

FY 2025 Brownfields Grant Guidelines

Overview of the Submission, Narrative Information Sheet & Threshold Requirements

Cleanup Grants

Recorded Training



Welcome!

The purpose of this training is to assist applicants with understanding the general application submission, Narrative Information Sheet, and Threshold requirements for:

❖ Cleanup Grants

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

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

Applying for an Assessment Grant?

Join the live Narrative Criteria webinar on Sep 19, 2024, at 12 PM ET via Zoom at <https://usepa.zoomgov.com/j/1610639674>

Applying for an RLF Grant or a Cleanup Grant?

Join the live Narrative Criteria webinar on Sep 24, 2024, at 12 PM ET via Zoom at <https://usepa.zoomgov.com/j/1614022736>

Narrative Criteria webinar recordings will be posted on EPA's [MARC Grant Application Resources](#) page in the weeks following the live webinars.



Today's Agenda

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



This presentation:

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

Covered in live Narrative Criteria training on 9/24/24:

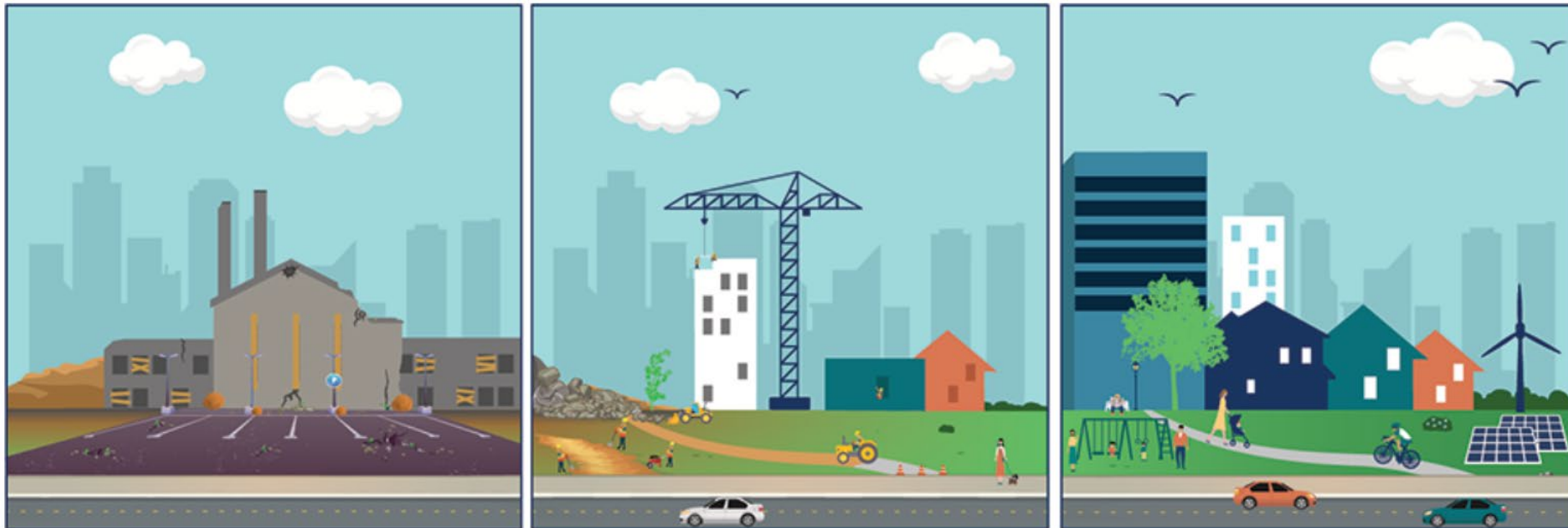
- Overview of Ranking Criteria
 - Project Area Description & Plans for Revitalization
 - Community Need & Community Engagement
 - Task Descriptions, Cost Estimates, & Measuring Progress
 - Programmatic Capability & Past Performance



EPA Supports Community Efforts to Revitalize Brownfields

EPA's [Brownfields Program](#) provides grants and technical assistance to communities, states, Tribal Nations and others to assess, safely clean up and sustainably reuse contaminated properties.

To learn about EPA's broader efforts to put previously contaminated properties back into productive use, read about our [Land Revitalization Program](#).



