# CERCLA Section 128(a) State and Tribal Response Program Fiscal Year 2025 Frequently Asked Questions



EPA provides these Frequently Asked Questions and Answers to assist <u>eligible</u> <u>States, Tribes, and Territories</u> prepare a request for FY25 Section 128(a) State and Tribal Response Program funds.

Carefully review and follow the <u>FY25 CERCLA Section 128(a) Funding Guidance</u> for comprehensive information and instructions to request FY25 Section 128(a) funding. If the information in these FAQs differs from information in the statute, regulations, or the Funding Guidance, then the statute, regulations, or the Funding Guidance will govern.

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#### Q.1. What is Section 128(a) State and Tribal Response Program funding?

Section 128(a)¹ of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") authorizes a noncompetitive grant program to establish or enhance state² and tribal³ response programs. These CERCLA Section 128(a) response program grants (hereinafter referred to as "Section 128(a)") are funded with Categorical State and Tribal Assistance Grant ("STAG") appropriations and awarded in the form of a cooperative agreement, which is a type of assistance agreement that is used when there is substantial federal involvement with the recipient during the performance of an activity or project. Section 128(a) cooperative agreements are awarded and administered by EPA regional offices.

Check out the <u>EPA Brownfields website</u>, <u>Section 128(a) Funding Guidance</u>, and <u>Section 128(a) Fact</u> Sheet for more information.

#### Q.2. Who is eligible to request Section 128(a) funds?

Eligible entities for Section 128(a) funding include:

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

EPA will accept **one request** from each <u>eligible State or Tribal Nation</u> (as defined by CERCLA – see Q.3. and Q.4. below) that:

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

42 U3C 3U2O(a).

<sup>&</sup>lt;sup>1</sup> 42 USC 9628(a).

<sup>&</sup>lt;sup>2</sup> The term "state" is defined in CERCLA §101(27).

<sup>&</sup>lt;sup>3</sup> The term "Indian tribe" is defined in CERCLA §101(36). Intertribal consortia, as defined in the <u>Federal Register Notice at 67 FR</u> 67181, Nov. 4, 2002, are also eligible for funding under CERCLA §128(a).

All first-time requestors are strongly encouraged to contact their <u>Regional EPA Brownfields contacts</u>, listed on the last page of this FAQ, prior to submitting their funding request.

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

#### Q.3. How is "State" defined in CERCLA?

CERCLA Section 101(27) defines "State" to "include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction."

#### Q.4. How is "Indian Tribe" defined in CERCLA?

CERCLA Section 101(36) defines "Indian Tribe" as "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village but not including any Alaska Native regional or village corporation, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."

Intertribal consortia, as defined in the <u>Federal Register Notice at 67 FR 67181</u>, Nov. 4, 2002, are also eligible for funding under CERCLA §128(a).

#### Q.5. What documentation is required for Intertribal Consortia?

Section II of the Funding Guidance describes documentation that must be provided by Intertribal Consortia who are requesting Section 128(a) funding. This requirement is necessary to ensure compliance with the requirements outlined in 40 CFR 35.504(a) and (c). The purpose of this documentation is to demonstrate that all members of the consortium (within the United States) meet the eligibility requirements for the grant program and authorize the consortium to submit the funding request and receive the federal funding assistance.

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

The documentation should be provided to the appropriate EPA Regional State & Tribal Brownfield contact(s) along with the funding request documents by December 13, 2024. If additional time is needed to provide the necessary documentation, your EPA regional State & Tribal Brownfield Contact(s) have the discretion to grant extra time (not to exceed 45 days) to comply with this requirement. However, the remainder of the required funding request documentation listed under Section VIII. of the Funding Guidance must still be provided by the December 13, 2024, deadline.

#### Q.6. When can eligible entities submit funding requests for FY25 Section 128(a) funds?

Requests for funding will be accepted from **September 17 – December 13, 2024.** Requests that EPA receives after December 13, 2024, will not be considered for FY25 Section 128(a) funding.

