

OVERVIEW

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

TITLE: FY17 Guidelines for Brownfields Cleanup Grants

ACTION: Request for Proposals

RFP NO: EPA-OLEM-OBLR-16-09

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NO.: 66.818

DATES: The closing date and time for receipt of proposals is December 22, 2016, 11:59 p.m. Eastern Time (ET). Proposals must be submitted through www.grants.gov. Proposals received after 11:59 ET on December 22, 2016 will not be considered. Please refer to Section IV.B., *Due Date and Submission Instructions*, for further instructions.

SUMMARY: The Small Business Liability Relief and Brownfields Revitalization Act (“Brownfields Law”, P.L. 107-118) requires the U.S. Environmental Protection Agency (EPA) to publish guidance for grants to assess and clean up brownfield sites. EPA’s Brownfields Program provides funds to empower states, communities, tribes, and nonprofits to prevent, inventory, assess, clean up, and reuse brownfield sites.

Under these guidelines, EPA is seeking proposals for **Cleanup Grants only**. If you are interested in requesting funding for Assessment Grants, please refer to announcement EPA-OLEM-OBLR-16-08 (Assessment Grant Guidelines) posted separately on www.grants.gov and www.epa.gov/brownfields/apply-brownfields-grant-funding.

Note: A solicitation for new Revolving Loan Fund (RLF) Grants will not be issued in FY17. EPA expects to solicit requests from existing, high-performing RLF grantees for supplemental funding through a Federal Register notice in early 2017.

For the purposes of these guidelines, the term "grant" refers to the cooperative agreement that EPA will award to a successful applicant. Please refer to Section II.C. for a description of EPA's anticipated substantial involvement in the cooperative agreements awarded under these guidelines.

EPA urges applicants to review the Frequently Asked Questions which can be found at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf.

In addition, prior to naming a contractor or subawardee in your proposal please carefully review Section IV.F. of these guidelines.

FUNDING/AWARDS: The total funding available under the national competitions for Assessment and Cleanup Grants is estimated at \$54 million subject to the availability of funds and other applicable considerations. EPA may expend up to 25 percent of the amount

appropriated for Brownfields Grants on sites contaminated with petroleum. EPA anticipates awarding an estimated 294 grants among assessment and cleanup grant types. Under this competitive opportunity, EPA anticipates awarding an estimated 60 Cleanup Grants for an estimated \$12 million.

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SECTION I. - FUNDING OPPORTUNITY DESCRIPTION

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or the Superfund Law) was amended by the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law) to include section 104(k), which provides federal financial assistance for brownfields revitalization, including grants for assessment, cleanup, and revolving loan funds.

A **brownfield site is defined** as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutants, contaminants, controlled substances, petroleum or petroleum products, or is mine-scarred land.

A critical part of EPA's assessment and cleanup efforts is to ensure that residents living in communities historically affected by economic disinvestment, health disparities, and environmental contamination have an opportunity to reap the benefits from brownfields redevelopment. EPA's Brownfields Program has a rich history rooted in environmental justice and is committed to helping communities revitalize brownfield properties, mitigate potential health risks, and restore economic vitality.

As described in Section V. of this announcement, proposals will be evaluated based, among other factors, on the extent to which the applicant demonstrates: economic and environmental needs of the target communities; a vision for the reuse and redevelopment of brownfield sites and the capability to achieve that vision; reasonable and eligible tasks and use of grant funding; incorporation of equitable and sustainable approaches; community engagement, partnerships and leveraged resources to complete the project; and economic, environmental, health, and social benefits associated with the reuse and redevelopment of brownfield sites.

I.A. Description of Grant

Cleanup Grants provide funding to carry out cleanup activities at specific brownfield sites owned by the applicant. An applicant can apply for up to \$200,000 per brownfield site and can submit up to three site-specific cleanup proposals. Applicants that exceed the maximum number of proposals allowable for Cleanup Grants will be contacted, prior to review of any of the proposals by EPA, to determine which proposals the applicant will withdraw from the competition. **A separate proposal must be submitted for each site.**

An applicant may request up to \$200,000 to address hazardous substances and/or petroleum contamination at a specified site. An applicant requesting both hazardous substances and petroleum cleanup funding at the **same site** must submit one proposal, which cannot exceed \$200,000 total. If the hazardous substances and petroleum contaminated areas of the site are distinguishable, the proposal must indicate the dollar amount of funding requested for each type of contamination and respond to both the hazardous substances and petroleum eligibility questions in Section III.B.9., including the requirement to provide a petroleum determination letter. If the petroleum and hazardous substances 'co-mingled' and are not easily distinguishable, the applicant must indicate which contaminant is predominant and respond to the appropriate site

eligibility criteria. (Contact your Regional Brownfields Contact listed in Section VII. for more information.)

The performance period is three years for Cleanup Grants. Refer to Section VI. for a list of certain grant and programmatic requirements.

An applicant must be the sole owner of the site that is the subject of its Cleanup Grant proposal and must own the site by December 22, 2016, in order to be eligible to receive a cleanup grant. For the purposes of eligibility determinations in these guidelines only, the term “own” means fee simple title through a legal document (for example a recorded deed); unless EPA approves a different ownership arrangement. EPA will find applicants that do not meet this requirement by December 22, 2016 ineligible. The grantee must retain ownership of the site throughout the period of performance of the grant. Refer to threshold criterion Section III.B.2. and FAQs for additional information.

The Brownfields Law requires applicants to provide a 20 percent cost share for Cleanup Grants. For example, a \$200,000 cleanup grant will require a \$40,000 cost share. The cost share, which may be in the form of a contribution of money, labor, material, or services, must be for eligible and allowable costs under the grant and cannot include administrative costs, as described in the Brownfields Frequently Asked Questions (FAQs) at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf. Applicants may request a waiver of the 20 percent cost share requirement based on hardship. EPA will consider hardship waiver requests on a case-by-case basis and will approve such requests on a limited basis. Refer to threshold criterion Section III.B.11. for additional information.

Cleanup Grant applicants must have an ASTM E1903-11 Phase II site assessment report or equivalent site investigation report complete that indicates a basic understanding of what contaminants need to be cleaned up on the site, even if further Phase II assessment work is required prior to proposal submission. Refer to threshold criterion Section III.B.6. for additional information.

For more information on a range of brownfields topics, please refer to the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf. If you do not have access to the Internet, you can contact your Regional Brownfields Contact listed in Section VII.

I.B. Uses of Grant Funds

In addition to direct costs associated with the cleanup of a brownfield site, grant funds also may be used for the following activities:

1. Grant funds may be used for direct costs associated with programmatic management of the grant, such as required performance reporting, cleanup oversight, and environmental monitoring of cleanup work.

All costs charged to Cleanup Grants must be consistent with the applicable OMB Cost Circular 2 CFR 200 Subpart E.

2. A local government (as defined in 2 CFR 200.64, *Local Government*, and summarized in Section III.A. of these guidelines) may use up to 10 percent of its grant funds for any of the following activities:
 - a. health monitoring of populations exposed to hazardous substances, pollutants, or contaminants from the brownfield site; and
 - b. monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance, pollutant, or contaminant from the brownfield site.
3. A portion of the brownfields grant may be used to purchase environmental insurance.

See the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf for additional information on purchasing environmental insurance.

Grant funds cannot be used for the payment of:

1. proposal preparation costs;
2. a penalty or fine;
3. a federal cost-share requirement (for example, a cost share required by other federal funds);
4. administrative costs, such as indirect costs of grant administration with the exception of financial and performance reporting costs;
5. a response cost at a brownfield site for which the recipient of the grant or loan is potentially liable under CERCLA §107;
6. a cost of compliance with any federal law, excluding the cost of compliance with laws applicable to the cleanup; or
7. unallowable costs (e.g., lobbying and fundraising) under OMB Circulars A-21, A-87, or A-122, as applicable.

See the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf for additional information on ineligible grant activities and ineligible costs.

I.C. EPA Strategic Plan Linkage

EPA's 2014-2018 Strategic Plan defines goals, objectives and sub-objectives for protecting human health and the environment. Brownfields Cleanup Grants will support progress toward Goal 3 (Cleaning Up Communities and Advancing Sustainable Development), Objective 3.1 (Promote Sustainable and Livable Communities). Specifically, these grants will help sustain, clean up and restore communities and the ecological systems that support them by providing funds to assess and clean up brownfield sites. EPA will negotiate work plans with recipients to

collect information about the hazardous substances, pollutants and petroleum contaminants addressed and the amount of land made safe for communities' economic and ecological use. View EPA's Strategic Plan at <http://www.epa.gov/planandbudget/strategicplan>.

I.D. Measuring Environmental Results: Anticipated Outputs/Outcomes

Pursuant to EPA Order 5700.7, "Environmental Results under EPA Assistance Agreements," EPA requires that all grant applicants and recipients adequately address environmental outputs and outcomes. View EPA's Order 5700.7A1 at www.epa.gov/sites/production/files/2015-03/documents/epa_order_5700_7a1.pdf.

EPA must report on the success of its Brownfields Program through measurable outputs and outcomes, such as the number of sites cleaned up, number of jobs created and amount of funding leveraged. Applicants are required to describe how funding will help EPA achieve environmental outputs and outcomes in their responses to the ranking criteria (Sections IV.C.3.2., *Project Description and Feasibility of Success* and IV.C.3.4., *Project Benefits*). Outputs and outcomes specific to each project will be identified as deliverables in the negotiated work plan if the proposal is selected for award. Grantees will be expected to report progress toward the attainment of expected project outputs and outcomes during the project performance period.

Outputs and Outcomes are defined as follows.

1. **Outputs:** The term "outputs" refers to an environmental activity, effort and/or associated work products related to an environmental goal or objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during the project period. The expected outputs for the grants awarded under these guidelines the cleanup of brownfield sites. Other outputs may include the number of community meetings held and/or the number of tanks pulled.
2. **Outcomes:** The term "outcomes" refers to the result, effect, or consequence that will occur from carrying out the activities under the grant. Outcomes may be environmental, behavioral, health-related, or programmatic; must be qualitative or quantitative; and may not necessarily be achievable during the project period. Expected outcomes of Brownfields Grants include the number of jobs created and funding leveraged through the economic reuse of sites; the number of acres made ready for reuse or acres of greenspace created for communities; and whether the project will minimize exposure to hazardous substances and other contamination.

I.E. Linking to HUD-DOT-EPA Partnership for Sustainable Communities, Sustainable and Equitable Development Outcomes, and Supporting Environmental Justice

Under the Project Benefits ranking criterion in Section IV.C.3.4., applicants will be evaluated on how their proposed Brownfield Cleanup project will advance and incorporate sustainable practices such as the HUD-DOT-EPA Livability Principles discussed below. In addition, the proposal will be evaluated on the extent to which it will lead to sustainable and equitable development outcomes and will address environmental justice challenges as discussed below. EPA encourages applicants to provide specific examples of how the proposed Brownfield

Cleanup project will work to remove economic, environmental and social barriers to make sustainable and equitable brownfields reuse of the highest priority.

Linking to the HUD-DOT-EPA Partnership for Sustainable Communities

EPA's Brownfields Cleanup Program is being carried out consistent with the principles of the Partnership for Sustainable Communities (PSC) among the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Transportation (DOT), and U.S. EPA. The Partnership was conceived to advance coordinated infrastructure investment to improve economic prosperity and build healthy, environmentally sustainable, and opportunity-rich communities for all Americans, regardless of race or income. Recognizing the fundamental role that public investment plays in achieving these outcomes, the Administration charged three agencies whose programs impact the physical form of communities - HUD, DOT, and EPA - to coordinate and incorporate the Livability Principles into their policies and funding programs to the maximum degree possible. The Livability Principles can be found at www.sustainablecommunities.gov and include: (1) Providing more transportation choices; (2) Promoting equitable, affordable housing; (3) Increasing economic competitiveness; (4) Supporting existing communities; (5) Leveraging federal investment; and (6) Valuing communities and neighborhoods.

Linking Brownfield Cleanup Approaches to Sustainable and Equitable Development Outcomes

Applicants should incorporate sustainable and equitable reuse approaches into their proposed Brownfield Cleanup projects. The Agency may also consider how well an applicant's proposed project is coordinated with HUD, DOT, EPA programs and programs available from other potential federal and non-federal partners. Sustainable and equitable approaches can ensure brownfields are reused in ways that:

- contribute to greener and healthier homes, buildings, and neighborhoods;
- mitigate environmental conditions through effective deconstruction and remediation strategies which 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 brownfields.

Sustainable development practices facilitate environmentally-sensitive brownfields cleanup and redevelopment while also helping to make communities more attractive, economically stronger, and more socially diverse. While ensuring consistency with community-identified priorities, sustainable development approaches encourage brownfield site reuse in ways that provide new jobs, commercial opportunities, open-space amenities, and/or social services to an existing neighborhood. Brownfields site preparation strategies that prevent contaminant exposure through green building design, materials recycling, enable urban agricultural reuse, promote walkability to/around the site and contribute to community walkability, and on-site stormwater management through green infrastructure, among other approaches, can contribute to sustainable development outcomes.

Equitable development outcomes come about when intentional strategies are put in place to ensure that low-income and minority communities not only participate in but also benefit from, decisions that shape their neighborhoods and regions. There are many different approaches that promote equitable development, such as ensuring a mix of housing types across a range of incomes; access to fresh food; access to jobs; and access to local capital. Programs or policies can be put in place to help ensure creation or integration of affordable housing; local or first-source hiring; minority contracting; inclusionary zoning (where a percentage of new housing is designated as affordable housing); healthy food retailers in places where they do not exist (e.g. food deserts); co-operative ownership models where local residents come together to run a community-owned, jointly owned business enterprise; rent control or community land trusts (to help keep property affordable for residents); supportive local entrepreneurial activities; and adherence to equal lending opportunities.

Linking Brownfield Cleanup Approaches to Environmental Justice

Environmental justice can be supported through sustainable and equitable development approaches. EPA defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across the nation. Environmental justice will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.¹

SECTION II. - AWARD INFORMATION

II.A. What is the Amount of Available Funding?

The total estimated funding available under the national competition for Assessment and Cleanup Grants is estimated at \$54 million subject to the availability of funds, quality of proposals, and other applicable considerations. A separate announcement is posted for the Assessment Grant competition. EPA may expend up to 25 percent of the amount appropriated for Brownfields Grants on sites contaminated with petroleum. EPA anticipates awarding an estimated 294 grants among assessment and cleanup grant types. Under this announcement, EPA anticipates awarding an estimated 60 Cleanup Grants for a total amount of approximately \$12 million in funding.