Application Guidelines & Guidance Resources



MARC Grant Application Resources – “Open Solicitations”

www.epa.gov/brownfields/marc-grant-application-resources

A screenshot of the EPA Brownfields website page titled "Multipurpose, Assessment, RLF, and Cleanup (MARC) Grant Application Resources". The page has a navigation menu on the left with links for "Brownfields Home", "About", "Brownfields Near You", "Grants and Funding", "Grant Recipient Reporting", "Supporting Communities", and "Success Stories". The main content area features a list of links: "FY 2025 Assessment, RLF and Cleanup Grant Competitions", "General Program Resources", "Open Solicitations" (highlighted in yellow), and "Closed Solicitations". Below the list is a paragraph of text: "Grants offered by the Brownfields Program may be used to address sites contaminated by hazardous substances, pollutants, or contaminants (including hazardous substances co-mingled with petroleum) and petroleum. Please visit the [Types of Brownfields Grant Funding](#) for an". A "CONTACT US" link is visible in the top right corner of the page.

Applicants interested in **applying for more than one grant type in FY 2025**, review the [FY25 Eligibility Chart for Multiple Applications](#) to determine which other grants are available to you.

If you currently have an EPA Brownfields Grant and are interested in applying for an FY 2025 grant, review the [FY25 Eligibility Chart for Existing Grant Recipients](#) to determine which other grants are available to you.



Commonly Used Acronyms

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

Eligible Entities for Cleanup Grants

- General Purpose Unit of Local Government.
- Quasi Governmental Entities.
- Regional Council established under governmental authority.
- Group of General Purpose Units of Local Government established under Federal, state or local law (e.g., councils of governments) to function as a single legal entity with authority to enter into binding agreements with the Federal Government.
- Redevelopment Agency that is chartered or otherwise sanctioned by a state.
- State.*
- Federally recognized Indian tribe other than in Alaska.
- Alaska Native Regional Corporation, Alaska Native Village Corporation, and Metlakatla Indian Community.
- Nonprofit organization described in section 501(c)(3) of the Internal Revenue Code.
- Qualified community development entity as defined in section 45D(c)(1) of the Internal Revenue Code of 1986.
- **Cleanup only:** Other nonprofit organizations consistent with the definition of Nonprofit organization at 2 CFR § 200.1.

See the full list
of eligible
entities in
Section III.A.

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

Individuals, for-profit organizations, and organizations exempt from taxation under section 501(c)(4) of the Internal Revenue Code that lobby the Federal Government are ineligible to receive Brownfields Grants.



Cleanup Grants

- Cleanup Grants provide funding to carry out cleanup activities at one or more brownfield sites.
- An eligible entity **must own** the site(s) at the time of application.
- Consistent with the direction on cost sharing in the Bipartisan Infrastructure Law, a cost share is not required.
- **Funding:** An applicant may request
 - ✓ up to \$500,000, or
 - ✓ up to \$2 million, or
 - ✓ up to \$4 million.
- **Project Period:** up to 4 years



Submitting Your Application Package

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

Applications are due **November 14, 2024**, via Grants.gov

Grants.gov scheduled maintenance → **EPA encourages applicants to apply before November 14**



| | | |
|---------------------|-------------|--|
| October 19-21, 2024 | Maintenance | Scheduled Maintenance Outage: Production System will go Offline Saturday October 19, 2024 at 12:01 AM ET. Production System will go Online Monday October 21, 2024 at 6:00 AM ET. |
|---------------------|-------------|--|

Grants.gov Resources for Applicants

The screenshot shows the Grants.gov website header with the logo and tagline "FIND. APPLY. SUCCEED." and navigation links for Help, Register, and Login. A search bar is present. The main navigation menu includes Home, Learn Grants, Search Grants, Applicants, Grantors, System-To-System, Forms, Connect, and Support. The Applicants dropdown menu is open, listing Grant Applications, How to Apply for Grants, Track My Application, Applicant Resources, Workspace Overview, Applicant Eligibility, Applicant Registration, Applicant Training, Applicant FAQs, and Adobe Software Compatibility. A banner for "Your Team. Your Workspace" is visible, along with a photo of a smiling woman.



