Fiscal Year 2027 Frequently Asked Questions for Brownfield Multipurpose, Assessment, RLF, and Cleanup (MARC) Grants (as of 11/2/26)

EPA prepared these Frequently Asked Questions (FAQs) and answers to assist prospective applicants with preparing Brownfields Multipurpose, Assessment, Revolving Loan Fund (RLF), and Cleanup Grant applications. Please review the Fiscal Year 2027 (FY27) Guidelines (also referred to as Notice of Funding Opportunities (NOFOs)) when preparing your application.

Current Brownfield Grant recipients may also benefit from FAQs that are related to general program policies and are not specific to the FY27 grant competitions. Recipients should note, however, that their cooperative agreement Terms and Conditions and the FAQs issued for the fiscal year they applied for Brownfield Grant funding supersede the FY27 FAQs in the event of a conflict.

If the information in the FAQs differs from information in the statutes, regulations, or the Guidelines, then the statutes, regulations, or the Guidelines will take precedence. The FAQs will be updated periodically as we continue to receive questions.

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Brownfield Grant Guidelines
Frequently Asked Questions (FAQs)

A. CHANGES TO THE GUIDELINES

A.1. What changes are being implemented in the FY27 Multipurpose, Assessment, Revolving Loan Fund, and Cleanup (MARC) Grant competition season?

EPA has made several revisions to the MARC Guidelines since the last competition. A more detailed description of the changes is outlined in the *Summary of FY27 Brownfields Multipurpose, Assessment, Revolving Loan Fund, and Cleanup Guideline Changes* and reflected in each solicitation.

a. General changes implemented in the FY27 grant competition are as follows:

1) Starting in FY27, EPA will no longer receive Infrastructure Investment and Jobs Act funding. The Program will only receive funding from annual Congressional appropriations.
   - Individual grant awards must not exceed statutory limits under CERCLA § 104(k).
   - Site-specific activities for Assessment Grants are limited to $200,000 per site/grant.
   - Cleanup Grant and Revolving Loan Fund (RLF) Grant recipients must provide a 20% cost share.

2) A solicitation for new Multipurpose Grants will not be issued in FY27.

3) Entities with an open award (or pending an award for) a Community-wide Assessment Grant for States and Tribes are not eligible to apply for an FY27 Community-wide Assessment Grant or an FY27 Assessment Coalition Grant.

4) Draw down requirements must be met by October 1, 2026. See the individual grant types for details.

5) Assessment Coalition Threshold Eligibility Criterion Update:
   - The coalition must include one non-lead member that has never received an EPA Brownfields MARC Grant, or whose most recent EPA Brownfields MARC Grant's period of performance ended in 2015 or earlier.

6) Cleanup Grants Threshold Eligibility Criteria Updates:
   - Sufficient Site Characterization: Applicants are no longer required to submit a letter from the State or Tribal Environmental Authority regarding site characterization. Instead, applicants must affirm that an Environmental Professional (as defined in 40 CFR § 312.10) has certified there is a sufficient level of site characterization for the remediation work to begin on the site(s), or affirm it will be sufficient before the grant is awarded. If additional site

characterization is needed, and the application is selected for funding, applicants must be able to affirm this before the grant is awarded.

- Community Notification: Applicants must hold a public meeting no later than [7 DAYS BEFORE APPLICATION DEADLINE] to discuss the draft application, including the draft ABCA (or ABCAs if proposing multiple sites), and consider public comments prior to the final submittal of the application. The community notification ad must be published no later than [7 DAYS BEFORE PUBLIC MEETING]. Examples of acceptable community notification methods and an acceptable community notification ad are provided in FAQ L.20.
- Waiver of the $500,000 Limit: Applicants that plan to only address one brownfield site may request a waiver of the $500,000 limit and request up to $650,000. EPA will consider requests on a case-by-case basis and intends to approve such requests on an extremely limited basis.

7) Funding availability:
   - Community-wide Assessment Grants – no change from FY26.
   - Assessment Coalition Grants – The amount of funding available for each grant is $1,000,000.
   - Community-wide Assessment Grants for States and Tribes – The amount of funding available for each grant is $1,000,000.
   - Revolving Loan Fund Grants – no change from FY25.
   - Cleanup Grants – The amount of funding available for each grant is $500,000. Applicants that plan to only address one brownfield site in their application may request a waiver of the $500,000 limit and request up to $650,000 based on the anticipated level of contamination, size, and other considerations outlined in the Guidelines.

B. INFORMATION ON SUBMITTING THE APPLICATION

B.1. What is the deadline for submitting an application for the FY27 Assessment, Revolving Loan Fund, and Cleanup (ARC) Grant Competition?

Applications are due APPLICATION DEADLINE, 2026. **Applications received after 11:59 p.m. Eastern Time on APPLICATION DEADLINE, 2026, will not be considered for funding**.

B.2. How do I submit my application?

Applications must be submitted electronically through www.grants.gov by the organization's Authorized Organization Representative (AOR) and be successfully received by 11:59 p.m. Eastern Time on APPLICATION DEADLINE, 2026. This is the only method EPA will accept applications; unless the applicant has an approved waiver to submit the application by mail under the Limited Exception Procedure policy (outlined in Section 5. *Submission Requirements and Deadlines* of the Guidelines).

Occasionally, technical and other issues arise when using www.grants.gov. EPA encourages applicants to submit their application early. Refer to Section 5. *Submission Requirements and*

Deadlines in the Guidelines for specific instructions on the use of www.grants.gov and guidance on how to navigate common difficulties experienced when transmitting the application(s) through www.grants.gov.

B.3. How do I submit an application if I have limited access to the Internet?

As stated in Section 5. *Submission Requirements and Deadlines* of the Guidelines, an applicant may request an exception to submit the application via www.grants.gov if limited Internet access or no Internet access prevents them from being able to upload the required application materials through www.grants.gov. The applicant must follow the procedures outlined at www.epa.gov/grants/exceptions-grantsgov-submission-requirement. Please note that your request must be received at least 15 calendar days before the application due date to allow enough time to negotiate alternative submission methods.

B.4. How should I upload the Application Information Sheet, the Narrative, and associated attachments in www.grants.gov?

EPA recommends combining the Application Information Sheet, the Narrative, and associated attachments (including responses to the threshold eligibility criteria) into a single file and uploading the single file to the "Project Narrative Attachment Form." This ensures that EPA receives your entire submission and the submission is in the order that you intended.

B.5. How do I know if my grant application was received by the deadline?

If submitted successfully, the Authorized Organization Representative (AOR) will receive a ***Submission Receipt*** email confirming the application package was initially received. You can track the status of your application package anytime by using the link provided at the bottom of the email.

Next, www.grants.gov will process the application package to ensure it is error-free. If the application package passes this step, the AOR will receive a ***Submission Validation Receipt for Application*** email. Alternatively, if the application package has an error, the AOR will receive an email indicating the application package was "rejected with errors" and what the error is. This gives you the opportunity to resolve the error and for the AOR to re-submit the application package before the submission deadline.

If you did not receive a confirmation email, need assistance with submitting your application package, or have questions, contact the www.grants.gov Help Desk at 1-800-518-4726 or support@grants.gov. The Support Center is open 24 hours a day, 7 days a week; closed on federal holidays.

For more information on how to submit an application, see Section 5. *Submission Requirements and Deadlines* in the Guidelines, and the *Tips of Submitting Applications Through www.grants.gov* at www.epa.gov/brownfields/tips-submitting-brownfields-grant-applications-through-wwwgrantsgov.

Additionally, the www.grants.gov website has training documents and videos to assist applicants at www.grants.gov/applicants/applicant-training.

B.6. My organization is registered in www.sam.gov. Should I check to make sure the account is active?

Yes! You can only successfully submit an application package if your organization has an active account in www.sam.gov. The registration must be renewed annually by the E-Business Point of Contact, so make sure the account is active and will not expire before the application submission deadline.

B.7. Can I apply for grant funding if the www.sam.gov account is not active, or is in the process of being updated or re-activated?

No. Your organization must have an active account in www.sam.gov in order to apply for funding.

B.8. Can someone other than the Authorized Organization Representative submit the application package in www.grants.gov?

No. The Authorized Organization Representative, designated by the E-Business Point of Contact, must have an account in www.grants.gov, sign and submit the application package.

B.9. Why is the E-Business Point of Contact important to the application submission process?

The E-Business Point of Contact (EBiz POC) is the individual in your organization who oversees all activities within www.grants.gov and grants permissions to Authorized Organization Representatives (AOR).

If your organization is already registered in www.sam.gov, take note of who is listed as the EBiz POC. If you are not registered yet, it is the EBiz POC within your organization who must register your organization with www.sam.gov.

The EBiz POC is issued a Marketing Personal Identification Number (MPIN) by www.sam.gov, which gives the EBiz POC the authority to designate a person(s) in your organization that can submit applications through www.grants.gov (i.e., the Authorized Organization Representative).

The EBiz POC is also responsible for approving role requests in www.grants.gov. Upon creating an account in www.grants.gov, the AOR role request is automatically sent to your organization's EBiz POC for approval.

Note: There can only be one EBiz POC per UEI number.

B.10. My organization has several departments and corresponding UEI numbers. Can I use a different department's UEI number to submit the application package?

No. You must use the UEI number assigned to the department that is submitting the application package.

B.11. Can I use another organization's UEI number to submit the application package?

No. You must use the UEI number assigned to the organization that is submitting the application package. If the organization the UEI is registered to does not match the applicant's organization, EPA may contact the applicant for clarification, the application may be deemed ineligible, and if selected, may delay the award.

B.12. Per the "Application for Federal Assistance" (SF-424), what is the "Catalog of Federal Domestic Assistance Number" and the "CFDA Title"?

The "Catalog of Federal Domestic Assistance (CFDA) Number" is 66.818 and the "CFDA Title" is Brownfields Multipurpose, Assessment, Revolving Loan Fund, and Cleanup Cooperative Agreements.

B.13. How should I respond to Question 9 on the "Application for Federal Assistance" (SF-424) if the nonprofit organization previously applied for and was awarded an Assessment Grant under the 'regional organization' category?

Prior to the enactment of the 2018 BUILD Act, nonprofit organizations were ineligible to receive Assessment Grant or RLF Grant funds. Therefore, eligible regional organizations (such as councils of governments) that are technically nonprofit organizations were required to select an eligible *Type of Applicant* category on the SF-424. If the regional organization applies for additional funding, it must select the same *Type of Applicant* category that it was previously awarded under.

B.14. How should I respond to Question 19 on the SF-424 "Application for Federal Assistance"?

Question 19 on the SF-424 references Executive Order (E.O.)12372, Intergovernmental Review of Federal Programs. Applicants must choose one of three options:

a. *This application was made available to the State under the Executive Order 12372 Process for review on (enter date).*
b. *Program is subject to E.O. 12372 but has not been selected by the State for review.*
c. *Program is not covered by E.O. 12372.*

Intergovernmental Review applies to Brownfields Multipurpose, Assessment, Revolving Loan Fund, and Cleanup Cooperative Agreements when proposed financial assistance involves land use planning and construction necessary to clean up brownfield sites. Refer to EPA Financial Assistance Programs Subject to Executive Order 12372 and Section 204 of the Demonstration Cities and Metropolitan Development Act and Section 401 of the Intergovernmental Cooperation Act available at www.epa.gov/grants/epa-financial-assistance-programs-subject-executive-order-12372-and-section-204 for information on how EPA defines land use planning.

Applicants must answer Question 19 in order to complete the SF-424 and submit the application package. **All applicants should select option "c"** at the time of application submission.

Pursuant to E.O. 12372, *Intergovernmental Review of Federal Programs* and EPA implementing regulations at 40 CFR Part 29, applicants selected for grant funding subject to Intergovernmental Review that are located within States that have selected Brownfield Grants for Intergovernmental Review will be required to revise the SF-424 to **select option "a"** and will be required to provide a copy of the application to the State Point of Contact (SPOC) for review if the SPOC has selected the Brownfields Grant program for SPOC review. Other selected applicants will **select option "b"** and provide their applications to directly affected State, areawide, regional, and local entities and advise them to contact EPA's Project Officer within 60 calendar days if they have comments on the application.

At this time, the following States have selected EPA Brownfield Grants for SPOC review:

- **California:** All entities are required to submit applications for review. Applicants may be submitted to the SPOC at OPR CFDA (cfda.opr.ca.gov/).
- **Indiana:** Only State agencies are required to have their applications reviewed. Non-State entities are not required to submit applications for review.
- **Kentucky:** All entities are required to submit applications for review.
- **Maryland:** All entities are required to submit applications for review.
- **Missouri:** All entities are required to submit applications for review.
- **Nevada:** All entities are required to submit applications for review.
- **New Hampshire:** All entities are required to submit applications for review.
- **Utah:** State agencies are required to have their applications reviewed.
    - The State of Utah's SPOC has selected grant applications from Utah State agencies for review (stategrants@utah.gov). Non-State entities are not required to submit applications for review.
- **U.S. Virgin Islands:** All entities are required to submit applications for review.

C. GENERAL INFORMATION

C.1. What is the amount of funding available through individual grants?

The funding limits for individual grants may not exceed the limits set forth in CERCLA, as amended by the 2002 Small Business Liability Relief and Brownfields Revitalization Act and the 2018 BUILD Act, and the 2021 Infrastructure Investment and Jobs Act. While the laws authorize a certain limit, EPA must balance the amounts set by Congress with program policy that allows the Brownfields and Land Revitalization Program to serve communities across the country. In FY27, an eligible entity may apply for:

Multipurpose Grants. A solicitation for new Multipurpose Grants will not be issued in FY27. EPA expects to issue the next solicitation for Multipurpose Grants in FY28.

Assessment Grants.

Community-Wide Assessment Grants. An eligible entity may apply for up to $500,000 to assess sites contaminated (or potentially contaminated) by hazardous substances, pollutants, contaminants, including hazardous substances co-mingled with petroleum, and/or petroleum. The period of performance is up to four years.

Assessment Coalition Grants. A coalition is comprised of one eligible lead entity (the grant applicant) and 2 to 4 eligible non-lead entities. The lead entity may apply for one Assessment Coalition Grant of up to $1,000,000. Non-lead coalition members **cannot** apply for individual Assessment Grants in the year they apply as part of a coalition. The period of performance is up to four years.

Community-Wide Assessment Grants for States and Tribes. An eligible State, territory, Tribe, or eligible Tribal entity may apply for up to $1,000,000 to assess sites contaminated (or potentially contaminated) by hazardous substances, pollutants, contaminants, including hazardous substances co-mingled with petroleum, and/or petroleum throughout its jurisdiction. The period of performance is up to five years.

Revolving Loan Fund Grants. Grants may be awarded up to $1,000,000 for an initial Revolving Loan Fund (RLF) Grant. A coalition of two or more eligible entities may apply together under one application for up to $1,000,000. The period of performance for an RLF Grant is up to five years.

Cleanup Grants. Grants may be awarded up to $500,000 to address one brownfield site or multiple brownfield sites contaminated by hazardous substances, pollutants, contaminants, including hazardous substances co-mingled with petroleum, and/or petroleum. Applicants may only submit one Cleanup Grant application for each competition cycle. The period of performance for a Cleanup Grant is up to four years.

Applicants that plan to only address one brownfield site in their Cleanup Grant application may request a waiver of the $500,000 limit and request up to $650,000 based on the anticipated level of contamination, size, and other considerations outlined in Section 2.B.16. of the FY27 Cleanup Grant Guidelines. EPA considered requests on a case-by-case basis and intended to approve such requests on an **extremely limited basis**. .

EPA reserves the right to partially fund applications, including the right to only fund the hazardous substance or the petroleum requests if applicants request both in their application.

C.2. What were the results of the FY26 Multipurpose, Assessment, and Cleanup Grant competition process?

EPA was pleased to receive 558 Multipurpose, Assessment, and Cleanup Grant applications in FY26. Continued national interest in the program resulted in a highly competitive selection process, with a total of 193 grant selections announced nationwide.

C.3. How do I get help in understanding and responding to the Guidelines?

EPA urges applicants to review the Guidelines carefully and any supplemental information on EPA's MARC Application Resources website, including the Pre-Recorded Videos on Minimum Grant Requirements. EPA will conduct a national webinar for all interested potential applicants to review the Narrative Criteria Responses in the Guidelines. In addition, prior to the application submission deadline, EPA Regional Offices may conduct open meetings with potential applicants. Please check with your regional office for date and location information. EPA Regional Offices may host additional webinars or workshops in their region, which are also open to everyone.

EPA Regional Offices will respond to questions from individual applicants about any of the **threshold eligibility criteria**, including site eligibility and property ownership. Upon request, regional staff may review pertinent documents relating to these threshold eligibility criteria. However, in accordance with EPA's Competition Policy, EPA staff will **not** meet with individual applicants to discuss draft applications, provide informal comments on draft applications, or provide advice to applicants on how to respond to the **Narrative Criteria Responses**.

Applicants may contact their EPA Regional Brownfields Contact for general information or questions regarding the threshold eligibility criteria, including organization and site eligibility. Contact information for EPA Regional Brownfield Contacts can be found in Section 1.E. of the Guidelines.

Recipients of EPA Technical Assistance to Brownfield Communities (TAB) cooperative agreements may also provide advice to applicants. EPA has awarded TAB cooperative agreements to six groups:

- EPA Region 1 communities are served by the University of Connecticut;
- EPA Regions 2 and 4 communities are served by the New Jersey Institute of Technology (NJIT);
- EPA Region 3 communities are served by the Mid-Atlantic TAB;
- EPA Regions 5, 6, 7, and 8 communities are served by Kansas State University (KSU); and
- EPA Regions 9 and 10 communities are served by the Center for Creative Land Recycling (CCLR).

The TAB Grant recipients (also known as TAB providers) can provide technical assistance to communities, including assistance to better understand the threshold eligibility requirements and facilitate discussions within the community related to the application. Please note, however, that while a TAB provider is a source of technical assistance, they **will not** write an application for you. More information about the TAB providers is available at www.epa.gov/brownfields/technical-assistance#Technical_Assistance.

KSU has also developed a software tool called "TAB EZ" that can assist communities who are applying for Multipurpose, Assessment, and Cleanup Grants. TAB EZ was developed as a public service and is available free of cost to anyone nationwide. More information about TAB EZ is available at https://etools.ksutab.org/tools/tabez.

Additionally, EPA funds a variety of nationwide expert organizations to assist communities with brownfields issues. Technical assistance is available at no cost to communities and includes:

- Technical Assistance to Tribes
- Brownfields Job Training Technical Assistance
- Technical Assistance for Nonprofits
- Brownfields Land Banking Strategies
- National Brownfields Training Conference
- Brownfields Revitalization Anti-Displacement Strategies Program
- Brownfields Revolving Loan Fund Technical Assistance

More information on Nationwide Technical Assistance providers is available at www.epa.gov/brownfields/technical-assistance#Nationwide.

All applications will be reviewed and evaluated objectively against the criteria identified in the Grant Guidelines and ranked based upon their written response. **Applicants are responsible for making decisions on the content of their applications**.

C.4. What is the grant evaluation review process?

Timely submitted applications will initially be reviewed by the Office of Brownfields and Land Revitalization and the EPA Regional Office, which covers the location of the project, to determine compliance with the applicable threshold eligibility criteria. The threshold eligibility criteria are pass/fail. Applicants deemed ineligible for funding consideration as a result of the threshold eligibility criteria review will be notified within 15 calendar days. All applications that pass the threshold eligibility review will be evaluated by national evaluation panels. The national evaluation panels will be comprised of EPA staff and potentially other federal agency representatives chosen for their expertise in the range of activities associated with Brownfield Grants. National evaluation panels will base their evaluations solely on the responses to the applicable Narrative Criteria Responses and will assign a total point score to each application. Funding requests for each grant type will be **evaluated and ranked separately**.

The Office of Brownfields and Land Revitalization will provide the ranked list of applications to the Headquarters Selection Official, who is responsible for further consideration of the applications and the final selection of grant recipients. Applications will be selected for award based on their evaluated point scores, the availability of funds, and, as appropriate, the other factors and considerations described in Section 6.C.1. of the Guidelines.

EPA will inform successful and unsuccessful applicants in writing. Funding will be awarded as a cooperative agreement. EPA anticipates substantial involvement with the cooperative agreement recipient. Selected applicants must submit additional required paperwork to their EPA Regional Office.

EPA reserves the right to reject any or all applications and make no awards.

C.5. What are the "Other Factors and Considerations" and how do I address these in my application? How are they used in the national evaluation?

When making the final decision on which application to select for funding, the Selection Official may take into account one or more of the other factors and considerations specified in the Guidelines. Alternatively, the Selection Official may not take into account any of the other factors or considerations.

Applicants should identify the "Other Factors" that are relevant to their application by noting the corresponding page number in their Application Information Sheet, and by providing a summary in the application on the other factors and considerations. If none of the other factors apply, make a statement to that effect.

In addition to the Other Factors, the Selection Official may take into account other considerations, as outlined in Section 6.C.(1) of the Guidelines. EPA will use the content included in the application and/or external information to determine if the consideration applies.

C.6. Do Brownfield Grant applicants need to inform their State or Tribal environmental authorities regarding the submission of a grant application to EPA?

Yes. Applicants (other than a State or Tribal environmental authority) must provide a current letter from a State or Tribal environmental authority that acknowledges the applicant's planned activities in their grant application and if specific sites are identified, eligibility determination on those sites, where appropriate. Only one letter reflecting all proposed activities is needed if the applicant applies for multiple types of grants in the same competition cycle.

C.7. Does EPA require that all applicants notify the community about their intent to submit a Brownfield Grant application?

No. Only an entity applying for Cleanup Grant funding is required to notify the community of its intent to apply for funding, per the Community Notification threshold criterion outlined in the Guidelines. This criterion is pass/fail. If the applicant fails to conduct the appropriate notification, the remainder of the application will not be evaluated.

An entity applying for a Multipurpose Grant, Assessment Grant, or RLF Grant is not required to notify the community of its intent to submit a Brownfield Grant application, but must describe community engagement plans as part of the application (outlined in the threshold eligibility criteria and Narrative Criteria Responses).

Additionally, an entity that is selected for a Multipurpose Grant or RLF Grant will be required to comply with the Community Involvement Plan term and condition that includes providing reasonable notice and the opportunity for public involvement and comment on the proposed cleanup options under consideration for the site.

C.8. What is leveraging and how do I demonstrate leveraging commitments to the proposed project?

Leveraging is generally when an applicant proposes to provide its own additional funds/resources or those from third-party sources (including another federal grant) to support or complement the project they are awarded under the competition, which is above and beyond the EPA grant funds awarded. Costs paid with leveraged funds/resources do not need to be eligible and allowable project costs under the EPA grant.

A Cleanup Grant applicant can show leveraging by providing a copy of the notification letter that the organization received funding and attaching the signatory letter or cover sheet of grant funding. Additionally, an applicant can provide a letter from the entity identifying committed leveraged funds to the project. Note, documentation of secured leveraging is not required when applying for Multipurpose, Assessment, or Revolving Loan Fund Grant funding.

C.9. Are community organization letters of commitment required?

No. However, applicants must demonstrate in the application that the target area community is meaningfully engaged in the proposed project.

C.10. If I am requesting funding to address hazardous substances and petroleum contamination in one application, how should I present the project budget?

Applicants are only required to present ONE budget table and do not need to distinguish between funding for hazardous substance contamination from petroleum-related contamination in the budget table.

C.11. How do I find an eleven-digit census tract number?

If you have an address for your proposed priority site(s), one way to find your priority site's census tract number is using the U.S. Census Bureau's Geocoder: geocoding.geo.census.gov/geocoder/geographies/address?form. Type in your site's street, city, State abbreviation, and zip code, and click get results. To easily navigate to the census tract number, use the keyboard shortcut by pressing 'Ctrl+F' to open the search bar and type in "Census Tracts." To provide the eleven-digit census tract number, copy and paste the State code, county code, and tract code numbers. For example, for the address 1200 Pennsylvania Ave Washington, DC 20004, the State code is 11, the county code is 001, and the tract code is 980000. The applicant would provide the number: 11001980000. Repeat these steps for any additional priority sites, as needed.

C.12. For the purposes of the Community Need criterion for Brownfield Grants, what are examples of health, welfare, environmental, and other demographic information I could provide about my community? Where do I find demographic information about my community?

In most cases, EPA does not require that applicants use specific types of demographic information, but has provided the following weblinks as possible sources of health, welfare,

socio-economic, environmental, and other demographic information that may be useful to consider in preparing your grant application. Applicants should select the type of demographic information to support their responses based on their assessment of what information will make the best case that their community needs Brownfield Grant funding – these may reflect health, safety, security (economic and non-economic), and well-being (e.g., environmental, social) concerns of a community. The demographic indicators below are examples only. Unless specified in the Guidelines, applicants may choose to provide different or additional information. The applicant is responsible for responding to the criterion and assessing the importance of types of demographic information that will best describe the specific challenges of the community being served.