In addition, EPA reserves the right to award additional grants under this competition should additional funding become available. Any additional selections for awards will be made no later than six months from the date of the original selection decision. EPA reserves the right to reject all proposals and make no awards under this announcement or make fewer awards than anticipated.

In appropriate circumstances, EPA reserves the right to partially fund proposals by funding discrete portions or phases of proposed projects. To maintain the integrity of the competition and

¹ For more information please visit www.epa.gov/environmentaljustice.

selection process, EPA, if it decides to partially fund a proposal, will do so in a manner that does not prejudice any applicants or affect the basis upon which the proposal, or portion thereof, was evaluated and selected for award.

II.B. What is the Project Period for Awards Resulting from this Solicitation?

The project period for Cleanup Grants is up to three years.

II.C. Substantial Involvement

The Brownfield Cleanup Grant will be awarded in the form of a cooperative agreement. Cooperative agreements permit the EPA Project Officer to be substantially involved in overseeing the work performed by the selected recipients. Although EPA will negotiate precise terms and conditions relating to substantial involvement as part of the award process, the anticipated substantial federal involvement for this project may include:

- close monitoring of the recipient's performance to verify the results;
- collaborating during the performance of the scope of work;
- in accordance with 2 CFR 200.317 and 2 CFR 200.318, as appropriate, review of proposed procurements;
- reviewing qualifications of key personnel (EPA will not select employees or contractors employed by the award recipient); and
- reviewing and commenting on reports prepared under the cooperative agreement (the final decision on the content of reports rests with the recipient).

SECTION III. - ELIGIBILITY INFORMATION and THRESHOLD CRITERIA

III.A. Who Can Apply?

The following information indicates what entities are eligible to apply for a Cleanup Grant.

- General Purpose Unit of Local Government. (For purposes of the EPA Brownfields Grant Program, a "local government" is defined as stated under 2 CFR 200.64.: Local government means a county, municipality, city, town, township, local public authority (including any public and Indian housing agency under the United States Housing Act of 1937), school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under state law), any other regional or interstate government entity, or any agency or instrumentality of a local government.)
- Land Clearance Authority or other quasi-governmental entity that operates under the supervision and control of, or as an agent of, a general purpose unit of local government.
- Government Entity Created by State Legislature.
- Regional Council or group of General Purpose Units of Local Government.
- Redevelopment Agency that is chartered or otherwise sanctioned by a state.
- State.
- Indian tribe other than in Alaska. (The exclusion of Alaskan tribes from Brownfields Grant eligibility is statutory at CERCLA §104(k)(1). Intertribal Consortia, comprised of eligible Indian tribes, are eligible for funding in accordance with EPA's policy for funding intertribal consortia published in the Federal Register on November 4, 2002, at 67 Fed. Reg.

67181. This policy also may be obtained from your Regional Brownfields Contact listed in Section VII.)

- Alaska Native Regional Corporation, Alaska Native Village Corporation, and Metlakatla Indian Community. (Alaska Native Regional Corporations and Alaska Native Village Corporations are defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 and following). For more information, please refer to Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf.)
- Nonprofit organizations. (For the purposes of the Brownfields Grant Program, the term “nonprofit organization” means any corporation, trust, association, cooperative, or other organization that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest and is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization.)

III.B. Threshold Criteria for Cleanup Grants

This section contains the threshold eligibility criteria that ensure applicants are eligible to receive Cleanup Grants and that the proposed site is eligible for funding. Threshold criteria are pass/fail and include certain requests for information identified below. The information you submit will be used by EPA solely to make site eligibility determinations for Brownfields Grants and is not legally binding for other purposes including federal, state, or tribal enforcement actions. Only those proposals that pass all the threshold criteria will be evaluated against the ranking criteria in Section IV.C.3. of this announcement.

Applicants deemed ineligible for funding consideration as a result of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.

If a proposal is submitted that includes any ineligible tasks or activities, that portion of the proposal will be ineligible for funding and may, depending on the extent to which it affects the proposal, render the entire proposal ineligible for funding.

Your responses to these items are required and must be included as an attachment to the Narrative Proposal you submit to EPA. See Section IV.C. for a complete list of required documents that must be submitted. **A separate proposal must be submitted for each site.**

In order to maintain the integrity of the competition process, EPA staff cannot meet with individual applicants to discuss draft proposals, provide informal comments on draft proposals, or provide advice to applicants on how to respond to ranking criteria. EPA’s limitations on staff involvement with grant applicants are described in EPA’s Assistance Agreement Competition Policy (EPA Order 5700.5A1). However, EPA staff will respond to questions regarding threshold eligibility criteria, administrative issues related to the submission of the proposal, and requests for clarification about this announcement.

For purposes of the threshold eligibility review, EPA, if necessary, may seek clarification of applicant information and/or consider information from other sources, including EPA files.

Proposals must substantially comply with the proposal submission instructions and requirements set forth in Section IV. of this announcement or they will be rejected. Pages in excess of the page limits described in Section IV. for the Cover Letter and Narrative Proposal, and attachments not specifically required, will not be reviewed.

In addition, initial proposals must be submitted through www.grants.gov as stated in Section IV. of this announcement (except in the limited circumstances where another mode of submission is specifically allowed for as explained in Appendix 2) on or before the proposal submission deadline. Applicants are responsible for following the submission instructions in Section IV. of this announcement to ensure that their proposal is submitted in a timely manner.

Proposals received after the submission deadline will be considered late and deemed ineligible without further consideration unless the applicant can clearly demonstrate that it was late due to EPA mishandling or because of technical problems associated with www.grants.gov or relevant www.sam.gov system issues. An applicant's failure to timely submit their proposal through www.grants.gov because they did not timely or properly register in www.sam.gov or www.grants.gov will not be considered an acceptable reason to consider a late submission.

EPA will verify the Data Universal Number System (DUNS) number listed on the application is the correct DUNS number for the applicant's organization. If the correct DUNS number is not included on the application, the application may be deemed ineligible.

1. **Applicant Eligibility**

Applicants must demonstrate how they are an eligible entity for a Cleanup Grant. Refer to the description of applicant eligibility in Section III.A., *Who Can Apply*.

For entities other than cities, counties, tribes, or states, please attach documentation of your eligibility (e.g., resolutions, statutes, etc.).

If you are a nonprofit organization, you must provide documentation, as an attachment to the proposal, indicating nonprofit status. Failure to do so may render your proposal ineligible for review.

2. **Site Ownership**

To be eligible to receive a Cleanup Grant the applicant must be the sole owner of the site that is the subject of its cleanup grant proposal and must own the site by December 22, 2016. For the purposes of eligibility determinations in these guidelines only, the term "own" means fee simple title through a legal document, for example, a recorded deed; unless EPA approves a different ownership agreement. EPA will find applicants that do not meet this requirement by December 22, 2016 ineligible. The grantee must retain ownership of the site until throughout the period of performance of the grant.

3. **Basic Site Information**

Identify: (a) the name of the site; (b) the address of the site, including zip code; (c) the current owner of the site; and (d) if you are not the current owner, the date you plan to acquire ownership of the site (required for cleanup grants).

4. **Status and History of Contamination at the Site**

Identify: (a) whether this site is contaminated by petroleum or hazardous substances; (b) the operational history and current use(s) of the site; (c) environmental concerns, if known, at the site; and (d) how the site became contaminated, and to the extent possible, describe the nature and extent of the contamination.

5. **Brownfields Site Definition**

To be eligible for a grant, sites must meet the definition of a brownfield as described in Appendix 1. The following types of properties are not eligible for brownfields funding:

- facilities listed (or proposed for listing) on the National Priorities List (NPL);
- 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
- 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 eligible for brownfields funding.)

Affirm that the site is: (a) not listed or proposed for listing on the National Priorities List; (b) not 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 (c) not subject to the jurisdiction, custody, or control of the U.S. government. (Note: Land held in trust by the U.S. government for an Indian tribe is eligible for brownfields funding.) Please refer to CERCLA §§ 101(39)(B)(ii), (iii), and (vii) and Appendix 1.

6. **Environmental Assessment Required for Cleanup Proposals**

A written ASTM E1903-11 or equivalent Phase II site assessment report (a draft report is sufficient) must be completed prior to proposal submission. Equivalent reports would include site investigations or remedial action plans developed for a state cleanup program or Office of Surface Mining surveys for mine-scarred lands. Describe the type of environmental assessments conducted at your proposed site (do not attach assessment reports). Provide the date of the Phase II or equivalent report. Contact your Regional Brownfields Contact listed in Section VII. if you have questions.

7. **Enforcement or Other Actions**

Identify known ongoing or anticipated environmental enforcement or other actions related to the brownfield site for which funding is sought. Describe any inquiries, or orders from federal, state, or local government entities that the applicant is aware of regarding the responsibility of any party (including the applicant) for the contamination, or hazardous substances at the site, including any liens. The information provided in this section may be verified, and EPA may conduct an independent review of information related to the applicant's responsibility for the contamination or hazardous substances at the site.

8. **Sites Requiring a Property-Specific Determination**

Certain types of sites require a property-specific determination in order to be eligible for funding. Please refer to Appendix 1, Section 1.5. and the information below to determine whether your site requires a property-specific determination. If your site requires a property-

specific determination, then you must attach the information requested in the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf. **If not required, affirm that the site does not need a Property-Specific Determination.**

The following special classes of property require a “Property-Specific Determination” from EPA to be eligible for brownfields funding:

- properties subject to planned or ongoing removal actions under CERCLA;
- properties with facilities that have been issued or entered into a unilateral administrative order, a court order, an administrative order on consent, or judicial consent decree or to which a permit has been issued by the United States or an authorized state under the Resource Conservation and Recovery Act (RCRA), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SDWA);
- properties with facilities subject to RCRA corrective action (§3004(u) or §3008(h)) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;
- 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;
- properties where there has been a release of PCBs and all or part of the property is subject to TSCA remediation; and
- properties that include facilities receiving monies for cleanup from the Leaking Underground Storage Tank (LUST) Trust Fund (see Appendix 1 for a definition of LUST Trust Fund sites).

EPA’s approval of Property-Specific Determinations will be based on whether or not awarding a grant will protect human health and the environment and either promote economic development or enable the property to be used for parks, greenways, and similar recreational or nonprofit purposes. Property-Specific Determination requests must be attached to your proposal and do not count toward the 15-page limit for Narrative Proposals. (See Appendix 1, for more information or contact your Regional Brownfields Contact listed in Section VII. if you think your site requires a Property-Specific Determination.)

9. **Site Eligibility and Property Ownership Eligibility**

Applicants eligible for Brownfields Grant funds cannot be liable for contamination on the site. Site eligibility related to liability is determined differently at sites contaminated with hazardous substances than for sites contaminated by petroleum or petroleum product.

If the site is a hazardous substances site, **please respond to all the items under (a).**

If the site is a petroleum site, **please respond to all the items under (b)**, including the requirement to provide a petroleum determination letter.

If the site is co-mingled with hazardous substances and petroleum contaminants, determine whether the predominant contaminant is hazardous substances or petroleum, and respond to the corresponding items (as noted above).

If applying for hazardous substances and petroleum funding at the same site, and the hazardous substances and petroleum contaminated areas of the site are distinguishable, the proposal **must respond to all the items under (a) and (b)**, including the requirement to provide a petroleum determination letter.

(a) Property Ownership Eligibility – Hazardous Substance Sites

For sites contaminated by hazardous substances, persons, including government entities, who may be found liable for the contamination under CERCLA (the Superfund Law) §107 are not eligible for grants. Liable parties may include all current owners and operators, former owners and operators of the site at the time of disposal of hazardous substances, and parties that arranged for, or contributed to, the disposal or treatment of hazardous substances on the site. Therefore, even owners who did not cause or contribute to the contamination may be held liable. To be eligible for a site-specific brownfields grant to address contamination at a brownfields property, eligible entities who fall within one of the categories of potentially liable parties must demonstrate that they meet one of the liability protections or defenses set forth in CERCLA by establishing that they are: (1) an innocent landowner; (2) a bona fide prospective purchaser (BFPP); (3) a contiguous property owner; or (4) local or state government entity that acquired the property involuntarily through bankruptcy, tax delinquency, or abandonment, or by exercising its power of eminent domain. To claim protection from liability as an innocent landowner, bona fide prospective purchaser, or contiguous property owner, property owners, including state and local governments, must conduct all appropriate inquiries prior to acquiring the property. (Please note that these requirements apply to all property acquisitions, including properties acquired by donation or title transfer at zero cost.)

Because cleanup applicants must own the property for which they are seeking a grant – and because current owners of contaminated property are potentially liable under CERCLA – all applicants must demonstrate in their proposals that they are not a liable party by establishing that they meet the requirements of one of the liability protections or defenses set forth in CERCLA. For more information on these liability protections, please refer to the Brownfields Law, the April 2009 Fact Sheet entitled: “EPA Brownfields Grants, CERCLA Liability and All Appropriate Inquiries,” at <http://www.epa.gov/sites/production/files/2014-08/documents/aaifs.pdf> and the March 6, 2003 EPA guidance entitled *Interim Guidance Regarding Criteria Landowners Must Meet in Order to Qualify for Bona Fide Prospective Purchaser, Contiguous Property Owner, or Innocent Landowner Limitations on CERCLA* (“Common Elements”) at <http://www.epa.gov/sites/production/files/documents/common-elem-guide.pdf>. Applicants may also call the Regional Brownfields Contact listed in Section VII. with questions about eligibility.

The most common liability protection asserted by applicants is the bona fide prospective purchaser protection (BFPP). Although the statute limits eligibility for BFPP liability protection to entities that purchase property after January 11, 2002, a brownfields grant applicant can take advantage of this protection, for grant purposes only, even if it acquired a site prior to January 11, 2002. Applicants must demonstrate that they complied with all the other BFPP requirements listed below. For further information, please see

FAQs on All Appropriate Inquiries for more information at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf.