Requirements to Submit an Application

| REQUIREMENT | ACCEPT  | REJECT  |
|--|---|---|
| Active www.sam.gov account through November 14, 2023 | <ul style="list-style-type: none"> The account is active and matches the applying entity's info | <ul style="list-style-type: none"> Inactive/expired account Account is being updated, but is in "processing" status |
| Obtain a Unique Entity Identifier (UEI) generated in www.sam.gov | <ul style="list-style-type: none"> The same UEI must be used on future applications | <ul style="list-style-type: none"> Another organization's/ department's UEI is listed on the Standard Form 424 |
| Active www.grants.gov account | <ul style="list-style-type: none"> Associated with same, correct UEI number | <ul style="list-style-type: none"> Application is not submitted through Grants.gov solely due to an incomplete registration/inactive account |
| Submission by the Authorized Organization Representative (AOR) | <ul style="list-style-type: none"> Designated in Grants.gov by the E-business POC (listed in sam.gov) Has a Grants.gov account Submits the application in Grants.gov | <ul style="list-style-type: none"> Someone other than the designated AOR submits the application |

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

Procurement Technical Assistance Center (PTAC) advisors can also help with SAM.gov enrollment: www.aptac-us.org



Your www.grants.gov Application Package

REQUIRED FORMS

1. Application for Federal Assistance (SF-424)
2. Budget Information for Non-Construction Programs (SF-424 A)
3. Preaward Compliance Review Report (EPA Form 4700-4)
4. EPA Key Contacts (Form 5700-54)
5. Project Narrative Attachment Form, as one file (if possible) include:
 - ✓ Narrative Information Sheet
 - ✓ Threshold Responses (and related attachments)
 - ✓ Narrative (responses to Narrative/Ranking criteria)

OPTIONAL FORMS

6. Grants.gov Lobbying Form – To be submitted by applicants requesting more than \$100,000 of EPA grant funding.
7. Negotiated/Proposed Indirect Cost Rate Agreement – submit using the Project Narrative Attachment Form.

- A workplan is not required at time of submission. Applicants that are selected for funding will negotiate a workplan with EPA before the cooperative agreement is awarded.
- Sample forms are available on the [MARC Grant Application Resources](#) webpage.

Refer to the Application Submission Checklist in Section IV.C. of the Guidelines



Exception to Applying through Grants.gov

Limited or No Access to Internet

- Must request a waiver at least 15 calendar days before the deadline
- EPA must approve the request
- See procedures in Appendix 1 of Guidelines

There's no guarantee EPA will approve the request.

**Every effort must be made to complete all prerequisites
in order to apply through www.grants.gov.**





**KEEP
CALM
AND
CALL THE
GRANTS.GOV
HELP DESK!!**

The Application Has Been Submitted – Now What?

- After signing and successfully submitting the application package, within 24 to 48 hours the AOR should receive a series of notification emails from www.grants.gov.
- If the AOR did not receive notification emails or the application package did not transmit successfully, immediately **contact the www.grants.gov Help Desk** (open 24/7; except federal holidays) at 1-800-518-4726. **Make sure to get a case number.**
- Applications that are not successfully submitted and **‘validated’** by the deadline will be considered late and will be rejected.



Progress Check

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



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Covered in live Narrative Criteria training on 9/24/24:

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Changes to the Guidelines

NEW

In this presentation, **text in magenta** denotes information that is new/revised.

For a complete list of changes, please review the **“Summary of FY25 Brownfields Assessment, Cleanup, and RLF Grant Guidelines Changes”** available at www.epa.gov/brownfields/marc-grant-application-resources.

FY25 Summary of the Assessment, Revolving Loan Fund and Cleanup (ARC) Grant Guidelines Changes (as of 9/3/24)

EPA prepared this Summary of Changes document to assist prospective applicants with preparing Brownfields Assessment, Revolving Loan Fund (RLF), and Cleanup Grant applications. **Please review the FY25 Application Guidelines** (also referred to as Request for Application (RFA), Notice of Funding Opportunity (NOFO), or the solicitation) **when preparing your application**. If the information in the Summary of Changes differs from information in the statute, regulation, or the Guidelines, then the statute, regulation, or the Guidelines will take precedence.

If you are interested in **applying for more than one grant type** in FY25, review the [FY25 Eligibility Chart for Multiple Applications](#) to determine which other grants are available to you.

If you currently have an EPA Brownfields Grant and are interested in applying for an FY25 grant, review the [FY25 Eligibility Chart for Existing Grant Recipients](#) to determine which other grants are available to you.

A solicitation for new Multipurpose Grants will not be issued in FY25.