Health/Welfare/Environment

- Asthma rates among children
- The incidence of illness amongst the population in the immediate vicinity of the site (including cancer, asthma, or birth defects)
- Cancer, diabetes, and obesity rates in the community
- Health care access
- Teen pregnancy rate
- Number of vulnerable inhabitants (women of child-bearing age, children, the elderly)
- Information showing that the target area is disproportionately impacted by the environmental issues of the site (e.g., sizes and numbers of brownfield sites, suspected or known level of contamination, past uses of the site, etc.)
- Crime rate
- Education levels and other education statistics (e.g., graduation rate, dropout rate)
- Lack of neighborhood upkeep
- Blight
- Illegal dumping
- Vandalism

Tools for Locating This Information for Your Community:
(While not exhaustive, many authoritative public health information sources from the Department of Health and Human Services Agencies, US EPA, US Census, and other sources are listed below.)

Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA)
Provides State profiles for medical professional shortage areas and grants for health care, datawarehouse.hrsa.gov/.

Agency for Toxic Substances and Disease Registry (ATSDR)
ATSDR has toxicity profiles, health consultations, and education tools, www.atsdr.cdc.gov/.

Centers for Disease Control and Prevention (CDC), National Center for Health Statistics (NCHS)
CDC has a National Vital Statistics System (NVSS) that includes national birth and death statistics, www.cdc.gov/nchs/nvss.htm.

A FastStats section provides summary statistics and links to State and territorial data sources on:

- Asthma, www.cdc.gov/nchs/fastats/asthma.htm
- Diabetes, www.cdc.gov/nchs/fastats/diabetes.htm
- Heart Disease, www.cdc.gov/nchs/fastats/heart-disease.htm

National Institutes of Health (NIH), National Cancer Institute (NCI)
NCI has a webpage that provides state-specific cancer statistics, cancer trends, and maps, statecancerprofiles.cancer.gov/.

NIH, National Institute of Diabetes and Digestive and Kidney Diseases
NIDDK compiles and presents national diabetes statistics on the following website, www.niddk.nih.gov/health-information/health-statistics.

Office of Minority Health, Department of Health and Human Services
General health and racial, and health disparities data can be found at minorityhealth.hhs.gov/.

Indian Health Service
Health Promotion Disease Prevention: www.ihs.gov/hpdp/index.cfm.

US Census Bureau, US Department of Commerce
The American Community Survey maps county-level data based on the most recent Census and American Community Survey estimates, www.census.gov/programs-surveys/acs/.

Bureau of Labor Statistics, US Department of Labor
The Department of Labor provides national, State and local unemployment and employment data, www.bls.gov/bls/unemployment.htm.

US Department of Housing and Urban Development (HUD)
HUD has grants for community-lead hazard abatement, training and to support creating healthy homes and other community programs: www.hud.gov/program_offices/healthy_homes and portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment.

US Environmental Protection Agency

- Air Quality Index, www.airnow.gov/.
- America's Children and the Environment, www.epa.gov/americaschildrenenvironment.
- Cleanups in My Community, www.epa.gov/cleanups/cleanups-my-community.
- Fish/Shellfish Consumption Advisories, www.epa.gov/fish-tech.
- My Environment, enviro.epa.gov/myenvironment/.
- Radon Zone Map, www.epa.gov/radon/epa-map-radon-zones.
- Toxic Release Inventory, www.epa.gov/toxics-release-inventory-tri-program.
- State and Territorial Environmental Agency links, www.epa.gov/home/health-and-environmental-agencies-us-states-and-territories.
- Water Resources, www.epa.gov/learn-issues/learn-about-water.

Socio-Economic

- Low property values
- Low tax base for the community
- Percentage of the community unemployed/underemployed
- Percentage of the community below the poverty line
- Factors that make leveraging funds for addressing the site difficult
- Percentage of community receiving public assistance

Tools for locating this information for your community:

Fedstats
This website, www.data.gov, provides links to all relevant agencies based on your search criteria, such as income, health, labor, education, and crime levels and allows you to search by State as well.

U.S. Census Bureau
U.S. Census Bureau webpage provides statistics on economics, employment, health, housing, employment, and other categories. You can search by State and find detailed reports on each State at www.census.gov.

C.13. What are examples of health and/or welfare issues that may result from the impacts of extreme weather and natural disasters? Where can I find information about these issues in my community?

Some health or welfare issues that may result from the impacts of extreme weather and natural disasters include but are not limited to:

- Temperature-related death and illness;
- Air Quality Impacts;
- Water-related illness;
- Food Safety and Nutrition;
- Safe Drinking Water;
- Health impacts;
- Loss of income or jobs from closed businesses;
- Loss of housing or shelter from extreme weather events;
- Reduced access to food and safe drinking water; and
- Increased power outages due to extreme weather events.

Tools for Locating This Information in Your Community:

Centers for Disease Control and Prevention
The Centers for Disease Control and Prevention provides information on regional extreme weather impacts on health.

National Oceanic and Atmospheric Administration
The U.S. Global Change Research Program provides regional information on extreme weather and natural disaster-related threats to human health.

C.14. What sorts of scenarios might be considered displacement?

Displacement may be intentional or an unintended consequence of brownfield investments. Intentional, planned displacement may occur through a community's direct actions, such as acquiring a property via purchase or eminent domain. Unintended displacement could be a longer-term result of brownfield cleanup and redevelopment, driven by gentrification-related market and societal change.

Consideration should be given to the vulnerabilities current residents and businesses have (such as low ownership rates, tax and utility costs, etc.) and what strategies and policies will be in place to minimize unintended displacement so that the people who have been disproportionately impacted by the presence of brownfield sites can safely work and live in their community and share in the long-term benefits of brownfield revitalization. For examples of strategies a community with brownfields may consider to minimize displacement, see bradsprogram.sites.umassd.edu/resources/.

C.15. When responding to the Past Performance and Accomplishments criterion, can I discuss the experience my organization's staff has had managing EPA Brownfields Grants or other financial assistance agreements?

No. This criterion asks about EPA Brownfields Grants or financial assistance agreements that your organization has directly received. Applicants should not discuss EPA Brownfields Grants or financial assistance agreements managed by staff while working for another organization. Information provided on EPA Brownfields Grants or financial assistance agreements that were awarded to another organization will not be considered. The expertise and experience of your staff is evaluated under 4.b./4.c. *Description of Key Staff*.

C.16. What is the definition of construction for purposes of classifying costs on the SF-424A?

For consistency among EPA grant programs, the DBE rule's definition of "Construction" at 40 CFR § 33.103 will be used to categorize costs on the SF-424A Budget Information for Non-Construction Programs on all applications submitted on or after October 1, 2022. EPA's DBE rule defines construction as the "erection, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other improvements to real property, and activities in response to a release or a threat of a release of a hazardous substance into the environment, or activities to prevent the introduction of a hazardous substance into a water supply." Remediation of contamination at a brownfield site is encompassed by this definition.

C.17. How do applicants/recipients determine which costs should be classified as a "construction" cost?

EPA recommends applying the "principal purpose of the contract" test, instead of characterizing discrete tasks that the same contractor will perform. If the principal purpose (i.e., 50% or more of the estimated costs) of the contract is for construction services as defined in FAQ C.16. above, then the cost for the contract should be placed under the "Construction" budget category on the SF-424A and in the budget presented in the Narrative.

Note, a contract that is principally purposed for construction may include tasks performed by the contractor or its subcontractor that are more characteristic of site assessment (e.g., confirmatory sampling, research into the history of the site), incidental engineering work (e.g., inspections to verify that the remedy is complete), or similar ancillary tasks.

C.18. What types of remediation activities/costs may be classified as a "construction" cost?

Remediation activities that may be classified as "construction" costs include:

- excavation and removal or treatment of contaminated soil;
- installation of concrete caps and other barriers to migration of contamination;
- abatement of asbestos or lead-based paint contamination in buildings;
- construction or assembly of structures housing equipment to pump and treat contamination;
- permanent installation of equipment purchased by the contractor or the recipient; and
- site restoration activities, such as grading, that prepare a site for reuse and similar activities that improve real property.

C.19. What grant types require applicants to identify construction costs on the SF-424A and in the Narrative?

- Multipurpose Grants – If the site(s) for which remediation activities are planned is known at the time of application, the construction costs must be classified on the SF-424A and in the Narrative. If the site is unknown at the time of application, then place the estimated costs on the "Other" budget line. When the recipient identifies sites during the period of performance, the recipient and EPA's Project Officer and Grant Specialist will work together to amend the cooperative agreement to update the budget.
- Assessment Grants – Generally, assessment activities do not fall under the definition of construction even if there are some incidental tasks in the contract for assessment services (e.g., removal of debris or other barriers necessary to obtain access to a building) provided the principal purpose of the contract is for assessment work.
- RLF Grants – Estimated costs for loans and subgrants are classified under the "Other" budget category. Therefore, construction-related costs are not included under the "Construction" budget category.
- Cleanup Grants – Applicants must classify construction-related costs under the "Construction" budget category.

C.20. What types of remediation-related costs are typically not classified as "Construction"?

- Architectural and engineering services are to be classified as "**Contractual.**"
- Construction activities carried out by the applicant's own employees ("force account") are to be classified as "**Personnel**."
- Oversight costs relating to a Qualified Environmental Professional's (QEP's) responsibilities for ensuring compliance with environmental requirements are classified as "Contractual." (However, inspections of construction work for compliance with

engineering specifications as part of a construction contract would be classified as "Construction.")

C.21. How are costs for equipment that is permanently installed classified?

Estimated costs for equipment that is permanently installed at the site are only to be classified as "Equipment" if the recipient will purchase the equipment under a separate contract. This is the case even if the construction contractor installs the equipment. Estimated costs for equipment that a remediation contractor itself purchases and installs permanently as part of the contract that includes other costs for other tasks that comprise at least 50% of the contract price will be included on the "Construction" budget line in the SF-424A.

C.22. Will a recipient need to revise their budget under an Assessment Grant if a tank needs to be removed?

It is unlikely that budget revisions will be necessary for Assessment Grants if the recipient follows the "principal purpose of the contract" guidance outlined above. Should a QEP need to hire a subcontractor to remove a tank (for sampling beneath the tank), the cost for that activity is also unlikely to change the principal purpose of the assessment contract to construction. However, if the recipient uses a separate contract to pay for the tank removal, then that contract would need to be characterized as construction costs.

C.23. Do Davis-Bacon prevailing wage requirements apply to construction contracts for the cleanup of brownfield sites when the cleanup is partially funded with Brownfield Grant funds?

Yes, if the contracts are for construction work, as defined in 29 CFR Part 5, that takes place in close temporal proximity to the work that is federally funded. Under CERCLA 104(g), Davis-Bacon applies to construction, alteration, or repair work that is funded "in whole or in part" with Brownfields CERCLA 104(k) grants, subgrants, and loans. EPA follows the "purpose, time and place" test for determining the applicability of Davis-Bacon prevailing wage requirements when a cleanup is funded with federal and non-federal resources. Applying that test, the construction contracts described in the question would meet the "purpose" and "place" prongs of the test. Whether the "time" prong is met depends on the facts, but if the cleanup work taking place is closely related in time to the federally funded portion of the cleanup, then Davis-Bacon would apply. Parties who intentionally structure the timing of the contracts to avoid Davis-Bacon may be subject to sanctions under applicable regulations.

C.24. Do Davis-Bacon prevailing wage requirements apply to contracts for post-cleanup redevelopment construction at brownfield sites where EPA-funded remediation is complete?

No. EPA has determined that post-cleanup construction work does not meet the "purpose" prong of the test for Davis-Bacon applicability under CERCLA 104(g). Post-cleanup construction work is not eligible for funding under CERCLA 104(k), and the activities the contractors would perform (e.g., erection or renovation of buildings) would be substantially different than those carried out for site remediation. The purpose of the contracts, therefore,

would not be closely related. Additionally, the post-cleanup construction generally does not take place at the same time as site remediation, although as noted above, whether the time prong of the test is met is fact-specific.

C.25. Does EPA have a preferred mapping tool for applicants to use if they choose to include an optional map of their target area(s) and/or priority site(s)?

Applicants that choose to include a map as an attachment can use a free mapping tool to visually depict their target area(s) and/or priority site(s). Additional information included in the map, such as a response to the Narrative Criteria Responses, will not be considered and should not be included on the map. Applicants are not expected to pay for mapping applications or generate any new data. The inclusion of a map is optional, and applicants will not be penalized if they choose not to include a map.

D. CONSULTANT SERVICES

D.1. Are applicants required to procure a consultant before submitting an application?

No. Applicants are not required to procure a consultant before submitting an application. Consultants, regardless of when they are procured, must be selected in compliance with the fair and open competition requirements in 2 CFR Parts 200 and 1500, as well as the requirements in 40 CFR Part 33 (EPA's Participation by Disadvantaged Business Enterprise (DBE) regulations), as applicable. 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.

D.2. Can I receive sample Requests for Proposals (RFPs)/Requests for Qualifications (RFQs) or other forms of assistance in developing RFPs/RFQs from potential contractors that will then be allowed to bid on the procurement that will be made under the RFP?

No. If you seek any assistance from a contractor, including obtaining sample RFPs/RFQs, that contractor is not allowed to submit a proposal in response to your RFP/RFQ. If the contractor submits a proposal, you must reject the proposal. Accepting the proposal will be in violation of 2 CFR § 200.319. You may, however, seek assistance from a contractor that will not submit a proposal in response to your RFP/RFQ.

D.3. What is an example of an unfair competitive practice?

One example of an unfair competitive practice is to allow a consultant (or any other type of contractor) who drafts specifications, requirements, statements of work, or invitations for bids or requests for proposals to compete for the services or products that will be procured. This practice violates 2 CFR § 200.319(b) and may result in EPA disallowing any costs for the tainted contract that are charged to the Brownfield Grant. Additional examples of unfair competitive practices include requiring unnecessary experience and awarding non-competitive contracts to consulting firms on retainer contracts.

Additionally, EPA will not accept sole source justifications for procurement contracts for services that are available in the commercial marketplace such as environmental consulting, engineering, and remediation services.

D.4. Must I consider price when procuring a qualified environmental professional?

It depends. EPA's position is that the "qualifications based" procurement procedures described in 2 CFR § 200.320(b)(2)(iv) may be used when acquiring services that can only be provided by a licensed Architectural and Engineering (A/E) firm such as when State or local law requires that an A/E firm develop specifications for construction work that is part of a cleanup project. As stated in the regulation: "The recipient or subrecipient may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the offeror's qualifications are evaluated, and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure architectural/engineering (A/E) professional services. The method may not be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort."

D.5. Is there a cap on the amount of profit a grant recipient's prime contractor or subcontractor can earn from a contract?

No, there is not an established cap on the amount of profit a prime contractor or subcontractor can earn from a contract. However, 2 CFR Part 200 Subpart E -- Cost Principles covers information on reasonable costs. Note in particular, 2 CFR § 200.404. Costs for contracts with excessive markups (e.g. substantial deviations from the contractor's profit margin in contracts that are not Federally funded) may be questioned in payment reviews and/or audits and costs disallowed.

D.6. Is there a preferred or required contracting method for EPA-funded procurements in the Brownfield program?

No, EPA does not have a required or preferred contracting method. However, the "cost plus percentage of cost" and "percentage of construction costs" methods of contracting are prohibited as provided in 2 CFR § 200.324(c), and there are substantial restrictions on the use of time-and-materials type contracts specified in 2 CFR § 200.318(j).

Please note that EPA will not accept sole source justifications for procurement contracts for services that are available in the commercial marketplace such as environmental consulting, engineering, and remediation services.

Regardless of the contracting type, price generally must be a selection factor in the evaluation of proposals or quotes. Please see the Brownfields Grants: Guidance on Competitively Procuring a Contractor for additional information.

For additional guidance on procuring contractors, see EPA's Best Practice Guide for Procuring

Services, Supplies, and Equipment Under EPA Assistance Agreements.

D.7. May I use qualifications-based procurement to acquire QEP services to implement a Brownfield Assessment Grant?

No. While A/E firms are one potential source for a Qualified Environmental Professional (QEP) for site assessments, as indicated in the definition of *Environmental Professional* in the All Appropriate Inquiry Rule, 40 CFR § 312.10, other types of firms and individuals may also provide QEP services. Price must be a significant factor in procuring the services of a QEP. Note, most firms procured to conduct environmental work for Brownfield Grants (especially Assessment Grants) are not A/E firms.

D.8. If my state/local law requires that a professional engineer (PE) prepare and/or sign my remediation planning documents, can I conduct a qualifications-based procurement for a contract to implement a Brownfields Grant?

It depends. Applicants and recipients may conduct a "qualifications-based" procurement as provided in 2 CFR § 200.320(b)(2)(iv) to acquire a service that only a **licensed** Architect/Engineering (A/E) firm can provide based on State or local law. That regulation provides:

> The recipient or subrecipient may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the offeror's qualifications are evaluated, and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure architectural/engineering (A/E) professional services. **The method may not be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort**.

If the principal purpose of the contract at issue is production of remediation planning documents (over 50% of the contract price), then a qualifications-based procurement would be justified. Community-wide Assessment Grants primarily fund Phase I and Phase II environmental site assessments and other activities such that preparation of remediation planning documents would not be the principal purpose of contracts to implement the full range of assessment activities. As noted in FAQ D.7., PE firms are by federal regulation (40 CFR § 312.10) not the only firms who can provide Qualified Environmental Professional services for Phase I and Phase II environmental site assessments.

A few potential options for using qualifications-based procurement to procure a PE may include the applicant or recipient conducting a separate qualifications-based procurement for services only a PE can perform or evaluating the tasks the PE has to perform separately on a qualifications-based component of the competition. Alternatively, the applicant or recipient could indicate in the RFP/RFQ that potential contractors who do not have in-house PE staff can subcontract with a PE firm using a qualifications-based selection process.

D.9. Is my RFP process federally compliant if I only receive one bid?

Possibly, but additional inquiries by EPA are possible. Per the grant regulations at 2 CFR § 200.325(b)(2), when the procurement is expected to exceed the simplified acquisition threshold and only one bid is expected to be received in response to a competitive solicitation, you must make the procurement documents available to EPA when requested. Services necessary for performing Brownfield Grants are widely available in the commercial marketplace so it is uncommon for only one bid to be received under an RFP. Depending on the information contained in the procurement documents, as well as circumstances surrounding the procurement, EPA may require you to re-issue the RFP. Additionally, for grants awarded prior to October 1, 2024, when only one bid is received in response to a competitive solicitation, profit must be negotiated as a separate element of the contract.

D.10. What are the potential consequences for an applicant/recipient that does not conduct a fair and open procurement competition for a contractor (including consultants)?

If an applicant/recipient fails to comply with applicable competitive procurement requirements in 2 CFR Parts 200 and 1500 and/or 40 CFR Part 33 (EPA's DBE rule), EPA may take action under CERCLA 104(k)(8)(C) and/or impose additional conditions as described in 2 CFR § 200.208, which may include requiring the recipient to reissue the solicitation document. If EPA determines that noncompliance cannot be remedied by imposing additional conditions, EPA may take one or more of the following actions, as outlined in 2 CFR § 200.339 Remedies for noncompliance, as appropriate:

a. Temporarily withhold payments until the recipient or subrecipient takes corrective action.
b. Disallow costs for all or part of the activity associated with the noncompliance of the recipient or subrecipient.
c. Suspend or terminate the Federal award in part or in its entirety.
d. Initiate suspension or debarment proceedings as authorized under 2 CFR Part 180 and the Federal agency's regulations, or for pass-through entities, recommend suspension or debarment proceedings be initiated by the Federal agency.
e. Withhold further Federal funds (new awards or continuation funding) for the project or program.
f. Pursue other legally available remedies.

D.11. What should I do if a consultant has offered to prepare our application for a Brownfield Grant without charging a fee?

If a consultant has offered to prepare your Brownfield Grant application without charge, you need to be careful not to provide that consultant with an unfair competitive advantage when selecting a Qualified Environmental Professional (QEP) or other contractor for grant implementation services.

Unfair competitive advantage is when the terms of the consultant's offer require the applicant/recipient to hire the consultant on a sole source basis if the application is successful. Such a practice unfairly restricts competition for services that are widely available in the

commercial marketplace. You must procure services, supplies, and/or equipment through fair and open competition when the amount of the contract exceeds the micro-purchase threshold as defined in 2 CFR Part 200.

D.12. Can the same contractor that assists me with preparing the grant application also submit a proposal in response to an RFP/RFQ for environmental consulting services?

Yes. EPA does not prohibit consultants who prepare grant applications from competing for contracts that will be funded under the grant as long as the competition for grant implementation services is conducted fairly and openly. The contractor may not assist with drafting specifications, requirements, statements of work, or invitations for bids or requests for proposals, and also be allowed to compete for the services or products that will be procured as indicated in 2 CFR § 200.319(b).

D.13. The terms of the contract for application preparation services require us to hire the consultant to provide environmental services necessary to perform the grant if EPA selects the application for funding or pay the consultant a $5,000 application preparation fee if we hire a different consultant. What is EPA's view on this practice?

EPA may consider this practice to be a violation of the federal procurement standards because it may provide the consultant who prepared the application an unfair competitive advantage. The grant regulations require recipients to fully and openly compete contracts when the amount of the contract will exceed the micro-purchase threshold either through simplified acquisition procedures or formal procurement methods. Additional information regarding EPA policies on procurements under EPA financial assistance programs is available in the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements.

Additionally, if your organization conducted a procurement competition for environmental services, and the consultant that prepared the application won the bid/contract, EPA may question whether the decision to select the consultant was based on an improper factor such as the requirement to pay the consultant a $5,000 application fee if you hired a different consultant for environmental services.

D.14. Can an entity issue a competitive solicitation to procure a qualified environmental professional for grant writing services as well as to implement the grant, if selected for funding?

Yes, as long as the entity complies with the competitive procurement requirements in 2 CFR Parts 200 and 1500 (including 2 CFR §§ 200.319, 200.320, and 1500.10) and 40 CFR Part 33. Refer to EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements and the Brownfields Grants: Guidance on Competitively Procuring a Contractor for additional guidance. Note that the price the QEP charges for grant application writing services may not be considered in evaluating the price for grant implementation services because direct costs for application preparation are not eligible under Brownfield Grants.

D.15. We need to hire a qualified environmental professional to conduct field work (i.e., environmental site assessments and/or site remediation). Can a consultant help with preparing the request for a QEP and then submit a bid in response to the request?

No. A consultant (or any other type of contractor) shall not draft specifications, requirements, statements of work, or invitations for bids or requests for proposals and then compete for the services or products that will be procured. This practice violates 2 CFR § 200.319(b) and may result in EPA disallowing any costs for the tainted contract that are charged to the Brownfield Grant.

D.16. What is EPA's position on hiring a particular consulting firm or other contractor?

EPA does not endorse EPA grant recipients hiring any particular firm(s). All contracts with consulting firms or any other type of contractor must be procured in compliance with the full and open competition requirements described in the Procurement Standards at 2 CFR Part 200. There are many environmental consulting firms and cleanup contractors in the commercial market.

D.17. If I name a consulting, law, or engineering firm as a "partner" in the grant application, is it proper to award that firm a sole source contract on that basis?

No. All contracts for professional services in excess of the micro-purchase threshold in 2 CFR § 200.320(a)(1) must be awarded competitively to the maximum extent practicable and in compliance with the requirements to consider disadvantaged business enterprises set forth in 40 CFR Part 33, as applicable. The market for consulting, legal, and engineering services is robust and it is unlikely that competition is impractical for these types of services.

Note that as required by 2 CFR § 200.320(a)(1), to the extent practicable, recipients must distribute non-competitive micro-purchases equitably among qualified suppliers and the price must be reasonable. Procurements at the micro-purchase level are also subject to the requirements in 40 CFR Part 33, as applicable. Additional information regarding EPA policies on procurements under EPA financial assistance programs is available in the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements.

D.18. How must recipients handle contracts for micro-purchases?

As required by 2 CFR § 200.320(a)(1), for contracts that do not exceed the micro-purchase threshold (or a higher threshold as authorized in 2 CFR § 200.320(a)(1)), recipients must distribute non-competitive micro-purchases equitably among qualified suppliers and the price must be reasonable. Recipients' practices for distributing micro-purchases are also subject to the requirements in 40 CFR Part 33 for the participation of disadvantaged business enterprises in EPA financial assistance programs.

D.19. Can multiple entities use the same contractor to conduct site work?

It depends.

Consistent with 2 CFR § 200.318(e), recipients needing similar services can engage in a single/joint procurement process. While this collaborative approach can enhance efficiency and reduce costs, it also necessitates careful coordination among the entities to determine who will lead the procurement effort.

Recipients who take this approach must coordinate the development of the solicitation(s) to ensure that services needed by all the entities are reflected. Additionally, the decision to engage in a single procurement process must be made ***before*** issuing the solicitation document(s). The procurement process must comply with the full and open competition requirements. See FAQ D.20. below for additional details.