- All disposal of hazardous substances at the site occurred before the person acquired the site.
- The owner must not be liable in any way for contamination at the site or affiliated with a responsible party. Affiliations include familial, contractual, financial, or corporate relationships that are the result of a reorganization of a business entity with potential liability.
- The owner must have conducted all appropriate inquiries (AAI) prior to acquiring the property. AAI, typically met by conducting a Phase I environmental site assessment using the ASTM E1527-13 standard practice, must be conducted or updated within one year prior to the date the property is acquired (i.e., the date on which the entity takes title to the property). In addition, certain aspects of the AAI or Phase I site assessment must be updated, prior to property acquisition, if the activities were conducted more than six months prior to the date of acquisition. Please see the fact sheet “EPA Brownfields Grants, CERCLA Liability and All Appropriate Inquiries,” or EPA’s AAI Final Rule (70 FR 66070) at www.epa.gov/brownfields/brownfields-all-appropriate-inquiries. The owner must take appropriate care regarding any hazardous substances found at the site, including preventing future releases and exposures to hazardous substances on the site.
- The owner must provide all legally required notices and cooperate with authorized response persons in the event of discovery or release of any hazardous substances at the site.
- The owner must comply with any land-use restrictions associated with response actions at the site.

EPA grant funding may not be used to pay for response costs at a brownfield site for which the recipient of the grant is potentially liable under CERCLA §107. The following items are intended to help EPA ensure that you are not liable under CERCLA for response costs at the site designated in your proposal, or determine, if necessary, that your site is eligible for funding as a petroleum site. Please respond to the following items fully and in the order that they appear. Note, that based on your responses, EPA may need to obtain additional information to make this determination.

(1) CERCLA §107 Liability

Affirm that you are not potentially liable for contamination at the site under CERCLA §107 (e.g., as a current owner or operator of a facility, an owner or operator of a facility at the time of disposal of a hazardous substance, a party that arranged for the treatment or disposal of hazardous substances, or a party that accepted hazardous substances for transport to disposal or treatment facilities at the site) by establishing that you are eligible for one of the CERCLA liability protections or defenses (see Section III.B.9.) and **explain why.**²

² Because current owners of sites are potentially liable under CERCLA, cleanup grant applicants who own the site must be able to meet the requirements of one of the CERCLA landowner liability protections, such as the bona fide prospective purchaser provision (CERCLA §107(r)), the innocent

(2) Information on Liability and Defenses/Protections

- a. Information on the Property Acquisition To save space, you may combine responses to the following into one response, though please be sure to answer each item fully. Describe:
- i) how you acquired or will acquire ownership (e.g., by negotiated purchase from a private individual, by purchase or transfer from another governmental unit, by foreclosure of real property taxes, by eminent domain, or other (describe));
 - ii) the date you acquired the property;
 - iii) the nature of your ownership (fee simple) (note that you must have sole ownership of the site to be eligible for funding; unless EPA approves a different ownership arrangement);
 - iv) the name and identity of the party from whom you acquired ownership (i.e., the transferor); and
 - v) all familial, contractual, corporate, or financial relationships or affiliations you have or had with all prior owners or operators (or other potentially responsible parties) of the property (including the person or entity from which you acquired the property).
- b. Timing and/or Contribution Toward Hazardous Substances Disposal Identify whether all disposal of hazardous substances at the site occurred before you acquired the property and whether you caused or contributed to any release of hazardous substances at the site. Affirm that you have not, at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.
- c. Pre-Purchase Inquiry Describe any inquiry by you or others into the previous ownership, uses of the property, and environmental conditions conducted prior to taking ownership. Please include the following in your description.
- i) The types of site assessments performed (e.g., ASTM Phase I), the dates of each assessment, and the entity for which they were performed (state whether the assessment was performed specifically for you, or if not, the name of the party that had the assessment performed and that party's relationship to you). Please note that to be eligible for a brownfields grant, parties who may be potentially liable under CERCLA (which includes current owners of the property) must demonstrate they are not liable for contamination at the property. In most cases, this demonstration must include evidence that an AAI investigation, or Phase I Environmental Site Assessment in compliance with ASTM E1527-13 (or ASTM E2247-08) was conducted prior to property acquisition.
 - ii) Who performed the AAI investigation or Phase I environmental site assessments and identify his/her qualifications to perform such work.
 - iii) If your original AAI investigation or Phase I environmental site assessment was conducted more than 180 days prior to the date you acquired the property, affirm that you conducted the appropriate updates in the original assessment within 180 days prior to your acquisition of the property in order to take advantage of the

landowner defense (CERCLA §107(b)(3) and 101(35)(A)), or the exclusion for state or local governments that involuntarily acquire property (CERCLA §101(20)(D)).

bona fide prospective purchaser, innocent landowner, or contiguous property owner provision.

- d. Post-Acquisition Uses Describe all uses to which the property has been put since you acquired ownership through the present, including any uses by persons, or entities other than you. Please provide a timeline with the names of all current and prior users during the time of your ownership; the dates of all uses; the details of each use, including the rights or other reason pursuant to which the use was claimed or taken (e.g., lease, license, trespass); and your relationship to the current and prior users.
- e. Continuing Obligations³ Describe in detail the specific appropriate care that you exercised with respect to hazardous substances found at the site by taking **reasonable steps**⁴ to:
- i) stop any continuing releases;
 - ii) prevent any threatened future release; and
 - iii) prevent or limit exposure to any previously released hazardous substance.

Please confirm your commitment to:

- i) comply with all land-use restrictions and institutional controls;
- ii) assist and cooperate with those performing the cleanup and provide access to the property;
- iii) comply with all information requests and administrative subpoenas that have or may be issued in connection with the property; and
- iv) provide all legally required notices.

(b) Property Ownership Eligibility - Petroleum Sites

(Disregard this item if you do not have a petroleum site.)

The Brownfields Law outlines specific criteria by which petroleum sites may be eligible for Brownfields Grant funding. In addition to the basic brownfields eligibility criteria, eligibility for petroleum sites is determined by applying the criteria established by Congress: the site must be of “relatively low risk,” there can be no viable responsible party, the applicant cannot be potentially liable for cleaning up the site, and the site must not be subject to a RCRA corrective action order. If a party is identified as being responsible for the site and that party is financially viable, then the site is not eligible for brownfields grant funds (refer to Appendix 1, Section 1.3.2. for more information).

³ Applicants that own contaminated land should be aware that some CERCLA liability protections require that the site owner meet certain continuing obligations. For example, grantees must comply with land-use restrictions and institutional controls; take reasonable steps with respect to the hazardous substances on the property; cooperate with, assist, and allow access to authorized representatives; and comply with CERCLA information requests and subpoenas and provide legally required notices. For more information on the obligations of owners of contaminated property, see EPA’s “*Common Elements Reference Sheet*” at <https://www.epa.gov/sites/production/files/documents/common-elem-ref.pdf>.

⁴ Please note that reasonable steps may include actions such as limiting access to the property, monitoring known contaminants, and complying with state and/or local requirements. The steps taken to prevent or limit exposure to previously released hazardous substances may depend, for example, on such things as the location of the site in relation to the public and whether the public has been known to use (or even trespass on) the site.

Generally, petroleum site eligibility will be determined by EPA or the state, as appropriate. Where the state is unable to make the eligibility determination, EPA will make the determination. EPA will make the determination for tribes.

Non-tribal applicants must provide the information required for a petroleum site eligibility determination (listed below) to your state, so that the state can make the necessary determination on petroleum site eligibility. You must provide EPA with a copy of the state determination letter as an attachment to your proposal. If the state does not make the determination before the proposal due date or is unable to make the determination, please attach a copy of the request you sent to the state. (**Note:** You must provide EPA with the date you requested your state to make the petroleum site determination. EPA will make the petroleum site eligibility determination if a state is unable to do so following a request from an applicant.) Also in your letter to the state, please request that the state provides information regarding whether it applied EPA's guidelines in making the petroleum determination, or if not, what standard it applied.

Tribal applicants must submit the information required for a petroleum site eligibility determination (listed below) as an attachment to your proposal. EPA will make the petroleum site eligibility determinations for tribes.

(1) Information Required for a Petroleum Site Eligibility Determination

- a. Current and Immediate Past Owners Identify the current and immediate past owner of the site. For cleanup grants, the applicant must be the owner.
- b. Acquisition of Site Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).
- c. No Responsible Party for the Site Identify whether the current and immediate past owner (which includes, if applicable, the applicant) (1) dispensed or disposed of petroleum or petroleum product contamination, or exacerbated the existing petroleum contamination at the site; (2) owned the site when any dispensing or disposal of petroleum (by others) took place; and (3) took reasonable steps with regard to the contamination at the site.
- d. 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.
- e. Relatively Low Risk Identify whether the site is "relatively low risk" compared to other petroleum or petroleum product-only contaminated sites in the state in which the site is located, including whether the site is receiving or using Leaking Underground Storage Tank (LUST) Trust Fund monies.

- f. Judgments, Orders, or Third Party Suits Provide information that no responsible party (including the applicant) is identified for the site through, either:
 - i) 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
 - ii) 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
 - iii) a citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site.

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

- h. Financial Viability of Responsible Parties For any current or immediate past 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 vi) above, then the petroleum-contaminated site may be eligible for funding. If a responsible party is identified above, EPA or the state 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 Appendix 1.

10. Cleanup Authority and Oversight Structure

Please note that you will be required to comply with all applicable federal and state laws and ensure that the cleanup protects human health and the environment.

- a. Describe how you will oversee the cleanup at the site. Indicate whether you plan to enroll in a state or tribal response program. If you do not plan to enroll in a state or tribal response program, or an appropriate state or tribal response program is not available, you will be required to consult with U.S. EPA to ensure the cleanup is protective of human health and the environment. Therefore, if you do not plan to enroll in a state or tribal response program, provide a description of the technical expertise you have to conduct, manage, and oversee the cleanup and/or whether you plan to acquire additional technical expertise. If you do plan to acquire additional technical expertise, discuss how, consistent with the competitive procurement provisions of 2 CFR 200.317 through 200.326, you will ensure that this technical expertise is in place prior to beginning cleanup activities.

- b. Cleanup response activities often impact adjacent or neighboring properties. For example, access to neighboring properties may be necessary to conduct the cleanup, perform confirmation sampling, or monitor offsite migration of contamination. If this type of access is needed, provide your plan to acquire access to the relevant property(ies).

11. Statutory Cost Share (See also IV.E. on Leveraging)

Cleanup Grant recipients are required by the Brownfields Law to provide a 20 percent cost share. This cost share is calculated as 20 percent of the total federal cleanup funds awarded. For example, if EPA awards you \$200,000 of federal cleanup funds, you must provide a cost share of an additional \$40,000. The cost share may be in the form of a contribution of money, labor, material, or services from a non-federal source. 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, such as administrative costs (see Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf for a discussion of prohibited costs).

Cleanup grant applicants may petition EPA to waive the cost share requirement if it would place an undue hardship on the applicant. EPA will consider hardship waiver requests on a case-by-case basis and will approve such requests on an extremely limited basis. In considering such requests, EPA will look for indicators such as low per-capita income, unemployment rate significantly above the national average, or unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions.

In your proposal:

- a. Demonstrate how you will meet the required cost share, including the sources of the funding or services, as required for this cleanup grant.
- b. If you are requesting a hardship waiver of the cost share, provide an explanation for the basis of your request as part of your proposal. This explanation must be submitted on a separate page, titled “Hardship Waiver Request.” Your explanation should include the following information: the unemployment rate; per capita income; data demonstrating substantial out-migration or population loss, if relevant; data demonstrating underemployment, that is, employment of workers at less than full-time or at less skilled tasks than their training or abilities permit, if relevant; information regarding military base closures or realignments, defense contractor reductions-in-force, or U.S. Department of Energy defense-related funding reductions, if relevant; local natural or other major disasters or emergencies, if relevant; information regarding extraordinary depletion of natural resources, if relevant; closure or restructuring of industrial firms and negative effects of changing trade patterns, if relevant; whether you are located in a President-Declared Disaster area (declared within 18 months of the submission date for your proposal); whether you have exhausted effective taxing (for governmental entities only) and borrowing capacity. Also, your explanation should include whether the proposed project could still proceed if the cost share waiver was not approved.

Where available, applicants must supply data derived from the most recent American Community Survey (“ACS”) published by the U.S. Census Bureau. In cases where such data are not available, applicants may provide data from other sources (including data

available from the Census Bureau and the Bureaus of Economic Analysis, Labor Statistics, Indian Affairs, or other federal sources). In cases where no federal data are available, applicants may submit the most recent data available through their state, tribal, or local government.

Successful applicants will be notified at the time of the grant announcement if their cost share waiver request was approved. Approval of a cost share waiver does not increase the amount of funding which will be provided by EPA in the grant award. Rather, approval of the cost share waiver will relieve the applicant of the responsibility for providing the cost share amount for the grant award.

12. **Community Notification**

Community Engagement is the cornerstone of the Brownfields Program in ensuring successful cleanup and redevelopment of brownfields projects. The applicant must provide the community with notice of its intent to apply for an EPA Brownfields Grant and allow the community an opportunity to comment on the draft proposal. The draft proposals 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 of each cleanup alternative, the ability of the grantee 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. The ABCA should also evaluate the resilience of the cleanup alternatives in light of reasonably foreseeable changing climate conditions. Please note that the draft ABCA submitted as part of the proposal is intended as a brief preliminary document. A suggested outline, with information that the ABCA must contain, can be found in the FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf.

In addition, the applicant must provide a summary of the public comments received and their response to those comments along with meeting notes and sign-in sheets to EPA for the Agency to consider prior to awarding the grant. Furthermore, the applicant must hold a public meeting to discuss the draft proposal and consider public comments. A regularly scheduled community meeting where multiple topics are discussed is sufficient provided there is an opportunity to discuss the draft proposal. In addition to the public meeting, the applicant may choose to host additional outreach sessions via webinars, or other media outlets, to further engage the community and solicit comments on the proposal. If the proposal is selected for funding, applicants will be required to finalize the ABCA, and make it available for additional public review and comment as part of their pre-cleanup activities (see Section VI.D.3.a. for more information).

Specifically, you must publish a community notification ad in your local newspaper or an equivalent means that you customarily use to communicate to the target community(ies) at least two weeks prior to the date you submit your proposal to EPA and no later than **December 8, 2016**. The community notification ad (or equivalent) must clearly indicate that a copy of this grant proposal, including the draft ABCA, is available for public review and

comment by stating where the draft proposal is located (e.g., town hall, library, website). The community notification ad (or equivalent) must indicate that you will accept comments on the draft proposal. The community notification ad (or equivalent) must also announce the date and time of a public meeting that you must hold prior to submittal of this proposal. Refer to the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf for examples of acceptable community notification methods. States do not need to hold more than one meeting to satisfy this requirement.

