



EPA Brownfields and Land Revitalization CERCLA Section 128(a) State and Tribal Response Program Funding



This fact sheet is not a substitute for the annual EPA Brownfields Section 128(a) Funding Guidance located on the Brownfields Program website at www.epa.gov/brownfields.

What is EPA's Brownfields Program?

The U.S. Environmental Protection Agency's (EPA's) [Brownfields and Land Revitalization Program](#) empowers states, Tribal Nations, communities, and other stakeholders to build strong partnerships and local capacity to assess, safely clean up, and sustainably reuse brownfield sites. EPA provides technical and financial assistance for brownfields activities that protect human health and the environment, encourage sustainable reuse, promote partnerships, strengthen local economies, and create jobs.

By providing funds and technical assistance to assess, cleanup, and plan for site reuse, EPA enables communities to overcome the environmental, legal, and fiscal challenges associated with brownfields properties. EPA's investments in communities across the country help local leaders eliminate uncertainties, clean up contaminated properties, and transform brownfield sites into community assets.



Scissortail Park in Oklahoma City before (inset) and after Section 128(a) funded cleanup oversight and redevelopment. Credit: scissortailpark.org.

What is Section 128(a) State and Tribal Response Program funding?

[Section 128\(a\)](#) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") authorizes EPA to provide funding to States (including US Territories and DC) and Tribes to establish or enhance their environmental response programs.

States, Territories, and Tribal Nations are responsible for developing brownfields cleanup standards and policy and conducting or overseeing the assessment, cleanup, and reuse of brownfield sites within their jurisdictions. EPA supports these State and Tribal programs through Section 128(a) funding.

This annual funding is awarded and administered through cooperative agreements with the EPA regional offices.

How do I request Section 128(a) funding?

The annual grant Funding Guidance provides the specific instructions for requesting funds in a given fiscal year. Copies of the guidance can be obtained from EPA's [State and Tribal Response Program Grants website](#).

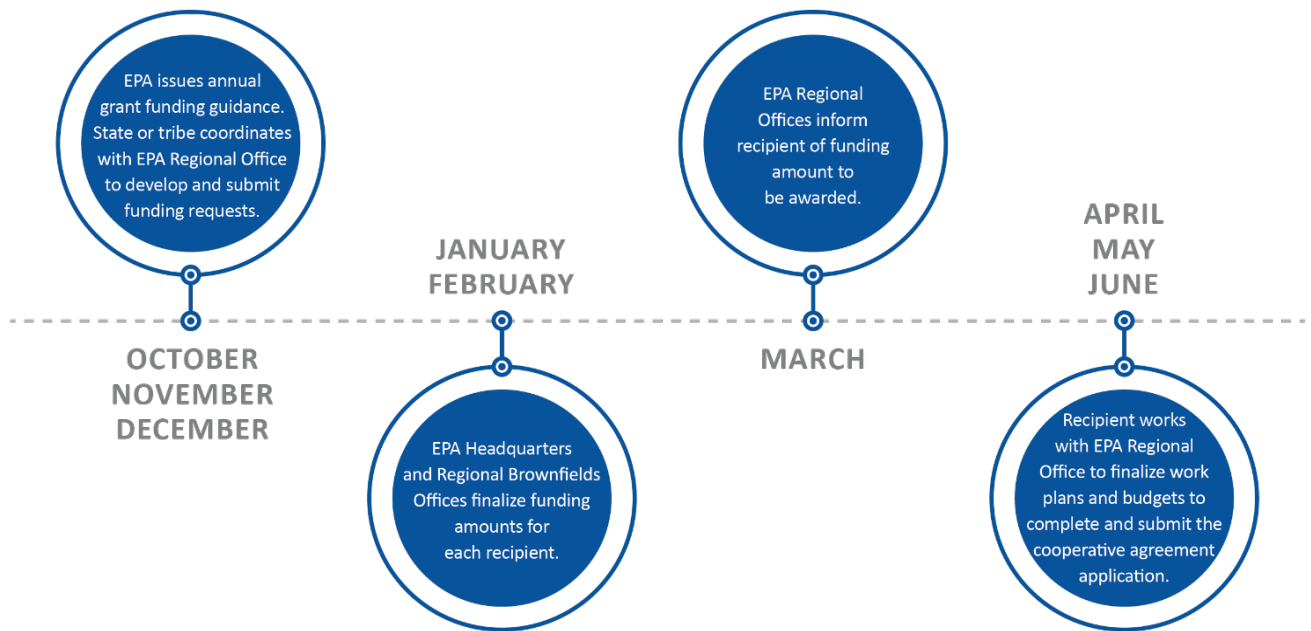
Requests must include the information listed in the Funding Guidance and be submitted to the appropriate Regional EPA Brownfields office by the stated deadline.

- ❖ To learn more about state and tribal response programs across the country, please go to the [EPA regional pages](#) or [Brownfields Near You](#).
- ❖ To see highlights from state and tribal brownfields response programs, please go to the [Section 128\(a\) Highlights page](#).

A brownfield is real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

[CERCLA §101\(39\)](#)

What is the general timeline for Section 128(a) funding?