[Changes to All Grant Types](#)

[Changes to the Community-wide Assessment Grant Guidelines](#)

[Changes to the Assessment Coalition Grant Guidelines](#)

[Changes to the Community-wide Assessment Grants for States and Tribes Guidelines](#)

[Changes to the Revolving Loan Fund Grant Guidelines](#)

[Changes to the Cleanup Grant Guidelines](#)

| CHANGES TO THE ASSESSMENT, REVOLVING LOAN FUND, AND CLEANUP GRANT GUIDELINES | | |
|--|---|---|
| Topic | FY24 Multipurpose, Assessment, and Cleanup Grant Guidelines | FY25 Assessment, RLF, and Cleanup Grant Guidelines |
| General Information | | |
| Justice40 | Previously used the term “disadvantaged census tracts” | EPA updated its language and terminology related to Justice40: “disadvantaged community (as identified by CEJST)” |
| Inclusion of Territories under Disadvantaged Communities | | EPA added language to clarify that under these guidelines, disadvantaged communities also include communities located in a U.S. Territory (Puerto Rico, Virgin Islands, Guam, American Samoa, and Commonwealth of Northern Mariana Islands). Associated |



Narrative Information Sheet



- ❖ Applicant Name and Address
- ❖ **Applicant Website URL**
- ❖ Amount of Funding Requested
- ❖ Project Location
- ❖ Property Information
- ❖ Project Contacts
- ❖ Population Data
- ❖ Other Factors
- ❖ **EPA's Plan to Release Copies of Applications**

- ✓ **Provide on official letterhead**
- ✓ **3-page limit**
- ✓ **Do not include a project summary/overview**



Certifying Confidential/Privileged Information

- EPA intends to post submitted applications on our website after the sections are announced in the spring 2025.
- EPA recommends that applications not include trade secrets or commercial or financial information that is confidential or privileged, or sensitive information, if disclosed, that would invade another individual's personal privacy (e.g., an individual's salary, personal email addresses, etc.).
- On the Narrative Information Sheet...**Clearly indicate which portion(s) of the application you are claiming as confidential, privileged, or sensitive information, or state 'n/a' or 'not applicable' if application does not have confidential, privileged, or sensitive information."**
- Information that is claimed as confidential, privileged, or sensitive will be redacted before release.



Review Section IV.G. for more information



Progress Check

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Threshold Criteria Overview

Every application must clear the
Threshold Requirements



Threshold Criteria for Cleanup Grants

No Cost Share Requirement!

| | |
|--------------|---|
| 1. | Applicant Eligibility |
| 2. | Previously Awarded Cleanup Grants |
| 3. | Expenditure of Existing Multipurpose Grant Funds |
| 4.-7. | Site Ownership, Information, Status/History, and Site Definition |
| 8.-9. | Environmental Assessments and Site Characterization |
| 10. | Enforcement or Other Actions |
| 11. | Property-specific Determination |
| 12. | Criteria Related to CERCLA/Petroleum Liability |
| 13. | Cleanup Authority and Oversight Structure |
| 14. | Community Notification |
| 15. | Contractors and Named Subrecipients |



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

1. Applicant Eligibility

- Indicate your applicant type and demonstrate how you are an eligible entity (complete list in Section III.A.)
 - For entities that are cities, counties, Tribes, or states, affirm that the organization is eligible for funding.
 - For entities other than cities, counties, Tribes, or states, attach documentation of your eligibility (e.g., resolutions, statutes, etc.).
 - For Intertribal consortia, attach documentation that meets the requirements in 40 CFR 35.504(a) and (c). All members of the Intertribal consortium must authorize submission of an application.
 - For nonprofit organizations and qualified community development entities, attach documentation certifying the organization's status.
 - Indicate if your organization is exempt from Federal taxation under section 501(c)(4) of the Internal Revenue Code.
 - If yes, indicate if your organization lobbies the Federal government. *Note, if yes, the organization is ineligible for an EPA Brownfields Grant.*
 - If yes, but your organization does not lobby the Federal government, attach a legal opinion that states that the organization does not engage in lobbying activities.