D.20. If a State or local law provides that a local government may acquire services from a contractor that has been competitively procured by a different local government without further competition, will EPA approve such an arrangement as compliant with 2 CFR § 200.318(e)?

It depends.

If the request for proposals or other instrument for soliciting offers from potential contractors indicates that the scope of work will include providing services to multiple local governments, then EPA may agree that the arrangement meets the requirements in 2 CFR § 200.318(e) for an intergovernmental procurement of common services. Those requirements include documentation of a competition that complies with the full and open competition provisions in 2 CFR Part 200 (including 2 CFR §§ 200.319 and 200.320) unless a State conducts the procurement under State policies as provided in 2 CFR § 200.317. The regulations at 2 CFR § 200.319(d)(2) and (3) provide in pertinent part that recipients must:

> (2) Incorporate a clear and accurate description of the technical requirements for the property, equipment, or service being procured. The description may include a statement of the qualitative nature of the property, equipment, or service to be procured. When necessary, the description must provide minimum essential characteristics and standards to which the property, equipment, or service must conform. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to clearly and accurately describe the technical requirements, a "brand name or equivalent" description of features may be used to provide procurement requirements. The specific features of the named brand must be clearly stated; and
>
> (3) Identify any additional requirements which the offerors must fulfill and all other factors that will be used in evaluating bids or proposals.

For example, a procurement solicitation that identifies the other local governments that may exercise options to use the contractor's services and generally describes the services that may be required by each participating local government would be sufficient to comply with the regulations. On the other hand, if the scope of work only identifies one local government as the contracting party and describes the services needed by that particular local government, this would not comply with 2 CFR § 200.319(d)(2) and (3).

E. DEFINITIONS

E.1. What is a brownfield site?

For the purposes of EPA's Brownfields and Land Revitalization Program CERCLA, § 101(39) defines, a "brownfield site" as "...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." In order to be eligible for Brownfield Grant funding, the site(s) covered by your application must meet the definition of a brownfield site.

Brownfield sites also include, but are not limited to, three specific types of properties eligible for funding:

(1) sites contaminated by petroleum or a petroleum product;
(2) sites contaminated by controlled substances; and
(3) mine-scarred lands.

Some sites are excluded from the definition of a brownfield site, though many of these may be eligible if EPA makes a "property-specific determination" that allows grant funds to be used at that site. This process is explained in Section 1.5 in the *Information on Sites Eligible for Brownfields Funding Under CERCLA § 104(k)*.

E.2. How does EPA interpret the term "nonprofit organizations"?

EPA follows the definition of *Nonprofit organization* at 2 CFR § 200.1 as clarified in Question 11 of the Office of Management and Budget's July 2017 "Frequently Asked Questions on the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200." The regulation defines nonprofit organizations as any organization that:

(a) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;
(b) Is not organized primarily for profit;
(c) Uses net proceeds to maintain, improve, or expand the operations of the organization; and
(d) Is not an Institute of Higher Education (IHE).

OMB advised in Question 11 that:
The exclusion of [Institutions of Higher Education] in the definition of "nonprofit organization" [in 2 CFR § 200.70] was not intended to limit the eligibility of IHEs for Funding Opportunities which are available to nonprofit organizations. Accordingly, the exclusion of IHEs from the definition of nonprofit organizations does not change their status as nonprofit organizations when applying for Funding Opportunities.

Consequently, nonprofit educational institutions are eligible to receive Brownfield Grants and subgrants. EPA will accept documentation from the U.S. Internal Revenue Service (e.g., 501(c)(3) tax-exempt status) or from a State or Tribal government that has authority under its

laws to grant nonprofit status to an organization. Note, however, nonprofit organizations that are exempt from taxation under section 501(c)(3) are eligible for a wider range of Brownfield Grants (i.e., Assessment, Multipurpose, and Revolving Loan Fund) than other nonprofit organizations.

Nonprofit organizations subject to section 501(c)(4) of the Internal Revenue Code that lobby the Federal government are ineligible for Brownfield grant funding. The Lobbying Disclosure Act (2 U.S.C. 1601 et. seq.) provides requirements for the disclosure of lobbying activities to influence the Federal Government.

E.3. How does EPA interpret "general purpose unit of local government" for the purposes of eligibility for Brownfield Grants?

EPA follows the definition of *Local government* in 2 CFR § 200.1 which states the following: Local government means a county; borough; municipality; city; town; township; parish; local public authority, including any public housing agency under the United States Housing Act of 1937; special district; school district; intrastate district; council of governments, whether or not incorporated as a nonprofit corporation under State law; and any other agency or instrumentality of a multi-, regional, or intra-State or local government.

E.4. For the purposes of the Brownfield Grant Guidelines, what are examples of local organizations/entities/groups?

Examples of local organizations/entities/groups that may serve as project partners include (but are not limited to): community-based organizations (non-governmental civic and nonprofit organizations such as service clubs, veterans' organizations, local universities, and community colleges or other education institutions, fraternal orders, youth organizations, watershed protection groups, and faith-based organizations); community liaisons that represent residents directly affected by project work; property owners that will benefit from the grant; local lenders that will assist with financing activities that will revitalize the brownfield site; and developers that have an interest in the proposed project.

Please keep in mind that EPA is most interested in the role each community partner will play with regard to the proposed project and will not more favorably evaluate applications based on the sheer number of community partners identified.

E.5. What types of "roles" might local partners play with regard to brownfields projects?

Local partners can play a number of valuable supporting roles with regard to brownfield projects including (but not limited to):

- community engagement (e.g., identifying goals and interests of the local community to incorporate into project plans and soliciting input on the planned reuse of sites and other project activities);
- financial (e.g., hosting fundraising events);
- educational (e.g., the creation, reproduction, or distribution of project information to the community);

- direct on-the-ground assistance (e.g., assisting in the identification of sites for a community-wide assessment); and
- in-kind contributions of facilities, equipment, or materials (e.g., hosting public meetings).

Please note that any financial transactions between the applicant and its supporting partners must comply with EPA regulations governing procurement contracts, subawards, and cost allowability. For example, fundraising costs partners incur are not allowable costs under EPA Brownfield Grants and may not be used towards required cost shares. Procurement contracts must be competed to the extent required by 2 CFR Part 200. All subawards must comply with EPA's Subaward Policy.

E.6. What does "meaningful involvement" mean?

Meaningful involvement means that:

a. people have an opportunity to participate in decisions about activities that may affect their environment and/or health;
b. the public's contribution can influence the regulatory agency's decision;
c. community concerns will be considered in the decision-making process; and
d. decision makers will seek out and facilitate the involvement of those potentially affected.
e.

E.7. How does the EPA Brownfields and Land Revitalization Program define a body of water?

A body of water is relatively permanent, standing or continuously flowing significant accumulation of water at which a property is currently, or could potentially be, located. Examples may include oceans, rivers, lakes, and large canals that have buildings or docks built along them (i.e., a waterfront property). Irrigation ditches and small, non-recreational canals are not considered a body of water.

E.8. How does EPA's Brownfields and Land Revitalization Program define birth defects?

The Centers for Disease Control and Prevention (CDC) and the National Institute of Child Health and Human Development (NICHHD) of the National Institutes of Health (NIH) define a birth defect as: Structural changes present at birth that can affect almost any part or parts of the body (e.g., heart, brain, foot). These structural changes include changes to how the body is built and functional changes to how the body works. Birth defects may affect how the body looks, works, or both and can cause physical disability, intellectual and developmental disorders, and other health problems.

Sources:

- Centers for Disease Control and Prevention (CDC) General information www.cdc.gov/ncbddd/birthdefects/index.html
- CDC Data and Statistics on Birth Defects, www.cdc.gov/birth-defects/data-research/facts-stats/index.html
- CDC Preventing Birth Defects www.cdc.gov/birth-defects/prevention/index.html

- National Institute of Child Health and Human Development (NICHHD) General Information www.nichd.nih.gov/health/topics/birthdefects

E.9. What is the threshold for a small population?

There is no statutory definition of what constitutes a "small" population, so EPA leaves it to the applicant to make their case as to why the community is small. However, the Brownfields and Land Revitalization Program considers communities of 10,000 people and less as "micro" communities, 15,000 people and less as "small" communities, 50,000 people and less as "rural," and less than 100,000 people as "nonurban." Communities with less than 50,000 in population may be considered small.

E.10. What is an "interest-bearing account" and does EPA have a list of what qualifies as an interest-bearing account?

The grant regulations at 2 CFR § 200.305(b)(11), as well as terms and conditions for Brownfield cooperative agreements and the FY22 Revolving Loan Fund (RLF) Closeout Agreement template, require that all funds held by non-State recipients be kept in an interest-bearing account if certain requirements described in that regulation are met [note that State recipients are subject to Treasury requirements for depositing grant funds as provided in 2 CFR § 200.305(a)]. This includes EPA funds and if applicable, cost share, program income, and post-closeout program income. However, what qualifies as an interest-bearing account is not clearly defined in 2 CFR Part 200. For the purposes of Brownfield Grants, EPA considers an interest-bearing account to be any financial arrangement in which funds are deposited in an insured account whenever possible (2 CFR § 200.305(b)(10)) that generates interest rather than dividends. For most grants, the non-State grant recipient will choose to place the funds in a bank account or some type of insured account that consistently earns positive gains, not losses, and is not a speculative investment (e.g., a high-interest savings account or a Certificate of Deposit could be appropriate).

F. APPLICANT ELIGIBILITY

F.1. Who is eligible to apply for a Brownfield Grant?

CERCLA, as amended by the 2002 Small Business Liability Relief and Brownfields Revitalization Act and the 2018 BUILD Act, defines entities eligible to receive grants, based on the type of grant requested:

- *Multipurpose Grants, Community-wide Assessment Grants, Assessment Coalition Grants, and RLF Grants** – eligible entities include:
  - State,* local, and federally recognized Tribal governments (with the exception of Indian Tribes in Alaska), a range of government entities, including general purpose units of local governments, land clearance authorities or other quasi-governmental entities operating under the supervision and control of, or as agents of local governments, governmental entities; or redevelopment agencies created or sanctioned by a state; and regional councils of governments.

- Alaska Native Regional Corporations and Alaska Native Village Corporations, as those terms are defined in the Alaska Native Claims Settlement Act, and the Metlakatla Indian community.
- Nonprofit organizations described in section 501(c)(3) of title 26 (the Internal Revenue Code (IRC)) and exempt from taxation under 501(a) of that title.
- Limited liability corporations in which all managing members are 501(c)(3) nonprofit organizations exempt from taxation under 501(a) of the IRC or limited liability corporations whose sole members are 501(c)(3) nonprofit organizations exempt from taxation under 501(a) of the IRC.
- Limited partnerships in which all general partners are 501(c)(3) nonprofit organizations exempt from taxation under 501(a) of the IRC or limited liability corporations whose sole members are 501(c)(3) nonprofit organizations exempt from taxation under 501(a) of the IRC.
- Qualified community development entities as defined in section 45D(c)(1) of the Internal Revenue Code.

- *Community-wide Assessment Grants for States and Tribes* – eligible entities include:
  - State.*
  - Federally recognized Indian Tribe other than in Alaska and Intertribal Consortia, comprised of eligible Indian Tribes.
  - Alaska Native Regional Corporations and Alaska Native Village Corporations, as those terms are defined in the Alaska Native Claims Settlement Act, and the Metlakatla Indian community are eligible.

- *Cleanup Grants* – include those eligible entities identified above for Multipurpose Grants, Community-wide Assessment Grants, and RLF Grants as well as "other nonprofit organizations." The term *Nonprofit organization* is defined in 2 CFR § 200.1 as any organization that is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; is not organized primarily for profit; uses net proceeds to maintain, improve, or expand the organization's operations; and is not an institute of higher education (IHE) as defined in 2 CFR § 200.1 (incorporating the definition at 200 U.S.C. 1001). The exclusion of IHEs from the definition of nonprofit organization at 2 CFR § 200.1 does not change IHEs' status as nonprofit organizations when applying for funding opportunities. For the purposes of Cleanup Grants, "Other nonprofit organizations" includes nonprofit colleges, universities, and other educational institutions.

- Individuals, for-profit organizations, and organizations exempt from taxation under section 501(c)(4) of the IRC that lobby the Federal government are ineligible for EPA Brownfield Grant funding. The Lobbying Disclosure Act (2 U.S.C. 1601 et. seq.) provides requirements for the disclosure of lobbying activities to influence the Federal Government. Organizations exempt from taxation under section 501(c)(4) of the IRC may be eligible for a Brownfields Grant if they also qualify as an eligible entity type listed in Section 2.A. of the Guidelines and demonstrate that they do not lobby the Federal government.

*As defined in CERCLA § 101(27), the definition of State for purposes of the Brownfields

and Land Revitalization Program "include[s] the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction."

F.2. How does the Brownfields and Land Revitalization Program determine if an entity is an agency or instrumentality or affiliated with another entity?

Based on the IRS guidance, the Brownfields and Land Revitalization Program may use the following factors (among others) to determine if an entity is an agency or instrumentality of or affiliated with another entity:

- Is the applicant's organization staffed primarily/entirely by city employees?
- How independent is the applicant from control by the Mayor? In other words, does the applicant's Board or someone from the City acting on behalf of the Mayor make decisions on what federal grants the applicant will apply for and, if successful, how the grants will be carried out?
- Even if the applicant and the City have different UEI numbers, does the City's accounting department draw down federal funds via ASAP and use those funds to directly pay the applicant's contractors or other grant-related expenses?
- Are contracts or subawards financed with federal funds between the applicant and the third party or between the City and the third party?

Based on an applicant's responses, EPA may have additional questions and seek clarification before making a determination.

F.3. Are nonprofit organizations eligible for Brownfield Grant funding?

Yes, nonprofit organizations are eligible to receive Brownfield Grant funding. Per the BUILD Act of 2018, nonprofit organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code, including certain limited liability corporations, and qualified community development entities as defined in section 45D(c)(1) of the Internal Revenue Code of 1986 are eligible to receive Brownfield Multipurpose, Assessment, Cleanup, and Revolving Loan Fund Grants. Other nonprofits that are not tax-exempt under section 501(c)(3) that meet the definition of *Nonprofit organization* at 2 CFR § 200.1 are also eligible for Cleanup Grants, subawards (including RLF subgrants and loans), and grants for training, research, and technical assistance under CERCLA § 104(k)(7).

F.4. Is a nonprofit organization that does not have a 501(c)(3) Federal tax-exempt status eligible for a Brownfield MARC Grant?

It depends. Such an entity is only eligible for a Cleanup Grant. Applicants must provide documentation that the organization is recognized as a nonprofit organization under State law. There is no requirement for Federal tax-exempt status in the definition of Nonprofit in 2 CFR § 200.1.

For such an entity to be eligible for a Multipurpose, Assessment, or RLF Grant, they must qualify as an eligible entity type listed in section 2.A. of the respective Grant Guidelines.

F.5. Is an organization incorporated under State law and exempt from Federal taxation under section 501(c)(4) of the Internal Revenue Code that lobbies the Federal government eligible for Brownfield Grant funding if it otherwise qualifies as an "eligible entity" under CERCLA § 104(k)(1) (e.g., as a quasi-governmental entity)?

No. An organization exempt from taxation under section 501(c)(4) of the Internal Revenue Code, as provided in the Lobbying Disclosure Act (LDA), 2 U.S.C. 1611, is ineligible for Federal grants if the organization engages in lobbying activities regardless of how those activities are financed. The term "lobbying activities" is defined at 2 U.S.C. 1602(7) and additional relevant information (the definition of "Lobbying contact") is available at 2 U.S.C. 1602(8). EPA has determined that the prohibition in 2 U.S.C. 1611 on awarding grants to specified entities supersedes the general eligibility provisions for Brownfields Grants in CERCLA § 104(k)(1). An organization can be both an eligible entity defined in CERCLA § 104(k)(1) and be tax-exempt under Federal law as a 501(c)(4), however, it is not eligible to receive Brownfield Grant funding if the organization lobbies as defined in the LDA.

F.6. Is an organization that is exempt from Federal taxation under section 501(c)(4), but does not lobby the Federal government eligible for Brownfield Grant funding?

Yes, provided that the organization is also an eligible entity as described in Section 2.A. of the Grant Guidelines. For Cleanup Grants, an organization exempt from Federal taxation under section 501(c)(4) is considered an "other nonprofit organization." EPA's General Term and Condition on Lobbying Restrictions states that "By accepting this award, the recipient affirms that it is not a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986 as required by Section 18 of the Lobbying Disclosure Act; or that it is a nonprofit organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act." An applicant/recipient that is exempt from Federal taxation under Section 501(4) must provide EPA (via the submitted application or the EPA Project Officer) with a legal opinion that states that the organization does not engage in lobbying activities within the meaning of the Lobbying Disclosure Act 2 U.S.C. 1601 et. seq., in order for that organization to be eligible for a Brownfield Grant. The EPA Brownfields and Land Revitalization Program representative will then advise the applicant/recipient if the statement is acceptable or not.

F.7. Can we issue a subaward to a nonprofit organization that is exempt from Federal taxation under section 501(c)(4) of the Internal Revenue Code?

It depends. EPA's General Term and Condition on Lobbying Restrictions states that "…Nonprofit organizations exempt from taxation under section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities are ineligible for EPA subawards." This is based on EPA's interpretation of the Lobbying Disclosure Act (LDA) as specified in EPA's Subaward Policy, which is incorporated by reference in the Term and Condition. The subrecipient must provide the applicant/grant recipient with a legal opinion that states that the organization does not engage in lobbying activities within the meaning of the Lobbying Disclosure Act 2 U.S.C. 1601 et. seq., in order for that organization to be eligible for a subaward (including RLF loans or subgrants) that is funded through a Brownfield Grant. The

applicant/recipient must provide the legal opinion to the EPA Brownfields and Land Revitalization Program representative. The EPA Brownfields and Land Revitalization Program representative will then advise the pass-through entity if the statement is acceptable or not.

F.8. How does the Brownfields and Land Revitalization Program determine if two nonprofit organizations are unique entities?

The Brownfields and Land Revitalization Program may use the following factors (among others) to determine if two nonprofits are unique entities:

- Are the two nonprofit organizations separately incorporated?
- Are the boards of each nonprofit organization independent of one another, and do any board members overlap?
- Is the applicant's organization staffed by any employees of the other nonprofit organization? If yes, how many or what percentage of employees overlap?
- Do employees receive W-2s from their respective nonprofit organizations?
- Are there any grant-funded transactions between the two nonprofit organizations?

F.9. Are Indian Tribes considered "potentially responsible parties" (PRPs) and therefore prohibited from using Brownfield Grant funds to pay for response costs at a site for which they are potentially liable under CERCLA § 107?

EPA has not considered Indian Tribes to be liable as PRPs under CERCLA because Tribes are not included in the CERCLA definition of "person." Therefore, Tribes are not subject to the statutory prohibition. Applicants should contact their Regional Brownfields Contacts for additional information.

F.10. Are Federally Recognized Tribes in Alaska eligible for Brownfield competitive grant funding?

No. Consistent with CERCLA 104(k)(1), only Indian Tribes other than those located in Alaska are eligible for competitive grant funding. However, Alaska Native Regional Corporations, Alaska Native Village Corporations, and the Metlakatla Indian Community are eligible for competitive grant funding. Alaska Native Regional Corporations and Alaska Native Village Corporations are defined in the Alaska Native Claims Settlement Act (ANCSA, 43 U.S.C. 1601 and following). For a listing of these corporations, please see the following websites. Please note that the U.S. government does not maintain these websites and is not responsible for their content or accuracy.

Alaska Department of Commerce, Community, and Economic Development
www.commerce.alaska.gov/web/cbpl/Corporations/ANCSAInformation.aspx

National Congress of American Indians - Alaska Native Corporations
www.ncai.org/tribal-directory/alaska-native-corporations

University of Alaska Anchorage Justice Center
www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/

For additional details on ANCSA, please see the following websites:

About ANCSA
ancsaregional.com/about-ancsa/

ANCSA Twelve Regions
ancsaregional.com/the-twelve-regions/

F.11. For Intertribal consortia, what is an acceptable form of documentation to authorize the submission of the application?

Documentation may be provided in any form that the consortium's Tribal members prefer and is efficient from the consortium's perspective (e.g., via email, conference call, or resolution of the Board of Directors/Council Presidents).

G. USE OF GRANT FUNDS

G.1. What types of hazardous substance contamination are eligible for funding?

Sites eligible for funding are those sites with the presence or potential presence of hazardous substances, pollutants, or contaminants, including hazardous substances comingled with petroleum, sites contaminated with controlled substances, and/or mine-scarred lands. The types of contaminants that can be addressed using brownfields hazardous substances funding include, but are not limited to the following:

- heavy metals
- polynuclear aromatic hydrocarbons (PAHs)
- volatile organic compounds (VOCs)
- brine
- asbestos
- perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS)
- a site contaminated with controlled substances (e.g., a methamphetamine laboratory)

G.2. Can Brownfield Grant funds be used to assess or clean up sites contaminated with PCBs?

Yes. All portions of properties potentially contaminated with PCBs may be eligible for Brownfield Multipurpose, Assessment, RLF, and Cleanup Grants (without a property-specific determination), except where EPA has initiated an involuntary action to address PCB contamination at the facility or a portion of a facility. In cases where EPA has initiated an action under the Toxic Substances and Control Act against a property owner to address the illegal disposal of PCBs, the property still may be eligible for Brownfield Grant funding if an applicant/recipient can demonstrate that the funding will ensure protection of human health and the environment and promote either economic development or the creation or preservation of greenspace.

G.3. What are examples of eligible planning activities?

Envisioning how each proposed site reuse contributes to the community's revitalization vision, overall land use plans already in place, and determining feasible site reuse opportunities are critical planning steps in the brownfields redevelopment process. Examples of general brownfield planning activities include incorporating equitable development activities early in a brownfield project; developing a reuse vision for a brownfield site or area; conducting a site reuse assessment, market evaluation/feasibility assessment, infrastructure evaluation, community health assessment, and/or land use assessment; and developing a disposition framework, resource roadmap, and/or revitalization plan for a site. Please review the Eligible Planning Activities on EPA's website for more details.

G.4. Are all planning activities eligible under each of the four grant types (Multipurpose, Assessment, RLF, and Cleanup)?

No. Eligible planning activities differ among grant types.

Multipurpose Grants and Assessment Grants:
By statute, Multipurpose Grant and Assessment Grant funding may be used to conduct general planning activities within an area that has brownfield sites or for a given brownfield site. Examples of general planning activities are outlined on the Eligible Planning Activities webpage, and FAQ G.3. above. Additionally, funding may be used to conduct site-specific planning at an individual brownfield site. Site-specific planning activities typically include the activities necessary to plan how site assessment and cleanup will be conducted (including the development of an Analysis of Brownfield Cleanup Alternatives). Note, the cost of site-specific activities carried out at each approved, eligible site may not exceed $200,000 per site per Assessment Grant.

RLF Grants and Cleanup Grants:
RLF Grant and Cleanup Grant funding are typically limited to only site-specific planning. General planning activities, such as those outlined on the Eligible Planning Activities webpage, may be eligible only when the planning activity is closely tied to the cleanup decision for an individual brownfield site, such as if the planning activity is necessary to help determine the feasibility of site cleanup or reuse option(s) for redevelopment.

For example, general planning activities may be necessary to help determine the reuse option(s) for redevelopment. Knowing the redevelopment reuse option(s) for the site will better inform the appropriate remedy selection, helping to ensure the site remains protective after it is redeveloped. In addition, targeted outreach efforts to potential RLF borrowers and subgrantees may involve general planning activities to identify feasible sites and cleanup approaches.

G.5. Can I use Brownfield Grant funds to purchase environmental insurance?

Yes. Under CERCLA 104(k)(5)(D), entities that receive grants or loans to perform characterization, assessment, or cleanup of a brownfield site may use a portion of their Brownfield Grant or loan funds to purchase environmental insurance. This amount must be

less than 100% of the total grant or loan funds awarded. Purchases must be consistent with the requirements for allowability of grant costs in the 2 CFR Part 200, Subpart E Cost Principles.

G.6. What kind of environmental insurance can I purchase with a Brownfield Grant?

Companies can offer many kinds of environmental insurance policies for brownfield sites. Typically, these policies cover risks related to cleanup cost overruns, third-party liability, and lender liability. Insurance carriers do not use the same names for these policies, and coverage is generally negotiated to cover site-specific risks. Therefore, successful applicants and recipients are encouraged to work closely with EPA to ensure any policy to be purchased with EPA funds does not cover ineligible expenses. Ineligible expenses include, but are not limited to:

- paying for a penalty or fine;
- paying a federal cost share requirement (for example, a cost share required by another federal grant) unless there is specific statutory authority; and
- paying for a response cost at a brownfield site for which the recipient of the grant is potentially liable under CERCLA § 107.

G.7. As a local government, what program activities can be funded under the 10% provision of CERCLA?