The community notification ad (or equivalent) and the meeting must be current and related to this specific proposal. Failure to demonstrate community notification will result in disqualification of the proposal. Applicants who are submitting more than one proposal may plan to have a single community notification ad (or equivalent) and meeting. However, all target communities must receive the notification and be provided an opportunity to comment on the proposal(s) relevant to their community.

Attach to the proposal:

- a copy of the draft ABCA;
- a copy of the ad (or equivalent) that demonstrates notification to the public and solicitation for comments on the proposal(s);
- the comments or a summary of the comments received;
- your response to the public comments; and
- meeting notes or summary from the public meeting(s).

If one or more of the above requested attachments are not submitted with the proposal, please explain **why** the requested attachment is not included.

SECTION IV. - PROPOSAL SUBMISSION INFORMATION

IV.A. How to Obtain a Proposal Package

Electronic copies of these guidelines can be obtained from the EPA Brownfields Program website at www.epa.gov/brownfields/apply-brownfields-grant-funding or through www.grants.gov.

IV.B. Due Date and Submission Instructions

Your organization's Authorized Organization Representative (AOR) must submit your complete application package electronically to EPA through www.grants.gov. Proposals must be received no later than 11:59 p.m. ET on December 22, 2016. Please allow enough time to successfully submit your application package and allow for unexpected errors that may require you to resubmit.

Proposals received after 11:59 p.m. ET December 22, 2016, will not be considered for funding.

All proposal materials must be in English. The Cover Letter and Narrative Proposal must be typed, on letter-sized (8.5 x 11-inch) paper, and **use standard Times New Roman, Arial, or Calibri fonts with a 12-point font size and 1-inch margins**. While these guidelines establish the font and minimum type size requirements, applicants are advised that readability is very important.

The following checklist reflects the documents required for all proposals. All proposals must contain a completed and signed SF-424; a Cover Letter; a Narrative Proposal, limited to 15 typed pages; and required attachments, as listed below. Extraneous materials will not be considered.

<input checked="" type="checkbox"/> Standard Form 424, Application for Federal Assistance, with original signature (no page limit (see Section IV.C.1.))	
<input checked="" type="checkbox"/> Cover Letter (2-page limit) (see Section IV.C.2.)	
<input checked="" type="checkbox"/> Cover Letter Attachments: <ul style="list-style-type: none"> ○ Other Factors Checklist (located in Appendix 3), if applicable (see Section IV.C.2.g.) ○ Letter from the state or tribal environmental authority (see Section IV.C.2.h.) 	
<input checked="" type="checkbox"/> The Narrative Proposal, which includes the responses to ranking criteria (15-page limit) (see Section IV.C.3.)	
<input checked="" type="checkbox"/> Narrative Proposal Attachments: <ul style="list-style-type: none"> ○ Documentation indicating committed firm leveraged resources, if applicable (see Section IV.C.3.2.c.) ○ Letters of Commitment from all community organizations identified in the <i>Partnerships with Community Organizations</i> ranking criterion (see Section IV.C.3.3.c.ii.) 	
<input checked="" type="checkbox"/> Documentation of all applicable threshold criteria (see Section III.B.) <ul style="list-style-type: none"> ○ Documentation of applicant eligibility if other than city, county, state, or tribe (see Section III.B.1.) ○ Documentation of nonprofit status, if applicable (see Section III.B.1.) ○ Property-Specific Determination request, if applicable (see Section III.B.8.) ○ Petroleum eligibility determination information, if applicable (see Section III.B.9.) ○ Justification for cleanup cost share waiver, if applicable (see Section III.B.11.) ○ Draft Analysis of Brownfields Cleanup Alternatives (ABCA) (see Section III.B.12.) ○ Documentation of community notification, including copies of ads (or equivalent) and comments received by you, your organization’s responses to those comments, and meeting notes and sign-in sheets (see Section III.B.12.) 	

1. **Standard Form (SF) - 424, Application for Federal Assistance** (with original signature) www.grants.gov will automatically prompt applicants to submit the SF-424 form.

2. **Cover Letter**

The cover letter shall identify the applicant and a contact for communication with EPA. The cover letter, including the applicant identification information, shall not exceed two single-spaced pages. Any pages submitted over the page limit will not be considered. The cover letter must be on the applicant’s official letterhead, and signed by an official with the

authority to commit your organization to the proposed project. Applicants are to submit separate cover letters for each proposal they submit. EPA does not consider information in cover letters to be responses to the ranking criteria. Each cover letter should be addressed to the Regional Brownfields Contact listed in Section VII. and include the items listed below.

- a. Applicant Identification Provide the name and full address of the entity applying for funds. This is the agency or organization that will be receiving the grant and will be accountable to EPA for the proper expenditure of funds.
- b. Funding Requested
 - i) Grant Type Indicate “Cleanup.”
 - ii) Federal Funds Requested \$ _____ and whether you are requesting a cost-share waiver (refer to funding limitations for cleanup grants).
 - iii) Contamination Indicate “Hazardous Substances,” “Petroleum”, or both.
Note: If both, provide a breakdown of the amount of funding you are requesting by contaminant type (e.g., \$150,000 hazardous substances and \$50,000 petroleum).
- c. Location City, county, and state or reservation, tribally owned lands, tribal fee lands, etc., of the brownfields property(ies).
- d. Property Information Property name and complete site address, including zip code.
- e. Contacts
 - i) Project Director Provide name, phone/fax numbers, e-mail address, and mailing address of the Project Director assigned to this proposed project. This person should be the main point of contact for the project, and should be the person responsible for the project’s day-to-day operations. The Project Director may be contacted if other information is needed.
 - ii) Chief Executive/Highest Ranking Elected Official Provide the name, phone/fax numbers, e-mail address, and mailing address of the applicant’s Chief Executive or highest ranking elected official. For example, if your organization is a municipal form of government, provide this information for the Mayor or County Commissioner. Otherwise, provide this information for your organization’s Executive Director or President. These individuals may be contacted if other information is needed.
- f. Population
 - i) Provide the general population of your jurisdiction.
 - ii) If you are not a municipal form of government, provide the population of the municipality of the identified target area(s). Tribes must provide the number of tribal/non-tribal members affected. Your jurisdiction’s population can be found at www.census.gov/.

- iii) Affirm whether or not your jurisdiction is located within, or includes, a county experiencing “persistent poverty” where 20% or more of its population has lived in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates.
- g. Other Factors Checklist Attach the “Other Factors” Checklist in Appendix 3 to the Cover Letter identifying which, if any, of the items are applicable to your proposal. The “Other Factors” Checklist does not count towards the two-page limit for this section.
- h. Letter from the State or Tribal Environmental Authority
For an applicant other than a state or tribal environmental authority, attach a current letter from the appropriate state or tribal environmental authority acknowledging that the applicant plans to conduct cleanup activities and is planning to apply for federal grant funds. Letters regarding proposals from prior years are not acceptable.

If you are applying for multiple types of grants, you need to receive only one letter acknowledging the relevant grant activities. However, you must provide a copy of this letter as an attachment to each proposal. Please note that general correspondence and documents evidencing state involvement with the project (i.e., state enforcement orders or state notice letters) are not acceptable. Coordinate early with your state or tribal environmental authority in order to allow adequate time for you to obtain the acknowledgment letter and attach it to your proposal.

The letter from the state or tribal authority does not count towards the two-page limit for this section.

3. **The Narrative Proposal/Ranking Criteria**

The narrative proposal (including citations) shall not exceed 15 single-spaced pages. Any pages submitted over the page limit will not be evaluated.

The narrative proposal must include clear, concise, and factual responses to all ranking criteria and sub-criteria. Proposals must provide sufficient detail to allow for an evaluation of the merits of the proposal. **Any criterion left unanswered may result in zero points given for that criterion.** Responses to the criteria should include the criteria number and title but need not restate the entire text of the criteria.

1. **COMMUNITY NEED**

This section of your proposal provides the context for your project. The needs defined in this section should provide the foundation for your later discussion of the brownfields project, planned community engagement and partnerships, and the ways the project will ultimately benefit your community (both outputs and outcomes). This section of your narrative should describe your community, identify a target area within your community, discuss the impacts from brownfields and other environmental issues, and discuss the community’s economic condition and challenges.

a. Target Community and Brownfields

Community and Target Area Descriptions

Include a brief description of your city, town, or geographic area to provide the reader background on its cultural and industrial history that establishes the context for your brownfield challenges.

Within this larger geographic area, identify and describe the specific area where you plan to perform cleanup activities; such as a neighborhood, district, corridor, census tract, or other locality.

Demographic Information and Indicators of Need

Provide and compare census-based demographic data as requested in the table below. Use additional rows or text, as needed, to include other data or information, which provide a compelling explanation for why you selected the target area. Responses should clearly identify sources of information used.

Sample Format for Demographic Information (supplement as appropriate)

	Target Area (e.g., Census Tract)	City/Town or County	Statewide	National
Population:				314,107,084 ¹
Unemployment:				5.0% ²
Poverty Rate:				15.6 % ³
Percent Minority:				37.2% ¹
Median Household Income:				\$53,482 ³
Other: <i>Include other relevant data as needed in additional rows</i>				

¹Data are from the 2014 American Community Survey data profile and are available on American FactFinder at http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP05&src=pt
²Data are from the Bureau of Labor Statistics (The Employment Situation – March 2016) and are available at <http://www.bls.gov/news.release/pdf/empst.pdf>.
³Data are from the 2014 American Community Survey data profile and are available on American FactFinder at http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP03&src=pt.

For resources to gather demographic information, please go the FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf

Brownfields and Their Impacts

Describe the brownfield property to be cleaned up under this grant, as well as its proximity to, and its adverse impact on the residents in the target area. If there are other brownfield sites nearby which may also be affecting the target area, provide similar information about those brownfields as well in order to give the reader an understanding of the overall brownfields challenges being faced.

Provide information about the nature and extent of your brownfield(s) such as past land uses and site activities, potentially related environmental contaminants, and

current conditions. Discuss the real or perceived negative environmental impacts associated with the brownfield(s).

b. Welfare, Environmental, and Public Health Impacts

Please provide information on the welfare impacts in your target area.

Welfare Impacts

Discuss the welfare issues experienced by the target area. (For example: blight, safety concerns, lack of access to community services, lack of transportation services, etc.)

Please provide information on the environmental and public health impacts in your community(ies).

Cumulative Environmental Issues

In addition to the presence of brownfield sites discussed earlier, provide a summary (using available information) of other various cumulative environmental issues (e.g. siting of power plants, incinerators, industry, landfills, congested highways, or other sources of air, water and land pollution) or other environmental justice concerns (such as overburdening from existing sources of pollution) which may be present.

Cumulative Public Health Impacts

- Discuss the public health impacts from cumulative sources and brownfield sites discussed earlier.
- Provide information describing the threats to sensitive populations who are potentially subject to environmental exposures, including from brownfields. (Please refer to FAQs for information on sensitive population at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf.)

c. Financial Need

i. Economic Conditions

Describe why you, as the applicant, need this funding and are unable to draw on other sources of funding. Explain how a small population, low income or other factors of the target area prevent you from funding this work.

Describe how local economic conditions may have been made worse due to industrial decline, plant closures, natural disasters, or other significant economic disruption.

ii. Economic Effects of Brownfields

Describe the key economic effects of the brownfields discussed earlier on the target area (e.g. reduced tax base, lost business opportunities, depressed property values, burden on municipal services etc.). To the extent that this discussion may include quantitative estimates and statistics, clearly cite the sources of such data.

same proposal must distinguish hazardous substance related tasks from petroleum related tasks. Where appropriate, present unit costs and quantify work products (e.g., Contractual Costs: five tank pulls at a cost of \$13,000 per tank for a total of \$65,000). Explain all costs, especially those costs that might appear to be atypical (i.e., unusually high or low).

Discuss the specific activities and tasks that will be covered by the cost share. Cost share activities must be eligible activities under the grant. (Note: The cost share is calculated as 20 percent of the total federal cleanup funds requested.)

Do not include tasks for activities that are ineligible uses of funds under EPA’s Cleanup Grant (e.g., land acquisition; building demolition that is not necessary to clean up contamination at the site; or administrative costs, such as indirect costs). Please refer to the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf for additional examples of ineligible uses of funds. For questions not covered by the FAQs, contact your Regional Brownfields Contact listed in Section VII.

Budget Table

The table format below can be used to present the allocation of EPA grant funds to the specific tasks described above. Specify the costs by budget category. **INCLUDE ONLY EPA GRANT FUNDS AND REQUIRED COST SHARE IN THIS TABLE.** Activities not supported by the grant **should not** be included in the budget table.

Applicants requesting a combination of hazardous substances and petroleum funding in the same proposal may present combined total figures in this table. The relative breakdown/proportions of the two types of funding can be explained via footnotes. Alternately, applicants may choose to provide two separate budget tables, or two separate line items within one budget table, which distinguish hazardous substances funds from petroleum funds.

Note: EPA encourages the use of the table format below and replacing the task number outlined in the table with the actual title of the task.

Sample Format for Budget

Budget Categories	Project Tasks (\$) (programmatic costs only)				Total
	(Task 1)	(Task 2)	(Task 3)	(Task 4)	
Personnel					
Fringe Benefits					
Travel ¹					
Equipment ²					
Supplies					
Contractual					
Other (specify) _____					

1.b. Welfare, Environmental, and Public Health Impacts (4 points)

Welfare Impacts

The amount or impact of welfare issues experienced by the target area.

Cumulative Environmental Issues

The amount of impact of other various cumulative environmental issues or other environmental justice concerns which may be present.

Cumulative Public Health Impacts

The amount of effect of public health impacts from cumulative sources, including brownfield sites including threats to sensitive populations who are potentially subject to environmental exposures, including those from brownfields.

1.c. Financial Need (4 points)

1.c.i. Economic Conditions (2 points)

The demonstrated need of the applicant for this funding and their inability to draw on other sources of funding and how the local economic conditions may have been made worse due to significant economic disruptions.

1.c.ii. Economic Effects of Brownfields (2 points)

The demonstrated economic effects of the brownfields on the target area and the identification/validity of data sources used.

2. PROJECT DESCRIPTION AND FEASIBILITY OF SUCCESS (30 Points)

Your proposals will be evaluated, as further described below, on the quality and extent to which it demonstrates:

- how your project will further the target community's land use and revitalization plans or vision;
- how your project will incorporate equitable or sustainable practices;
- a reasonable approach and methodology to achieve project goals, and expend funds in a timely and effective manner;
- a realistic basis for project costs; and
- the availability of, and access to, sufficient resources to bring the site(s) cleaned up under this grant to reuse.