2. Previously Awarded Cleanup Grants

Affirm that the proposed site(s) has not received funding from a previously awarded EPA Brownfields Cleanup Grant. (*Section III.B.2.*)

3. Expenditure of Multipurpose Grant Funds

- Indicate if you have an open Brownfields Multipurpose Grant.
- Current EPA Multipurpose Grant recipients must draw down, and disburse, at least 70.00% of each Multipurpose cooperative agreement by **October 1, 2024**, before applying for a **Cleanup Grant**. (*Section III.B.3.*)
- Attach a copy of a financial record displaying the amount of funds drawn down (e.g., a report from the Automated Standard Application for Payments (ASAP) or general ledger entries).



4. Site Ownership

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

By **November 14, 2024**:

- Cleanup Grant applicants must own site(s) listed in the application.
 - Fee simple title through a legal document (recorded deed)...
 - ...unless EPA approves a different ownership agreement (for example, a nominee agreement or 99-year irrevocable lease)
- **Talk with EPA NOW to make sure the arrangement will be approved**



See [FAQ L.12.](#)



5. Basic Site Information

Identify the name and address of the site.

6. Status and History of Site

Identify:

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

7. Brownfield Site Definition

Affirm that the site is:

- not listed or proposed for listing on the National Priorities List;
- not subject to orders under CERCLA; and
- not subject to the jurisdiction, custody, or control of the U.S. government. (*Note: Land held in trust by the U.S. government for an Indian Tribe is eligible for funding.*)



8. Environmental Assessment Required for Cleanup Grant Applications

A written ASTM E1903-19 or equivalent Phase II environmental site assessment report (a draft report is sufficient) must be completed prior to application submission. (*Section III.B.8.*)

- Describe the type of environmental assessments conducted at your proposed site (do not attach assessment reports).
- Provide the date of the Phase II or equivalent report.

See [FAQ L.15](#).



9. Site Characterization

This criterion is to determine if there will be a sufficient level of site characterization from the environmental site assessment performed to date for the remediation work to begin on the site(s)...or will be performed by June 15, 2025.

Provide information for all that apply:

- a. For an applicant **that is a State or Tribal Environmental Authority**
 - b. For an applicant **other than a State or Tribal Environmental Authority** that is proposing a site(s) that is **eligible to be enrolled in a voluntary response program**
 - c. For an applicant **other than a State or Tribal Environmental Authority** that is proposing a site(s) that is **not eligible to be enrolled in a voluntary response program.**
-

- a. For an applicant **that is a State or Tribal Environmental Authority**: Include a statement affirming that there is a sufficient level of site characterization from the environmental site assessment performed to date for the remediation work to begin on the site(s).



9. Site Characterization (cont'd)

The letter must clearly indicate that the information is for the **FY25 Cleanup Grant** application and not a previously submitted application.

- b. For an applicant **other than a State or Tribal Environmental Authority** that is proposing a site(s) that is **eligible to be enrolled in a voluntary response program**, attach a **current** letter from the appropriate State or Tribal Environmental Authority (or equivalent state or tribal regulatory oversight authority) that:
 - i. Affirm that the site(s) is eligible to be enrolled in the state or tribal voluntary response program.
 - ii. Indicate whether the site(s) is enrolled, or intends to be enrolled, in the state or tribal voluntary cleanup program.
 - iii. Indicates that there is a sufficient level of site characterization from the environmental site assessment performed to date for the remediation work to begin on the site(s).

- c. For an applicant **other than a State or Tribal Environmental Authority** that is proposing a site(s) that is **not eligible to be enrolled in a voluntary response program** or State or Tribal equivalent oversight program (e.g., sites contaminated with hazardous building material):
 - i. Attach a **current** letter from the appropriate State or Tribal Environmental Authority (or equivalent state or tribal regulatory oversight authority) that explains why the site(s) is not eligible to be enrolled. **If applicable, the letter may state that no voluntary response program or equivalent oversight program exists.**
 - ii. Additionally, state whether an Environmental Professional has certified that there is a sufficient level of site characterization from the environmental site assessment performed to date for the remediation work to begin on the site(s).



Letter must be submitted with the application → Coordinate early with the state/tribal environmental authority



10. Enforcement or Other Actions

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

Alternatively, identify known ongoing or anticipated environmental enforcement or other actions related to the brownfield site...

...by describing any inquiries, or orders from government entities regarding the responsibility of any party (including the applicant) for the contamination, or hazardous substances at the site, including any liens.

11. Sites Requiring a Property-Specific Determination

Certain types of sites require a property-specific determination in order to be eligible for funding (rare cases).