#### Q.7. Where should funding requests be submitted?

Section 128(a) funding requests should be sent to the EPA Regional Office contact listed at the end of the Funding Guidance and this FAQ.

#### Q.8. What is the maximum amount of funding EPA will consider for this FY25 request?

EPA will consider funding requests up to a **maximum of \$1.8 Million** for FY25 Section 128(a) funding per CAR. This maximum amount includes Annual Appropriation + BIL funds.

Note: Demand for this program is high and not all requests will be fully funded.

#### Q.9. What should funding requests include?

States and Tribal Nations are not required to provide full draft workplans and budgets. Instead, information can be provided in a format similar to the optional, sample request form in Appendix B and described in Section VIII.B. of the Funding Guidance. Note that the sample form in Appendix B is provided for convenience, and CARs who do not use this form will not be penalized for providing the information in a different format. EPA Regions may alter this sample form and may request additional information if it is deemed appropriate to fully understand the funding request. EPA Regions and cooperative CARs should work together to be sure CARs are providing sufficient information for their funding requests and may alter the sample form to memorialize those communications.

While CARs do not need to provide a full draft workplan, there must be enough detail to inform EPA how the CAR proposes to spend the Section 128(a) funds. Requests that lack sufficient detail may not be funded.

CARs should work, as early as possible, with their EPA regional brownfields contact to ensure that the funding amount(s) requested can be reasonably spent in one year and the funding request provides sufficient detail of the planned activities that correspond to the requested funding.

#### Q.10. When will FY25 funds be awarded?

For planning purposes, EPA anticipates that the funds allocated pursuant to the FY25 Funding Guidance will be awarded in the third or fourth quarter of the federal fiscal year 2025 (April-September 2025). Section 128(a) cooperative agreements are awarded and administered by EPA regional offices; please contact your regional EPA Project Officer for more specific information on your region's cooperative agreement award timing.

#### Q.11. What is the project period for Section 128(a) funds?

EPA regional offices will determine the project period for each cooperative agreement. Depending on the EPA regional office's cooperative agreement policies, cooperative agreements may be for multiple years. CARs are encouraged to discuss this potential option with their regional EPA Project Officer.

Notwithstanding this potential overall structure, each cooperative agreement must still have an annual budget period tied to an annual workplan, because CARs must still submit annual funding requests to receive additional funds added to the agreement. Section 128(a) funding amounts cannot be guaranteed from year to year.

#### Q.12. How will EPA prioritize funding allocations of FY25 Section 128(a) funding?

There is very high demand for Section 128(a) funds, and not all requests can be fully awarded. As expressly stated in the Assistance Listing for 66.817, funding will be prioritized as follows:

- (1) Funding for program development activities to establish or enhance the four elements of a state or Tribal response program (see Sections VI.B. and VI.C. in the Funding Guidance) and to enable states and Tribal Nations to comply with the public record requirement in Section 128(b)(1)(C), including activities related to institutional controls;
- (2) Funding for program development activities to enhance the response program or the cleanup capacity of a state or Tribal response program;
- (3) Funding for site-specific activities at eligible Brownfields sites, as defined in CERCLA Section 101(39)<sup>4</sup> (see Section VI.D. in the Funding Guidance);
- (4) Funding for environmental insurance mechanisms; and
- (5) Funding to capitalize brownfields cleanup RLFs.<sup>5</sup>

One of EPA's top priorities is uplifting underserved communities, Tribal Nations, and communities across the country that have endured deeply-rooted public health and environmental challenges. EPA expects that Section 128(a) funding awarded to CARs will advance the Administration's Justice40 priorities. EPA will award this funding in accordance with the Biden Administration's <u>Justice40 Initiative</u>, which promises to deliver 40 percent of the overall benefits from key federal investments to disadvantaged communities.

See Section VI. of the Funding Guidance for more information on eligible activities.