Specifically, this criterion will evaluate the quality and extent to which you clearly, concisely and realistically address the following in the proposal:

2.a. Project Description (18 points)

2.a.i. Existing Conditions (3 points)

The depth and degree of the existing conditions of the subject property including the extent of contamination, current uses and any buildings or structures on the site.

2.a.ii. Proposed Cleanup Plan (10 points)

The merits of the proposed cleanup plan and cleanup methods that are being considered.

2.a.iii. Alignment with Revitalization Plans (5 points)

How well the how cleanup of the property aligns with the target area's land use and revitalization plans, and how you will incorporate equitable development practices or sustainable practices in a meaningful way.

The redevelopment strategy, or projected redevelopment, of the subject property, including specific redevelopment plans which are already in place, and how you will make use of existing infrastructure.

2.b. Task Descriptions and Budget Table (7 points)

Proposals should demonstrate that the majority of grant funds are allocated for tasks directly associated with environmental remediation.

Task Descriptions

How clearly you demonstrate the activities and tasks support the overall narrative proposal and are eligible under EPA's Cleanup Grant Program, are a reasonable approach to implementing the proposed project, and clearly explain and distinguish between the work you and your contractors will be performing under each grant-funded task. If any additional work or services are necessary to carry out the project that will be funded by sources other than this grant, how clearly you identify and discuss how those tasks will be funded.

The quality of the specific project outputs, how closely the outputs correlate with the described project, and how likely the outputs identified will be achieved.

How good your budget is and how efficiently you plan to use the grant funds. To the extent you present a realistic cost estimate for each **grant-funded** task, include a clear and reasonable basis for how each line item cost estimate was developed under each budget category shown in the budget table, clearly distinguish between hazardous substances and petroleum funding when requested in the same proposal (where appropriate), present unit costs and quantify work products, and explain any costs that appear to be atypical.

Demonstrated how the cost share will be met for eligible activities.

Budget Table

The budget only includes eligible and allowable EPA Cleanup Grant funds, clearly distinguishes any hazardous substances funds from petroleum funds (when appropriate), and

totals add up totals correctly, and correlates with work discussed in the Task Descriptions section.

2.c. Ability to Leverage (5 points)

The amount and relevancy to the cleanup project of any leveraged funding and sources associated with the potential redevelopment of the site. (Note, firm leveraged funding that is very relevant to the cleanup project will be evaluated more favorably than potential leveraged funding or leveraged funding less relevant to the cleanup project.)

3. COMMUNITY ENGAGEMENT AND PARTNERSHIPS (20 Points)

Your proposal will be evaluated on the quality and extent to which it:

- demonstrates actions or plans to effectively involve and inform residents, community groups or representatives directly affected by the site, as well as other relevant stakeholders;
- demonstrates sensitive populations and nearby residents will be protected during the cleanup;
- identifies how a partnership with the state/tribal environmental authority will ensure the cleanup is protective of human health and the environment, or if not applicable, explains how they will ensure the cleanup is protective;
- identifies roles of other relevant governmental partnerships, including health agencies if applicable; and
- identifies the relevant roles of community organizations and affirms their involvement to the project through commitment letters.

Specifically, this criterion will evaluate the quality and extent to which you clearly, concisely and realistically address the following in the proposal:

3.a. Engaging the Community (8 points)

The quality of your plan for involving the community and other stakeholders in the target area in the planning and implementation of your project and how effective it will be in achieving in meaningful community engagement.

The effectiveness of your plan to seek out and consider concerns that local residents may have with regard to health, safety, and community disruption potentially posed by the proposed cleanup activities.

Your approach to ensure the proposed cleanup activities are conducted in a manner that is protective of the sensitive populations and nearby residents identified earlier.

The effectiveness and appropriateness of your plan and outreach methods in ensuring the community(ies) in the target area are aware and involved in the progress of the project.

3.b. Partnerships with Government Agencies (5 points)

Whether or not you are engaging and partnering with the agency which runs the relevant brownfields, voluntary cleanup or another similar program at the local/state/tribal level and, if applicable, the state or local health agencies, what that engagement looks like including their role and how the partnership will contribute to the success of your brownfields project, and ensure it meets applicable standards.

3.c. Partnerships with Community Organizations (5 points)

Community Organization Description & Role

Whether or not you are engaging with community organizations that are relevant to the proposed project, how varied and specific their roles in and commitments to the planning and implementation of the project, and how these partnerships will contribute to the success of your brownfields project.

Letters of Commitment

Whether or not you attach current letters from all of the relevant community organizations, which discuss the organization’s support and affirm their roles in and commitments to the planning and implementation of the project.

If there are no community organizations in your community, whether or not you clearly demonstrate how the community is engaged and will continue to be involved in your project by attaching documentation such as support letters from residents, letters from residents to the editors of local newspapers, attendance lists at public meetings concerning the project, comments from local citizens received on the plans and implementation of the project, etc.

3.d. Partnerships with Workforce Development Programs (2 points)

Whether or not you have a meaningful plan to promote local hiring and procurement or link members of the community to potential employment opportunities in brownfields assessment, cleanup, or redevelopment related to your proposed projects, etc. that clearly indicate their participation/engagement.

4. PROJECT BENEFITS (15 Points)

Your proposal will be evaluated on the quality and extent to which it:

- demonstrates the potential of the project, or the development plan for the project area, to realize significant outcomes and benefits to the public health, welfare and environment of the community;
- contributes to the community plan for the revitalization of brownfields sites; and
- stimulates economic or non-economic benefits.

Specifically, this criterion will evaluate the quality and extent to which you clearly, concisely and realistically address the following in the proposal:

4.a. Welfare, Environmental, and Public Health Benefits (8 points)

To the quality and extent of future welfare, environmental, and public health benefits anticipated from this grant (or broader project), including how the benefits address challenges and sensitive populations you discussed in the Community Need section of your narrative.

4.b. Economic and Community Benefits (7 points)

The quality of the specific project outcomes, whether they include quantitative and qualitative measures, how well they address the challenges identified in the Community Need section, how closely the outcomes correlate with the described project, and how likely the outcome(s) identified will be achieved from the implementation of this grant.

5. PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE (20 Points)

In evaluating an applicant’s response to this criterion, in addition to the information provided by the applicant, EPA may consider relevant information from other sources including information from EPA files and/or from other federal or non-federal grantors to verify or supplement information provided by the applicant.

Your proposal will be evaluated on the quality and extent to which it demonstrates:

- resolution of any audit findings;
- the ability of your organization (as the applicant/lead coalition member) to successfully manage and complete the project, considering your programmatic and administrative capacity;
- a reasonable plan to track and measure project progress; and
- successful performance under past and/or current federally and/or non-federally funded assistance agreements.

Specifically, this criterion will evaluate the quality and extent to which you clearly, concisely and realistically address the following in the proposal:

5.a. Audit Findings (2 points)

Whether the applicant has any adverse audit findings and how they have corrected, or are correcting, the problems.

5.b. Programmatic Capability (10 points)

How efficient and effective the organizational structure is you will utilize to ensure the timely and successful expenditure of funds, your ability to complete all technical, administrative and financial requirements of the project and grant and the roles, expertise, qualifications, and experience of key staff.

How good and efficient the system(s) you have in place to appropriately acquire any additional expertise and resources (e.g. contractors or sub-awardees) required to successfully complete the project.

5.c. Measuring Environmental Results: Anticipated Outputs and Outcomes (2 points)

Whether you have a reasonable plan to track, measure and evaluate your progress in achieving project outcomes, outputs and project results.

5.d. Past Performance and Accomplishments (6 points)

5.d.i. Currently or Has Ever Received an EPA Brownfields Grant (6 points)

Demonstrated ability to successfully manage past EPA Brownfield Grant(s) and the successful performance of all phases of work under each grant.

5.d.i.1. Accomplishments (3 points)

The quality of the accomplishments (including specific outputs and outcomes) of your grant funded program, including at minimum, the number of sites assessed and/or cleaned up, and whether these outputs and outcomes were accurately reflected in the Assessment, Cleanup and Redevelopment Exchange System (ACRES) at the time of this proposal submission, and if not, why.

5.d.i.2. Compliance with Grant Requirements (3 points)

Your compliance with the work plan, schedule and terms and conditions, and whether you have made, or are making, progress towards achieving the expected results of the grant in a timely manner. If you did not achieve expected results, whether or not your explanation was reasonable and appropriate corrective measures were taken to correct the situation.

Demonstrated history of timely and acceptable quarterly performance and grant deliverables, as well as, ongoing ACRES reporting.

Demonstrated need for additional funding and a reasonable plan to expend any existing EPA Brownfields grant funds by the end of the grant period.

For all closed EPA Brownfields grant(s), how accurately you indicate if there were funds remaining at the time of closure, the amount of remaining funds and whether or not you provided a reasonable explanation of why the funds were not expended.

– OR –

5.d.ii. Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements (6 points)

Demonstrated ability to successfully manage federal or non-federal grants(s), and the performance of all phases of work under each grant.

5.d.ii.1. Purpose and Accomplishments (3 points)

How similar in size, scope and relevance the past federal or non-federal grants identified are and whether sufficient information was provided to make that determination.

The quality of the accomplishments (including specific outputs and outcomes) of the project supported by these grants, including specific measures of success for the project supported by each type of grant received.

5.d.ii.2. Compliance with Grant Requirements (3 points)

Your compliance with the work plan, schedule and terms and conditions, and whether you have made, or are making, progress towards achieving the expected results of the grant in a timely manner. If you did not achieve expected results, whether or not your explanation was reasonable and appropriate corrective measures were taken to correct the situation.

Demonstrated history of timely and acceptable reporting, as required by the awarding agency/organization.

– OR –

5.d.iii. Has Never Received Any Type of Federal or Non-Federal Assistance Agreements (3 points)

Whether you affirm that your organization has never received any type of federal or non-federal assistance agreement (grant).

V.B. Other Factors

In making final selection recommendations from among the most highly ranked applicants, EPA's Selection Official may consider the following factors if appropriate. In their proposals, applicants should provide a summary on whether and how any of these potentially applicable other factors apply:

- fair distribution of funds between urban and non-urban areas including an equitable distribution to "micro" communities (those communities with populations of 10,000 or less). EPA strongly encourages non-urban communities, including "micro" communities to apply;
- the distribution of funds among EPA's ten Regions and among the states and territories;
- compliance with the 25 percent statutory petroleum funding allocation;
- whether the applicant is a federally recognized Indian tribe or United States territory or the project is assisting a tribe or territory;
- whether target brownfield sites are impacted by mine-scarred land;
- demonstrated firm leveraging commitments for facilitating brownfield project completion by identifying amounts and contributors of funding in the proposal and have included documentation that tie directly to the project;
- whether a natural disaster(s) (2012 or later) occurred within the community, causing significant community economic and environmental distress;
- recent (2008 or later) significant economic disruption has occurred within the community, resulting in a significant percentage loss of community jobs and tax base;

- whether the applicant is one of the 24 recipients or a core partner/implementation strategy party of a “manufacturing community” designation provided by the Economic Development Administration (EDA) under the Investing in Manufacturing Communities Partnership. Applicants must clearly demonstrate there is a nexus between their IMCP designation and the proposed Brownfields activities;
- whether the applicant is a recipient or a core partner of HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant funding or technical assistance that is directly tied to the proposed Brownfields project, and can demonstrate that funding from a PSC grant/technical assistance has or will benefit the project area; and/or
- whether the applicant is a recipient of an EPA Brownfields Area-Wide Planning grant.

V.C. Review and Selection Process

Timely submitted proposals initially will be reviewed by the appropriate EPA Regional Office to determine compliance with the applicable threshold criteria for Cleanup Grants (Section III.B.). All proposals that pass the threshold criteria review will then be evaluated by national evaluation panels chosen for their expertise in the range of activities associated with the brownfields cleanups. The national evaluation panels will be composed of EPA staff and potentially other federal agency representatives. Eligible proposals will be evaluated based on the criteria described in Section V.A. and a ranking list of applicants will be developed.

The Office of Brownfields and Land Revitalization (OBLR) will provide the list to the Selection Official, who is responsible for further consideration of the proposals and final selection of grant recipients. Proposals will be selected for award based on their evaluated point scores, the availability of funds, and if, and as appropriate, consideration of the other factors described in Section V.B.

V.D. Additional Provisions For Applicants Incorporated Into the Solicitation

Additional provisions that apply to this solicitation and/or awards made under this solicitation including the clause on Reporting and Use of Information Concerning Recipient Integrity and Performance can be found in the EPA Solicitation Clauses at <http://www.epa.gov/grants/epa-solicitation-clauses>. These, and the other provisions that can be found at the website link, are important, and applicants must review them when preparing proposals for this solicitation. If you are unable to access these provisions electronically at the website above, please communicate with the EPA contact listed in this solicitation to obtain the provisions.

SECTION VI. - AWARD ADMINISTRATION INFORMATION

VI.A. Award Notices

EPA Regions will notify applicants who fail threshold eligibility requirements within 15 calendar days of the Agency’s determination of ineligibility. EPA will notify applicants who have not been selected for award based on the ranking criteria and other factors within 15 calendar days of EPA’s final decision on selections for this competition.

EPA anticipates notification to successful applicants will be made via telephone or electronic or postal mail by Spring 2017. The notification will be sent to the original signer of the proposal or the project contact listed in the proposal. This notification, which informs the applicant that its proposal has been selected and is being recommended for award, is not an authorization to begin work. The official notification of an award will be made by Regional Grants Management Official for regional awards. Applicants are cautioned that only a grants officer is authorized to bind the Government to the expenditure of funds; selection does not guarantee an award will be made. For example, statutory authorization, funding or other issues discovered during the award process may affect the ability of EPA to make an award to an applicant. The award notice, signed by an EPA grants officer, is the authorizing document and will be provided through electronic or postal mail. The successful applicant may need to prepare and submit additional documents and forms (e.g., work plan), which must be approved by EPA, before the grant can officially be awarded. The time between notification of selection and award of a grant can take up to 90 days or longer.