- Refer to Section III.B.11. in the Cleanup Guidelines, or Section 1.5. of the [Information on Sites Eligible for Brownfields Funding under CERCLA § 104\(k\)](#) to determine whether your site requires a property-specific determination.

Contact your Regional Brownfields Contact if you think your site requires a property-specific determination.

- If your site requires a property-specific determination, then you **must attach the information** requested in the [Brownfields FAQs](#).
- If not required, **affirm that the site does not need a property-specific determination.**



12. CERCLA/Petroleum Liability



Which Type of Site Contamination?

Petroleum Sites
(Slide 37)

Hazardous Substance Sites

Demonstrate that you are not liable under CERCLA

i. Exempt from CERCLA
(Slides 30-32)

ii. Publicly Owned Sites Acquired Prior to 1/11/02
(Slide 33)

iii. Landowner Liability Defenses
(Slides 34-35)

iv. Hazardous Building Material(s) Not Released into Environment
(Slides 36)

12. Threshold Criteria Related to CERCLA Liability

Sites contaminated with hazardous substances, contaminants, pollutants, controlled substances, and mine scarred land wastes; and sites co-mingled with petroleum product where hazardous substances are the predominant contaminant.

i. **Exemptions to CERCLA Liability**

1. Indian Tribes
2. Alaska Native Villages and Alaska Native Corporations
3. Property Acquired under Certain Circumstances by State and Local Government

ii. **Publicly Owned Brownfield Sites Acquired Prior to January 11, 2002**

iii. **Defenses to CERCLA Liability (e.g., the bona fide prospective purchaser defense)**

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



12. Threshold Criteria Related to CERCLA Liability

i. Exemptions to CERCLA Liability

1. Indian Tribes

Indian tribes are exempt from demonstrating that they meet the requirements of a CERCLA liability defense to be eligible for a Brownfields Grant.

- **Affirm the applicant is an Indian tribe.**

2. Alaska Native Village Corporations and Alaska Native Regional Corporations

Acquired title to property under the Alaska Native Claims Settlement Act.

- **How and when was the property acquired?**
- **Did you cause or contribute to the contamination?**



12. Threshold Criteria Related to CERCLA Liability

i. Exemptions to CERCLA Liability (cont'd)

3. Property Acquired under Certain Circumstances by State and Local Government

Acquired title to a property by:

- Seizure or in connection with law enforcement activity;
 - Bankruptcy;
 - Tax delinquency; or
 - Abandonment.
-
- **How and when was the property acquired?**
 - **Did you cause or contribute to the contamination?**
 - **Did you arrange for the disposal/transportation of contamination?**



12. Threshold Criteria Related to CERCLA Liability

ii. **Publicly Owned Brownfield Sites Acquired Prior to January 11, 2002**

(state or local governments only)

Public entities that acquired property prior to January 11, 2002.

Eligible even if the entity does not qualify as a bona fide prospective purchaser.

- **How and when was the property acquired?**
- **Did the applicant cause or contribute to the contamination?**
- **Did you arrange for the disposal/transportation of contamination?**



12. Threshold Criteria Related to CERCLA Liability

iii. **Landowner Defenses to CERCLA Liability**

1. Asserting a bona fide prospective purchaser (BFPP) defense (the most common defense).

Property acquired after January 11, 2002.

- **How and when was the property acquired?**
- **What environmental due diligence was performed before acquisition?**
- **Did you arrange for the disposal/transportation of contamination?**
- **What happened on the property after acquisition? What steps were taken to stop and prevent future releases?**



12. Threshold Criteria Related to CERCLA Liability

iii. **Landowner Defenses to CERCLA Liability**

2. Non-public entities that acquired property prior to January 11, 2002 may be eligible for a Brownfields Grant.
 - How and when was the property acquired?
 - What environmental due diligence was performed before acquisition? Was it customary at the time?
 - Did you arrange for the disposal/transportation of contamination?
 - What happened on the property after acquisition? What steps were taken to stop and prevent future releases?





12. Threshold Criteria Related to CERCLA Liability

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

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

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

See [FAQ L.18.](#) to help determine if a site with hazardous building materials that has not been released into the environment is eligible for funding.



12. Threshold Criteria Related to Petroleum Liability

Sites contaminated with petroleum and petroleum product.