Under section 104(k)(5)(C) of CERCLA, a local government may use up to 10% of the grant funds in two ways to develop and implement a brownfields program. These activities may include funds for 1) monitoring the health of populations exposed to one or more hazardous substances from a brownfield site, and 2) monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance from a brownfield site. Local government applicants/recipients may not exceed 10% in total for both types of activities planned, and the budget submitted as part of the application should reflect the tasks to be conducted with the 10% of funds.

G.8. What are pre-award costs?

EPA defines pre-award costs as costs incurred prior to the award date, but on or after the start date of the *Budget period* and *Period of performance* as those terms are defined in 2 CFR § 200.1. Under EPA's interpretation of 2 CFR § 200.308(g)(1) and 2 CFR § 1500.9, all eligible costs must be incurred during the budget/ performance period as defined by the start and end date shown on the grant award to receive EPA approval. Under 2 CFR § 200.458, pre-award costs must be incurred "…pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work." EPA interprets this provision to require that eligible pre-award costs be incurred after applicants for competitive funding receive notification of selection. Note, consistent with 2 CFR § 1500.9, EPA may reimburse successful applicants for eligible programmatic pre-award costs incurred up to 90 days prior to award.

The budget/project periods must be consistent with that shown in section 17 of the SF-424, the recipient's workplan, and EPA Notice of Award. If the start or end date is included in the SF-424 or workplan is incorrect, EPA will work with selected applicants with

eligible pre-award costs to modify the start or end date as needed prior to making the award.

Applicants incur pre-award at their own risk and EPA is not obligated to reimburse applicants for pre-award costs that are not included in the workplan and budget EPA approves. EPA has no obligation to reimburse unsuccessful applicants for pre-award costs. Selected applicants should discuss pre-award costs with their EPA Project Officer.

A common example of when applicants may use pre-award costs is for eligible travel expenses associated with brownfields-related training, such as the National Brownfields Training Conference. If a National Brownfields Training Conference is scheduled prior to the anticipated budget/project period start date, applicants may consider using pre-award costs to move up the budget/project period start date in their applications to overlap with the conference.

G.9. If my application is successful, will EPA reimburse me for eligible programmatic costs I incurred prior to the award?

It depends.

Under 2 CFR § 200.458, pre-award costs must be incurred "…pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work." EPA interprets this provision to require that eligible pre-award costs be incurred after applicants for competitive funding receive notification of selection.

Under 2 CFR § 1500.9, EPA may reimburse successful applicants for eligible programmatic pre-award costs incurred up to 90 days prior to award, even if the applicant did not request prior approval to incur pre-award costs provided the costs are eligible and allowable. For example, costs for contracts (including consultants) are allowable only if the contract was entered into in a manner that complies with the competitive procurement requirements in 2 CFR Parts 200 and 1500, and 40 CFR Part 33. If the Davis-Bacon prevailing wage requirements in CERCLA § 104(g) apply to any activities that were carried out prior to award, the recipient must comply with those requirements in order for the pre-award costs to be eligible. Selected applicants must include the pre-award costs in their final budget and workplan submitted to EPA and provide the date the pre-award costs were incurred.

Costs incurred more than 90 days prior to award require specific prior approval by an authorized EPA award official which may be provided at the time of award.

G.10. Can grant funds be used to pay for training for employees of the grant recipient?

Yes. Consistent with 2 CFR § 200.473, costs for grant recipient employee training are allowable and eligible if those costs are reasonable and allocable to tasks specified in the grant recipient's EPA-approved workplan. Training expenses should be incidental, less than 10% or less than $50,000, whichever is less, of grant funds awarded.

G.11. What grant activities cannot be paid for with Brownfield Grant funds?

Grant funds may not be used for the payment of:

- a penalty or fine;
- a federal cost share requirement consistent with 2 CFR § 200.306(b)(5) (i.e., a cost share required by other federal funds unless there is authority in another Federal statute to use Federal funds for cost share);
- an administrative cost, including all indirect costs and direct costs for grant administration in excess of five (5) percent of the total award amount (EPA grant plus, if applicable, the recipient's cost share), with the exception of financial and performance reporting costs (which are considered allowable programmatic costs and not subject to the 5% limitation);
- Direct costs for preparing the proposal for the Brownfield Grant.
- a response cost at a brownfield site for which the recipient of the grant or loan is potentially liable under CERCLA § 107;
- a cost of compliance with any federal law, excluding the cost of compliance with laws applicable to the cleanup; or
- unallowable costs (e.g., lobbying) under the 2 CFR Part 200, Subpart E Cost Principles.

G.12. What are other examples of ineligible uses of Brownfield Grant funds?

- Marketing brownfield properties for redevelopment (e.g., activities or products created specifically to attract buyers or investors);
- Area-wide zoning and/or design guideline development that is unrelated to advancing cleanup and reuse of brownfields in the project area;
- Area-wide master planning, community visioning, or comprehensive planning (including updating/writing such plans) that are unrelated to advancing cleanup and reuse of brownfields in the project area;
- Construction of buildings and other structures with the exception of construction that is necessary for site remediation. Land acquisition is not an eligible cost;
- Questionnaire design, distribution, or collection;
- Site-specific reuse planning for a site ineligible for Brownfield Grant funding (e.g., NPL sites, federal facilities, sites under CERCLA orders/consent decrees, etc.); and
- Projects that duplicate grants awarded under other EPA Brownfield Grant programs described in CFDA Nos. 66.818, "Brownfields Multipurpose, Assessment, Revolving Loan Funds, and Cleanup Grants," 66.815, "Brownfields Job Training Grant," other 66.814, "Brownfields Training, Research, and Technical Assistance Grants and Cooperative Agreements" or other federally-funded environmental training, research, or technical assistance programs in their target community or communities.

G.13. If I already started or created a brownfields inventory (e.g., with CERCLA 128(a) or municipal resources), how can I use that information when applying for EPA Brownfields competitive grants?

Having an inventory of your community's brownfield sites can be a good asset to use when

applying for EPA's Brownfields competitive grants. That information can help inform an applicant on where to target their resources, what their priority sites are, and other characteristics that may be relevant when responding to the Narrative Criteria Responses. However, please note that having a brownfields inventory is not necessary to apply for EPA Brownfields competitive grants.

G.14. Can I use grant funds for demolition activities?

Maybe. Only demolition that is necessary to address site contamination is an eligible and allowable cost.

The applicant/recipient must have an engineering analysis that supports a decision to demolish a structure in order to address the contamination. The engineering analysis should compare the cost and effectiveness of the available options (e.g., demolition vs. in situ remediation).

Demolition costs are rarely allowable for Assessment Grants. However, there may be unusual circumstances in which partial demolition of a structure may be necessary to determine whether a contaminant is present (e.g., asbestos), and if so, determine the extent of contamination. Again, an engineering analysis would be required to justify the use of Assessment Grant funds for partial demolition.

G.15. Can grant activities occur at a brownfield site that the applicant does not own?

It depends. Brownfields Multipurpose Grant and Cleanup Grant recipients and RLF subgrantees must own the property that will be remediated using grant funds. RLF borrowers are not required to own the site to remediate it. Other grant-funded activities, including assessment activities, do not require site ownership, but recipients must be able to ensure site access to perform the activities. If your organization collaborates with another entity that owns a site you wish to assess, that may be acceptable as long as you have site access, and the site is within your geographic boundary and/or jurisdiction. Site access for assessment activities does not necessarily require governmental "police power" but can be obtained via an agreement with the property owner.

PARTICIPANT SUPPORT COSTS

G.16. What are participant support costs?

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Grants Guidance or UGG) define Participant Support Costs at 2 CFR § 200.1 as: "…direct costs that support participants (see definition for Participant in § 200.1) and their involvement in a Federal award, such as stipends, subsistence allowances, travel allowances, registration fees, temporary dependent care, and per diem paid directly to or on behalf of participants." EPA regulations at 2 CFR § 1500.1 expand the definition of Participant Support Costs to include subsidies, rebates, and other payments to program beneficiaries to encourage participation in statutorily authorized environmental stewardship programs.

Participant support costs are allowable under all Brownfields Grants as provided at 2 CFR § 200.456. An applicant should clearly state in the application budget justification that the organization intends to use EPA funds for the specific participant support costs (e.g., stipends for attendees at community meetings, stipends for temporary dependent care, food, etc.). Participant support costs may also be approved in response to a post-award written request for approval from a recipient.

Participant support costs must be necessary to the goals of the project, for a reasonable amount, and be adequately documented through receipts. Note that the same costs must not duplicate support provided through other Federal, state, Tribal or local programs. Additional information is available in EPA's Guidance on Participant Support Costs.

G.17. How can a recipient use participant support costs to pay for a community liaison?

As stated in the Assessment Grant and Multipurpose Grant solicitations, recipients may use a portion of the grant for eligible participant support costs associated with a community liaison(s) identified in the application/workplan who is not an employee of the recipient. Recipients have the flexibility to directly select the person(s) who will serve as the community liaison(s), or they may choose to set up a more formal process to select a person among a pool of candidates. Below is sample information that could be included in advertising a formal process.

Position: Community Liaison – 1 year grant supported role; 10hrs/week

Funded by: $10K from the EPA Multipurpose Grant. Approved as a one-time sole-source or micro purchase to City of No More Brownfields.

The City of No More Brownfields will advertise and consider applications from at least 2-3 potential candidates.

Responsibilities of the Community Liaison

- To assist the City in community engagement and effective implementation of their EPA Multipurpose Brownfield Grant targeting the priority site.
- Attend regular meetings/phone calls with the City, EPA, and local partners related to EPA funded brownfield work.
- Support the connection and two-way communication between the City and the local community.
- To bring forward actions in the neighborhood/city comprehensive plans that could be supported by brownfield funding and/or further community input.
- Be a knowledgeable resource on all things related to the priority site.
- Support "pop-up" conceptual uses and other community engagement for the reuse of the priority site.
- Submit quarterly invoices and activity reports to the City.

Qualifications

- Resident of the City of No More Brownfields with strong ties to the neighborhoods in the target area.
- Knowledge of the target area community and history.
- Has experience potentially applicable to brownfields redevelopment, such as real estate, small business operations, hazardous material abatement, redevelopment financing, community organizing, etc.
- Being multilingual or comfortable working in a multilingual setting.
- Strong written and verbal communicator.

G.18. Can grant funds be used to cover stipends for people to attend a community meeting?

Yes. EPA's Guidance on Participant Support Costs provides that stipends for attendees at community meetings are allowable. "Examples of participant support costs in EPA financial assistance agreements include but are not limited to: costs paid directly to or on behalf of participants; stipends for interns, fellows, trainees, or **attendees at community meetings**; registration fees, training materials; temporary dependent care and travel assistance to non-employee program beneficiaries (e.g. travel assistance that nonprofit "co-regulator" organizations provide to State and Tribal workgroup members), including per diem; and stipends and other incentives paid to participants in research experiments, focus groups, surveys or similar research activities." See FAQ G.16. for additional information.

Stipends for community attendees as a participant support cost should be included as a separate line item in the budget justification/table in the "Other" budget category.

G.19. Are stipends for temporary dependent care for community meeting attendees allowable participant support costs?

Yes. **Temporary dependent care** expenses necessary to encourage attendance at community meetings or charrettes may be eligible participant support costs.

Although under 2 CFR § 200.432, *Conferences*, costs of providing dependent care for meeting attendees is generally unallowable, the regulation provides that exceptions may be made for children's programs when the costs are allowable under 2 CFR § 200.456, *Participant support costs*. EPA's Guidance on Participant Support Costs provides that stipends for attendees at community meetings are allowable. See FAQ G.16. for additional information.

Temporary dependent care stipends as a participant support cost should be included as a separate line item in the budget justification/table in the "Other" budget category.

G.20. Can grant funds be used to pay for food provided at community meetings?

Yes. Participant support costs allow recipients to provide food (light refreshments and/or meals) to participants at community meetings subject to the requirements of the General Terms and Conditions "Light Refreshments and/or Meals."

However, where to categorize the estimated costs in the budget depends on how the applicant intends to provide the food. If an applicant intends to hire a caterer to supply the food, the

costs would be placed in the "Contractual" category. If the meeting venue provides the food as part of the lease for the facility, the costs are included in the "Other" category.

G.21. What is the maximum amount in stipends that can be paid to program participants?

As provided in 2 CFR § 200.403, participant support costs must be reasonable and conform to any limitations applicable to the EPA award. EPA considers stipends that exceed the amount allowable for individual consultants described in 2 CFR § 1500.10(a) to be unreasonable. Recipients must explain how they determined that the amounts for stipends are reasonable and reflect the benefit of the program.

H. SITE ELIGIBILITY

H.1. What happens if my site is only partially eligible?

While an applicant may not substitute a site, if EPA determines only a portion of the site is not eligible, EPA may provide partial funding. The eligible portion of the site will be forwarded for national ranking review, and EPA will notify the applicant which portion is ineligible during the threshold review process. If the eligible portion of the site is selected for funding, the applicant may be awarded partial funding for the eligible portion of the site.

H.2. What types of acquisitions by Units of State and Local Government are NOT exempt from CERCLA liability under Section 101(20)(D)?

Acquisitions through purchase, inheritance or bequest, or gift or donation, will not be treated as exempt under Section 101(20)(D). However, these units of government may still be able to establish an innocent landowner or bona fide prospective purchaser defense to CERCLA liability.

Section 101(20)(D) exempts units of State and local government from owner or operator liability if ownership or control of a property was acquired by specific circumstances listed in the statute as well as "by virtue of [the governmental unit's] function as sovereign." Common governmental property acquisitions of this nature may include:

- Tax delinquency and tax lien foreclosures
- Some transfers between governmental units
- Tax increment financing transactions
- Escheat
- Holding an unexercised right of way
- Demolition lien foreclosure
- Foreclosure while administering a government loan, loan guarantee, or loan insurance program
- Acting as a conservator or receiver under a clear and statutory mandate or regulatory authority

H.3. Are properties on lands held in trust by the Federal government for Indian Tribes eligible for Brownfield Grant funding?

EPA has not considered Indian Tribes to be liable under CERCLA and, therefore, Tribes are exempt from demonstrating that they meet the requirements of a CERCLA liability defense to be eligible for a Brownfield Grant to address sites contaminated with hazardous substances. For sites contaminated with petroleum, the Tribal entity must submit to EPA the information required for a site eligibility determination (as outlined in the Guidelines). Contact your Regional Brownfields Contact for further information.

H.4. Are RCRA sites eligible for Brownfield Grant funding?

Some Resource Conservation and Recovery Act (RCRA) sites may be eligible. RCRA facilities that may be eligible for Brownfield Grant funding (subject to meeting all other Brownfield Grant eligibility requirements) include:

- RCRA interim status facilities that are not subject to any administrative or judicial order or consent decree;
- RCRA interim status facilities that are subject to administrative or judicial orders or consent decrees that do not include corrective action requirements or any other cleanup provisions (e.g., RCRA § 3008(a) orders without provisions requiring the owner/operator to address contamination); and
- parcels of RCRA facilities that are not under the scope of a RCRA permit or administrative or judicial order to conduct corrective action.

Facilities subject to an administrative or judicial order or consent decree, facilities with permits issued under the authorities of RCRA, Toxic Substances and Control Act (TSCA), and the Safe Drinking Water Act (SDWA), as well as facilities with permits issued under section 1321 of the Clean Water Act (the oil and hazardous substance liability provisions), are excluded from the definition of a brownfield site but **may be eligible for funding if EPA makes a property-specific determination**. Without a property-specific determination provided in CERCLA § 101(39)(C), these specified RCRA facilities cannot receive grant or loan funding. Please review the FAQs in Section I. on property-specific determinations.

H.5. Are former military installations that have been closed and subsequently turned over to local and/or State governments or nonprofit organizations eligible for funding?

Yes. Generally, former military installations that are no longer owned or under the custody or control of the U.S. government, including properties that have been closed and subsequently turned over to State or local governments or nonprofit organizations, may be eligible for Brownfield Grant funding. For example, the following types of facilities may be eligible for funding:

- privately-owned, Formerly Used Defense Sites (FUDS);
- privately-owned, Formerly Utilized Sites Remedial Action Program (FUSRAP); properties; and
- other former federal properties that have been disposed of by the U.S. government.

Facilities owned by, or under the custody or control of the federal government **are not eligible**

for funding with the exception of land held in trust for an Indian Tribe. Applicants/recipients should contact their Regional Brownfields Contacts for additional information.

I. PROPERTY-SPECIFIC DETERMINATIONS

I.1. Why do some sites require property-specific determinations to be eligible for funding?

Congress specifically prohibited certain types of sites from the definition of "brownfield site" in CERCLA § 101(39)(B) and, therefore, from being eligible for Brownfield Grant funding. However, Congress allowed consideration for funding some of those excluded sites if an eligibility determination was made specific to that site. In keeping with this prohibition, property-specific brownfield funding determinations will be made based upon the availability of funding and the extent to which applicants can provide documentation that funding for particular sites will protect human health and the environment, **and** promote economic development **or** the creation, preservation, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

I.2. How do I know if a site identified for funding requires a property-specific determination?

Grant applicants/recipients must determine if any of the properties, or facilities, proposed for funding require a property-specific determination. Although excluded from the definition of a brownfield site, certain types of properties are eligible for Brownfield Grant funding if a property-specific determination is made that funding for assessment or cleanup activities will meet the criteria set forth in the statute and meet the goals and criteria of the Brownfields and Land Revitalization Program. These types of properties include the following below.

1) Properties subject to planned or ongoing removal action under CERCLA.
2) Properties that include facilities subject to an administrative or judicial order or consent decree, or to which a permit has been issued by the U.S. or authorized state, under RCRA, FWPCA, TSCA, or SDWA.
3) Properties that include facilities subject to RCRA orders requiring corrective action (§ 3004(u) or § 3008(h)).
4) Properties that are land disposal units that have submitted a RCRA closure notification or that are subject to closure requirements specified in a closure plan or permit.
5) Properties where there has been a release of PCBs and all or part of the property is subject to TSCA remediation.
6) Properties receiving monies for cleanup from the LUST trust fund.

Cleanup grant applicants must determine whether the property or properties that are the subject of their application fall within the scope of one or more of the exclusions listed above. In their grant application, applicants should identify which funding exclusion is applicable to their property and describe why each property falls within that exclusion. Current recipients must coordinate with their EPA Project Officer to determine if a site proposed for funding falls within the category of exclusions. Please see *Information on Sites Eligible for Brownfields*

Funding Under CERCLA § 104(k) for more information on each of these exclusions.

I.3. What sites are <u>not</u> eligible for property-specific determinations?

CERCLA, as amended, excludes the following three types of properties from funding eligibility and prohibits EPA from making property-specific determinations on these properties:

1) facilities listed (or proposed for listing) on the National Priorities List (NPL);
2) facilities subject to unilateral administrative orders, court orders, administrative orders on consent or judicial consent decrees issued to or entered into by parties under CERCLA; and
3) facilities that are 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 generally eligible** for Brownfield Grant funding.)

I.4. Who makes the property-specific determination on whether a site is eligible for funding?

For applicants, a determination of eligibility for or exclusion from funding will be made by EPA at the time of application evaluation based upon information provided by the applicant. To aid EPA in making this determination, if one or more properties that are the subject of a grant application fall within the scope of any of the types of properties listed above in FAQ I.2., the grant application must specifically identify the properties, identify the applicable funding exclusion from the list above in FAQ I.2., and describe why each property falls within that exclusion (e.g., RCRA permit for hazardous waste storage, CERCLA removal action on-going, etc.). Current recipients must coordinate with their EPA Project Officer to determine if a proposed for funding site falls within the category of exclusions.

I.5. What characteristics of a site does EPA look for in order to make a property-specific determination for Brownfield Grant funding eligibility?

The types of sites listed in FAQ I.2. may qualify for funding if EPA makes a property-specific determination that funding will protect human health and the environment **and** will either promote economic development **or** the creation, preservation, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

I.6. What information must I include if a site proposed for funding requires a property-specific determination?

If an applicant includes a property that requires a property-specific determination within the scope of a grant application, the application must include, on a separate page, the information below (to the extent this information replicates information requested elsewhere in the application, the applicant may directly copy the text to this page). Current recipients must provide similar information to their EPA Project Officer.

1) Basic site identification information and eligible entity identification information.

2) The specific circumstance that requires the grant recipient to request a property-specific determination.
3) A short explanation of why the site falls within the identified circumstance requiring the property-specific determination.
4) An explanation of how providing funding for the site will meet the criteria necessary for making a property-specific determination. See below for a description of the necessary criteria to address.
5) The degree to which other funding is or is not available for the assessment or cleanup of the site.
6) An explanation of whether or not the applicant/recipient is responsible for the contamination at a site.

Grant applications for Brownfield Grant funding that include, within the scope of planned assessment or cleanup activities, sites, properties, or facilities that potentially fall within any of the funding exclusions listed above, should specifically identify such circumstances and explain, in as much detail as possible, why the availability of funding will protect human health and the environment **and** promote economic development **or** the creation or preservation of greenspace (or other listed objectives). Information provided in addressing these criteria will be used in documenting EPA's decision in making property-specific determinations for funding eligibility.

1. **Protection of Human Health and the Environment**
   For each site requiring a property-specific determination, applicants must explain, in detail, how financial assistance for brownfields assessment or cleanup activities will ensure the protection of human health and the environment. This explanation should include one or more of the following:
   - Specific examples of human health risks that will be mitigated by activities funded under a Brownfield Grant.
   - Specific environmental improvements that can reasonably be expected to result from activities funded under a Brownfield Grant.
   - Specific examples of contamination that will be addressed, including the specific hazardous substances, pollutants, or contaminants of concern and the environmental media that will be addressed.
   - Description of how the proposed cleanup and redevelopment of the property will ensure that the property will be protective of human health and the environment and that the remedy will be both protective and consistent with the planned reuse of the property.

2. **Promote Economic Development or the Creation of, Preservation of, or Addition to Parks, Greenways, Undeveloped Property, other Recreational Property, or Other Property Used for Nonprofit Purposes**
   If Brownfield Grant funding will be used to **promote economic development**, the applicant/recipient should include information such as the items below.

- A description of economic development activities that can reasonably be expected to occur as a result of funding (e.g., number of jobs created, estimated increase in the property and/or profits/sales tax base to the community, additional business expansion or new business relocation that may occur within the community).
- A description of how the redevelopment of the brownfield property will contribute to community-wide redevelopment and revitalization plans with a specific emphasis on how funding for the brownfields redevelopment is integral to the success of the community-wide plan.
- A description of new businesses or business expansions that are planned for the brownfield property.

If funding will be used to **preserve or create greenspace, recreational areas, undeveloped property, or property to be used for nonprofit purposes**, the applicant/recipient should provide specific documentation of these activities, such as the items below.

- A description of the proposed park, recreational property, greenspace, undeveloped space, or another type of property to be used for nonprofit purposes, including size, use, and surrounding environment that will be preserved or created as a result of funding.
- A description of how the property will be used and by whom.
- A description of how the property will be integrated with surrounding properties or environments.
- A description of how the property will be maintained or preserved for its continued use as a greenspace, recreational area, etc.

When documenting compliance with these criteria, applicants may copy information provided elsewhere in their application, if such information directly addresses the criteria. However, all documentation must be comprehensive and specific to actual events that will be mitigated or can reasonably be expected to occur as a result of federal Brownfield Grant funding, should the applicant receive funding.

I.7. What happens if I accidentally include an ineligible site in my application or I didn't realize I needed a property-specific determination?

Applicants that identify a specific site in the application may not substitute sites if EPA determines the site is not eligible. EPA may provide applicants with a limited opportunity to clarify site eligibility issues during the application process. If EPA has reason to believe a site that falls in the "excluded" category is eligible for a property-specific determination, EPA may seek clarification from the applicant before making that determination. EPA strongly encourages applicants to evaluate their site against the information provided in the *Information on Sites Eligible for Brownfields Funding Under CERCLA § 104(k)*. In addition, applicants should contact their Regional Brownfields Contact for pre-application assistance on site eligibility. EPA may clarify eligibility issues; however, if the site is found to be ineligible, the application may fail if it was based on that particular single site.

J. ASSESSMENT GRANTS

J.1. What are examples of eligible tasks and activities under Assessment Grants?

Assessment Grants are primarily intended to conduct environmental site assessments (ESAs), however, there are other allowable activities that may be conducted with Assessment Grant funds. Assessment Grant recipients may use their funds for the following activities:

- Inventory activities, such as surveying sites, creating lists or databases of brownfield properties;
- Monitoring activities, such as installation of temporary sampling groundwater monitoring wells, a local government may use up to 10% of its grant funds for monitoring the health of populations exposed to a hazardous substance from a brownfield site;
- Initial site investigation activities, such as a Phase I environmental site assessment as defined by ASTM standard E1527-21 or those contained in the All Appropriate Inquiry Final Rule;
- Site characterization activities to determine risks posed to human health or nature and extent of contamination from a brownfield site; including the development of site-specific Quality Assurance Plans, Sampling and Analysis Plans or Field Sampling Plans;
- Planning activities, e.g., market feasibility studies, area-wide, or community planning activities may be conducted in support of redevelopment and revitalization of the target community area (see Eligible Planning Activities);
- Community Outreach, including social media platforms on the brownfield sites being assessed and public meetings to provide the public opportunities to participate in decision-making aspects of cleanup redevelopment options; and
- Participant support costs, including costs associated with a community liaison(s) who is not an employee of the recipient or an employee of an assessment coalition non-lead member's organization (See the FAQs on participant support costs and EPA's Guidance on Participant Support Costs.)