Who can request Section 128(a) funding?

- ▶ **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](#)
- ▶ These eligible entities must:
 - ✓ demonstrate that its response program includes, or is taking reasonable steps to include, the four elements specified in [CERCLA Section 128\(a\)\(2\)](#) (shown below), OR is a party to a Memorandum of Agreement with EPA; and
 - ✓ maintain and make publicly available 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.
- ▶ EPA accepts one application from each eligible entity annually.

What can this funding be used for?

- ▶ The **primary goals** of this funding are to provide financial support to:
 - ✓ establish or enhance the four elements of an effective state or tribal response program, as specified in CERCLA Section 128(a)(2), and
 - ✓ ensure that states and tribes maintain a public record of sites included in their programs.
- ▶ The funding may also be used for:
 - ✓ limited site assessments or cleanups at Brownfield sites, and

[Note: talk to your EPA regional BF contact regarding the eligibility determinations required prior to performing site-specific work under Section 128(a).]

- ✓ activities that increase the number of response actions conducted or overseen by a state or tribal response program, such as hosting brownfields workshops to increase brownfields awareness in communities.
- ✓ Check the annual Funding Guidance for additional eligible activities and Program priorities.

The Four Elements required by CERCLA Section 128(a)(2)

1. Timely survey and inventory of brownfield sites;
2. Oversight and enforcement authorities or other resources that ensure response actions protect human health and the environment, are conducted in accordance with applicable laws, and are completed;
3. Mechanisms and resources to provide meaningful public participation; and
4. Mechanisms for approval of a cleanup plan and verification and certification that response is complete.

Where can I find more information?

Note: this list is not exhaustive and is meant to provide initial information on helpful resources. Please reach out to your [regional EPA Brownfields contacts](#) with any questions.

[EPA Brownfields Program website](#)

[EPA Land Revitalization website](#)

CERCLA Section 128(a) Information

- ▶ [42 U.S.C. § 9628](#) – (CERCLA Section 128(a))
- ▶ [Entities Eligible to Receive State and Tribal Response Funding](#)
- ▶ [State and Tribal Section 128\(a\) Highlights](#)
- ▶ [State and Tribal Response Program Grants](#)
- ▶ [Section 128\(a\) Technical Assistance Grant \(TAG\)](#)
- ▶ [ASTSWMO Section 128\(a\) TAG StoryMap](#)
- ▶ [Section 128\(a\) TAG FAQs 2019](#)

Brownfields Technical Assistance, Training, and Research

- ▶ Free, EPA-funded [Technical Assistance to Brownfields Communities \(TAB\)](#), training, and research projects
- ▶ [Brownfields Inventory Tool \(BiT\)](#)
- ▶ [Planning activities to initiate brownfields revitalization](#)
- ▶ [Brownfields Road Map](#)
- ▶ [Community Visions for Abandoned Gas Stations](#)
- ▶ [Land Revitalization Toolkit](#)

General Brownfields Information

- ▶ [Brownfields overview](#)
- ▶ [Brownfields FAQ](#)
- ▶ [Brownfields Program Environmental and Economic Benefits](#)
- ▶ [Brownfields and Public Health](#)
- ▶ [Cleaning up Brownfield Sites](#)
- ▶ [Cleanups in My Community Database](#)
- ▶ [Recipient Training Opportunities](#)
- ▶ [Brownfields and Land Revitalization Activities Near You](#)
- ▶ [Supporting EJ through BF and LR](#)

Tribal Resources

- ▶ [KSU Tribal Technical Assistance to Brownfields \(TAB\)](#)
- ▶ [Institute for Tribal Environmental Professionals \(ITEP\) Brownfields Trainings](#)
- ▶ [Tribal Brownfields Forum](#)
- ▶ [Environmental Protection in Indian Country](#)
- ▶ [Tribal Lands Assistance Center \(TLAC\)](#)
- ▶ [TLAC Brownfields page](#)
- ▶ [EPA Contact and Resource Aid: Oil and Petroleum Contamination on Tribal Lands](#)
- ▶ [2014 Tribal Brownfields and Response Programs](#)
- ▶ [Developing an Abandoned Vehicle Cleanup Program for Tribal Governments' guide \(2009\)](#)

State Resources

- ▶ [Association of State and Territorial Solid Waste Management Officials \(ASTSWMO\) Resources and Publications](#)
- ▶ [State Brownfields and Voluntary Response Programs](#)
- ▶ [ASTSWMO Brownfields Focus Group 2020 State Brownfields Program Analysis](#)
- ▶ [Cleaning Up Brownfields under State Response Programs – Getting to 'No Further Action'](#)

ACRES (Assessment, Cleanup and Redevelopment Exchange System)

- ▶ [Assessment, Cleanup and Redevelopment Exchange System \(ACRES\) Regular Training Sessions](#)
- ▶ [ACRES Training Presentations](#)
- ▶ [Brownfields ACRES Helpful Tips and Tools](#)
- ▶ [Section 128\(a\) Program Activity Level \(PAL\) Reporting Form](#)
- ▶ [How to Enter and View PALs Data in ACRES](#)
- ▶ [How to Update a State Report in ACRES](#)