#### Q.13. What are the eligible uses of Section 128(a) funds for site-specific activities?

Site-specific assessment and cleanup activities must establish or enhance the response program and be tied to the four elements. Site-specific assessments and cleanups can be both eligible and allowable if the activity is included in the workplan negotiated between the EPA regional office and the CAR, but activities must comply with all applicable laws and are subject to the following restrictions:

- Section 128(a) funds can only be used for assessments or cleanups at sites that meet the definition of a Brownfields site at CERCLA Section 101(39).
- As provided in the Terms and Conditions of CERCLA 128(a) cooperative agreements, absent EPA Project Officer approval, no more than \$250,000 per site assessment can be funded with Section 128(a) funds, and no more than \$250,000 per site cleanup can be funded with Section 128(a) funds. States and Tribal Nations should work towards securing additional funding for site-specific activities by leveraging resources from other sources such as businesses, non-profit organizations, education and training providers, and/or federal, state, tribal, and local governments.
- As provided in the Terms and Conditions of CERCLA 128(a) cooperative agreements, absent EPA Project Officer approval, the state/Tribal Nation may not use funds awarded under this

<sup>4</sup> In addition to the requirement under Section 128(a)(2)(C)(ii) to provide for public comment on cleanup plans and site activities, EPA strongly encourages states and Tribes to seek public input regarding the priority of sites to be addressed—especially from local communities with health risks related to exposure to hazardous waste or other public health concerns, those in economically disadvantaged or remote areas, and those with limited experience working with government agencies.

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

- agreement to assess and/or cleanup sites owned or operated by the recipient or (in the case of Tribal Nations) held in trust by the United States Government for the recipient.
- Assessments and cleanups cannot be conducted at sites where the state is a potentially responsible party ("PRP") pursuant to CERCLA Section 107, except when the state acquired the property before January 11, 2002, and has not caused or contributed to a release or threatened release of a hazardous substance at the property.

## Q.14. Are National Environmental Policy Act ("NEPA") requirements applicable to cleanups conducted under the CERCLA Section 128(a)?

No. The process for issuing State and Tribal Response Program Grants under Section 128(a) is functionally equivalent to NEPA requirements.

Specifically, the grant award process for Section 128(a) grants considers both environmental factors and public involvement. The terms and conditions for Section 128(a) grants require public notification and public involvement for brownfield activities, as well as an abbreviated analysis of cleanup alternatives. For example, the recipient must produce and maintain in their records, a site-specific Community Involvement Plan ("CIP") and site-specific cleanup plan, which includes an abbreviated analysis of cleanup alternatives and related environmental impacts. The recipient is also required to maintain a public record system.

### Q.15. Is there a cap on the amount of FY25 Section 128(a) funds that can be used for site-specific activities?

CARs may use Section 128(a) funding for site-specific activities that improve state or Tribal capacity. However, the terms and conditions of the CERCLA 128(a) cooperative agreement will provide that the amount recipients may utilize for site-specific assessments and cleanups **may not exceed 75% of the total amount of FY25 Section 128(a) funding**, absent an approved waiver request. This 75% cap includes FY25 Annual Appropriation + BIL funds.

States and Tribal Nations should work towards securing additional funding for site-specific activities by leveraging resources from other sources such as businesses, non-profit organizations, education and training providers, and/or federal, state, tribal, and local governments.

Note: Oversight of assessment and cleanup activities performed by responsible parties (other than the state or Tribal Nation) does not count toward the 75% limit. The 75% cap also does not include personnel or supplies/equipment purchased in support of site-specific work.

#### Q.16. How can the affected community get involved in Section 128(a) site-specific activities?

States and Tribal Nations that perform site-specific activities should plan to directly engage with and involve affected communities. For example, a CIP could be developed to provide reasonable notice about a planned cleanup, as well as opportunities for the public to comment on the cleanup.

These community involvement activities are directly linked to the third element described in CERCLA Section 128(a)(2)(C), which stipulates that state and tribal response programs should include, or should be taking reasonable steps to include: "Mechanisms and resources to provide meaningful opportunities for public participation, including—

- (i) public access to documents that the State, <u>Indian tribe</u>, or party conducting the cleanup is relying on or developing in making cleanup decisions or conducting site activities;
- (ii) prior notice and opportunity for comment on proposed cleanup plans and site activities; and
- (iii) a mechanism by which -

- (I) a <u>person</u> that is or may be affected by a release or threatened release of a <u>hazardous</u> <u>substance</u>, pollutant, or contaminant at a brownfield site located in the community in which the <u>person</u> works or resides may request the conduct of a site assessment; and
- (II) an appropriate State official shall consider and appropriately respond to a request under subclause (I)."