Eligible programmatic costs may also include:

- Costs associated with meeting community notification, public participation, and programmatic management requirements;
- Costs associated with determining whether assessment activities at a particular site are authorized under CERCLA § 104(k);
- Costs for ensuring that assessment complies with applicable requirements under federal and State laws or other cross-cutting requirements such as the National Historic Preservation Act or the Endangered Species Act;
- Costs associated with entering a site into a State Voluntary Cleanup Program (VCP) or other State cleanup program when State law/rules/policy/guidelines provide that the

site may be enrolled in the VCP at the pre-cleanup stage because the State wants to be engaged with the Phase II environmental site assessment and cleanup planning process;

- Costs associated with conducting site assessments under State Voluntary Cleanup Programs (VCPs) or other State cleanup programs; and
- Costs associated with the purchase of insurance required to carry out the assessment, such as workman's comp insurance.

J.2. Do assessment activities include the production of reports including Phase I, Phase II, and the trenching, boring, and testing?

Yes - assessment activities include the above-listed items. In general, conducting an assessment is the process of evaluating whether contamination is present and the extent of that contamination prior to cleanup. Assessment activities can also include evaluating alternatives as the extent of the contamination is determined. However, once an alternative has been selected, ensuing activities no longer are considered assessment activities.

J.3. Does redevelopment planning include obtaining a brownfields covenant not to sue, a feasibility study to use for community involvement, and the legal and project manager costs of rezoning if needed?

Assessment Grant funding is appropriate for a study on community involvement. Costs associated with securing a covenant not to sue or rezoning are not allowable costs under Assessment Grants.

J.4. Is there a limit on how much Assessment Grant funding can be used at one site?

It depends. For Assessment Grants funded with EPA's regularly appropriated funding (e.g., FY27 Community-wide Assessment Grants, Assessment Coalition Grants, and Community-wide Assessment Grants for States and Tribes), the cost of site-specific activities carried out at each approved, eligible site may not exceed $200,000 per site. As provided in CERCLA § 104(k)(5)(A)(i)(II), EPA may approve a waiver that allows recipients to use up to $350,000 per site based on the anticipated level of contamination, size, or status of ownership of the site. See J.5. for details.

For previously awarded Assessment Grants funded by the Infrastructure Investment and Jobs Act, the law provides direction on site limits, allowing site-specific activities carried out at each approved, eligible site to exceed $200,000. Existing recipients may refer to their cooperative agreement Terms and Conditions or contact their EPA Project Officer to confirm if the $200,000 site-specific activity limit per site applies.

Regardless of the type of funding used for the award, EPA will determine site eligibility after the grant is awarded and throughout the project period.

J.5. The expected environmental site assessment will cost more than $200,000. Can I request additional funding?

The CAR is responsible for ensuring that funding received under its Assessment Grant does not exceed the statutory $200,000 funding limitation for an individual brownfield site. The CAR may request a waiver of the $200,000 funding limitation based on the anticipated level of contamination, size, or status of ownership of the site. Waiver of this funding limit for a brownfield site must be submitted to and approved by the EPA Project Officer prior to the expenditure of funding exceeding $200,000. In no case may funding for site-specific activities exceed $350,000 on a site receiving a waiver.

J.6. Which eligible site-specific activities are subject to the $200,000 limit per site per Assessment Grant?

Eligible site-specific assessment activities subject to the $200,000 limit include Phase I and Phase II environmental site assessments, and equivalent reports such as underground storage tank reports, asbestos surveys, lead paint surveys, etc. Site-specific cleanup and reuse planning, developing an ABCA, and other activities directly related to a specific brownfield site are also subject to the $200,000 limit. See FAQ M.4. for additional details on what is considered site-specific work.

Eligible activities that are not considered site-specific and are not subject to the $200,000 limit include compiling an inventory of sites, prioritizing sites, conducting general community involvement, and producing an overall plan for revitalization.

ASSESSMENT COALITIONS

J.7. What are Assessment Coalitions and what requirements must an Assessment Coalition meet?

Assessment Coalitions are designed for one "lead" eligible entity to partner with two to four "non-lead" eligible entities that do not have the capacity to apply for and manage their own EPA cooperative agreement.

The lead coalition member submits an Assessment Coalition Grant application on behalf of itself and the other members for assessment work that will be performed within the geographic boundaries of the non-lead coalition members. The lead coalition member and each non-lead member must identify and plan to conduct work in separate target areas. The coalition may request up to **$1,000,000** to assess a **minimum of two** hazardous substance and/or petroleum sites in each coalition member's geographic boundary.

The grant recipient (lead coalition member) **must apply for and** administer the grant, be accountable to EPA for the proper expenditure of the funds and be the point of contact for the other non-lead coalition members. A **Memorandum of Agreement** (MOA) documenting the coalition's site selection process must be in place prior to the expenditure and draw down of any funds that have been awarded to the lead coalition member. It is up to the coalition to agree internally on the distribution of funds and the mechanisms for implementing the assessment work.

J.8. What does the Assessment Coalition Memorandum of Agreement (MOA) contain? How do I obtain a copy of a sample MOA?

The MOA is a simple agreement that all coalition members must sign prior to the expenditure of any awarded assessment funds. The MOA provides all members' contact information, how often the members will meet, how many sites the coalition will assess, how many Phase I and II environmental site assessments the members will perform, and other specifics on the management of contractors, community involvement plans, and site prioritization.

A Model MOA Template is posted on the EPA Brownfields website at www.epa.gov/system/files/documents/2025-04/fy2009moa.pdf.

J.9. Can the lead Assessment Coalition member be replaced with another eligible entity after the application is submitted?

No. The lead entity cannot be replaced with another eligible entity after the application is submitted to EPA. Additionally, the lead member must partner with the other non-lead coalition members that were named in the grant application. EPA will evaluate the lead coalition member's Assessment Grant application based on the composition of the coalition as described in the application. Lead coalition members should contact their EPA Project Officer if concerns arise regarding other non-lead coalition members.

J.10. If I am the lead member of an active Assessment Coalition Grant, am I eligible to apply for an Assessment Grant?

Maybe. The lead member of an active Assessment Coalition Grant is the "recipient" that administers the grant, is accountable to EPA for the proper expenditure of funds, and is the point of contact for the non-lead coalition members. The lead coalition member may only apply for a Community-wide Assessment Grant or another Assessment Coalition Grant, if the entity/recipient has drawn down and disbursed at least 70.00% of the existing Assessment Coalition Grant funding by **October 1, 2026**. If the lead member is eligible and applies for a Community-wide Assessment Grant for States and Tribes, then that entity does not need to meet the 70.00% drawdown requirement.

J.11. If I am a non-lead member of an active Assessment Coalition Grant (i.e., but not the direct recipient of the cooperative agreement), am I eligible to apply for an Assessment Grant?

Yes. A non-lead member of an active Assessment Coalition Grant, that is not the direct cooperative agreement recipient, may apply for a Community-wide Assessment Grant, Community-wide Assessment Grant for States and Tribes, or another Assessment Coalition Grant (as the lead or as a non-lead member) as long as it meets the threshold requirements outlined in the Guidelines. For purposes of these grants, EPA defines "recipient" as the entity that administers the grant, is accountable to EPA for the proper expenditure of funds, and is the point of contact for the non-lead coalition members.

J.12. Can a city and a redevelopment agency from the same city be coalition members even though they are from the same city?

Yes, provided the city and the redevelopment agency are separate legal entities under State and local law, and that the redevelopment agency is not otherwise an instrumentality of the city, and meets the definition of an eligible entity as described in the Assessment Grant Guidelines. The IRS provides guidance on determining whether organizations are instrumentalities of units of government which provides in pertinent part:

> An instrumentality is an organization created by or pursuant to State statute and operated for public purposes. Generally, an instrumentality performs governmental functions, but does not have the full powers of a government, such as police authority, taxation and eminent domain. A wholly-owned instrumentality of one or more States or political subdivisions is treated as a State or local government employer for purposes of the mandatory social security and Medicare provisions and also applies to entities covered under Section 218 of the Social Security Act. ... In Revenue Ruling 57-128, the IRS addressed the question of whether an organization is wholly-owned by one or more States or political subdivisions. In making this determination, the following factors are taken into consideration:
>
> - Whether it is used for a governmental purpose and performs a governmental function subdivisions.
> - Whether there are any private interests involved, or whether the States or political subdivisions involved have the powers and interests of an owner.
> - Whether control and supervision of the organizations is vested in public authority or authorities.
> - Whether express or implied statutory or other authority is necessary for its creation and/or use of the instrumentality, and whether such authority exists.
> - The degree of financial autonomy and the source of operating expenses.
>
> Schools, hospitals, and libraries, as well as associations formed for public purposes, such as soil and water conservation, may be instrumentalities, depending on the facts and circumstances. State sponsorship of an organization, State regulation of its activities, the participation of its employees in a public retirement system and operation with public funds are among the factors to be considered in determining whether an organization is an instrumentality. If an organization is essentially under private ownership and control, it is not an instrumentality.

Note: Assessment Coalitions are designed for the "lead" entity to partner with entities that have limited capacity to manage their own EPA cooperative agreement.

Additionally, as required in the Assessment Grant Guidelines, the target areas identified in the application for each coalition member may not overlap and must be in at least three distinct municipalities or jurisdictions (e.g., town, city, or Tribe).

J.13. Can two separate State agencies in the same State be members of the Assessment Coalition?

No. Two State agencies cannot be coalition members if they are components of the State government that are subject to direct control of the governor such as environmental agencies, transportation agencies, health departments, parks and recreation departments, and departments of commerce. Other entities created by the State legislature such a regional planning commissions that are not subject to the direct control of the governor can be coalition members along with a State agency.

J.14. Can two separate parts of a municipal government be Assessment Coalition members? For example, can the City Parks and Recreation Department and the City Economic Development Agency come in with another eligible entity as a coalition for an Assessment Grant?

No. Two municipal agencies that are part of the same unit of local government cannot qualify as coalition members.

J.15. If a Council of Government (COG) is applying for an Assessment Coalition Grant, can the cities/towns that are part of the COG's geographic service area but not part of the COG's coalition apply separately for their own Assessment Coalition Grant?

Yes. The COG and the cities/towns are separate legal entities that are independently eligible for Assessment Grants. Although the cities/towns are within the COG's geographic service area, they are not members of the COG's Assessment Coalition and are therefore eligible to apply separately for their own Assessment Coalition Grant.

J.16. Can the geographic boundaries of the coalition members overlap?

Yes. The lead member must identify at least one target area within the geographic boundary(ies) described in the Narrative it plans to target with the grant funds, as well as identify at least one target area in each non-lead member's geographic boundary(ies). Those geographic boundaries can overlap (i.e., cover the same geographic area); however, the target areas may not overlap. The target areas must be in at least three distinct municipalities or jurisdictions (e.g., town, city, or Tribe).

J.17. What are some examples of how an applicant may meet the requirement for the target areas to be in at least three distinct municipalities or jurisdictions (e.g., town, city, or Tribe)?

Below are several examples of target area arrangements to help clarify what is or is not acceptable:

Example 1 (acceptable): A county applies as the lead coalition member with City A and a 501(c)(3) nonprofit organization as non-lead coalition members. The first target area is in City A, the second target area is in City B, and the third target area is in a third city within the county leading the coalition.

Example 2 (NOT acceptable): A city applies as the lead coalition member with two 501(c)(3) nonprofit organizations as non-lead members. The target areas are located in three different neighborhoods within the city leading the coalition. This arrangement is not acceptable because the three neighborhoods are within the jurisdiction of only one city.

Example 3 (encouraged to confirm eligibility with EPA): A county applies as the lead coalition member with two 501(c)(3) nonprofit organizations as non-lead coalition members. The target areas are located in three different census-designated places within the county leading the coalition.

For areas where there is no unit of local government or jurisdiction smaller than a county, EPA may accept target areas in at least three census designated places for the purposes of meeting this requirement. A census designated place is a statistical geography representing closely settled, unincorporated communities that are locally recognized and identified by name. Prospective applicants are encouraged to contact the Regional Brownfields Contact listed in Section 1.E. of the Guidelines to ensure the coalition arrangement is eligible for funding prior to submitting the application.

J.18. Threshold criterion 2.B.3. requires that "The coalition must include at least one non-lead member that has never received an EPA Brownfields MARC Grant, or at least one non-lead member whose most recent EPA Brownfields MARC Grant closed in 2015 or earlier." If an entity has been a non-lead coalition member of another Assessment Coalition Grant (i.e., not the direct recipient of the grant), can they still meet this requirement?

Yes. For purposes of these grants, EPA defines "recipient" as the entity that administers the grant, is accountable to EPA for the proper expenditure of funds, and is the point of contact for the non-lead coalition members. If an entity has been or is currently a non-lead member of an Assessment Coalition, but has never been the direct recipient of a Brownfields MARC Grant, they can meet this requirement.

J.19. Threshold criterion 2.B.4. requires that "For an entity (i.e., a city, town, etc.) with a geographic boundary that does not encompass the geographic boundaries of the non-lead members, identify the relevant law(s), ordinance(s), or other documentation to demonstrate the lead member has legal authority to expend grant funds outside of their geographic boundary." What are some examples of documentation that would meet this requirement?

EPA will accept a copy of or reference to an established law(s) or ordinance(s) that demonstrates that the applicant can legally spend funds outside of their geographic boundary (i.e., in their non-lead members' geographic boundaries). If an entity (e.g., a 501(c)(3) nonprofit organization) does not have an established law(s) or ordinance(s) demonstrating this, they should include a copy of their bylaws, articles of incorporation, and/or other documentation that indicates the entity can expend funds outside of their geographic boundary. If no documentation can be identified that clearly confirms this, the applicant should attach a legal opinion from counsel to their application to attest that they can expend funds outside of

their geographic boundary. Note that proposed laws or ordinances or draft bylaws that have not been enacted or finalized by the application deadline may not be accepted.

COMMUNITY-WIDE ASSESSMENT GRANTS FOR STATES AND TRIBES

J.20. Applicants are requested to highlight at least five sites that are a priority, including at least one site in each target area. Does that mean two of the priority sites can be located outside of the identified target areas?

No. The request is for applicants to discuss priority sites within the identified target areas. Therefore, one (or more) of the target areas will include more than one priority site.

For example,

- Target Area A has priority site 1
- Target Area B has priority site 2
- Target Area C has priority sites 3, 4, and 5

J.21. What information should be provided if the State (including the District of Columbia and U.S. Territories) does not have metropolitan statistical areas or only has metropolitan statistical areas?

EPA has advised that "an application from a State entity/territory (i.e., not from a Tribe or eligible Tribal entity) will be evaluated on the extent to which at least one target area is in a metropolitan statistical area and at least one target area is in a non-metropolitan statistical area. (*Note, a response will be evaluated less favorably if all of the target areas are in metropolitan statistical areas or if all of the target areas are in non-metropolitan statistical areas.)"*

Information available to EPA indicates that the following States/territories only have metropolitan statistical areas (MSAs) or do not contain any MSAs.

States/Territories with only MSAs

1. District of Columbia
2. New Jersey
3. Rhode Island

States/Territories with no MSAs

1. American Samoa
2. Guam
3. Northern Mariana Islands
4. U.S. Virgin Islands

Entities that are listed above "will be evaluated on the extent to which at least one target area is in an area with a higher population density and at least one target area with a lower population density. *(Note, a response may not earn full points if all of the target areas are in areas with higher population densities or if all of the target areas are in areas with lower population densities.)*" For example, applicants should discuss their plan to target at least one area that is

more populated (compared to other areas in the state/territory) and target at least one area that is less populated (as compared to other areas in the state/territory).

Applicants that find it challenging to satisfy the criterion and would prefer not to submit an application for a Community-wide Assessment Grant for States and Tribes (up to $1,000,000) may choose to instead apply for a Community-wide Assessment Grant (up to $500,000) or an Assessment Coalition Grant (up to $1,000,000). Applicants that apply for a Community-wide Assessment Grant or an Assessment Coalition Grant will not be evaluated on whether the target areas are in metropolitan statistical areas.

K. REVOLVING LOAN FUND GRANTS

[For guidance to help RLF cooperative agreement recipients with the management of their RLF programs, please see the RLF Program FAQs here: www.epa.gov/brownfields/rlf-program-frequently-asked-questions-faqs].

K.1. Are Revolving Loan Fund Grants available in the FY27 competition?

Yes, RLF Grants are available for eligible entities who **do not have an open cooperative agreement** (an open cooperative agreement is one in which the Period of performance as defined in 2 CFR § 200.1 has not ended) **or are not a non-lead coalition member in an open cooperative agreement** for a Brownfields RLF at the time of application.

K.2. If I am a previous recipient or non-lead coalition member of one or more Brownfields RLF Grants, can I apply for a new RLF Grant in the FY27 competition?

It depends. For purposes of these grants, EPA defines "recipient" as the entity that administers the grant, is accountable to EPA for the proper expenditure of funds, and is the point of contact for the non-lead coalition members. The answer to this question is dependent on the circumstances as described below.

If the period of performance has ended for the cooperative agreement(s) associated with the Brownfields RLF Grant(s), then **yes**, the recipient and non-lead coalition member are eligible to apply for a new RLF Grant, regardless of whether the recipient and non-lead coalition member have an open closeout agreement associated with a Brownfields RLF Grant. In this case, the recipient and non-lead coalition member can apply for an RLF Grant together or separately.

If the period of performance for the cooperative agreement(s) associated with the Brownfields RLF Grant(s) has not ended (i.e., the recipient and/or non-lead coalition member have an open RLF cooperative agreement), then **no**, the recipient and non-lead coalition member are not eligible to apply for a new RLF Grant.

EPA expects to solicit requests from existing, high-performing RLF Grant recipients for supplemental funding in Fiscal Year 2027. Therefore, grant recipients with an open cooperative agreement will be given the opportunity to request additional funding to capitalize their RLF program through the Brownfields and Land Revitalization Program's annual, non-

competitive, supplemental funding process. Beginning in FY23, instead of extending the existing RLF cooperative agreement period of performance with supplemental funding, EPA may choose to award a new RLF Grant to especially high-performing grant recipients who meet specific criteria, such as having performed their open RLF cooperative agreement for at least 12 years. If a grant recipient does not receive a new RLF Grant through the supplemental funding process, the grant recipient can apply for a new RLF Grant in the next biennial competition after their cooperative agreement is closed out.

Additional information on the timing, requirements, and procedures for supplemental funding requests will be available on EPA's Brownfields RLF Program website.

K.3. As an RLF Grant recipient, can I issue intra-governmental loans?

Yes, RLF Grant recipients may make intra-governmental loans. An intra-governmental loan is a direct loan by the recipient to a branch or department within its own governmental unit. For an intra-governmental loan, standard loan eligibility restrictions apply, but the fund manager must also demonstrate the following:

- Establish that the borrowing entity has the legal authority to enter into a legally binding obligation to repay (for example, a memorandum from the city's legal counsel citing the statutory authority or a city council resolution that obligates the repayment from a particular funding source). The obligation to repay must be more than a "moral" obligation to repay or a simple unenforceable "promise" to do so.
- Ensure that there is an identifiable source of income/repayment, such as pilot (payment in lieu of taxes) funds, proceeds from tax increment financing (TIF), or funding from the sale, rent, or lease payments of the property.
- Identify an enforcement entity that can ensure that the loan is repaid. For example, the comptroller's office of the recipient can help avoid potential conflicts of interest.

If a fund manager chooses to make an intra-governmental loan, borrower eligibility requirements would apply and the substantive terms of the agreement must be reviewed by EPA's Project Officer. Please note intra-governmental loans are not eligible for loan forgiveness.

K.4. As an RLF Grant recipient, can I issue intra-governmental cleanup subgrants?

No. Cleanup subgrants, unlike loans, may **not** be made by the RLF Grant recipient within the same governmental entity that receives the RLF Grant (e.g., one department of a city government cannot "subgrant" to another department of the same governmental entity). However, RLF Grant recipients may choose to apply to EPA separately for a Cleanup Grant. RLF Grant recipients may also make subgrants to different eligible governmental entities as well as nonprofit organizations.

K.5. If I am a non-lead member of an active RLF Coalition Grant, but am not the direct recipient of the RLF cooperative agreement, am I eligible to apply for an RLF Grant?

No, see FAQ K.2.

K.6. Can I apply as part of an RLF Coalition Grant application, as well as for an individual RLF Grant application?

No. You can either join an RLF Grant Coalition as a non-lead member OR apply for an individual RLF Grant, but may not apply for both in the same grant competition cycle. A non-lead coalition member wishing to apply as a separate applicant must withdraw from the coalition to be eligible for individual RLF Grant funds.

K.7. How much of the RLF award amount must be used for loans?

At least 50% of the total award amount (i.e., EPA funds for the RLF Grant plus the recipient's cost share) must be used to provide loans for the cleanup of eligible brownfield sites and for associated eligible programmatic costs. For example, if EPA awards $1,000,000 to an applicant and the applicant's cost share is $200,000 (20%), the total award amount is $1,200,000. Therefore, at least 50% of the total award amount (i.e., at least $600,000) must be used to provide loans for the cleanup of eligible brownfield sites and associated eligible programmatic costs.

K.8. Can the geographic boundary of an RLF Grant cross multiple State and EPA Regional boundaries?

Yes, an RLF Grant (or for that matter, a Multipurpose, Assessment, or Cleanup Grant) can cross State and EPA Regional boundaries as long as the recipient has the authority to carry out the activities described in the scope of work for the grant in multiple States and can ensure site access. The applicant proposing to carry out the grant activities in multiple States must demonstrate that it (or members of its coalition) has:

- The requisite authority: Authorities of units of local government are typically limited to their jurisdictions. However, there are interstate organizations established via compacts among States that can undertake activities in multiple States (e.g., Councils of Government comprised of local governments in multiple States). In addition, nonprofit organizations do not have a "jurisdiction" in the governmental sense and can operate in multiple States as long as their corporate charter is broad enough and they comply with any registration requirements in the States they operate.
- A means of obtaining site access: Site access does not necessarily require governmental "police power" but can be obtained via an agreement with the property owner.

L. CLEANUP GRANTS

L.1. How many Cleanup Grant applications can I submit in the same competition cycle?

You may submit only one Cleanup Grant application in the same competition cycle.

L.2. Must I own the site that is the subject of my Cleanup Grant application at the time of application submission?

Yes. Applicants must have sole ownership of the site at the time of application submission. For purposes of grant eligibility and the Guidelines only, ownership is fee simple title as evidenced by a legal document (for example, a recorded deed or title). EPA may approve a different functional equivalent of fee simple ownership arrangement or transfer method (for example, a quitclaim deed, nominee agreement, or 99-year irrevocable lease. See L.16.). EPA will find applicants ineligible if they do not meet the ownership requirement by the application submission deadline. Applicants may reapply in future years when they obtain ownership of the site.

L.3. Does a deed or title need to be recorded to demonstrate ownership?

It depends. EPA considers ownership to be fee simple title as evidenced by a legal document (for example, a recorded deed or title). If the deed or title has not yet been recorded, State or local law may determine when ownership has legally transferred to the new owner. EPA requires applicants with a deed or title that has not yet been recorded to provide a copy of their ownership documentation and identify the State or local law that establishes site ownership has been conveyed to the applicant.

L.4. Can "ownership" be satisfied if a city is in contract to acquire a property with a contingency being the award of the grant (i.e., if the City is selected for award, the sale goes through, and if not, the City does not acquire the property)?

No. The applicant must own the site by the application deadline. Because the contract is contingent upon award, and selections for funding are not made until the Spring, this would not satisfy the ownership requirement.

L.5. If I own the site that is the subject of my Cleanup Grant application, can I transfer ownership of the site to another entity while the grant is still open?

It depends. If Cleanup Grant funds are being expended and cleanup activities are still being performed at the site, the recipient must retain ownership of the site until all cleanup work is complete, remaining invoices have been paid, and the recipient has been reimbursed by EPA. The recipient must then inform their Brownfields Project Officer and Grants Specialist that they intend to close their grant and will not incur any more costs at the site. Once confirmed by EPA, the recipient may move forward with transferring ownership of the site and has 120 days to complete the rest of the programmatic and administrative close-out requirements. If the Cleanup Grant is for multiple sites, the recipient may continue to expend funds on the other site(s) but cannot incur any more costs at the site that is transferred to another owner.

L.6. If EPA grant funds have been expended at a site under a Cleanup Grant, can I apply for another Cleanup Grant for additional cleanup work at the same site?

No. For the FY27 Cleanup Grant competition, brownfield sites where Cleanup Grant funds were previously expended may not receive additional Cleanup Grant funding.

