perform site assessments and cleanups • develop QAPPs • establish eligibility of target sites • prepare Property Profile Forms/input data into ACRES database for these sites
Total Funding Request:	\$XXX,XXX	
¹ A CAR may conduct assessments or cleanups at sites that meet the definition of a brownfield site at CERCLA § 101(39) ² Amount requested for site-specific assessments and cleanups may not exceed 50% of the total amount of Section 128(a) funding awarded to the CAR during FY 2027. Oversight of assessment and cleanup activities performed by responsible parties (other than the state or Tribal Nation) does not count toward the 50% limit. The 50% cap also does not include personnel or supplies/equipment purchased in support of site-specific work.		