VI.B. Administrative and National Policy Requirements

1. Funding will be awarded as a cooperative agreement. The applicants whose proposals are selected will be asked to submit a cooperative agreement application package to their EPA Regional office. This package will include the application (Standard Form 424), a proposed work plan, a proposed budget, and other required forms. An EPA Project Officer will work with you to finalize the budget and work plan. It is EPA's expectation that the selected applicants will complete the award process within six months of the announcement.
2. Approved cooperative agreements will include terms and conditions (including any applicable Davis Bacon requirements) that will be binding on the grant recipient. Terms and conditions specify what grantees must do to ensure that grant-related and Brownfields Program-related requirements are met. Applicants also will be required to submit progress reports in accordance with grant regulations found in 2 CFR 200.328.

VI.C. Reporting Requirements

During the life of the cooperative agreement, recipients are required to submit progress reports to the EPA Project Officer within 30 days after each reporting period. The reporting period (i.e., quarterly, annually) is identified in the terms and conditions of the cooperative agreement. These reports cover work status, work progress, difficulties encountered, an accounting of financial expenditures, preliminary data results, anticipated activities, and any changes of key personnel involved with the project. Site-specific accomplishments are reported on Property Profile Forms and can be submitted electronically to EPA's ACRES reporting system. Information provided in the quarterly reports and submitted in ACRES helps EPA monitor the community's progress with implementing their project and also directly supports the continuation of the Brownfields Program by highlighting measurable site-specific accomplishments to the public and Congress.

At the end of the cooperative agreement, a final project report also is required. The final report will summarize accomplishments, expenditures, outcomes, outputs, lessons learned, and any other resources leveraged during the project and how they were used.

VI.D. Brownfields Programmatic Requirements

Brownfields grantees must comply with all applicable federal and state laws to ensure that the assessment and cleanup protect human health and the environment. Brownfields grantees also must comply with the program's technical requirements, which may include, but are not limited to, the following requirements below.

1. Quality Assurance (QA) Requirements

When environmental samples are collected as part of any brownfields cooperative agreement (e.g., assessment and site characterization, cleanup verification sampling, post-cleanup confirmation sampling), recipients shall submit to EPA for approval a **Quality Assurance Project Plan** (QAPP) prior to the collection of environmental samples. The QAPP must document quality assurance practices sufficient to produce data adequate to meet project objectives and minimize data loss. Compliance with the Quality Assurance requirements is an eligible use of funds for Cleanup Grants.

2. Historic Properties or Threatened and Endangered Species

If historic properties or threatened or endangered (T&E) species may be impacted by the assessment or cleanup of a site, the requirements of the National Historic Preservation Act (NHPA) or the Endangered Species Act (ESA) may apply, respectively. Grantees are required to consult with EPA prior to conducting any on-site activity (such as invasive sampling or cleanup) that may affect historic properties or T&E species to ensure that the requirements of Section 106 of NHPA and Section 7(a)(2) of the ESA are met. Cleanup grantees should plan for these consultation requirements.

3. Environmental Cleanup Responsibilities

Cleanup and RLF grant recipients must complete the following mandatory activities in connection with cleanups conducted with brownfields funding. These activities are all eligible costs.

While the following uses specific terms, EPA anticipates that the majority of the cleanups will be performed through state voluntary cleanup programs (VCPs). As such, the state programs may call these documents by different names. It is EPA's intent that documents generated to meet the state's VCP requirements can serve to meet the mandatory requirements listed below provided they cover the same elements and include the necessary information.

a. **Analysis of Brownfield Cleanup Alternatives (ABCA)**

Prepare an **analysis of brownfield cleanup alternatives**, considering site characteristics, surrounding environment, land-use restrictions, potential future uses, and cleanup goals. The ABCA must be signed by an authorized representative of the grant recipient and the ABCA must include:

- a. information about the site and contamination issues (e.g., exposure pathways, identification of contaminant sources, etc.), cleanup standards, applicable laws, alternatives considered, and the proposed cleanup;

- b. effectiveness, implementability, and the cost of the proposed cleanup;
- c. evaluate the resilience of the remedial options in light of reasonably foreseeable changing climate conditions (e.g., sea level rise, increased frequency and intensity of flooding and/or extreme weather events, etc.);
- d. an analysis of reasonable alternatives including no action. For cleanup of brownfield petroleum-only sites, an analysis of cleanup alternatives must include considering a range of proven cleanup methods including identification of contaminant sources, exposure pathways, and an evaluation of corrective measures. The cleanup method chosen must be based on this analysis; and
- e. the alternatives may consider the degree to which they reduce greenhouse gas discharges, reduce energy use or employ alternative energy sources, reduce volume of wastewater generated/disposed, reduce volume of materials taken to landfills, and recycle and re-use materials generated during the cleanup process to the maximum extent practicable.

b. **Community Relations and Public Involvement in Cleanup Activities**

Recipients must prepare a **site-specific community relations plan** describing how the recipient plans to satisfy the public involvement requirements below. The plan must be submitted to EPA before providing notice to the general community regarding the ABCA. At a minimum, public involvement for cleanup activities requires:

- a. **notice of the ABCA's** or its equivalent's **availability** to the general community and the opportunity for the public to provide comments (written or oral) on the ABCA;
- b. preparation of **written responses** to significant and appropriate **comments**, and documentation of any changes to the cleanup plan; and
- c. preparation of an **administrative record** and **notification** to the public of its **availability** for inspection at a location convenient to the targeted population and general public. The administrative record must contain the documents that form the basis for the selection and implementation of a cleanup plan. Documents in the administrative record shall include the ABCA, site investigation reports, the cleanup plan, cleanup standards used, responses to public comments, and verification that shows that cleanups are complete.

c. **Implementation and Completion of Cleanup Activities**

Recipients **shall ensure the adequacy of each cleanup** in protecting human health and the environment as it is implemented. Regarding occupational safety and health, brownfields cleanups must comply with either all applicable General Industry standards (29 CFR Part 1910) or all applicable Construction standards (29 CFR Part 1926), depending on work operations at the site. In addition, if a site is determined to be a "hazardous waste site," that site must comply with the Hazardous Waste Operations and Emergency Response (HAZWOPER) standard 29 CFR. §1910.120.

In the event of an incomplete cleanup, the recipient shall ensure that the site is secure and notify the appropriate state agency and the U.S. EPA to ensure an orderly transition should additional activities become necessary.

Recipients shall ensure that the **successful completion** of the cleanup is properly **documented**. This must be done through a final report or letter from a qualified environmental professional, or other documentation provided by a state or tribe that shows the cleanup is complete. This documentation needs to be included as part of the administrative record.

4. Sufficient Progress

EPA will evaluate whether the recipient has made sufficient progress 18 months from the date of award. For purposes of the Cleanup Grants, “sufficient progress in implementing a cooperative agreement” means that an appropriate remediation plan is in place, institutional control development, if necessary, has commenced, initial community involvement activities have taken place, relevant state or tribal pre-cleanup requirements are being addressed and a solicitation for remediation services has been issued. If EPA determines that the recipient has not made sufficient progress, the recipient must implement a corrective action plan approved by EPA. Failure to comply with the reporting requirements may result in an early termination of the grant and return of grant funds to EPA.

5. Collection of Post-Grant Information

Under the Government Performance and Results Act, EPA reports on the many benefits of brownfields funding. One such measure provides information on additional resources leveraged as a result of the use of Brownfields Grant funds. These leveraged, non-EPA funds may include additional cleanup funds or redevelopment funding from other federal agencies, state, tribal, and local governments, or private organizations. As many of these activities occur beyond the grant period, please note that EPA may contact you well after the grant period of performance to collect this information.

6. Protection of Nearby and Sensitive Populations

Grantees are required to protect all nearby populations, including sensitive populations in the target community from contaminants during cleanup work conducted on brownfield sites under this grant. Activities include implementing procedures necessary to mitigate any potential exposure from the contamination.

VI.E. Use of Funds

An applicant that receives an award under this announcement is expected to manage assistance agreement funds efficiently and effectively and make sufficient progress towards completing the project activities described in the workplan in a timely manner. The assistance agreement will include terms and conditions implementing this requirement.

VI.F. Disputes

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005) which can be found at in the EPA Solicitation Clauses at www.epa.gov/grants/epa-solicitation-clauses#Disputes. Copies of these procedures may also be requested by contacting the person listed in Section VII. of the announcement.

VI.G. Additional Provisions for Applicants Incorporated Into the Solicitation

Additional provisions that apply to this solicitation and/or awards made under this solicitation, including but not limited to those related to DUNS, SAM, copyrights, disputes, and administrative capability, can be found in the EPA Solicitation Clauses at <http://www.epa.gov/grants/epa-solicitation-clauses>. These, and the other provisions that can be found at the website link, are important, and applicants must review them when preparing proposals for this solicitation. If you are unable to access these provisions electronically at the website above, please communicate with the EPA contact listed in this solicitation to obtain the provisions.

SECTION VII. – AGENCY CONTACTS – Regional Brownfields Contacts

REGIONAL CONTACTS & STATES		ADDRESS
EPA Region 1 Frank Gardner Gardner.Frank@epa.gov Phone (617) 918-1278	CT, ME, MA, NH, RI, VT	5 Post Office Square Suite 100, Mail code: OSRR7-2 Boston, MA 02109-3912
EPA Region 2 Lya Theodoratos Theodoratos.Lya@epa.gov Phone (212) 637-3260	NJ, NY, PR, VI	290 Broadway; 18th Floor New York, NY 10007
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Appendix 1

Information on Sites Eligible for Brownfields Funding Under CERCLA §104(k)

1.1. Introduction

The information provided in this Appendix will be used by EPA in determining the eligibility of any property for brownfields grant funding. The Agency is providing this information to assist you in developing your proposal(s) for funding under CERCLA §104(k) and to apprise you of information that EPA will use in determining the eligibility of any property for brownfields grant funding.

This information is used by EPA solely to make applicant and site eligibility determinations for Brownfields grants and is not legally binding for other purposes including federal, state, or tribal enforcement actions.

1.2. General Definition of Brownfield Site

The Brownfields Law 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.”
Brownfield sites include all “real property,” including residential, as well as commercial and industrial properties.

1.3. Additional Areas Specifically Eligible for Funding

The Brownfields Law also identifies three additional types of properties that are specifically eligible for funding:

1. Sites contaminated by **controlled substances**.
2. Sites contaminated by **petroleum or a petroleum product**.
3. **Mine-scarred lands**.

See below for guidance on determining the scope of each of these three types of sites. Applicants should identify properties included within their funding proposals that fall within the scope of any of the following three areas.

1.3.1. Contamination by Controlled Substance

Sites eligible for funding include real property, including residential property, that is contaminated by a controlled substance. A “controlled substance” is defined under the Controlled Substances Act as “a drug or other substance, or immediate precursor, included in Schedule I, II, III, IV, or V of Part B of this title (21 USC Section 812). The term does not include distilled spirits, wine, malt beverages, or tobacco...” For example, sites eligible for brownfields funding may include private residences formerly used for the manufacture and/or

distribution of methamphetamines or other illegal drugs where there is a presence or potential presence of controlled substances or pollutants, contaminants, or hazardous substances (e.g., red phosphorous, kerosene, acids).

1.3.2. Contamination by Petroleum or Petroleum Product

Petroleum-contaminated sites must meet certain requirements to be eligible for brownfields funding. Petroleum is defined under CERCLA as “crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under that section.”

For a petroleum-contaminated site(s) that otherwise meets the definition of a brownfield site to be eligible for funding, EPA or the state must determine:

1. The site is “relatively low risk” compared with other “petroleum-only” sites in the state.
2. There is no viable responsible party.
3. The site will not be assessed, investigated, or cleaned up by a person that is potentially liable for cleaning up the site.
4. The site must not be subject to a corrective action order under the Resource Conservation and Recovery Act (RCRA) §9003(h).

Site-specific assessment or cleanup grant proposals for petroleum-contaminated sites must provide information in their proposal indicating whether the site meets each of the criteria listed above. If EPA awards an applicant a revolving loan fund grant, the state or EPA must make the same determinations for site(s) that will be cleaned up under a loan or subgrant. These criteria are explained below.

Please note that states may, but are not required to, use this guidance to determine whether sites contaminated by petroleum or petroleum products are eligible for brownfields grant funding. States may apply their own laws and regulations, if applicable, to eligibility determinations under this section.

Note: A petroleum eligibility determination by EPA or a state under CERCLA section 101(39)(D) for the purpose of brownfields funding does not release any party from obligations under any federal or state law or regulation, or under common law, and does not impact or limit EPA or state enforcement authorities against any party.

“Relatively Low Risk”

Applicants whose brownfield site(s) include properties or portions of properties contaminated with petroleum or petroleum products must provide information in their proposal indicating that the property represents a relatively low risk (compared to other petroleum-only sites). EPA’s view is that the following types of petroleum-contaminated sites are high-risk sites, or are not of “relatively low risk”:

1. “High risk” sites currently being cleaned up using LUST Trust Fund monies.
2. Any petroleum-contaminated site that currently is subject to a response under the Oil Pollution Act (OPA).

Note: Any site that does not fall under any of the provisions listed above would be considered to be of relatively low risk for purposes of determining eligibility for a brownfields grant.

“A Site for Which There is No Viable Responsible Party”

EPA or the state is required to determine that there is no viable responsible party that can address the petroleum contamination at the site. If EPA, or the state, identifies a party that is responsible for the activities contemplated by the grant proposal, and that party is financially viable, then the site is not eligible for funding and EPA cannot award the grant. This analysis is twofold - EPA or the state 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 proposal. Applicants are responsible for providing information in their proposal that demonstrates that the activities for which they seek funding have no viable responsible party.

A petroleum-contaminated site may be determined to have no responsible party if the site was last acquired (regardless of whether the site is owned by the applicant) through tax foreclosure, abandonment, or equivalent government proceedings, and that the site meets the criteria in (1) below. Any petroleum-contaminated site not acquired by a method listed above will be determined to have a responsible party if the site fails to meet the criteria in both (1) and (2) below.

1. No responsible party has been identified for the site through:
 - a. an unresolved judgment rendered in a court of law or an administrative order that would require any party (including the applicant) to conduct the activities (including assessment, investigation or cleanup) contemplated by the grant proposal;
 - b. an unresolved enforcement action by federal or state authorities that would require any party (including the applicant) to conduct the activities (including assessment, investigation, or cleanup) contemplated by the grant proposal; or
 - c. an unresolved citizen suit, contribution action, or other third party claim brought against the current or immediate past owner for the site that would, if successful, require the activities (including assessment, investigation, or cleanup) contemplated by the grant proposal to be conducted.

