

OVERVIEW SECTION

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

TITLE: BROWNFIELDS AREA-WIDE PLANNING GRANT

ACTION: Request for Proposals (RFP)

RFA NO: EPA-OSWER-OBLR-12-06

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NO.: 66.814

DATES: Proposals must be sent through the U.S. Postal Service, commercial delivery service, or electronically through www.grants.gov. Only one method should be used for the submission of the original, complete proposal package. Proposals sent through the U.S. Postal Service or via a commercial delivery service must be postmarked by November 30, 2012. Proposals postmarked by the USPS or commercial delivery service after November 30, 2012 will not be considered. Proposals sent electronically to grants.gov must be received by www.grants.gov by 11:59 p.m. Eastern Time on November 30, 2012 to receive consideration.

SUMMARY: This notice announces the availability of EPA grant funds for projects from eligible entities to facilitate community involvement and conduct research, training and technical assistance necessary to develop area-wide plans and implementation strategies to facilitate brownfields assessment, cleanup, and subsequent reuse. Brownfields area-wide planning grant funding must be directed to specific areas affected by a single large or multiple brownfield sites, such as a neighborhood, downtown district, city block or local commercial corridor. The grant funding will result in an area-wide plan, including implementation strategies, for the brownfields-affected area. The brownfields area-wide plan will inform the assessment, cleanup and reuse of brownfields properties and promote area-wide revitalization.

FUNDING/AWARDS: The total estimated funding available under this competitive opportunity is \$4,000,000, subject to availability of funds, quality of proposals received and other applicable considerations. Applicants may submit more than one proposal so long as each one is for a different project area and is submitted separately. The maximum amount of grant funding that applicants may apply for under each proposal is \$200,000. Project periods of up to 24 months are allowed. EPA anticipates selecting approximately 20 projects through this competitive opportunity. Individuals, profit-making firms, and the FY10 EPA BF AWP Pilot Program recipients are not eligible to apply.

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SECTION I– FUNDING OPPORTUNITY DESCRIPTION

The EPA’s Office of Brownfields and Land Revitalization (OBLR) is soliciting proposals for the Brownfields Area-Wide Planning Program under Section 104(k)(6) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended under the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law). The Brownfields Law, at CERCLA § 101(39), defines a brownfield site as “real property, the expansion, redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant” and may include sites contaminated by controlled substances or petroleum or mine-scarred land. It authorizes the EPA to provide, or fund eligible entities (including nonprofit organizations) to provide, research, training and technical assistance to facilitate the inventory of brownfields sites, site assessments, remediation of brownfields sites, community involvement, or site preparation under CERCLA § 104(k)(6).

I. A. Background

The EPA works to respond to community brownfields issues with an environmental protection approach that is locally based, encourages strong public-private partnerships, and promotes innovative and creative ways to assess, clean up, and redevelop brownfield sites. This approach empowers state, tribal, and local officials to oversee brownfield activities, supports meaningful public participation, and encourages implementing local solutions to local problems.

Federal resources for brownfields are typically delivered site-by-site to assist with assessment and cleanup, which helps lead to subsequent site reuse. However, the burden of a single large site, or collective burden of multiple sites concentrated within an area (such as a neighborhood, district, city block or corridor), can weigh down an entire community. Environmental justice communities are particularly affected, as the cumulative effects of brownfields and blight exacerbate already unhealthy conditions. Where multiple sites are connected through location, infrastructure, economic, social and environmental conditions, the EPA encourages communities to take an area-wide approach to planning for the assessment and cleanup needs of these brownfields. This focus on multiple brownfield sites will result in more coordinated strategies for cleanup and area revitalization versus a single site focus.

In 2010, the EPA Brownfields Program awarded pilot grants to 23 recipients¹ to enable them to conduct research and provide technical assistance and training to communities to develop area-wide plans and specific implementation strategies that integrate the cleanup and reuse of brownfield sites in larger, coordinated efforts to revitalize their neighborhoods. These communities have been using

¹ Visit EPA’s website for more information: http://www.epa.gov/brownfields/areawide_grants.htm

EPA resources in under-served and distressed project areas to facilitate community involvement; evaluate existing environmental conditions, local market potential, and area infrastructure improvements needed; develop strategies for brownfields site cleanup/reuse; and identify resources or leveraging opportunities to help implement their plans. The resulting plans from the Brownfields Area-Wide Planning Pilot recipients will facilitate the assessment, cleanup and reuse of brownfields properties in conjunction with identifying area-wide investments and improvements necessary to revitalize the community, and include strategies for area-wide plan implementation.

I. B. The EPA's Brownfields Area-Wide Planning Program

Under this announcement, the EPA seeks to provide successful applicants with grant funding to conduct applied research and/or provide technical assistance and training in support of developing a brownfields area-wide plan. The brownfields area-wide plan must include:

- strategies for reusing the catalyst site and other identified high priority brownfield sites;
- information on how assessment and cleanup of those sites will be influenced by the reuse strategies; and
- brownfields area-wide plan implementation strategies, which identify specific actions for next steps and specific resources available/resources needed to implement the plan.

The brownfields area-wide plan will be developed through grantee facilitation of community involvement, research into area existing conditions, and additional research that will help address and revitalize a single large or multiple brownfield site(s).

The research the EPA will fund under this announcement will be applied to develop the brownfields area-wide plan; the Agency does not fund theoretical research into brownfields issues under the Brownfields Area-Wide Planning Program. Technical assistance and training should focus on capacity building for the grant recipient and/or advice and capacity building for another entity whom the grant recipient is assisting.² Where a grant recipient provides technical assistance and training to another entity, the recipient's goal will be to guide the entity through the brownfields area-wide planning process, and conduct the applied research which helps them develop an area-wide plan for brownfields within the project area.