See Section IV of the Funding Guidance for more information on the Section 128(a)(2) elements.

#### Q.17. How can site-specific activities be prioritized to focus on environmental justice?

One of EPA's top priorities is uplifting underserved communities, Tribal Nations, and communities across the country that have endured deeply-rooted public health and environmental challenges. EPA expects that Section 128(a) funding awarded to CARs will advance the Administration's Justice40 priorities. EPA will award this funding in accordance with the Biden Administration's <u>Justice40 Initiative</u>, which promises to deliver 40 percent of the overall benefits from key federal investments to disadvantaged communities.

EPA encourages states and Tribal Nations to use site-specific funding to perform assessment (e.g. phase I, phase II, supplemental assessments, and cleanup planning) and cleanup activities that will expedite the reuse and redevelopment of sites, and prioritize sites based on need. An example of prioritizing sites based on need can be focusing on environmental justice. 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. For more information, please visit <a href="https://www.epa.gov/environmentaljustice">https://www.epa.gov/environmentaljustice</a>.

While CARs are not required to utilize it, EPA's <u>EJSCREEN</u> is a helpful environmental justice mapping and screening tool that provides a nationally consistent dataset and approach for combining environmental and demographic indicators. <sup>6</sup> CARs may also consider using the White House Council on Environmental Quality's <u>Climate and Economic Justice Screening Tool</u> ("CEJST") as an optional and complementary tool to identify whether sites are located in a disadvantaged census tract, as defined by the White House Council on Environmental Quality, for purposes of Justice40. Data from other EJ-focused geospatial mapping tools or other sources (e.g. studies, census, etc.) could also be included to provide information on impacted communities and populations.

#### Q.18. Can Section 128(a) funding be used at petroleum brownfield sites?

States and Tribal Nations may use Section 128(a) funds for activities that establish or enhance response programs addressing petroleum brownfield sites. Subject to the restrictions listed in Section VI.D.1 of the Funding Guidance for all site-specific activities, the costs of site-specific assessment and cleanup activities at petroleum brownfield sites, as defined in CERCLA section 101(39)(D)(ii)(II), are both eligible and allowable if the activity is included in the workplan negotiated between the EPA regional office and the state or Tribal Nation.

<sup>&</sup>lt;sup>6</sup> Visit <a href="https://www.epa.gov/ejscreen">https://www.epa.gov/ejscreen</a> to access EPA's EJSCREEN Tool and for additional information on EJSCREEN, general guidance on how to use the tool, understanding results, technical information, and more resources. CARs can also contact their EPA <a href="https://www.epa.gov/ejscreen">Technical Assistance to Brownfields Communities (TAB) Provider</a> for guidance on using EJSCREEN.

States and Tribal Nations are encouraged to reach out to their EPA regional brownfields contacts with questions on petroleum brownfield site eligibility and where to get additional information. Also check out resources on EPA's Brownfields website, such as <a href="Community Visions for Abandoned Gas Stations">Community Visions for Abandoned Gas Stations</a> and EPA's Office of Underground Storage Tanks ("OUST") Petroleum Brownfields webpage.

## Q.19. How does the addition of the Infrastructure Investment and Jobs Act funding change the CERCLA Section 128(a) Program?

The passage of the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL), in November 2021 did not alter the underlying statutory authority for the CERCLA Section 128(a) Program; it simply provided additional funds to support it.

#### Q.20. Can Section 128(a) Annual Appropriation funds be combined with Section 128(a) BIL funds?

No. Section 128(a) BIL funds may not be comingled with other sources of funding. Due to the budget accounting, tracking, and reporting requirements for the Bipartisan Infrastructure Law, Section 128(a) cooperative agreements funded with BIL money must be awarded separately from Section 128(a) cooperative agreements funded with annual appropriated funds.