2. The current and immediate past owner did not dispense or dispose of, or own the subject property during the dispensing or disposal of, any contamination at the site, did not exacerbate the contamination at the site, and took reasonable steps with regard to the contamination at the site.¹ For purposes of the grant program and these guidelines only, the current owner is the entity that will own the property at the time of grant submission. For cleanup grants, the current owner must be the applicant.

¹ For purposes of determining petroleum brownfield grant eligibility, “reasonable steps with regard to contamination at the site” includes, as appropriate: stopping continuing releases, preventing threatened future releases, and preventing or limiting human, environmental, or natural resource exposure to earlier petroleum or petroleum product releases. Reasonable steps are discussed in more detail on pages 9-12 of EPA’s March 6, 2003, “*Common Elements*” guidance.

If no responsible party is identified above, then the petroleum-contaminated site may be eligible for funding. If a responsible party is identified above, EPA or the state must next determine whether that party is viable. If any such party is determined to be viable, then the petroleum-contaminated site is not eligible for funding.

If there is a responsible party for the site, the applicant should explain in its application what steps it took to determine a responsible party's financial status, and why the information presented indicates that the responsible party is not viable. A state making the "viable responsible party" determination for the applicant may use the standards contained in this Appendix or its own standard. If a state is not making the determination or a tribe is the applicant, EPA will follow the standard set forth in this Appendix. Note that any viability determination made by EPA is for purposes of the CERCLA Section 104(k) grant program only.

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 proposal.

Generally, EPA will consider ongoing businesses or companies (corporations, LLCs, partnerships, etc.) and government entities to be viable. EPA will generally deem a defunct or insolvent company and an individual responsible party to be not viable. EPA will apply these assumptions to its petroleum grant viability determinations, unless there is information suggesting that the assumption is not appropriate in a particular case (e.g., if there is information that an individual has adequate financial resources to address contamination at a site, or if there is information indicating an ongoing business is not, in fact, viable). An applicant should indicate if one of the above assumptions applies and provide support for the assertion. In circumstances not covered by one of the above assumptions, the applicant should explain why the responsible party is not viable.

An applicant seeking to determine the financial status (i.e., the viability) of a responsible party should consider consulting the following resources and any other resources it may deem to be useful to make this determination:

1. **Responsible Party:** Ask the responsible party for its financial information (tax returns, bank statements, financial statements, insurance policies designed to address environmental liabilities, etc.), especially if the responsible party is still associated with the site or is the applicant, and, therefore, will receive the benefit of the grant. An applicant that is a responsible party and claiming it is not viable should provide conclusive information, such as an INDIPAY or MUNIPAY analysis, on its inability to pay for the assessment or cleanup.
2. **Federal, State, and Local Records:** Federal, state, and local (i.e., county and city) records often provide information on the status of a business. An applicant that is a state or local government should at the very least search its own records for information on a responsible party. Examples of such resources include regulatory records (e.g., state hazardous waste records), Secretary of State databases, and property/land records.
3. **Public and Commercial Financial Databases:** Applicants also may obtain financial data from publicly available and commercial sources. Listed below are examples of sources for

financial data that applicants may consider. Please note that some commercial sources may charge fees. EPA does not endorse the use of any specific sources, and EPA will accept reliable data from other sources as part of a proposal for funding.

Examples of sources: Lexis/Nexus, Dun & Bradstreet reports, Hoover's Business Information, Edgar Database of Corporate Information, Thomas Register of American Manufacturers, The Public Register, Corporate Annual Reports, Internet search engines (e.g. Google, Ask).

"Cleaned Up by a Person Not Potentially Liable"

Brownfields funding may be awarded for the assessment and cleanup of petroleum-contaminated sites provided they meet the requirements below.

1. The applicant has not dispensed or disposed of or owned the property during the dispensing or disposal of petroleum or petroleum product at the site.
2. The applicant did not exacerbate the contamination at the site and took reasonable steps with regard to the contamination at the site.

"Is not subject to any order issued under §9003(h) of the Resource Conservation and Recovery Act (RCRA)"

Proposals that include requests for an assessment or direct cleanup grant to address petroleum-contaminated sites must not be subject to a corrective action order under RCRA §9003(h). If EPA awards an applicant a revolving loan fund grant, the state or EPA must make the same determination for site(s) that will be cleaned up under a loan or subgrant.

1.3.3. Mine-Scarred Lands

Mine-scarred lands are eligible for brownfields funding. EPA's view is that "mine-scarred lands" are those lands, associated waters, and surrounding watersheds where extraction, beneficiation, or processing of ores and minerals (including coal) has occurred. For the purposes of this section, the definition of extraction, beneficiation, and processing is the definition found at 40 CFR 261.4(b)(7).

Mine-scarred lands include abandoned coal mines and lands scarred by strip mining.

Examples of coal mine-scarred lands may include, but are not limited to:

- abandoned surface coal mine areas;
- abandoned deep coal mines;
- abandoned coal processing areas;
- abandoned coal refuse areas;
- acid or alkaline mine drainage; and
- associated waters affected by abandoned coal mine (or acid mine) drainage or runoff, including stream beds and adjacent watersheds.

Examples of non-coal hard rock mine-scarred lands may include, but are not limited to:

- abandoned surface and deep mines;
- abandoned waste rock or spent ore piles;

- abandoned roads constructed wholly or partially of waste rock or spent ore;
- abandoned tailings, disposal ponds, or piles;
- abandoned ore concentration mills;
- abandoned smelters;
- abandoned cyanide heap leach piles;
- abandoned dams constructed wholly or partially of waste rock, tailings, or spent ore;
- abandoned dumps or dump areas used for the disposal of waste rock or spent ore;
- acid or alkaline rock drainage; and
- waters affected by abandoned metal mine drainage or runoff, including stream beds and adjacent watersheds.

1.4. Sites Not Eligible for Brownfields Funding

The following three types of properties are not eligible for brownfields funding under the Brownfields Law, even on a property-specific basis. Applicants should not include these types of sites in the funding proposals.

- 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.
- 3) Facilities that are subject to the jurisdiction, custody, or control of the United States government. Facilities owned by, or under the custody or control of, the federal government are not eligible for brownfields funding. EPA’s view is that this exclusion may not extend to:
 - a. privately-owned, Formerly Used Defense Sites (FUDS);
 - b. privately-owned, Formerly Utilized Sites Remedial Action Program (FUSRAP) properties; and
 - c. other former federal properties that have been disposed of by the United States government.

Note that land held in trust by the United States government for an Indian tribe is not excluded from funding eligibility. In addition, eligibility for brownfields funding does not alter a private owner’s ability to cost recover from the federal government in cases where the previous federal government owner remains liable for environmental damages.

1.5. Particular Classes of Sites Eligible for Brownfields Funding Only With Property-Specific Determinations

The following special classes of property are generally ineligible brownfield sites unless EPA makes a “Property-Specific Determination” and determines they are eligible for funding. These include:

- properties subject to planned or ongoing removal actions under CERCLA;
- properties with facilities that have been issued or entered into a unilateral administrative order, a court order, an administrative order on consent, or judicial consent decree or to

which a permit has been issued by the United States or an authorized state under RCRA, FWPCA, TSCA, or SDWA;

- properties with facilities subject to RCRA corrective action (§3004(u) or §3008(h)) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;
- 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.
- properties where there has been a release of PCBs and all or part of the property is subject to TSCA remediation; and
- properties that include facilities receiving monies for cleanup from the LUST Trust Fund.

EPA's approval of Property-Specific Determinations will be based on whether or not awarding a grant will protect human health and the environment and either promote economic development or enable the property to be used for parks, greenways, and similar recreational or nonprofit purposes. Property-Specific Determination requests should be attached to your proposal and do not count toward the 15-page limit. See the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf for more information on how to prepare and submit a Property-Specific Determination.

1.5.1. Facilities Subject to CERCLA Removal Actions

Properties (including parcels of properties) where there are removal actions may not receive funding, unless EPA makes a property-specific determination of funding eligibility.

EPA's view is that a removal may be identified by the occurrence of one of the following events, whichever occurs first in time: EPA issues an action memo; EPA issues an Engineering Evaluation/Cost Analysis approval memo; EPA mobilizes onsite; EPA issues a notice of federal interest to one or more potentially responsible parties (PRPs), which in emergencies may be made verbally; or EPA takes other actions that are consistent with a removal.

Once a removal action is complete, a property is eligible for brownfields funding without having to obtain a property-specific funding determination. EPA's view is that, solely for the purposes of eligibility to receive brownfields funding, a removal is complete when the actions specified in the action memorandum are met, or when the contractor has demobilized and left the site (as documented in the "pollution report" or POLREP). Applicants applying for brownfields funding for sites at which removal actions are complete must include documentation of the action being complete with their funding proposal.

Parcels of facilities not affected by removal action at the same property may apply for brownfields funding and may be eligible for brownfields funding on a property-specific basis. Property-specific funding decisions will be made in coordination with the on-scene coordinator (OSC) to ensure that all removals and cleanup activities at the property are conducted in safe and protective manners and to ensure that the OSC retains the ability to address all risks and contamination.

Please note that if a federal brownfields-funded site assessment results in identifying the need for a new removal action, the grantee may continue to expend assessment grant funds on additional assessment activities. However, any additional expenditure of federal brownfields funds and any additional site assessment activities should be conducted in coordination with the OSC for the site.

1.5.2. Facilities to which a permit has been issued by the United States or an authorized state under the Resource Conservation and Recovery Act (RCRA), the Federal Water Pollution Control Act, the Toxic Substances Control Act, or the Safe Drinking Water Act

Generally, in cases where a property or a portion of a property is permitted under the Resource Conservation and Recovery Act, Section §1321 of the Clean Water Act, the Safe Drinking Water Act, and/or the Toxic Substances and Control Act, the property, or portion of the property, may not receive funding without a property-specific determination. Therefore, applicants should review the following guidance regarding which types of permitted facilities may not receive funding unless EPA makes a property-specific determination to provide funding. Applicants should note that the exclusion for permitted facilities does not extend to facilities with National Pollutant Discharge Elimination System (NPDES) permits issued under the authorities of the Federal Water Pollution Control Act, but is limited to facilities issued permits under the authorities of the Oil Pollution Act (i.e., §1321 of FWPCA).

In cases where one or more portions of a property are not eligible for funding, the applicant should identify the specific permit and situation that causes the property to be excluded. In addition, the applicant must include, within the proposal, documentation that federal brownfields funding for the assessment or cleanup of the property will further the goals established for property-specific funding determinations as described in the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf.

In some cases, a facility may not have a permit or order because it is not in compliance with federal or state environmental laws requiring that it obtain a permit or the facility has failed to notify EPA of its regulatory status. Such facilities are not eligible for brownfields funding. For example, a RCRA treatment unit operator is required to obtain a permit and/or notify EPA of its operation. An operator that fails to fulfill those obligations will likely not have a permit or order as EPA will be unaware of its existence. Therefore, it is EPA's view that such facilities are ineligible to receive brownfields funds as a result of their failure to comply with a basic regulatory requirement. Additional guidance on the eligibility of RCRA-permitted facilities, including facilities under administrative or court orders, including corrective action orders, is provided in the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf.

1.5.3. RCRA Sites

RCRA Facilities that are Eligible for Funding

EPA's view is that the following types of RCRA facilities are eligible for brownfields funding and do not require Property-Specific Determinations:

- a. RCRA interim status facilities that are not subject to any administrative or judicial order or consent decree;

- b. RCRA interim status facilities that are subject to administrative or judicial orders 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
- c. parcels of RCRA facilities that are not under the scope of a RCRA permit or administrative or judicial order.

RCRA Facilities that Require Property-Specific Determinations

EPA’s view is that the following types of RCRA facilities **may not receive funding without a property-specific determination**:

- a. RCRA-permitted facilities;
- b. RCRA interim status facilities with administrative orders requiring the facility to conduct corrective action or otherwise address contamination, including facilities with orders issued under the authorities of RCRA §3008(a), §3008(h), §3013, and §7003;
- c. facilities under court order or under an administrative order on consent or judicial consent decree under RCRA or CERCLA that require the facility to conduct corrective action or otherwise address contamination at the facility; and
- d. land disposal units that have notified EPA or an authorized state of their intent to close and have closure requirements specified in closure plans or permits.

1.5.4. Land disposal units that have filed a closure notification under Subtitle C of RCRA and to which closure requirements have been specified in a closure plan or permit

RCRA hazardous waste landfills that have submitted closure notifications, as required under 40 CFR 264.112(d) or 265.112(d), generally will not be funded. This may include permitted facilities that have filed notification of closure and for which EPA and/or an authorized state is proceeding with final closure requirements for the facility. For interim status facilities, this is done through approval of a closure plan submitted with closure notification. For permitted facilities, this is routinely done as a modification to the permit, requested by the facility at the time of closure notification.

Please note that RCRA hazardous waste landfills that have submitted closure notifications may be eligible for brownfields funding with a Property-Specific Determination.

1.5.5. Sites Contaminated with PCBs

The Brownfields Law excludes from funding eligibility portions of facilities where there has been a release of PCBs that are subject to remediation under TSCA.

EPA’s view is that all portions of properties **are eligible** for brownfields site assessment grants, except where EPA has initiated an involuntary action with any person to address PCB contamination. Also, it is EPA’s view that all portions of properties **are eligible** for cleanup and RLF grants, except where EPA has an ongoing action against a disposer to address PCB contamination. However, any portion of a property where EPA has initiated an involuntary action with any person to address PCB contamination and portions of properties where EPA has an ongoing action against a disposer to address PCB contamination will require a Property-Specific Determination to be eligible for brownfields funding, including:

- there is a release (or disposal) of any waste meeting the definition of “PCB remediation waste” at 40 CFR 761.3; **and**
- at which EPA has initiated an involuntary action with any person to address the PCB contamination. Such involuntary actions could include:
 - enforcement action for illegal disposal;
 - Regional Administrator’s order to characterize or remediate a spill or old disposal (40 CFR 761.50(b)(3));
 - penalty for violation of TSCA remediation requirements;
 - superfund removal action; or
 - remediation required under RCRA §3004(u) or §3004(v).

PCBs may be remediated under any one of the following provisions under TSCA:

- a. section 761.50(b)(3), the directed characterization, remediation, or disposal action;
- b. section 761.61(a), the self-implementing provision;
- c. an approval issued under §761.61(c), the risk-based provision;
- d. section 761.61(b) to the level of PCB quantification (i.e., 1 ppm in soil);
- e. an approval issued under §761.77, the coordinated approval provision;
- f. section 761.79, the decontamination provision;
- g. an existing EPA PCB Spill Cleanup Policy; or
- h. any future policy or guidance addressing PCB spill cleanup or remediation specifically addressing the remediation of PCBs at brownfield sites.