- State environmental agency (or EPA) will determine if the site is eligible.
 - EPA will determine eligibility for Tribes.
 - Petroleum Eligibility Letter must be attached to application. Letter must clearly indicate that the applicant is applying for an FY25 Brownfields Cleanup Grant.
- **Who contaminated it?**
Who are the current and previous owners?
Current AND previous owner must not be responsible for contamination.
- **If current or previous owner is responsible...**
Are they financially viable?

Petroleum determination should be completed before submitting your application.



Clarified that the liability for an underground storage tank is the owner of the tank, not the owner of the land.



13. Cleanup Authority and Oversight Structure

- Cleanup Oversight
 - Describe how you will ensure adequate oversight of the cleanup.
 - Indicate if you plan to enroll in state or Tribal Voluntary Cleanup Program.
 - If not enrolling, describe how you will provide or acquire the necessary technical expertise to conduct and oversee the cleanup.
- Adjacent Property(s) Access Plan
 - Provide your plan to obtain access to adjacent properties, if needed.



14. Community Notification

- Provide an opportunity for the community (including persons with limited English proficiency and disabilities) to submit comments on your application and the draft Analysis of Brownfields Cleanup Alternatives (ABCA).
- Publish an ad (or equivalent) about intent to apply and notice of a public meeting.
- Notify the community at least **14 calendar days before submitting the application** and **no later than October 31, 2024**, if the application is submitted on November 14, 2024.
- Include in ad:
 - Date, time, and location of meeting
 - Where the application/draft ABCA are located
 - How the public can submit comments
- Host the public meeting (in-person, virtually, and/or by teleconference) after the ad is published, but before submitting the application.

**Attach draft ABCA(s)
to your application**

**See full
requirements in
III.B.14. of the
guidelines and
additional guidance
in [FAQ L.13.](#)**



15. Contractors and Named Subrecipients

- **Contractors.**

Applicants, other than state applicants (including territories) or **Tribal applicants (for grants awarded on or after October 1, 2024)**, that have procured a contractor(s) where the amount of the contract will be more than the micro-purchase threshold in [2 CFR § 200.320\(a\)\(1\)](#) (\$10,000 for most applicants) must demonstrate how the contractor (including consultants) was selected in compliance with **the fair and open competition requirements** in 2 CFR Part 200 and 2 CFR Part 1500.

States: Consistent with 2 CFR § 200.317, follow the same competitive policies and procedures used for procurements from non-Federal funds.

- All applicants must conduct procurement in accordance with 40 CFR Part 33 (EPA's Participation by Disadvantaged Business rule).
- **EPA will not accept sole source justifications** for procurement contracts for services such as environmental consulting, engineering, and remediation that are available in the commercial marketplace.
- Firms or individual consultants that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals **must be excluded** from competing for such procurements as provided in [2 CFR § 200.319\(b\)](#). EPA interprets this regulation to preclude applicants from directly receiving **any assistance** from prospective contractors in developing RFPs if the prospective contractor will be allowed to compete for the work covered by the RFP.
- Consistent with 2 CFR § 200.320(b)(2)(iii), for contracts over \$250,000, **price must be an evaluation factor** in the review of proposals or quotes.

EPA provides guidance on complying with the competition requirements in the [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) and the [Brownfields Grants: Guidance on Competitively Procuring a Contractor](#).

15. Contractors and Named Subrecipients

- **Contractors cont'd:**

Applicants must disclose whether they have already selected a contractor that will be compensated with EPA funds made available under the grant.

- Disclose whether you have already selected a contractor that will be compensated with EPA funds made available under this RFA.
- If a contractor(s) has been selected prior to submitting the application to EPA, describe/include:
 - the procurement procedures that were followed to hire the contractor(s), including **where and when** the Request for Proposals (RFP)/Request for Qualifications (RFQ) was posted;
 - the length of time the RFP/RFQ was advertised;
 - the number of firms solicited and the number of offers received and considered; and
 - the name(s) of the firm(s) the applicant entered into contract with.
- Provide a copy of (or link to) the solicitation documents and the signed executed contract.
- Alternatively, state 'n/a' or 'not applicable' if a contractor has not been procured.