L.7. If EPA grant funds have been expended at a site under a Cleanup Grant, can additional Brownfield Grant funding be provided for additional cleanup work at the same site from a source other than another Cleanup Grant?

Yes, a Cleanup Grant recipient may request additional funding from a recipient of a Brownfields Revolving Loan Fund Grant (that is not the Cleanup Grant recipient) or apply for a Multipurpose Grant. A Cleanup Grant recipient may also request that a State or Tribe conduct additional cleanup with CERCLA § 128(a) State and Tribal Response Program funding. The additional grant funds must cover different costs than those borne by the Cleanup Grant.

L.8. Can I apply for a Cleanup Grant for a site that received an RLF subgrant or loan?

Yes. You may apply for a direct Cleanup Grant for a site on which remediation activities were carried out under an RLF subgrant and/or loan. However, the Cleanup Grant must cover different costs than those borne by the RLF subgrant and/or loan.

L.9. Can I apply for a Cleanup Grant for a site that received CERCLA § 128(a) Grant funds?

Yes. You may apply for a Cleanup Grant for a site on which a State or Tribe has already expended CERCLA § 128(a) Grant funds. However, the Cleanup Grant must cover different costs than those borne by the CERCLA § 128(a) grant.

L.10. How many sites can be submitted in a Cleanup Grant application?

While there is no limit on the number of sites that can be proposed, you should consider how many sites can reasonably be described in the Narrative Criteria Responses within the page limit and cleaned up with the amount of funding being requested.

L.11. If my Cleanup Grant application includes more than one brownfield site, must the sites be contiguous, adjacent, or part of the same redevelopment project?

No. You may include any site that the applicant owns; regardless of if the sites are contiguous, adjacent, or a part of the same redevelopment project.

L.12. Can a site addressed by a Cleanup Grant contain multiple parcels, or does EPA consider each parcel to be an individual site?

Either situation is permissible. An applicant may define a property with multiple parcels (or even an area with a cluster of multiple properties) as a single site, or they may define each parcel/property as an individual site. EPA cannot help an applicant strategize how they should define their site(s).

If the application is selected for funding, the site defined in the Narrative will be incorporated into the legally binding workplan. Once a site (however it is defined by the applicant) receives funding from an EPA Brownfields Cleanup Grant, that site will not be eligible to receive additional EPA Cleanup Grant funding from a future grant. For example, if a site that received

a Cleanup Grant was defined as 5 parcels, those 5 parcels would be ineligible to receive funding from a second Cleanup Grant, regardless of whether the first Cleanup Grant funding was sufficient to complete the cleanup of all 5 parcels.

L.13. What happens if one or more of the sites proposed are determined to be ineligible for funding?

If a Cleanup Grant application is submitted that includes any ineligible tasks, activities, or site(s), that portion of the application will be ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible for funding. You cannot propose an alternate site to clean up if the site identified in the application is determined by EPA to be ineligible for funding.

L.14. If my Cleanup Grant application includes more than one brownfield site, how should I demonstrate the project budget for each site?

It is the applicants' responsibility to present a clear budget for the tasks associated with each site requested for funding. Applicants may combine the budget in one table, but must clearly distinguish costs for each site. Alternatively, applicants may submit separate budget tables for each site.

L.15. Do Tribes "own" Tribal trust lands for purposes of Brownfields Cleanup Grants and RLF remediation subgrants?

Generally, EPA believes Tribes have a sufficient ownership interest in Tribal trust lands to "own" such lands for purposes of Brownfields Cleanup Grants and RLF remediation subgrants. Applicants should contact their Regional Brownfields Contact for additional information.

L.16. How does EPA define "other ownership arrangements" for purposes of Cleanup and Multipurpose Grants?

If an eligible applicant does not hold absolute fee simple title, the applicant may still be eligible to receive a Cleanup or Multipurpose Grant if the applicant can demonstrate that it has rights that are functionally equivalent to fee simple ownership and sufficient control of the property during the pendency of the grant and cleanup activity. EPA **strongly** recommends contacting the Regional Brownfields Contact listed in Section 1.E. of the Guidelines to ensure the proposed site is eligible for funding prior to submitting the application.

A "nominee agreement" may be used as part of demonstrating ownership. The nominee agreement would allocate the property rights between the nominee (title holder/grant recipient) and the beneficiary (often a for-profit). As long as the rights are allocated in the nominee agreement so that the grant recipient retains title while Cleanup or Multipurpose Grant funds are expended at the site, and has the right to perform the cleanup actions (including site access) under the grant, the recipient of the grant can be considered the "owner" of the site throughout the cleanup, as required in the statute.

While this policy was initially put in place to facilitate affordable housing projects utilizing RLF subgrant funds, the EPA has extended this policy to cleanup applicants **who can demonstrate ownership via the nominee agreement described in the above policy at the time of application submission,** or through another document, such as a restrictive easement, that will ensure access to and control of the property by the applicant.

EPA may also approve a 99-year irrevocable lease as another "functional equivalent" of ownership arrangement. The length of the lease is a factor that EPA considers, but the most important factors are that the lease cannot be revoked by the lessor and the lessee has possession, access, and the right to make improvements to the site for an extended period. The applicant must be able to demonstrate that it has rights that are functionally equivalent to ownership and sufficient control of the property during the pendency of the grant and cleanup activity.

If the Cleanup Grant was awarded for one site and ownership changes at any point, EPA may terminate the cooperative agreement for noncompliance. If the Cleanup Grant was awarded for multiple sites and ownership changes at one of the sites, the recipient must immediately discontinue expending Cleanup Grant funds at the affected site and contact EPA's Project Officer and Grant Specialist for advice.

L.17. What are some examples of lease provisions that EPA has determined <u>do not</u> establish "functional equivalence" of ownership, and why?

The following examples are provisions from leases that EPA determined not to be functionally equivalent to ownership. As the leases containing these provisions did not meet statutory ownership requirements, the corresponding applications were deemed ineligible to apply for a Cleanup Grant in the year they applied.

> Example A: Lessee may not assign or sublease all or any portion of the Leased Premises without the consent or approval of Lessor, which shall be granted or denied in Lessor's sole discretion. Lessor has the absolute and unconditional right, without the consent of Lessee, to assign, at any time and from time to time, this Lease to any person. Lessee shall execute, acknowledge and deliver any documents reasonably requested by Lessor or any such transferee relating to such assignment of this Lease by Lessor.

EPA's position on the highlighted text above is that the lessor's ability, without consent of the lessee, to assign this lease to any person at any time prevents the lessee from having exclusive control of the brownfield site.

> Example B: In addition to the foregoing access by the Lessor Parties, Lessee acknowledges and agrees that there are or may hereafter be other tenants of Master Lessor or Lessor who have or may have leases or occupancy agreements to use and/or occupy the Leased Premises (collectively, as the same may be hereafter amended, modified, extended or replaced, the "Other Leases"), which tenants may have the right to access, use and/or occupy all or portions of the Leased Premises at all times in accordance with the terms and provisions of the Other Leases; provided, however,

> Master Lessor or Lessor, as applicable, shall cause such other tenants not to interfere with the Remediation. Master Lessor or Lessor, as applicable, shall retain all rights and obligations under the Other Leases, including, without limitation, the right to retain all rents thereunder.

EPA's position on the highlighted text above is that the lessor's ability to add other tenants at any time, regardless of whether they may interfere with the site remediation, prevents the lessee from having exclusive control of the brownfield site.

> Example C: It is expressly acknowledged by the Lessee that the redevelopment of the Premises may be completed by a third party after the Work is completed by the Lessee. Lessee agrees that if the third party redeveloper requires that this Ground Lease be terminated or the Lessor or third party requires that the Lessee sublease this Ground Lease to a third party redeveloper that the Lessee will consent to such action pursuant to reasonable conditions and terms; provided, (i) the Lessee does not incur any financial penalty related to any funding source provided for the Work, if any, or (ii) Lessee is indemnified for any financial penalty incurred."

EPA's position is that the above provision provides an avenue for a third party to revoke the lease as long as the lessee does not incur or is indemnified against any financial penalty, which is not consistent with a 99-year irrevocable lease required to establish ownership. In addition, the lessor's ability to require the lessee to sublease the property prevents the lessee from having exclusive control of the brownfield site.

L.18. How can a limited partnership or limited liability corporation meet the site ownership requirement for Cleanup Grants and for RLF subgrants?

The most straightforward way for any Cleanup Grant applicant to meet the site ownership requirement is for the entity applying for the grant to hold absolute fee simple title for the property.

All other ownership arrangements must be approved by EPA. A limited partnership in which all general partners are 501(c)(3) nonprofit organizations or limited liability corporations whose sole members are 501(c)(3) nonprofit organizations may be able to meet the site ownership requirement by demonstrating that they have rights that are functionally equivalent to ownership and sufficient control of the property during the pendency of the grant-funded cleanup activity. Limited partnerships or limited liability corporations seeking approval for another ownership arrangement are strongly encouraged to contact the EPA Regional Brownfields Point of Contact to describe their management structure and members' roles in the project before the application deadline. RLF cooperative agreement recipients should contact their EPA Project Officer.

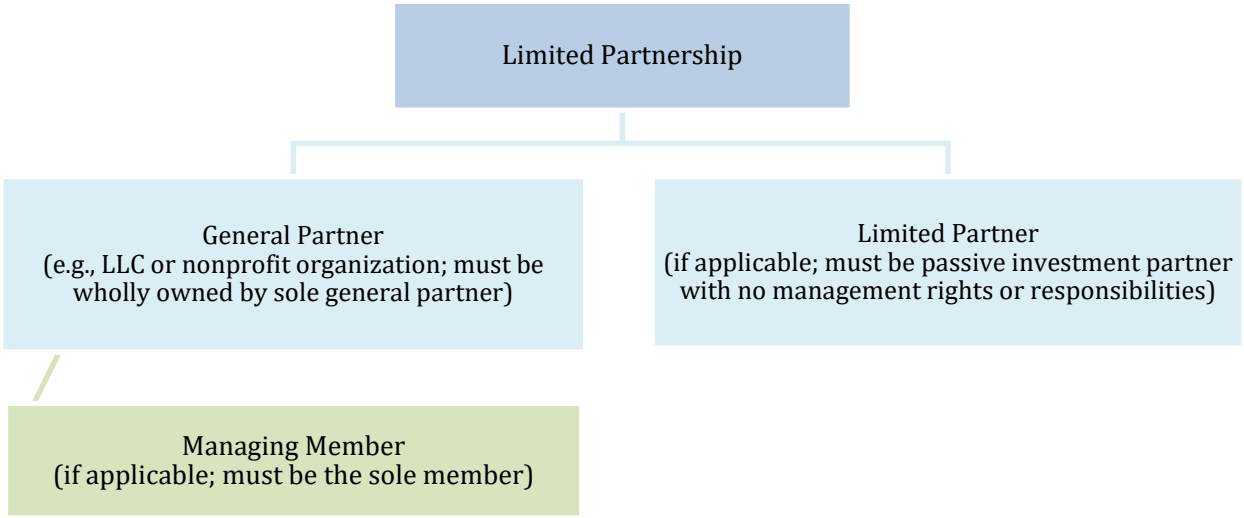
The following are example situations that may satisfy the "functional equivalent of ownership" standard and may be approved by EPA:

- The sole general partner/member/manager of a limited partnership applies for a Cleanup Grant or RLF subgrant. The limited partnership owns the site.

- The sole managing member of the general partner applies for a Cleanup Grant or RLF subgrant. The sole general partner of a limited partnership owns the site.

A limited partnership's or limited liability corporation's management structure may also include a limited partner (such as a for-profit investor for tax credit purposes), if the limited partner is passive, with no management rights or responsibilities.

Example organization chart for reference:



L.19. How do Cleanup Grant applicants comply with the Community Notification threshold eligibility criterion?

The applicant is responsible for providing Community Notification and the opportunity for public comment about the applicant's plans for cleaning up the site that is the subject of its application. All target communities, including community members with limited English proficiency and community members with disabilities, must receive the notification and be provided an opportunity to comment on the application. Community Notification may be conducted by or on behalf of the applicant. The applicant's application must demonstrate how the applicant's personnel were involved in the community notification (i.e., attended a public meeting, responded to comments, etc.), even if another party acts on behalf of the applicant.

The Draft ABCA

The draft application must include, as an attachment, a draft Analysis of Brownfield Cleanup Alternatives (ABCA), which briefly summarizes information about the site and contamination issues, cleanup standards, applicable laws, cleanup alternatives considered, and the proposed cleanup. The draft ABCA should also include information on the effectiveness, the ability of the grant recipient to implement each alternative, the cost of each proposed cleanup alternative, and an analysis of the reasonableness of the various cleanup alternatives considered, including the one chosen. Please note that the draft ABCA submitted as part of the application is intended as a brief preliminary document.

Community Notification Ad/Notifying the Community

The applicant must describe how the community was notified. The requirements for Community Notification are outlined in the Guidelines. The applicant must publish an ad in the local newspaper or an equivalent means that the applicant uses to communicate to the community targeted by the application. The publish date is when the community was notified (the run date); not the date the request was submitted to run the ad.

The notice must be published at least 7 calendar days before the public meeting. The public meeting must be held no later than [7 DAYS BEFORE APPLICATION DEADLINE]. The notice must state the date, time, and place of a public meeting(s) and must indicate a draft of the application, including the draft ABCA(s), is currently available for comment. Any comments received and responses to those comments must be included in the Cleanup Grant application.

Many communities use local newspapers to provide information to their residents. Some communities may have other customary means of communicating with their residents. Some examples of "equivalent" notice to an ad in the local newspaper include:

- posting information on a website;
- listserv blast;
- mass mailer;
- television or radio broadcast;
- social media;
- mass message via telephone notification;
- placing an ad on a community bulletin board; and
- notifying affected residents door-to-door.

Applicants may describe other methods that were used to notify the community. Applicants should consider how members of the community best receive information and decide which method, or methods, are most appropriate. This includes ensuring accessibility to persons with limited internet or technology access, persons with limited English proficiency and persons with disabilities.

Even if an applicant has notified the community regarding an application submitted under a previous EPA Brownfield Grant competition, the applicant must notify the community of its current grant application, hold a meeting and respond to public comments.

The Public Meeting

The applicant must conduct a public meeting no later than [7 DAYS BEFORE APPLICATION DEADLINE] to discuss the grant application. Traditionally, the public meeting is held in-person, however, applicants may consider an alternative format. The public meeting may be held virtually (e.g., a webinar, online meeting) or by teleconference.

Applicants may choose to hold more than one public meeting, and in more than one format. The public meeting must be held by [7 DAYS BEFORE APPLICATION DEADLINE].

Submission of Community Notification Documents

The Guidelines list all of the documents that must be attached to the application submitted to EPA. Below is additional information to consider for providing documentation of the

community notification ad and participant list.

Community Notification Ad
Regardless of how the community was notified, the applicant must provide documentation of the notice. The notice must demonstrate that the public was notified at least 7 calendar days before the public meeting was held and that comments on the application were solicited.

Some examples of documentation include:

- a dated copy of the local newspaper ad or flyer
- an image of the website or social media post and date
- a copy of the mass mailer or listserv blast with the date it was sent
- a dated copy of the vendor request telephone mass message, television, or radio broadcast
- a dated copy of the television or radio transcript

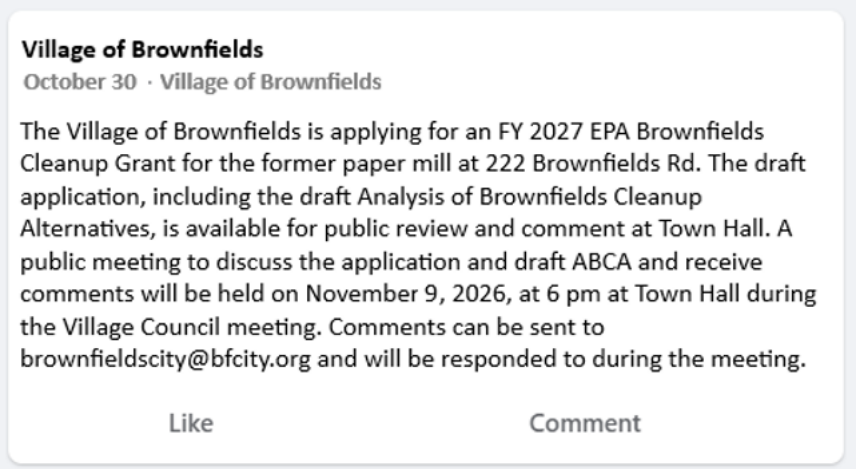
Applicants may provide other documentation that was used to notify the community. If the issue date for the community notification ad (or equivalent) is unclear, EPA may contact the applicant for clarification. If the applicant cannot provide a dated copy of the community notification ad (or equivalent social media post, website post, listserv, etc.), the application will fail this threshold eligibility criterion. EPA will not accept a receipt or order confirmation for purchasing the ad or a signed affidavit as confirmation of the date the ad ran.

Meeting Sign-in Sheets/Participant list
Applicants must provide a list of people that attended the public meeting. If no one from the public participated in the meeting, the applicant must state this. If the meeting was held in-person, a common way to demonstrate public participation is by attaching a sign-in sheet. If the meeting was held virtually or by teleconference, applicants must provide a copy of the participant list. For example, a screen image or exported list of attendees who participated in an online meeting. Applicants may provide other documentation to demonstrate public participation.

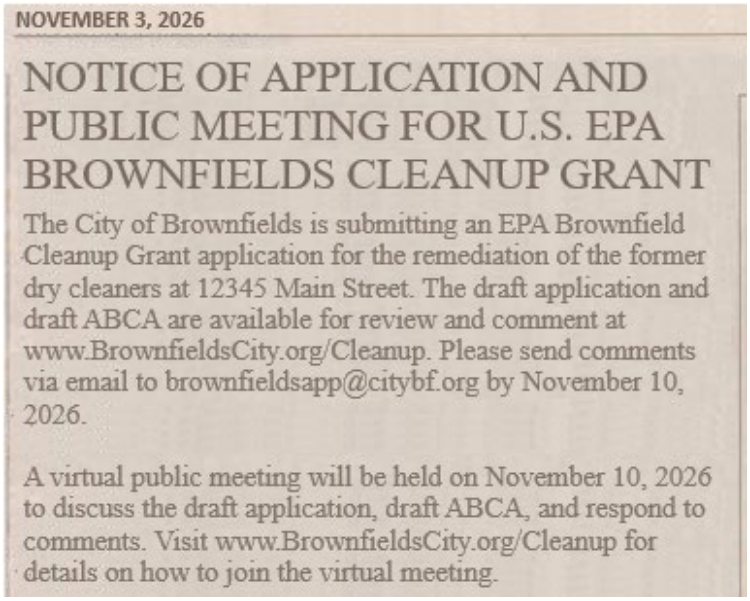
L.20. What are some examples of an acceptable community notification ad that complies with the Community Notification threshold eligibility criterion?

Below are several examples of community notification ad responses to clarify what is or is not acceptable:

Example 1 (acceptable): An application included the following dated screenshot of their organization's social media post. The post was published at least 7 days before the public meeting, and it clearly includes all requirements (i.e., the draft application and draft ABCA are available for public review and comment, and where to find them; how to provide comments; and the date, time, and location of the public meeting).



Example 2 (acceptable): An application included the following photo/screenshot of a dated newspaper ad. The newspaper ad was published at least 7 days before the public meeting and clearly includes all requirements (i.e., the draft application and draft ABCA are available for public review and comment, and where to find them; how to provide comments; and the date, time, and location of the public meeting, which in this case is virtual).



Example 3 (unacceptable):
The application included the following screenshot of a website post:

This community notification is unacceptable because:

- The screenshot does not include the date of the website post, so EPA cannot confirm whether it was published at least 7 days before the public meeting,
- The application was not available at the time the ad was posted,
- There is no indication of how to comment on the application,
- The post does not include that the draft ABCA is available for review and comment, and
- There is no mention of the time or location of the public meeting.

If the issue date for the community notification ad (or equivalent) is unclear, EPA may contact the applicant for clarification. If the applicant cannot provide a dated copy of the community notification ad (or equivalent social media post, website post, listserv, etc.), the application will fail the Community Notification threshold eligibility criterion.

Example 4 (unacceptable): The application included a receipt from the organization's payment to a newspaper company to run their community notification ad by October 20th. The receipt included the following text for the ad: "The Town of Brownfields is applying for an EPA Brownfield Cleanup Grant for the abandoned building at 12 Main Street. The application is available at Town Hall. A public meeting will be held on October 27th at 5 pm at Town Hall to discuss the application and receive comments."

This is unacceptable because:

- The application did not include a dated copy or screenshot of the community notification ad, and
- Even if the applicant could provide a dated copy or screenshot of the ad, the ad did not include that the draft ABCA was also available for public review and comment.

EPA will not accept a receipt or order confirmation for purchasing the ad or a signed affidavit as confirmation of the date the ad ran.

L.21. Are the costs of Community Notification allowable under Cleanup Grants?

No. Costs for Community Notification are pre-award costs that will be incurred prior to selection under the competition and typically more than 90 days prior to award. Pre-award costs incurred more than 90 days prior to award require EPA approval to be allowable. Under 2 CFR § 200.458 pre-award costs must be incurred "…pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work." Costs incurred prior to a competitive selection in the competition do not meet this standard. In addition, EPA will not, as a matter of policy, approve pre-award costs for Community Notification due to the limited amount of funding EPA can provide for actual site cleanup work. Also, because EPA cannot reimburse unsuccessful applicants for Community Notification costs, as a matter of fairness, it will not reimburse successful applicants for such costs.

L.22. What does EPA mean by an "equivalent" Phase II report in the Cleanup Grant application requirements? If my site is a mining site does the Phase II report requirement still apply?

EPA has no requirement to what a Phase II report must conform. However, EPA is looking to see that the applicant has a basic understanding of what contaminants need to be cleaned up on the site, even if further Phase II assessment work is required. Most Phase II environmental site assessment reports for brownfield sites will typically conform to the American Society for Testing and Materials (ASTM) standards. Other brownfield sites may be assessed in compliance with standards required by their State voluntary cleanup programs or other State regulatory programs (for example, underground storage tank reports, asbestos surveys or lead paint surveys). For abandoned coal mine sites, Office of Surface Mining assessments of physical and safety hazards are considered Phase II equivalent reports. Applicants applying for Cleanup Grants should provide an explanation of the type of assessment completed, the date it was finalized, and summarize the findings.

L.23. What is an Analysis of Brownfields Cleanup Alternatives (ABCA)? What should my ABCA contain to meet Cleanup Grant threshold requirements?

An Analysis of Brownfield Cleanup Alternatives (ABCA) is a report that compares site cleanup options based on site-specific conditions, effectiveness, feasibility, and cost. The draft ABCA should reflect the site identified in the application. Applicants requesting funding for multiple sites must include a draft ABCA for each site. Applicants should supply the following key components for the draft ABCA attached to their application for threshold eligibility purposes. This document must be available, along with the application, for public comment prior to submitting the application to EPA. The information should be derived from the response to the criterion on the project description.

For example, the document should start with an **Introduction & Background** section in which the site location (address), previous uses of the site, past site assessment findings, and the project goal (reuse plan) are summarized. The applicant should briefly summarize the environmental investigations that have occurred at the site, including what the Phase I and Phase II assessment reports revealed in terms of contamination present, if applicable.

Second, the document should contain a discussion of **Applicable Regulations and Cleanup Standards**. For example, the applicant should provide a discussion of the Cleanup Oversight Responsibility (identify the entity, if any, that will oversee the cleanup, e.g., the state, Licensed Site Professional, other required certified professional), the cleanup standards for major contaminants (briefly summarize the standard for cleanup e.g., State standards for residential or industrial reuse) and the laws and regulations that are applicable to the cleanup (briefly summarize any federal, State, and local laws and regulations that apply to the cleanup). Finally, the document should contain an **Evaluation of Cleanup Alternatives**. For example, the applicant should provide a discussion of the cleanup alternatives considered (minimum two different alternatives plus a 'No Action' option), the adverse impact from potential extreme weather events to that remedy should it be selected, the cost estimate of cleanup alternatives, a brief discussion of the effectiveness, implementability, and a preliminary cost estimate for each alternative, and the 'Recommended Cleanup Alternative.'

Please note, the draft ABCA is not a final cleanup plan for the site. The draft ABCA submitted as part of the application is intended as a brief preliminary document. The format described above is suitable for the purpose of application submission. Requirements for updating the

ABCA are specified in the grant recipients' Terms and Conditions. In addition, the draft ABCA is not a Remedial Action Plan under a State or Tribal voluntary response program and may not meet State or Tribal requirements for the evaluation of cleanup alternatives. Please coordinate with your State or Tribal response program on applicable requirements.

L.24. How do I demonstrate that I considered potential adverse impacts caused by extreme weather events in the draft Analysis of Brownfields Cleanup Alternatives (ABCA)?