If a CAR's FY25 allocation includes both funding sources, and therefore two awards are necessary, each award's final workplan must clearly delineate what activities will be funded by annual appropriation funds versus BIL funds. CARs should work closely with their EPA Regional contacts to ensure that FY25 final cooperative agreement workplans clearly delineate what activities will be funded by annual appropriation funds versus BIL funds, so that there is no overlap or duplication of work funded by the two funding sources. If it is helpful, CARs may reference activities outlined in one FY25 workplan to demonstrate satisfaction of Section 128(a) requirements to eliminate overlap or redundancy in their second FY25 workplan. For example: demonstration that its response program includes, or is taking reasonable steps to include, the four elements of a response program enumerated in CERCLA Section 128(a)(2), or satisfaction of the public record requirement in CERCLA Section 128(b)(1)(C).

#### Q.21. Can Section 128(a) BIL funds be placed in a Performance Partnership Grant ("PPG")?

No. Section 128(a) BIL funds are not eligible to be included in state or Tribal PPG. This restriction is intended to ensure that Section 128(a) recipients will be able to effectively track, account for, and report on the use of BIL funding.

However, Section 128(a) funding from EPA's FY25 annual appropriation may be included in a PPG with the exception of funding to (1) provide CERCLA 128(a) TAG assistance under section 128(a)(I)(B)(ii)(III), (2) capitalize a revolving loan fund for brownfields remediation under section 104(k)(3), or (3) purchase insurance or develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a state or tribal response program.

### Q.22. Will EPA prioritize the Administration's <u>Justice40 Initiative</u> when allocating Section 128(a) funds?

EPA expects that funding awarded to CARs will advance the Agency's Justice40 priorities. EPA will award this funding in accordance with the Biden Administration's Justice40 Initiative, which promises to

deliver 40 percent of the overall benefits from key federal investments to disadvantaged communities.<sup>7</sup>

CARs should describe in their requests whether, and if so, how, site-specific work will affect underserved communities and/or disadvantaged communities.

#### Q.23. What are my reporting requirements for Section 128(a) funding?

See Section IX. in the Funding Guidance for details on the CAR's reporting requirements, such as progress reports, Program Activity Levels ("PALs"), public record, and updating State Brownfields and Voluntary Response Program information in EPA's ACRES database.

#### Q.24. What are Section 128(a) Technical Assistance Grants?

Section 128(a)(1)(B)(ii)(III) of CERCLA authorizes a noncompetitive \$1.5 million technical assistance grant (Section 128(a) TAG) program to assist small communities, Indian tribes, rural areas, or disadvantaged areas to carry out activities outlined in CERCLA Section 104(k)(7) (e.g. providing training, research, and technical assistance to individuals and organizations to facilitate the inventory of brownfields sites, site assessments, remediation of brownfield sites, community involvement, or site preparation).

These funds may not be used to augment an existing CERCLA 128(a) State and Tribal Response Program and may not be placed in PPGs. Section 128(a) TAGs are funded by annual appropriations, not BIL funds.

Per the statute, the **maximum amount of funding allowed** *per grant* is \$20,000. States and Tribal Nations may request up to three Section 128(a) TAGs in FY25.

#### Q.25. Who can request Section 128(a) TAG, and who must benefit from the TAG?

CARs with active CERCLA Section 128(a) grants who are requesting funds in FY25 are eligible to submit requests for up to three TAGs of \$20,000 each to assist a small community, Indian tribe, rural area, or disadvantaged area. Multiple eligible communities may be assisted by one Section 128(a) TAG.

EPA's goal is that TAGs benefit as many underserved communities as possible, therefore, if a CAR requests more than one Section 128(a) TAG, each grant should assist a different eligible beneficiary or different project. CARs should work with their EPA regional contact to discuss eligible beneficiaries and activities for TAGs.

#### Q.26. How do I request Section 128(a) TAG?

Appendix A of the Funding Guidance discusses what to include in a Section 128(a) TAG request and the factors EPA will consider when reviewing all requests.