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

**States/territories/Tribes respond
'n/a' or 'not applicable'**

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

Contractors and Named Subrecipients

- **Named Subrecipients.**

All applicants, including states, **territories and Tribes**, that name a specific subrecipient in this application must demonstrate that the subrecipient is eligible for a subaward in compliance with [Appendix A of EPA's Subaward Policy for EPA Assistance Agreement Recipients](#). This policy provides, among other things, that transactions between recipients and for-profit firms and individual consultants are procurement contracts rather than subawards when the transaction involves the acquisition of services from the firm or individual.

Describe how the named subrecipient is eligible for a subaward (e.g., is a nonprofit organization or unit of government). Alternatively, state 'n/a' or 'not applicable' if a subrecipient is not named.

Refer to [EPA's Contracts and Subawards Solicitation Clause](#) for additional guidance.



Progress Check

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



This presentation:

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

Covered in live Narrative Criteria training on 9/24/24:

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



Regional Cleanup Brownfield Contacts

Headquarters Contact

Elyse Salinas

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| REGIONAL CONTACTS & STATES | |
|--|--|
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| EPA Region 4 – Nichole Rodgers Rodgers.Nichole@epa.gov (404) 562-8069 | AL, FL, GA, KY, MS, NC, SC, TN |
| EPA Region 5 – Eric Knapke Knapke.Eric@epa.gov (312) 353-6292 | IL, IN, MI, MN, OH, WI |
| EPA Region 6 – Paul Johnson Johnson.Paul@epa.gov (214) 665-2246 | AR, LA, NM, OK, TX |
| EPA Region 7 – Tarah Vaughn R7_Brownfields@epa.gov (913) 551-7059 | IA, KS, MO, NE |
| EPA Region 8 – Jennifer Benz Benz.Jennifer@epa.gov (303) 312-6551 | CO, MT, ND, SD, UT, WY |
| EPA Region 9 – Jennifer Tung Tung.Jennifer@epa.gov (415) 972-3698 | AZ, CA, HI, NV, Pacific Island Territories |
| EPA Region 10 – Meredith Lightbody Lightbody.Meredith@epa.gov (206) 553-6910 | AK, ID, OR, WA |



Thanks for Listening!!

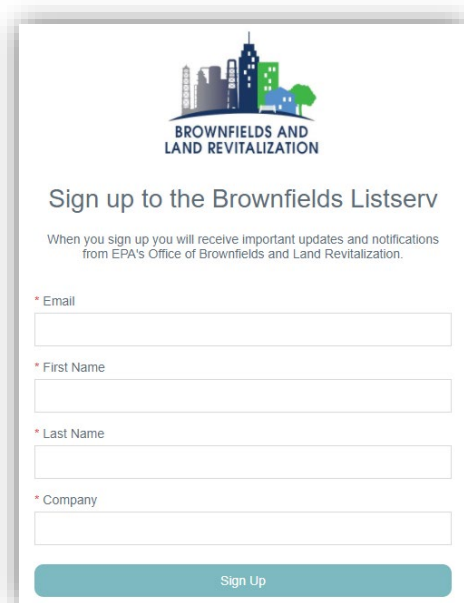
- A **copy of today's presentation** is available on the Brownfields MARC Grant Application Resources webpage at www.epa.gov/brownfields/marc-grant-application-resources.
- The **live overview of the Cleanup Ranking Criteria will be on 9/24/24**, and the recording will be made available. Please check the [Brownfields MARC Grant Application Resources](http://www.epa.gov/brownfields/marc-grant-application-resources) webpage (link above) for updates.

Applying for an Assessment Grant?

Join the live Narrative Criteria webinar on Sep 19, 2024, at 12 PM ET via Zoom at <https://usepa.zoomgov.com/j/1610639674>

Applying for an RLF Grant or a Cleanup Grant?

Join the live Narrative Criteria webinar on Sep 24, 2024, at 12 PM ET via Zoom at <https://usepa.zoomgov.com/j/1614022736>



The screenshot shows a sign-up form for the Brownfields Listserv. At the top is the logo for 'BROWNFIELDS AND LAND REVITALIZATION' featuring a stylized city skyline. Below the logo, the text reads 'Sign up to the Brownfields Listserv' and 'When you sign up you will receive important updates and notifications from EPA's Office of Brownfields and Land Revitalization.' The form includes four input fields: 'Email', 'First Name', 'Last Name', and 'Company', each with an asterisk indicating it is a required field. A 'Sign Up' button is located at the bottom of the form.

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