You should evaluate how the commonly accepted potential adverse impacts from changing extreme weather events modeled for your locale might impact proposed cleanup remedies. For example, you should evaluate if a proposed remedy is still protective if the site is along a coastline, near a flood plain, in an area with a potential increase of drought, and what the potential impact of increased frequency and intensity of storms, etc. would be.

EPA acknowledges that there are limitations related to this analysis and expects you to rely on existing information instead of generating new data specifically to develop the ABCA. Please use the following websites and resources to identify risks and regional trends: Brownfields ABCA and Extreme Weather Guidance, CMRA Assessment Tool, and EPA's CREAT Tool.

The ability to evaluate potential changing conditions will improve as more tools become available.

L.25. What analysis must be followed to determine if a site with hazardous building materials that has not been released into the environment is eligible for funding?

If the brownfield site has a hazardous substance contained in the building materials (e.g., insulation, flooring, caulk, etc.) and the hazardous substance has not been released (and there is no threat of release) into the outdoor environment (i.e., air, groundwater, land surface, etc.), then CERCLA § 107 liability may not "attach." The site may be eligible for funding, provided all other site eligibility requirements are met. Applicants should contact their Regional Brownfields Contact for pre-application assistance on site eligibility.

Background Information:
CERCLA § 107 liability attaches when there is a "release" or "threatened release" of a hazardous substance. A "release" is defined in CERCLA § 101(22), and references spilling, leaking, etc. into the "environment," which is defined in CERCLA § 101(8) and references the air, ground water, land surface, etc. Accordingly, CERCLA liability is predicated on a release or threatened release to the OUTSIDE environment, not to hazardous substances that are confined to the indoors, such as within a building.

Therefore, CERCLA liability may not attach to many sites with hazardous building materials, where the material is in good condition and would only result in exposure within a building. However, if the site conditions are such that there is a release or threatened release of the material to the outdoor environment, then CERCLA liability would attach. Such conditions might include abandoned buildings, lack of a roof, damaged/open windows, or other conditions where outdoor exposure could result. In these cases, further analysis is required to determine if the applicant/recipient is potentially liable for the contamination (i.e., is the entity

a potentially responsible party (PRP)?).

To be eligible for funding, an applicant must be exempt from CERCLA liability or meet the requirements for asserting an affirmative defense to CERCLA liability through one of the landowner liability protections (e.g., the bona fide prospective purchaser liability protection per CERCLA § 101(40)). For a site with hazardous building materials that has not been released into the outdoor environment, Cleanup Grant applicants should respond to threshold criterion 12.a.iv. If there has been a release or there is a threatened release of the hazardous substance(s) into the outdoor environment, applicants should review threshold eligibility criteria 12.a.i., 12.a.ii., and 12.a.iii. and only provide responses to the section that pertains to their circumstance.

M. MULTIPURPOSE GRANTS

M.1. How is a Multipurpose Grant different from an Assessment or Cleanup Grant? Note, EPA will not issue a solicitation for Multipurpose Grants in FY27.

Multipurpose Grant funding encompasses many of the same activities that are eligible under an Assessment Grant and a Cleanup Grant but is different because of how it allows the grant recipient to carry out the work. A Multipurpose Grant allows the grant recipient greater flexibility in carrying out eligible activities and allows for different activities (assessment, area-wide planning, cleanup planning, cleanup) to take place sequentially or concurrently, allowing the overall revitalization process to be more efficient.

M.2. If a site meets the definition of a brownfield, can I use Multipurpose Grant funding on it?

Not necessarily. For the purposes of meeting the Multipurpose Grant threshold eligibility criteria, determinations made regarding meeting the definition of CERCLA § 101(39) are not equivalent to a determination that the identified brownfield site would be eligible for site-specific grant funding. Whether or not grant funding can be used on a brownfield site requires a more robust eligibility determination by EPA. For example, the Multipurpose Grant recipient must own the site(s) that will be remediated and must meet other statutory eligibility requirements, if applicable, including not being potentially liable for the contamination at the site under CERCLA § 107.

M.3. How can Multipurpose Grant funds be used?

Multipurpose Grants provide up to $1,000,000 to grant recipients to carry out eligible activities under the grant. EPA will more favorably evaluate projects that allocate at least 70% of EPA awarded grant funds for tasks directly related to site-specific work, including site assessments, remediation, and associated tasks (with at least 25% of the total award amount designated for tasks directly associated with site remediation).

M.4. What is considered “site-specific work”?

Activities directly related to the assessment, cleanup, or redevelopment of a brownfield site are

considered "site-specific work." These may include:

- Characterizing sites;
- Assessing sites;
- Cleanup and reuse planning at a specific brownfield site;
- Conducting community involvement for a specific brownfield site; and
- Site-specific assessment and cleanup planning activities that are necessary to help determine the feasibility of site cleanup or reuse option(s) may be done if they support the recipient's decision-making and better inform implementation strategies.

Recipients must contact their EPA Project Officer to initiate and complete the additional approval process required by EPA in order to determine whether the recipient will be able to conduct site-specific assessment or cleanup planning activities. EPA approval for site-specific assessment or cleanup planning will be based on site eligibility and liability provisions under CERCLA § 101(39) and CERCLA § 104(k)(5)(B). A recipient who is potentially liable for contamination at a specific brownfield site is prohibited from conducting assessment or cleanup planning at that site using EPA grant funds under the Brownfields Multipurpose Grant.

M.5. What eligible activities are <u>not</u> considered "site-specific work"?

Eligible uses of grant funds that would not be considered "site-specific" include:

- Compiling an inventory of sites;
- Prioritizing sites;
- Conducting general community involvement; and
- Producing an overall plan for revitalization.

M.6. What is considered an overall plan for revitalization?

An overall plan for revitalization is a document that guides the reuse or development of a property, area, or neighborhood. This plan reflects feasible and actionable approaches to reusing and improving the property. An overall plan for revitalization can be something that exists within the context of a larger plan for the project area, provided it includes a feasible site reuse strategy (as described in FAQ M.7.) for each brownfield site. For more information, please see the Eligible Planning Activities on EPA's website.

M.7. What is a site reuse strategy?

A site reuse strategy includes:

- a reuse recommendation for at least one brownfield site;
- a list of the resources (including assessment/cleanup) needed and infrastructure improvements necessary to support reuse; and
- an outline of short- and long-term implementation actions and roles/responsibilities of key partners.

A site reuse strategy must be based on:

- community input/priorities; and

- known project area/site conditions (state of market, environmental, health/social, infrastructure, etc.).

N. COST SHARE

N.1. What happens if I include a voluntary cost share in the application?

Some applicants may want to include a *Voluntary committed cost sharing*, as defined in 2 CFR § 200.1, in their application to EPA for competitive reasons. However, **EPA will not consider or evaluate any proposed voluntary cost share. For RLF Grants and Cleanup Grants, this includes a proposed voluntary cost share above the statutory 20% cost share.** Therefore, applicants must only include information on required cost shares in their application.

N.2. Can the Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) funds be used as a cost share on a Brownfields Multipurpose, Cleanup, or RLF Grant?

Yes. In general, funds from one federal grant (from any agency) may not be used to meet a statutory cost share requirement on another federal grant (from any agency) unless there is specific statutory authority that provides otherwise. The CDBG statute, 42 U.S.C. § 5305(a)(9), is an example of statutory authority that allows an entity to use federal funds for a cost share on another grant. Another example of a statute that allows Federal grant funds to be used as cost share on another federal grant is the National Community Services Act, which funds the AmeriCorps program.

N.3. How does EPA enforce the requirement for cost sharing for the Multipurpose, Cleanup, and RLF Grants?

EPA requires recipients to report on their cost sharing in financial status reports. Recipients must have documentation to support cash and in-kind contributions of labor, material, and services for cost sharing expenses to be eligible and allowable. If a recipient fails to provide its agreed upon cost share by the end of the period of performance for the grant, EPA may take action to recover all or part of the grant as well as take other enforcement actions authorized by EPA's grant regulations.

N.4. How do I meet the cost share requirement if I'm addressing multiple sites in the same application?

Whether you are applying to address a single brownfield site or multiple brownfield sites, the required cost share is 20% of the total federal funds awarded for Cleanup Grants and RLF Grants and $40,000 for Multipurpose Grants. Assessment Grants do not require a cost share. The cost share may be in the form of a contribution of money, labor, material, or services from a non-federal source that meets the requirements of 2 CFR § 200.306. If the cost share is in the form of a contribution of labor, material, or other services, it must be incurred for an eligible and allowable expense under the grant and not for ineligible expenses. Eligible and allowable

expenses may include administrative costs borne by the recipient or a third-party to meet its cost share obligation; including indirect costs, subject to the 5% limit on administrative costs.

If you are applying to address multiple sites, you may choose to apply the entire cost share to one site or divide the costs evenly or proportionally across multiple sites.

N.5. Can activities conducted/resources used before the recipient was notified by EPA of selection for a Brownfield Grant count toward the cost share?

No. In competitive situations, costs incurred before EPA notified the applicant/recipient of selection are generally not allowable. As indicated in 2 CFR § 200.458, pre-award costs are those incurred before the start date of the Federal award or subaward directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work. Costs an applicant/recipient incurs prior to selection are very unlikely to meet the regulatory test.

However, selected applicants may incur allowable pre-award costs up to 90 days prior to award (at their own risk) under 2 CFR § 1500.9 without prior EPA approval. These applicants should include the pre-award costs in their final budget and workplan submitted to EPA and provide the date the pre-award costs were incurred. Note, EPA is not obligated to reimburse applicants for pre-award costs that are not included in the workplan and budget EPA approves. Selected applicants should discuss pre-award costs with their EPA Project Officer.

N.6. Can an institution use unrecovered Facilities & Administration costs to meet the cost share requirement?

Yes, if selected for funding, the recipient may use unrecovered Facilities and Administration costs (i.e., indirect costs) as provided at 2 CFR § 200.306(c) to meet its cost share obligation. However, the amount of administrative costs (which include all indirect costs) that may be charged to the Brownfield Grant is limited by statute to 5% of the amount of funds made available through the EPA award (EPA grant funds plus, if applicable, the recipient's cost share). Unrecovered indirect costs counted towards cost share are subject to this same limitation.

O. ADMINISTRATIVE COSTS

O.1. How much of the grant funds can be used for administrative costs?

CERCLA § 104(k)(5)(E), as amended by the 2018 BUILD Act, allows recipients to charge up to 5% of the total award grant amount (EPA funds plus, if applicable, the recipient's cost share) for the payment of administrative costs. For example, if EPA awards a grant for $100,000 and the recipient's cost share is $20,000 (20%), the total award amount is $120,000. The 5% limit for administrative costs is based on the $120,000 total award amount and equals $6,000. (There is no similar limit on the amount that may be charged for the payment of programmatic costs.)

O.2. Does the term "administrative cost" include both direct and indirect costs?

Yes. Administrative costs include certain direct costs of grants administration and all indirect costs.

Direct Administrative Costs, including those in the form of salaries, benefits, contractual costs, supplies, and data processing charges, are costs that are not included in the recipient's indirect cost pool and are necessary to comply with the provisions of the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* at 2 CFR Part 200.

Indirect Costs are those that are not specifically related to implementing the EPA award and are not readily identified with a specific project or organizational activity but incurred for the joint benefit of both projects and other activities. Overhead costs are a typical example of an indirect cost. Indirect costs are usually grouped into common pools and charged to benefiting objectives through an allocation process/indirect cost rate; 2 CFR § 200.414 and other provisions of the Uniform Guidance.

EPA's interpretation of the term "Administrative Cost" in CERCLA § 104(k)(5)(B) is based on similar limitations on administrative costs contained in sections 117(a)(1) and 319(h)(12) of the Clean Water Act.

O.3. My organization has a federally negotiated rate. Can we charge the Brownfield Grant for indirect costs?

EPA understands that many entities have negotiated indirect rates. However, the statutory authority for competitive Brownfield Grants caps the **amount** of grant funds that can be spent on administrative costs to 5%. The 5% limit on administrative costs is for all administrative costs, including indirect rates and other administrative expenses. For example, if an entity wants to charge their indirect rate to the grant, and their negotiated indirect rate is 15%, then they may charge their full negotiated rate (15%) but the total **amount** of allowable indirect costs is limited to 5% of the total award amount (EPA funds plus, if applicable, the recipient's cost share). No other administrative expenses may be charged to the grant.

O.4. Does the limit on administrative costs for Brownfield Grants conflict with the requirement in 2 CFR § 200.414(c) for EPA to accept a recipient's negotiated indirect cost rate?

No. The regulation states that "[A] Federal awarding agency may use a rate different from the negotiated rate for a class of Federal awards or a single Federal award only when required by Federal statute . . ." By statute, administrative costs for Brownfield Grants are limited to 5% of the amount of funds made available under a Brownfield Grant.

O.5. What is the difference between a direct administrative cost and a programmatic cost?

Direct Administrative Costs.

- Direct administrative costs include costs in the form of salaries, benefits, contractual costs, supplies, and data processing charges, incurred to comply with most provisions

of the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* contained in 2 CFR Part 200 and 2 CFR Part 200, Subpart E.

- Direct administrative costs are defined in the applicable OMB Cost Principles Circular.
- As required by 2 CFR § 200.403(d), recipients must classify administrative costs as direct or indirect consistently and may not classify the same types of cost in both categories. Please review 2 CFR § 200.412, *Classifications of Costs*, for more information.

Programmatic Costs.

- EPA has determined that costs for activities that are integral to achieving the purpose of the cooperative agreement are considered as "programmatic" costs; not administrative costs.

O.6. What are examples of eligible direct administrative costs?

Eligible administrative costs subject to the 5% limitation include direct costs for costs incurred to comply with the following provisions of the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* at 2 CFR Parts 200 and 1500 other than those identified as programmatic.

i. Record-keeping associated with equipment purchases required under 2 CFR § 200.313;

ii. Preparing revisions and changes in the budgets, scopes of work, program plans, and other activities required under 2 CFR § 200.308;

iii. Maintaining and operating financial management systems required under 2 CFR § 200.302;

iv. Preparing payment requests and handling payments under 2 CFR § 200.305;

v. Financial reporting under 2 CFR § 200.328;

vi. Non-federal audits required under 2 CFR 200 Subpart F; and

vii. Closeout under 2 CFR § 200.344, with the exception of preparing the recipient's final performance report. (Costs for preparing the final performance report are programmatic and are not subject to the 5% limitation on direct administrative costs.)

O.7. What are examples of allowable programmatic costs that are not subject to the 5% administrative cap?

EPA has determined that direct costs for activities that are integral to achieving the purpose of the cooperative agreement are considered as "programmatic" costs; not administrative costs. Direct costs are defined at 2 CFR § 200.413. As required by 2 CFR § 200.403(d), recipients must classify administrative costs as direct or indirect consistently and may not classify the same types of cost in both categories. Please review 2 CFR § 200.412, *Classifications of Costs*, for more information.

The following are examples of eligible *programmatic costs*:

1. In the case of cooperative agreements for site characterization and assessment, expenses for inventorying, characterizing, assessing, and conducting planning related to brownfield sites.

2. In the case Revolving Loan Fund Grants, expenses for:
   - making and managing loans;
   - operating the revolving loan fund (including financial management expenses); and
   - making and managing subgrants under CERCLA § 104(k)(3)(B)(ii).

3. In the case of cooperative agreements for remediation of brownfield sites under CERCLA § 104(k)(3)(A)(ii), expenses for site remediation activities.

4. In the case of a cooperative agreement for the implementation of Brownfields and Land Revitalization Programs under CERCLA § 104(k)(7), expenses for providing training, research, and technical assistance.

5. Costs incurred for complying with the procurement standards of 2 CFR §§ 200.317 through 200.327 are considered eligible programmatic costs only if the procurement contract is for services or products that are direct costs for performing eligible programmatic activities under the cooperative agreement.

6. Costs for performance reporting required under 2 CFR § 200.329 is an eligible programmatic cost. Performance reporting is an essential programmatic tool for both the recipient and EPA to ensure that cooperative agreements are carried out in accordance with statutory and regulatory requirements.

Other examples of *programmatic costs* include:

- Expenses for travel, training, equipment, supplies, reference materials, and contractual support if those costs are reasonable and allocable to tasks specified in a grant recipient's EPA-approved workplan.
- Salaries and fringe benefits of employees working on eligible programmatic activities under the EPA award.
- Operation of a public repository associated with the remediation of a site.
- Maintenance of the brownfields project website. (This is an allowable community involvement cost.)
- Title search. For example, in an RLF Grant, post-award costs for title searches the recipient incurs in connection with making a loan or a subaward.
- Legal services. For example, post-award legal services such as reviewing contracts under all types of grants, or subaward agreements (loans or subgrants) or CERCLA § 107 (hazardous substances)/petroleum liability analysis in the RLF Grants.

For further information, contact your Regional Brownfields Contact.

O.8. Can I meet the required statutory cost share with administrative costs?

Yes. Eligible and allowable expenses may include administrative costs borne by the recipient or a third-party to meet its cost share obligation; including indirect costs, subject to the 5% limit on administrative costs.

O.9. Are Management Fees allowable under Brownfield Grants?

No. Recipients must not include management fees or similar charges in excess of the direct costs in budgets for Brownfield Grants. The term "management fees or similar charges" refers to expenses added to the direct costs and allowable indirect costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs that are not allowable under EPA Grants. This restriction applies to all EPA grants as indicated in EPA's General Terms and Conditions.

O.10. If I am a successful applicant and I properly contract with an environmental services contractor to perform services within the scope of the grant (such as investigation of the contamination, or performance of a response action) on a cost reimbursement basis, can I charge the grant to reimburse the contractor at its full indirect cost rate?

Yes. The administrative costs limitation applies to the grant recipient's indirect costs and not to costs the grant recipient incurs under a contract for eligible programmatic costs.

Section 104(k)(5)(B)(ii) of CERCLA provides that the administrative costs do not apply to costs for investigation and identification of the extent of contamination and the design and performance of a response action. Eligible programmatic costs are expenditures for activities that are integral to achieving the purpose of the grant. Eligible programmatic costs can include costs for contractual support if those costs are reasonable and allocable to tasks specified in a grant recipient approved scope of work for carrying out the activities that are excluded by statute from the reach of the administrative costs. A contractor's indirect costs that are otherwise reasonable (e.g., are covered by an indirect cost rate agreement with its cognizant federal agency) and normally charged to cost reimbursement contracts are programmatic rather than administrative.

P. APPLICATION PREPARATION COSTS

P.1. If I am a successful applicant, can I charge the grant to prepare the required workplan?

Yes. Post-selection grant application preparation (including the final workplan) is an eligible direct administrative cost subject to the 5% administrative cost limitation. The cost can also be included in the recipients' indirect cost pool as provided by 2 CFR § 200.460, but may not also be charged to Brownfield Grants as a direct administrative cost. As required by 2 CFR § 200.403(d), recipients must classify administrative costs as direct or indirect consistently and may not classify the same types of cost in both categories.

P.2. If I am a successful applicant, will EPA reimburse me directly for the costs of paying a consultant to prepare my grant application that I submitted under the Brownfield Grant competition?

No. Pre-selection application preparation costs are not allowable as direct costs under Brownfield Grants.

P.3. Can a current recipient charge the grant to write/prepare an application for another Brownfield Grant that the recipient itself is seeking?

No. All costs under the award must be reasonable, allocable, eligible, and necessary. Application preparation costs for a different Brownfield Grant that the recipient itself is seeking are neither necessary for the successful completion of the current award nor allocable to that award and are therefore unallowable.

P.4. Can a State or Tribe use LUST Trust Fund money from a RCRA § 9003(h) cooperative agreement to pay for its preparation of its own Brownfields petroleum grant proposal under the CERCLA § 104(k)?

Not as a direct cost. Proposal preparation costs must be necessary, reasonable, adequately documented, and allocable to the assistance agreement the recipient charges directly. EPA's Policy on proposal preparation costs for Continuing Environmental Program grants such as LUST cooperative agreements provides that "[T]o be necessary, reasonable and allocable, the proposal preparation costs must only be for the assistance agreement under development…" State or Tribal recipients indirect cost base may include proposal preparation costs for other assistance agreements to the extent authorized by 2 CFR § 200.460.

Q. ALL APPROPRIATE INQUIRIES

Q.1. What is "All Appropriate Inquiries" (AAI) and who conducts "All Appropriate Inquiries"?

The Small Business Liability Relief and Brownfields Revitalization Act ("Brownfield Amendments") amended CERCLA in 2002 and established that site characterizations or assessments conducted with the use of Brownfield Grants awarded under CERCLA § 104(k)(2)(B)(ii) must be conducted in accordance with the federal "all appropriate inquiries" (AAI) standards established under CERCLA and addressed in EPA's final rule setting standards and practices for AAI at 40 CFR Part 312.

AAI refers to the requirements for assessing the environmental conditions of a property prior to its acquisition, for purposes of establishing certain landowner liability protections under Subtitle B of Title II of the Brownfield Amendments. These landowner liability protections (bona fide prospective purchaser, contiguous property owner, and innocent landowner) require that a person perform "all appropriate inquiries" into the previous ownership and uses of a property before acquiring title to the property.

- To qualify as a bona fide prospective purchaser, a person must meet the criteria set forth in §§ 107(r) and 101(40) of CERCLA (both threshold eligibility criteria and continuing obligations after purchase), purchase the property after January 11, 2002 (the date of enactment of the Brownfield Amendments), and must perform AAI prior to purchase. These parties may buy knowing, or having reason to know, of contamination on the property. **Please note that Brownfield Grant applicants that otherwise would meet the requirements for a bona fide prospective purchaser, except for having purchased the property prior to January 11, 2002, are eligible for federal Brownfield Grant funding.**

- To qualify as a contiguous property owner, a person who owns property that is contiguous or otherwise similarly situated to a facility that is the only source of contamination found on his/her property must meet the criteria set forth in CERCLA § 107 (q)(1)(A). Contiguous property owners must perform AAI prior to purchase and cannot know, or have reason to know, of contamination on the property.

- To qualify as an innocent landowner, a person must meet the criteria set forth in CERCLA §§ 107(b)(3) and 101(35), perform AAI prior to the purchase of a property and cannot know, or have reason to know, of contamination on the property.

Applicants should note that there are continuing obligations after purchase that are relevant to each of the above liability protections. For more detailed information on the requirements necessary to meet these liability protection, see EPA's Enforcement Discretion Guidance Regarding Statutory Criteria for Those Who May Qualify as CERCLA Bona Fide Prospective Purchasers, Contiguous Property Owners, or Innocent Landowners ("Common Elements").

Q.2. What are the federal standards for conducting "All Appropriate Inquiries?"

As of November 1, 2006, parties must comply with the standards and practices set forth in the All Appropriate Inquiries Final Rule (40 CFR 312, see www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr312_main_02.tpl). The Final Rule was amended on December 30, 2013 to recognize an updated industry standard practice (ASTM E1527-13) as compliant with the requirements of the Final Rule (78 FR 79319). The Final Rule was also amended on September 15, 2017 to recognize another industry standard practice (ASTM E2247-16) as compliant with the requirements of the Final Rule (82 FR 43310) (available at www.astm.org/). The most recent standard, ASTM E-1527-21, became effective on February 13, 2023.

Q.3. What are the statutory criteria for conducting "All Appropriate Inquiries"?

Congress directed EPA to establish, by regulation, standards, and practices for conducting AAI. In the 2002 Brownfield Amendments, Congress directed EPA to include, within the standards for AAI, the nine criteria shown below. Each of these criteria is addressed in the AAI Final Rule (70 FR 66070):

- the results of an inquiry by an environmental professional;
- interviews with past and present owners, operators, and occupants of the facility for the purpose of gathering information regarding the potential for contamination at the facility;

- reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land-use records, to determine previous uses and occupancies of the real property since the property was first developed;
- searches for recorded environmental cleanup liens against the facility that are filed under Federal, State, or local law; Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records concerning contamination at or near the facility;
- visual inspections of the facility and adjoining properties;
- specialized knowledge or experience on the part of the defendant;
- the relationship of the purchase price to the value of the property if the property was not contaminated;
- commonly known or reasonably ascertainable information about the property; and
- the degree of obviousness of the presence or likely presence of contamination at the property and the ability to detect the contamination by appropriate investigation.

Q.4. How do I demonstrate "All Appropriate Inquiries" was conducted?

Brownfield Grant funding cannot be used at sites for which the grant recipient is a potentially responsible party (PRP) under CERCLA. The applicant must demonstrate that it qualifies for a CERCLA liability defense or protection, including the bona fide prospective purchaser, innocent landowner, or contiguous property owner protections. To qualify for these protections, the applicant must have conducted AAI prior to acquiring the property. The particular standard that may be used to meet the pre-acquisition AAI requirement depends on when the property was acquired.

If the property was acquired on or after November 1, 2006, parties seeking certain CERCLA liability protections must demonstrate compliance with either the standards and practices set forth in the AAI Final Rule (40 CFR Part 312) or the process established in either of the updated industry standard practices, ASTM E1527-21 "Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process," or ASTM E2247-23 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property" (or the latest recognized ASTM standard at the time the assessment is performed).