Section 128(a) TAG requests will be accepted from **September 17 – March 10, 2025**, and should be sent to the EPA Regional Office contact listed at the end of the Funding Guidance and this FAQ.

<sup>&</sup>lt;sup>7</sup> Justice40 Initiative information can be found at: <a href="https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/27/fact-sheet-president-biden-takes-executive-actions-to-tackle-the-climate-crisis-at-home-and-abroad-create-jobs-and-restore-scientific-integrity-across-federal-government/">https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/27/fact-sheet-president-biden-takes-executive-actions-to-tackle-the-climate-crisis-at-home-and-abroad-create-jobs-and-restore-scientific-integrity-across-federal-government/</a>. For more information on Environmental Justice, see <a href="https://www.epa.gov/environmentaljustice">https://www.epa.gov/environmentaljustice</a>.

<sup>&</sup>lt;sup>8</sup> CERCLA Section 128(a)(1)(B)(iv)(II) defines Small Community as a community with a population of not more than 15,000 individuals, as determined by the President based on the latest available decennial census.

<sup>&</sup>lt;sup>9</sup> CERCLA Section 101(36) defines Indian Tribe.

<sup>&</sup>lt;sup>10</sup> CERCLA Section 128(a)(1)(B)(iv)(I) defines Disadvantaged Area as a community with an annual median household income that is less than 80 percent of the statewide annual median household income, as determined by the President based on the latest available decennial census.

#### Q.27. How can I get more information about Section 128(a) TAGs?

For additional information on Section 128(a) TAGs, including examples of eligible uses of the funds, see the <u>Section 128(a) TAG fact sheet</u> on the <u>Brownfields website</u>, and the <u>ASTSWMO Section 128(a) TAG StoryMap</u>.

### Q.28. When will States and Tribal Nations receive notification of their FY25 Section 128(a) allocation, and what happens next?

EPA anticipates that the Regional EPA POs will notify CARs in March 2025, if Section 128(a) funding and Section 128(a) TAGs have been allocated to them. The CAR and EPA Region will then negotiate a final workplan based on the specific allocation of funds, which will be provided through a cooperative agreement award. All cooperative agreement applications for non-competitive assistance agreement awards must be submitted using Grants.gov.

**NOTE:** Recipients should submit their final workplan(s) via Grants.gov only after the allocation process is complete and the EPA Regional Project Officer has informed the CAR that it is time to do so (this will be in the Spring or Summer of 2025).

When the EPA Regional Project Officer has informed the CAR that it is time to do so, the CAR will submit their State and Tribal Response Program Grant applications via grants.gov using the following information:

Assistance Listing Number (formerly known as CDFA): 66.817

Funding Opportunity Number ("FON"): EPA-CEP-02

#### Q.29. What is the Unique Entity Identifier ("UEI") Requirement?

As explained in the U.S. General Services Administration's ("GSA") <u>Unique Entity Identifier Update</u>, DUNS numbers will no longer be used as a Unique Entity ID ("UEI") and only the SAM.gov-created UEI will be accepted.

States and Tribal Nations requesting funds are required to provide a free SAM.gov-issued UEI, not their DUNS number. Please see the <u>RAIN-2021-G01</u> for information about EPA's implementation of the Government-wide transition from DUNS to UEI.

#### Q.30. How do I find more information about Section 128(a) funding?

For additional information, please contact the appropriate EPA regional Section 128(a) contact (listed below), and/or check out:

- EPA Brownfields Website
- Section 128(a) State and Tribal Response Program Grants
- CERCLA Section 128(a) Fact Sheet
- Highlights about State and Tribal Brownfields Response Programs
- Section 128(a) Technical Assistance Grant (TAG) Fact Sheet