1.5.6. LUST Trust Fund Sites

The Brownfields Law requires a Property-Specific Determination for funding at those sites (or portions of properties) for which assistance for response activity has been obtained under Subtitle I of RCRA from the LUST Trust Fund. EPA’s view is that this provision may exclude UST sites where money is being spent on actual assessment and/or cleanup of UST/petroleum contamination.

However, in cases where the state agency has used LUST Trust Fund money for state program oversight activities on an UST site, but has not expended LUST Trust Funds for specific assessment and/or cleanup activities at the site, the site would be eligible for brownfields funding and does not need a Property-Specific Determination. Such sites may receive brownfields funding on a property-specific basis, if it is determined that brownfields funding will protect human health and the environment and the funding will promote economic development or enable the creation of, preservation of, or addition to greenspace (see guidance on documenting eligibility for property-specific funding determinations provided in the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf).

Examples of sites receiving LUST Trust Fund monies that EPA would consider to be good candidates to receive Brownfields Grants or loans include:

- a. all USTfields pilots (50 pilots);
- b. sites (or portions of properties) where an assessment was completed using LUST Trust Fund monies and the state has determined that the site is a low-priority UST site, and therefore,

additional LUST Trust Fund money cannot be provided for the cleanup of petroleum contamination, but the site still needs some cleanup and otherwise is a good candidate for economic revitalization; and

- c. sites (or portions of properties) where LUST Trust Fund money was spent for emergency activities, but then the site was determined to be ineligible for further expenditures of LUST Trust Funds, yet the site needs additional funding for continued assessment and/or cleanup that will contribute to economic revitalization of the site.

1.6. Eligible Response Sites/Enforcement Issues

The Brownfields Law limits EPA's enforcement and cost recovery authorities at "eligible response sites" where a response action is conducted in compliance with a state response program. Section 101(40) of CERCLA defines an "eligible response site" by referencing the general definition of a "brownfield site" in §101(39)(A) and incorporating the exclusions at §101(39)(B). The Law places further limitations on the types of properties included within the definition of an eligible response site, but grants EPA the authority to include within the definition of eligible response site, and on a property-specific basis, some properties that are otherwise excluded from the definition. Such property-specific determinations must be based upon a finding that limits on enforcement will be appropriate, after consultation with state authorities, and will protect human health and the environment and promote economic development or facilitate the creation of, preservation, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes. While the criteria appear similar to those for determining eligibility for funding on a property-specific basis, the determinations are distinct, will be made through a separate process, and may not be based on the same information requested in this document for property-specific funding determinations.

Also, please note that in providing funding for brownfield sites, and given that a limited amount of funding is available for Brownfields Grants, EPA's goal is to not provide brownfields funding to sites where EPA has a planned or ongoing enforcement action. While EPA does not intend that the existence of a planned or ongoing enforcement action will necessarily disqualify a site from receipt of brownfields funding, EPA does believe it is necessary that EPA be aware of the existence of any such action in making funding decisions. As a result, EPA will conduct an investigation to evaluate whether a site is, or will be, subject to an enforcement action under CERCLA or other federal environmental statutes. EPA is requesting that applicants identify ongoing or anticipated environmental enforcement actions related to the brownfield site for which funding is sought.

Appendix 2 www.grants.gov Proposal Submission Instructions

A. Requirement to Submit Through www.grants.gov and Limited Exception Procedures

Applicants, except as noted below, must apply electronically through www.grants.gov under this funding opportunity based on the www.grants.gov instructions in this announcement. If an applicant does not have the technical capability to apply electronically through www.grants.gov because of limited or no Internet access which prevents them from being able to upload the required application materials to www.grants.gov, the applicant must contact OGDWaivers@epa.gov or the address listed below in writing (e.g., by hard copy, email) at *least 15 calendar days prior to the submission deadline under this announcement* to request approval to submit their application materials through an alternate method.

Mailing Address:

OGD Waivers
c/o Barbara Perkins
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Ave., N.W.
Mail Code: 3903R
Washington, DC 20460

Courier Address:

OGD Waivers
c/o Barbara Perkins
Ronald Reagan Building
1300 Pennsylvania Ave., N.W.
Rm # 51267
Washington, DC 20004

In the request, the applicant must include the following information:

- Funding Opportunity Number (FON)
- Organization Name and DUNS
- Organization's Contact Information (email address and phone number)
- Explanation of how they lack the technical capability to apply electronically through www.grants.gov because of 1) limited Internet access or 2) no Internet access which prevents them from being able to upload the required application materials through www.grants.gov.

EPA will only consider alternate submission exception requests based on the two reasons stated above and will timely respond to the request -- all other requests will be denied. If an alternate submission method is approved, the applicant will receive documentation of this approval and further instructions on how to apply under this announcement. Applicants will be required to submit the documentation of approval with any initial application submitted under the alternative method. In addition, any submittal through an alternative method must comply with all applicable requirements and deadlines in the announcement including the submission deadline and requirements regarding proposal content and page limits (although the documentation of approval of an alternate submission method will not count against any page limits).

If an exception is granted, it is valid for submissions to EPA for the remainder of the entire calendar year in which the exception was approved and can be used to justify alternative submission methods for application submissions made through December 31st of the calendar

year in which the exception was approved (e.g., if the exception was approved on March 1, 2016, it is valid for any competitive or non-competitive application submission to EPA through December 31, 2016). Applicants need only request an exception once in a calendar year and all exceptions will expire on December 31st of that calendar year. Applicants must request a new exception from required electronic submission through www.grants.gov for submissions for any succeeding calendar year. For example, if there is a competitive opportunity issued on December 1, 2016, with a submission deadline of January 15, 2017, the applicant would need a new exception to submit through alternative methods beginning January 1, 2017.

Please note that the process described in this section is only for requesting alternate submission methods. All other inquiries about this announcement must be directed to the Regional Brownfields Contact listed in Section VII. Queries or requests submitted to the email address identified above for any reason other than to request an alternate submission method will not be acknowledged or answered.

B. Submission Instructions

The electronic submission of your application must be made by the Authorized Organization Representative (AOR) of your institution who is registered with www.grants.gov and is authorized to sign applications for federal assistance. For more information on the registration requirements that must be completed in order to submit an application through www.grants.gov, go to www.grants.gov and click on “Applicants” on the top of the page and then go to the “Get Registered” link on the page. If your organization is not currently registered with www.grants.gov, please encourage your office to designate an AOR and ask that individual to begin the registration process as soon as possible. Please note that the registration process also requires that your organization have a DUNS number and a current registration with the System for Award Management (SAM) and the process of obtaining both could take a month or more. Applicants must ensure that all registration requirements are met in order to apply for this opportunity through www.grants.gov and should ensure that all such requirements have been met well in advance of the submission deadline. Registration on www.grants.gov, www.sam.gov, and DUNS number assignment is FREE.

Applicants need to ensure that the AOR who submits the application through www.grants.gov and whose DUNS number is listed on the application is an AOR for the applicant listed on the application. Additionally, the DUNS number listed on the application must be registered to the applicant organization’s SAM account. If not, the application may be deemed ineligible.

To begin the application process under this grant announcement, go to www.grants.gov and click on “Applicants” on the top of the page and then “Apply for Grants” from the dropdown menu and then follow the instructions accordingly. Please note: apply through www.grants.gov, you must use Adobe Reader software and download the compatible Adobe Reader version. For more information about Adobe Reader, to verify compatibility, or to download the free software, please visit <http://www.grants.gov/web/grants/support/technical-support/software/adobe-reader-compatibility.html>.

You may also be able to access the application package for this announcement by searching for

the opportunity on www.grants.gov. Go to www.grants.gov and then click on “Search Grants” at the top of the page and enter the Funding Opportunity Number, **EPA-OLEM-OBLR-16-09**, or the CFDA number that applies to the announcement (**CFDA 66.818**), in the appropriate field and click the “Search” button. Alternatively, you may be able to access the application package by clicking on the “Application Package” button at the top right of the synopsis page for the announcement on www.grants.gov. To find the synopsis page, go to www.grants.gov and click “Browse Agencies” in the middle of the page and then go to “Environmental Protection Agency” to find the EPA funding opportunities.

Proposal Submission Deadline: Your organization’s AOR must successfully submit your complete application package electronically to EPA through www.grants.gov **no later than December 22, 2016, 11:59 p.m. ET**. Please allow for enough time to successfully submit your application process and allow for unexpected errors that may require you to resubmit.

Please submit all of the application materials described below using the www.grants.gov application package that you downloaded using the instructions above. For additional instructions on completing and submitting the electronic application package, click on the “Show Instructions” tab that is accessible within the application package itself.

Applications submitted through www.grants.gov will be time and date stamped electronically. If you have not received a confirmation of receipt from EPA (not from www.grants.gov) within 30 days of the proposal deadline, please contact Jerry Minor-Gordon at minor-gordon.jerry@epa.gov. Failure to do so may result in your proposal not being reviewed.

Application Materials

The following forms and documents are mandatory under this announcement.

1. Application for Federal Assistance (Standard Form 424)
2. Cover Letter and Narrative Proposal. See Section IV.C. for details on the content of the Cover Letter and Narrative Proposal, and the associated page limits.
3. Required Attachments. See Section IV.C. of this announcement.

C. Technical Issues with Submission

1. Once the application package has been completed, the “Submit” button should be enabled. If the “Submit” button is not active, please call www.grants.gov for assistance at 1-800-518-4726. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a www.grants.gov representative by calling 606-545-5035. Applicants should save the completed application package with two different file names before providing it to the AOR to avoid having to re-create the package should submission problems be experienced or a revised application needs to be submitted.
2. Submitting the application. The application package must be transferred to www.grants.gov by an AOR. The AOR should close all other software before attempting to submit the application package. Click the “submit” button of the application package. Your Internet

browser will launch and a sign-in page will appear. **Note: Minor problems are not uncommon with transfers to www.grants.gov. It is essential to allow sufficient time to ensure that your application is submitted to www.grants.gov BEFORE the due date identified in Section IV. of this solicitation.** The www.grants.gov support desk operates 24 hours a day, seven days a week, except federal holidays.

A successful transfer will end with an on-screen acknowledgement. For documentation purposes, print or screen capture this acknowledgement. If a submission problem occurs, reboot the computer – turning the power off may be necessary – and re-attempt the submission.

Note: www.grants.gov issues a “case number” upon a request for assistance.

3. Transmission difficulties. If transmission difficulties that result in a late transmission, no transmission, or rejection of the transmitted application are experienced, and following the above instructions do not resolve the problem so that the application is submitted to www.grants.gov by the deadline date and time, follow the guidance below. The Agency will make a decision concerning acceptance of each late submission on a case-by-case basis. All emails, as described below, are to be sent to Jerry Minor-Gordon (minor-gordon.jerry@epa.gov) with the FON in the subject line. If you are unable to email, contact Jerry Minor-Gordon (202-566-1817). Be aware that EPA will only consider accepting applications that were unable to transmit due to www.grants.gov or relevant www.sam.gov system issues or for unforeseen exigent circumstances, such as extreme weather interfering with Internet access. Failure of an applicant to submit timely because they did not properly or timely register in www.sam.gov or www.grants.gov is not an acceptable reason to justify acceptance of a late submittal.
 - (a) If you are experiencing problems resulting in an inability to upload the application to www.grants.gov, it is essential to call www.grants.gov for assistance at 1-800-518-4726 before the application deadline. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a www.grants.gov representative by calling 606-545-5035. Be *sure* to obtain a case number from www.grants.gov. If the problems stem from unforeseen exigent circumstances unrelated to www.grants.gov, such as extreme weather interfering with Internet access, contact Jerry Minor-Gordon (202-566-1817).
 - (b) Unsuccessful transfer of the application package: If a successful transfer of the application cannot be accomplished even with assistance from www.grants.gov due to electronic submission system issues or unforeseen exigent circumstances, send an email message to minor-gordon.jerry@epa.gov prior to the application deadline. The email message must document the problem and include the www.grants.gov case number as well as the entire application in PDF format as an attachment.
 - (c) www.grants.gov rejection of the application package: If a notification is received from www.grants.gov stating that the application has been rejected for reasons other than late submittal promptly send an email to Jerry Minor-Gordon (minor-gordon.jerry@epa.gov)

with the FON in the subject line within one business day of the closing date of this solicitation. The email should include any materials provided by www.grants.gov and attach the entire application in PDF format.

Appendix 3 Cleanup Other Factors Checklist

Name of Applicant: _____

Please identify (with an **x**) which, if any of the below items apply to your community or your project as described in your proposal. To be considered for an Other Factor, you must include the page number where each applicable factor is discussed in your proposal. EPA will verify these disclosures prior to selection and may consider this information during the selection process. If this information is not clearly discussed in your narrative proposal or in any other attachments, it will not be considered during the selection process.

Other Factor	Page #
<i>None of the Other Factors are applicable.</i>	
Community population is 10,000 or less.	
Applicant is, or will assist, a federally recognized Indian tribe or United States territory.	
Target brownfield sites are impacted by mine-scarred land.	
Applicant demonstrates firm leveraging commitments for facilitating brownfield project completion by identifying amounts and contributors of funding in the proposal and have included documentation.	
Recent natural disaster(s) (2012 or later) occurred within community, causing significant community economic and environmental distress.	
Recent (2008 or later) significant economic disruption has occurred within community, resulting in a significant percentage loss of community jobs and tax base.	
Applicant is one of the 24 recipients, or a core partner/implementation strategy party, of a “manufacturing community” designation provided by the Economic Development Administration (EDA) under the Investing in Manufacturing Communities Partnership (IMCP). To be considered, applicants must clearly demonstrate in the proposal the nexus between their IMCP designation and the Brownfield activities. Additionally, applicants must attach documentation which demonstrate either designation as one of the 24 recipients, or relevant pages from a recipient’s IMCP proposal which lists/describes the core partners and implementation strategy parties.	
Applicant is a recipient or a core partner of HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant funding or technical assistance that is directly tied to the proposed Brownfields project, and can demonstrate that funding from a PSC grant/technical assistance has or will benefit the project area. Examples of PSC grant or technical assistance include a HUD Regional Planning or Challenge grant, DOT Transportation Investment Generating Economic Recovery (TIGER), or EPA Smart Growth Implementation or Building Blocks Assistance, etc. To be considered, applicant must attach documentation.	
Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant.	