For properties acquired between January 11, 2002 and November 1, 2006, the purchaser must demonstrate that prior to acquiring the property, the purchaser conducted AAI or a Phase I Environmental Site Assessment using the ASTM E1527 standard for Phase I environmental site assessments available at the time of purchase (i.e., E1527-97, E1527-00 or E1527-05).

Prior to the enactment of the 2002 Brownfield Amendments, the standard for AAI contained in CERCLA was that a party must show they conducted AAI into the previous ownership and uses of the property consistent with good commercial or customary practice. This is generally evaluated by looking at commercial or customary practice at the time and place the property

was acquired. Depending on the specific circumstances, this may be anything from a title search to a full environmental assessment. However, as of 1997, the ASTM E1527 standard for Phase I environmental site assessments was the generally accepted commercial standard for due diligence. Therefore, if the property was acquired after 1997, compliance with the relevant version of the ASTM E1527 standard (i.e., the ASTM E1527-97, E1527-00, E1527-05, E1527-13, or E1527-21 Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process) is sufficient to demonstrate that the applicant has satisfied its AAI obligations.

The site eligibility determination is a site-specific process and each individual application is reviewed and verified based on the circumstances in which the party acquired the property. For more information on site eligibility, please contact your Regional Brownfields Contact.

R. PETROLEUM BROWNFIELD SITES

R.1. What statutory determinations must my State (or EPA) make to assure that petroleum-contaminated sites (or portions of properties contaminated with petroleum) are eligible for Brownfield Grant funding?

CERCLA, as amended, outlines specific criteria by which petroleum sites may be eligible for Brownfield Grant funding if the State or EPA makes a petroleum eligibility determination. The State or EPA must determine:

1. there is no viable responsible party; and
2. funding will be used by a party that is not potentially liable for the petroleum contamination to assess, investigate, or clean up the site.

In addition, petroleum-contaminated sites must not be subject to a corrective action order under the Resource Conservation and Recovery Act (RCRA) § 9003(h).

For further information, review the *Information on Sites Eligible for Brownfields Funding Under CERCLA § 104(k)*, Section 1.3.2 Contamination by Petroleum or Petroleum Product.

R.2. What information must I provide to a State or EPA so that my petroleum-contaminated site is eligible for grant funding?

Non-tribal applicants must provide the information required for a petroleum site eligibility determination to the State so that the State can make the necessary determination on petroleum site eligibility. Where the State is unable to make the eligibility determination, EPA will make the determination. Applicants must provide EPA with a copy of the State determination letter in each application (grant recipients must provide a copy of the State's determination to their EPA Project Officer).

The following information is required for the State or EPA to make the petroleum site eligibility determination:

i. Current and Immediate Past Owners. Identify the current and immediate past owner of the site. For purposes of petroleum eligibility determinations at time of application submission, the current owner is the entity that will own the site by the application submission deadline. Alternatively, if one or more underground storage tank (UST) is the source of the petroleum contamination, identify the current and immediate past owner of the UST(s). For Cleanup Grants, this must be the applicant.

ii. Acquisition of Site. Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, inheritance).

iii. No Responsible Party for the Cleanup of the Site. Identify whether the current and immediate past owner of the real property (or if one or more UST is the source of the petroleum contamination, identify the current and immediate past owner of the UST(s)) (which includes, if applicable, the applicant): (1) dispensed or disposed of petroleum or petroleum product, or exacerbated the existing petroleum contamination at the site; (2) owned the site (or in the case of UST-related contamination, owned the UST(s)), when any dispensing or disposal of petroleum (by others) took place; and (3) took reasonable steps with regard to the contamination at the site.

iv. Assessed/Cleaned Up by a Person Not Potentially Liable. Identify whether you (the applicant) dispensed or disposed of petroleum or petroleum product, or exacerbated the existing petroleum contamination at the site and whether you took reasonable steps with regard to the contamination at the site.

v. Judgments, Orders, or Third-Party Suits. Provide information that no responsible party (including the applicant) is identified as potentially liable for cleaning up the site through, either:

- a judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site; or
- an enforcement action by federal or State authorities against any party that would require any person to assess, investigate, or clean up the site; or
- a citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner of the site (or where a UST(s) is involved, the current or immediate past owner of the UST(s)), that would, if successful, require the assessment, investigation, or cleanup of the site.

vi. Subject to RCRA. Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act.

vii. Financial Viability of Responsible Parties. For any current or immediate past landowners (or where appropriate, current or immediate past UST owners), identified as responsible for the contamination at the site, provide information regarding whether they have the financial capability to satisfy their obligations under federal or State law to assess, investigate, or clean up the site. **Note**: If no responsible party is identified in iii. or iv. above, then the petroleum-contaminated site may be eligible for funding. If a responsible party is identified above, the State or EPA must next determine whether that party is viable. **If any such party is determined to be viable, then the petroleum-contaminated site may not be eligible for funding**. For more information, see the *Information on Sites Eligible for Brownfields Funding Under CERCLA § 104(k)*, Section 1.3.2.

If you are not able to provide the State or EPA with all the above information, then your request to the State or EPA for the determination of site eligibility also must include a brief explanation as to why the information requested above is not available.

R.3. What happens if I do not receive a petroleum determination letter back from my State prior to the application submission deadline?

For instances where you requested the State to make a petroleum determination, but did not receive a determination letter prior to the application submission deadline, you must attach a copy of the request submitted to the State and indicate the date you submitted your request to the State. EPA will then coordinate with the State and EPA will make the petroleum determination if necessary.

R.4. If a site is contaminated with petroleum, diesel, and lead from gasoline, can funding address all three contaminants?

Yes. CERCLA § 101(39)(D)(ii)(II)(aa) provides that a brownfield site includes a site that is "contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance[.]'" "Diesel" and "lead from gasoline" would fall within the purview of "petroleum or a petroleum product" and thus a site contaminated by those substances would meet the definition of a brownfield site.

R.5. What qualifies as an Aboveground Storage Tank (AST) for Brownfields Grants?

Aboveground storage tanks are a type of bulk storage container. A bulk storage container is "…any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container." Facilities with aboveground storage tanks containing oils of any kind may be subject to U.S. EPA's Spill Prevention, Control, and Countermeasure (SPCC) regulations (40 CFR Part 112).

R.6. Can tanks be removed under a Brownfield Assessment Grant?

Maybe. An underground storage tank or an aboveground storage tank may be removed under an Assessment Grant only if the recipient determines that the tank must be removed in order to conduct the assessment. The grant recipient is accountable for any decision made to remove a tank and will need to document the reasons for its decision (i.e., with an engineering analysis to compare the cost and effectiveness of the available options) for audit purposes.

R.7. What happens if I want to clean up my petroleum brownfield site to a higher cleanup standard than required under State law or regulation, but a responsible party exists that is required to clean up the site to meet the standard in the State law or regulation?

You may still be eligible for the grant, even if another party is responsible for the initial cleanup to meet regulatory requirements as long as that party is not under a legal obligation to perform the same cleanup activities identified in your grant application. The State or EPA is

required to determine that there is no viable responsible party that can address the petroleum contamination at the site. This analysis is twofold -- the State or EPA must first determine whether a responsible party exists, and if a responsible party is identified, then determine whether that party is viable for the activities identified in the grant application. Applicants are responsible for providing information in their application that demonstrates that the activities for which they seek funding have no liable or viable responsible party. EPA will consider a party to be viable if the party is financially capable of conducting the activity (i.e., assessment, investigation, or cleanup) identified in the grant application. In this case, even though the responsible party is financially capable of conducting the cleanup, the party may not be responsible for cleaning up the petroleum site to the applicant's desired level and the site may be eligible for Brownfield Grant funding consideration.

R.8. Can a State or Tribe use LUST Trust Fund money as a direct cost under its RCRA § 9003(h) grant to pay for providing advice, technical assistance, or (in the case of States) making determinations *related to another eligible entity or nonprofit organization's* Brownfield Grant application?

It depends. As a threshold matter, under the LUST Trust Fund, the Brownfield Grant application must be for corrective action for releases of petroleum from federally regulated USTs. Activities a State carries out in connection with applications for non-petroleum, non-corrective action activities and/or for non-federally regulated USTs would not be an eligible cost under a LUST cooperative agreement and would not qualify for financial support from the LUST Trust Fund. For example, assisting an eligible entity or nonprofit organization apply for hazardous substances funding would not be an eligible use of the LUST Trust Fund under RCRA § 9003(h).

However, providing advice and assistance to applicants regarding petroleum funding, including a State making determinations under CERCLA § 101(39)(D)(ii)(II)(bb), is a legitimate use of the LUST Trust Fund because it is an eligible cost under RCRA § 9003(h) associated with corrective action for petroleum releases. The Region awarding the grant would have to examine whether EPA's LUST Trust Fund cooperative agreement with the State allows for this type of activity within its scope of work. If the activity is within the scope of work, it would be eligible as a direct cost.

S. BROWNFIELDS, PUBLIC HEALTH, EXTREME WEATHER, AND NATURAL DISASTERS

S.1. What are disproportionate and adverse impacts?

Disproportionate and adverse environmental, human health, weather-related and other cumulative impacts, as well the accompanying economic challenges of such impacts, may result when greater pollution burdens or consequences, and the impact of them, are more likely to affect low-income, and vulnerable populations. The impacts may result from various factors, including but not limited to being a function of historical trends and policy decisions.

Factors that may indicate disproportionate and adverse impacts include:

- proximity and exposure to adverse environmental hazards;
- greater susceptibility to adverse effects from environmental hazards (due to causes such as age, chronic medical conditions, lack of health care access, or limited access to quality nutrition);
- unique environmental exposures because of practices linked to cultural background or socioeconomic status (for example, subsistence fishing or farming);
- cumulative effects from multiple stressors;
- reduced ability to effectively participate in decision-making processes (due to causes such as lack of or ineffective language access programs, lack of programs to make processes accessible to persons with disabilities, inability to access traditional communication channels, or limited capacity to access technical and legal resources); and
- degraded physical infrastructure, such as poor housing, poorly maintained public buildings (e.g., schools), or lack of access to transportation.

S.2. Our community is concerned about health problems that may be related to brownfield sites. How do we apply for funds to conduct health monitoring at our brownfield sites?

Under CERCLA, only local governments are eligible to use up to 10% of Brownfield Grant funds to monitor the health of populations that may be exposed to hazardous substances or monitor institutional controls to ensure they continue to protect public health.

Interested applicants may wish to review the factsheet on brownfields, health monitoring, and public health to learn more about current examples of funded activities or other potentially eligible activities.

They should also contact and involve their local or State health department in preparing their grant application and in determining what types of health monitoring may be appropriate given the brownfield sites in their community and the likely types of hazardous substance exposures from that site or multiple sites that may occur.

The Agency for Toxic Substances and Disease Registry (ATSDR) and Centers for Disease Control and Prevention (CDC) also have valuable tools to provide communities with information and assistance on environmental health issues. Please see their websites at www.atsdr.cdc.gov/ and www.cdc.gov/ for additional information that may relate to environmental contaminants that pose health risks or ways to create healthier communities.

S.3. What is a "risk" and what is a "stressor"?

While there are many definitions of the word "risk," **EPA considers risk to be the chance of harmful effects to human health or to ecological systems** resulting from exposure to an environmental stressor.

A "stressor" is any physical, chemical, or biological entity that can induce an adverse response. Stressors may adversely affect specific natural resources or entire ecosystems, including plants and animals, as well as the environment with which they interact.

Please visit EPA's Risk Assessment Portal (www.epa.gov/risk) for more information.

S.4. What is a sensitive population?

Sensitive populations are those populations that are likely to experience elevated health risks from pollution, including populations based on age (young children and the elderly), pregnant women, and serious disease burden (such as, high rates of cancer, asthma, chronic respiratory disease, coronary heart disease, low birth weights, etc.), as well as low-income populations. See CERCLA § 104(k)(6)(C)(x). The Brownfields and Land Revitalization Program will implement this provision in accordance with all applicable law. However, there is no one definition of a sensitive population. Research has found your age can make a difference for risk to pollutants in the environment, either because you may be more highly exposed, or because you may have a greater response to exposures. Research has documented that risk to environmental pollutants can be greater for the very young and adults over 65 years of age.

Individuals are exposed to multiple chemical and non-chemical stressors that can have the potential to negatively affect their health. EPA traditionally has used the risk assessment paradigm to assess exposures and risks to single chemicals. However, recently EPA has assessed risk to multiple contaminants like organophosphate pesticides and hazardous air pollutants. Additionally, the traditional risk assessment has not been used to assess the interaction of non-chemical stressors (e.g., stress, poverty) and environmental exposure to chemicals.

Different communities face different exposures to chemical and non-chemical stressors. Some communities may be more vulnerable to such stressors, due to genetics, social, or other environmental factors. For many years, local communities have been asking EPA to assess cumulative exposures. Community-based risk assessment (CBRA) is an attempt to address exposures and environmental health risks in real-world contexts.

EPA and researchers also are involved in "life stage research." The goal of life stage research is to provide a fundamental understanding of the many factors that can lead to increased risk to sensitive populations. Research will focus on how exposure to pollutants may be impacted by life stage, determine if there are unique biological responses, and evaluate the developmental time periods (i.e., so-called "windows of susceptibility") during which children may be more susceptible to certain environmental toxicants. This research focuses on three general approaches: (1) research on the long-term effects following developmental exposure; (2) development of tools to measure exposure and effects in older populations; and (3) studies on specific exposures and associated effects in children.

S.5. In terms of natural disasters and extreme weather, what is "vulnerability," what is "adaptive capacity," and what is "resilience"?

Vulnerability describes the degree to which natural, built, and human systems are at risk of exposure to changing natural hazard impacts. For more information from EPA on vulnerability visit the Superfund Resilience webpage.

EPA defines adaptive capacity as the ability of a human or natural system to adjust to the

impacts of extreme weather and natural disasters (including variability and extremes) by moderating potential damages, taking advantage of opportunities, or quickly recovering from the impacts.

EPA defines resilience as the capability to anticipate, prepare for, respond to and recover from significant multi-hazard threats with minimum damage to social well-being, the economy and the environment.

S.6. What potential extreme weather and natural disaster risks can impact a community? Where can I find information about extreme weather and natural disaster risks my community may be facing?

Potential natural hazard risks that can impact a community may include but are not limited to:

- Extreme Temperature;
- Drought;
- Flooding;
- Sea-level Rise;
- Storm Surge;
- Wildfire;
- Increasing Extreme Weather Events (such as hurricanes and tornadoes);
- Changing dates for ground thaw/freezing;
- Coastal subsidence of land;
- Changing flood zones;
- Changing environmental/ecological zones;
- Increased salt-water intrusion that may threaten drinking water supplies;
- Higher/lower groundwater tables; and
- Heat island impacts.

Tools for Locating This Information in Your Community:

The CMRA Assessment Tool can help you understand what hazards your priority site and community may face, now and in the future. You can view real-time maps showing where natural hazards are occurring today and check how your exposure to five common natural hazards is projected to change over time.

The Resilience Toolkit can help you understand exposure, assess vulnerability and risk, and come up with solutions to increase your community's resilience to extreme weather and natural disasters.

The National Risk Index illustrates the United States communities most at risk for 18 hazard types: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hail, Heat Wave, Hurricane, Ice Storm, Landslide, Lightning, Riverine Flooding, Strong Wind, Tornado, Tsunami, Volcanic Activity, Wildfire, and Winter Weather.

S.7. What is a flood zone?

A flood zone is described by the Federal Emergency Management Agency as a flood hazard area. Flood Hazard Areas are identified on maps as special flood hazard areas (SFHA) and moderate flood hazard areas. The SFHA is the area "that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year." The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. Flood maps highlight these areas using a range of codes, Zone A and Zone V identified in map and map legend below.

Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the Flood Insurance Rate Map, and are the areas between the limits of the base flood and the 0.20-percent annual chance flood (or 500-year) flood. The areas of minimal flood hazard, which are areas outside the SFHA and higher than the elevation of the 0.2 percent chance flood, are labeled Zone C or Zone X (unshaded).

FEMA defines floodplain as "any land area susceptible to being inundated by floodwaters from any source."

S.8. How can I find out if my community is in a flood zone?

The Federal Emergency Management Agency (FEMA) Flood Mapping Service allows you to search by address to see if your property or community is in a flood zone.

- msc.fema.gov/portal/search

A Draft Flood Map viewer developed to support the National Flood Insurance Program may also help identify locations where new flood information is reflected in flood mapping and requirements for flood insurance.

- www.fema.gov/draft-national-flood-hazard-layer

The U.S. Geological Service (USGS) also provides some flood mapping and flood inundation information that included real-time flood information linked with real-time streamflow information, flood forecasts, and other topographic information.

- www.usgs.gov/media/images/flood-inundation-mapping-interactive-floodplain-mapping-tool

The National Weather Service also provides some flooding information and links to State and local flood information.

- www.weather.gov/safety/flood-map

EPA's Cleanups In My Community (CIMC) which displays past brownfields and other contaminated site program information reported to EPA includes a layer with FEMA special flood hazard layer and sea-level risk estimations which can be added to explore flood hazards. FEMA is recommended as a more authoritative source for flood map information.

- www.epa.gov/cleanups/cleanups-my-community

S.9. What types of revitalization are possible in a flood zone?

It will depend on the requirements in your area. Development, land use planning, zoning, and

building decisions will be regulated and permitted at the local level. In areas with higher flood risks, flood plain managers may also be involved and require new development and upgrades to meet updated building codes or raise structures. The Association of Floodplain Managers can help you identify your State, Regional, or County Flood district contacts at www.floods.org/.

T. BENEFITS of BROWNFIELDS PROJECTS

T.1. What are some of the benefits associated with assessing and cleaning up a brownfield site?

There are numerous environmental, economic, and social benefits that a community can expect upon the assessment and cleanup of brownfield sites. Examples include, but are not limited to, the benefits listed below.

- Economic benefits include an increase in local tax base and new job growth. There are numerous tax incentives from both State and local governments available for brownfields projects.

- Environmental/social benefits include: assessment and remediation of contamination, reuse of existing infrastructure, development pressure taken off undeveloped land, prevention of sprawl, cleaner air and water, and reduced natural habitat destruction.

- Approximately 33% of assessments conducted with Brownfield Grants reveal that no cleanup is necessary and that the site is ready for development. This quick reuse is beneficial for the developer, the local government, which has been losing tax revenue, and the local community, which has been living with a potentially toxic site blighting their neighborhood.

T.2. What are examples of activities and EPA initiatives that support the sustainable reuse of brownfield sites?

There are many different activities and EPA initiatives that support the sustainable reuse of brownfield properties. Several activities and EPA initiatives are listed below. Please note that while EPA encourages applicants/recipients to incorporate elements of sustainable reuse in their brownfield projects, not all of the activities in the initiatives identified below will be eligible costs under the Brownfield Grant. Please contact your Regional Brownfields Contact if you intend to seek Brownfield Grant funding for any of these activities.

1) Clean Energy/Energy Efficiency at a Brownfield Site

- Consider the use of renewable sources of energy such as solar, wind, geothermal, or biomass for power on your brownfield site.
- Consider ways to reduce the use of conventional, hydrocarbon power on your brownfield site by using energy-efficient appliances and fixtures.

For more information on Clean Energy and Energy Efficiency go to www.epa.gov/energy/clean-energy-programs, www.epa.gov/greenpower or www.energystar.gov.

2) Water Efficiency at a Brownfield Site

- Consider ways to conserve water on your brownfield site by incorporating high-efficiency water fixtures and toilets into any new or revitalized buildings.
- Consider ways to promote water conservation techniques and sustainable practices at the brownfield site through such techniques as Low Impact Development (LID) or Storm Water Retention.
- By promoting water efficiency at the brownfield site, a storm water management plan can prevent untreated stormwater from washing contaminants from the brownfield site into waterways.

For more information on water efficiency go to www.epa.gov/watersense.

For more information on stormwater retention go to www.epa.gov/npdes/npdes-stormwater-program.

For more information on Low Impact Development go to www.epa.gov/polluted-runoff-nonpoint-source-pollution/urban-runoff-low-impact-development.

3) Green Remediation of a Brownfield Site

- Green Remediation is defined by EPA as "the practice of considering all environmental effects of remedy implementation and incorporating options to minimize the environmental footprint of cleanup actions."
- Consider ways to incorporate sustainable practices when cleaning up a brownfield site including: ways to reduce harmful air emissions, minimize water consumption, reduce land and ecosystem impacts during the cleanup and reduce material consumption and waste generation.

For more information on Green Remediation practices at brownfield sites go to www.clu-in.org/download/remed/Green-Remediation-Primer.pdf.

4) Construction and Demolition Recycling

- Consider ways of incorporating construction and demolition materials recycling into the assessment, cleanup, or redevelopment of your brownfield site.
- If your site has buildings that need to be demolished, plan to recover and sell, donate, or reuse the uncontaminated usable materials rather than disposing of them in a landfill. Materials such as clean untreated wood, gypsum wallboard, metal, asphalt paving, concrete, brick, roofing material, and architectural salvage materials are commonly recycled.
- If your project will include new construction, plan to use recycled materials such as those from deconstruction projects or from materials that have been made out of recycled goods.

5) Diesel Emission Reduction at a Brownfield Site (Especially During the Cleanup of Your Brownfield Site

- Consider ways to reduce harmful emissions released by the burning of diesel fuels by incorporating modifications to operations such as: reducing operating and idle times of machinery, keeping engines well-tuned and maintained in accordance with engine

manual (i.e., change air filters, check engine timing, fuel injectors and pumps) or replacing existing engines with cleaner diesel engines, hybrid or alternative fuels.

For more information on diesel emission reduction go to www.epa.gov/cleandiesel.

T.3. What are some examples of eligible planning activities that applicants can use to reduce vulnerabilities to extreme weather events and natural disasters for their brownfield site(s) and related health risks?

Examples of planning activities to reduce vulnerabilities for brownfield sites and related health risks that are eligible under Multipurpose and Assessment Grants may include but are not limited to:

- Conducting a vulnerability assessment to help guide the assessment and remediation of brownfield sites.
- Identifying the projected changes in natural hazard conditions that the sites are likely to experience through the end of century, using the best available site-level future projections and local data sources.
- Assessing the site's adaptive capacity (the site's ability to cope with changing conditions), including the built environment and infrastructure on or near the site, will help the community understand which measures may need to be taken to reduce vulnerabilities.
- Developing visual tools (e.g., maps, site renderings, etc.) to demonstrate how anticipated exposures over time will create vulnerabilities and risks at and around the brownfield and using these visuals in outreach and decision-making.
- Engaging current residents, neighborhoods, and nearby vulnerable populations where they live, and in settings such as schools, low-income housing, or daycare centers, which can help leaders and residents learn about ways they experience local natural disaster impacts and how the planned remediation and reuse of the brownfield may be an opportunity to reduce their vulnerability and bring needed assets.

For more information, see the Resilient Brownfields Planning factsheet on the Eligible Planning Activities webpage.

T.4. How can I successfully engage with local environmental job training programs?

One way applicants/recipients can engage a local environmental job training program is to connect with an organization that received a Brownfields Job Training Grant (previously called an Environment Workforce Development and Job Training Grant) from EPA.

If you have EPA funding for assessment or cleanup work, you can add the following language in your RFP to help encourage contractors to hire from federally funded workforce development programs:

"Portions of this project are being funded by a U.S. EPA Brownfields Multipurpose/ Assessment/Cleanup Grant. U.S. EPA has job training programs. The Owner looks favorably on contractors who hire staff that have gone through a local/State/federal workforce development program that teaches green remediation techniques/skills."

Even where no environmental job training programs or EPA-funded Job Training Programs currently exist, applicants have the ability to foster local hiring and stimulate their local economies by working through their local Workforce Investment Board (WIB) or One-Stop Center to identify ways to hire locally. These organizations are dispersed throughout every State and metropolitan area in the United States. By promoting local hiring, Multipurpose, Assessment, and Cleanup Grant recipients help ensure the economic benefits derived from brownfields revitalization benefit local residents - those whom the program was intended to help.

The National Institute of Environmental Health Sciences (NIEHS) also has established job training grant programs throughout the country from which local residents have gained the certifications and skills to perform assessment and cleanup work.

T.5. What are some examples of sustainable and equitable development outcomes that communities can consider as part of the Brownfield Grants?

EPA encourages applicants and grant recipients to research sustainable and equitable cleanup and reuse approaches and incorporate them into their proposed project/program. Sustainable and equitable approaches can ensure brownfield sites are cleaned up and reused in ways that:

- contribute to greener and healthier homes, buildings, and neighborhoods;
- mitigate environmental conditions through effective deconstruction and remediation strategies that address solid and hazardous waste, and improve air and water quality;
- improve access by residents to greenspace, recreational property, transit, schools, other nonprofit uses (e.g., libraries, health clinics, youth centers, etc.), and healthy and affordable food;
- improve employment and affordable housing opportunities for local residents;
- reduce toxicity, illegal dumping, and blighted vacant parcels; and
- retain residents who have historically lived within the area affected by brownfield sites