### SECTION 128(a) EPA REGIONAL STATE AND TRIBAL BROWNFIELDS CONTACTS

REGION	STATE CONTACT	TRIBAL CONTACT
	AmyJean McKeown	AmyJean McKeown
1	5 Post Office Square, Suite 100 (OSRR07-2)	5 Post Office Square, Suite 100 (OSRR07-2)
CT, ME, MA, NH,	Boston, MA 02109-3912	Boston, MA 02109-3912
RI, VT	Phone (617) 918-1248 Fax (617) 918-1294	Phone (617) 918-1248 Fax (617) 918-1294
	mckeown.amyjean@epa.gov	mckeown.amyjean@epa.gov
	Ashita Patel	Ashita Patel
2	290 Broadway, 25th Floor	290 Broadway, 25th Floor
2 NJ, NY, PR, VI	New York, NY 10007-1866	New York, NY 10007-1866
143, 141, FIX, VI	Phone (212) 637-4372	Phone (212) 637-4372
	patel.ashita@epa.gov	patel.ashita@epa.gov
	Chris Lesniak	Sydney Adams
3	1600 John F. Kennedy Blvd.	1600 John F. Kennedy Blvd.
DE, DC, MD, PA,	Philadelphia, PA 19103	Philadelphia, PA 19103
VA, WV	Phone (215) 814-5360	Phone (215) 814-2106
	lesniak.christopher@epa.gov	adams.sydney@epa.gov
	Nichole Rodgers	Nichole Rodgers
4	61 Forsyth Street, S.W, 13 <sup>th</sup> FL (9T25)	61 Forsyth Street, S.W, 13 <sup>th</sup> FL (9T25)
	Atlanta, GA 30303-8960	Atlanta, GA 30303-8960
	<b>Phone</b> (404) 562-8069	Phone (404) 562-8069
	rodgers.nichole@epa.gov	rodgers.nichole@epa.gov
	Keary Cragan	Jacqueline Coreno
5	77 West Jackson Boulevard (SB-5J)	77 West Jackson Boulevard (SB-5J)
	Chicago, IL 60604-3507	Chicago, IL 60604-3507
WI	Phone (312) 353-5669 Fax (312) 692-2161	Phone (312) 886-6136
	cragan.keary@epa.gov	coreno.jacqueline@epa.gov
	Ana Esquivel	Elizabeth Reyes
6	1201 Elm Street, Suite 500	1201 Elm Street, Suite 500
	Dallas, Texas 75270-2102	Dallas, Texas 75270-2102
TX	Phone (214) 665-3163 Fax (214) 665-6660	Phone (214) 665-2194 Fax (214) 665-6660
	esquivel.ana@epa.gov	reyes.elizabeth@epa.gov
	Susan Klein	Jennifer Morris
	11201 Renner Boulevard (LCRD/BSPR)	11201 Renner Boulevard ((LCRD/BSPR)
7	Lenexa KS 66219	Lenexa KS 66219
IA, KS, MO, NE	Phone (913) 551-7786	Phone (913) 551-7341
	klein.susan@epa.gov	morris.jennifer@epa.gov
	Erin Joyce	Ted Lanzano
8	1595 Wynkoop Street (LCRD-BR)	1595 Wynkoop Street (LCRD-BR)
_	Denver, CO 80202-1129	Denver, CO 80202-1129
	Phone (303) 312-6677	Phone (303) 312-6596
C.,	joyce.erin@epa.gov	lanzano.ted@epa.gov
	Lisa Hanusiak	Richie Donahou
•	75 Hawthorne Street	75 Hawthorne Street
9 A7 CA HI NIV AS		
GU, MP	San Francisco, CA 94105 <b>Phone</b> (415) 972-3152	San Francisco, CA 94105 Phone (808) 539-0542
GO, IVII		, ,
	hanusiak.lisa@epa.gov	donahou.richie@epa.gov
	Madison Sanders-Curry	Madison Sanders-Curry
10	1200 Sixth Ave, Suite 155 (mail code 15-H04)	1200 Sixth Ave, Suite 155 (mail code 15-H04)
AK, ID, OR, WA	Seattle, WA 98101	Seattle, WA 98101
	Phone (206) 553-1889 Fax (206) 553-8581	Phone (206) 553-1889 Fax (206) 553-8581
	sanders-curry.madison@epa.gov	sanders-curry.madison@epa.gov