Assistance Description

The EPA Brownfields Area-Wide Planning (BF AWP) Program's goal is to work in partnership with local communities (as represented by governments, quasi-government organizations, nonprofits, and other community-based organizations and individuals) to help create a shared vision for areas affected by brownfields, and to ensure that brownfields assessment and cleanup decisions are informed by the planned reuse of the sites and supporting area-wide revitalization strategies. The research and/or technical assistance and training supported by the BF AWP Program generally include the following activities:

- Evaluating existing conditions, such as local market potential, needed infrastructure improvements, existing environmental data and health risks;

² Another entity whom the grant recipient assists may be another local government or nonprofit organization (who are not direct grant recipients), or unincorporated community groups and individuals.

- Identifying community priorities related to near- and long-term brownfields cleanup, reuse and area revitalization;
- Developing strategies for brownfields assessment, cleanup, reuse and related improvements and consolidating them into an area-wide plan;
- Identifying resources or leveraging opportunities as implementation strategies, and incorporating them into the brownfields area-wide plan; and
- Building the capacity of local communities to be effectively involved in the development of the brownfields area-wide plan.

The resulting area-wide plans should provide direction for future brownfields assessment, cleanup, reuse and related improvements that are protective of public health, environmentally responsible and economically viable. The brownfields area-wide plans must reflect community priorities and identify strategies for implementation.

Successful applicants will receive EPA grant funding to conduct research and/or technical assistance and training on brownfields area-wide planning and implementation strategies, which are targeted within a specific project area that is affected by brownfields, such as a neighborhood, downtown district, local commercial corridor, or city block.³

Recipients of EPA grant funding will develop an area-wide plan for brownfields, which includes a plan implementation strategy. Grantees are expected to engage the community, work with local government and community-based organizations, conduct research and analysis of existing conditions, and coordinate with existing local or regional planning efforts. At a minimum, activities in the applicant's projects should include:

1. facilitating community involvement activities to identify community priorities, and opportunities to meet those priorities through area brownfields cleanup and revitalization;
2. conducting research into the existing conditions of the targeted brownfields area (such as brownfields economic research/market analysis, infrastructure studies, known environmental conditions of the brownfields area, coordination with community plans, local health issues and environmental justice concerns, etc.); and
3. developing a detailed brownfields area-wide plan, complete with implementation strategies, which contains near-term and long-term actions that will shift momentum from the planning research process to on-the-ground results once the project concludes.

Further, as part of their BF AWP research and technical assistance or training activities, the EPA encourages applicants to consider how to connect assessment, cleanup and subsequent reuse of brownfield(s) in the project area to:

- a. opportunities to address environmental justice concerns and promote sustainable and

³ Note the scale of this assistance is not for city-wide, county-wide or region-wide efforts.

equitable development outcomes within the brownfield-affected project area;

- b. opportunities to facilitate the reuse of existing infrastructure (e.g. transportation systems, utilities, waste water and drinking water systems, sewage systems, etc.), by taking into account infrastructure investments needed to support future uses of brownfield(s) properties as part of the assessment and cleanup process;
- c. strategies to involve different levels of government and community partners to ensure plan implementation occurs over time; and
- d. linkages to:
 - contaminated properties other than brownfields (e.g., high risk underground storage tanks sites, National Priorities List Sites, federal facilities sites);
 - other land uses within the BF AWP project area (such as housing, job centers, and transit/alternative transportation), and
 - regional sustainability or planning efforts.

All research, technical assistance and training for area-wide planning must be designed to identify reuses for brownfields that will meet community health, environmental and economic development goals. Site reuse strategies will inform how brownfields in the area need to be assessed and cleaned up. Plan implementation strategies must identify specific actions and resources available/resources needed to assess, cleanup and reuse brownfields and promote area-wide revitalization.

Identifying Catalyst, High Priority Brownfield Sites

Successful applicants will have identified one or more specific “catalyst” or high priority brownfield sites prior to applying for this grant. Catalyst brownfields are high priority sites within the community which, once remediated and reused, have the potential to spur additional revitalization within the area. These brownfield sites should serve as the foundation for the overall BF AWP project design.

Given the amount of EPA grant funding that will be provided to successful applicants under this program, applicants must carefully consider a reasonable BF AWP project area size and the number of catalyst, high priority brownfield sites to be addressed. The EPA encourages applicants to designate only a portion of a large neighborhood, district or corridor for the BF AWP project where such an approach will better lead to a more focused brownfields area-wide plan.

Applicants will need to identify their catalyst, high priority brownfield sites under threshold criterion 3 and describe them under ranking criterion 2.

Final report

Each project must result in a finalized brownfields area-wide plan for the project area, which must include identification of next steps and resources available/needed for plan implementation. This document may be considered by the EPA as the final report submitted to fulfill the EPA grant requirements. However, if the finalized brownfields area-wide plan does not include all the information necessary to meet the terms and conditions of the EPA grant and project workplan, the grantee must submit the additional materials to the EPA, which may include additional background

about the project, project organization under the grant, any research on specific brownfields cleanup and reuse strategies not included in the brownfields area-wide plan, all workplan deliverables, performance measurement, resources leveraged and associated sources of funding, etc.

Link to Other EPA Brownfields Funding Opportunities

The BF AWP Program is designed to produce measurable outcomes linked to the eventual assessment, cleanup, and subsequent reuse of brownfield sites. In this manner, brownfields area-wide planning complements the EPA's brownfields assessment, cleanup and revolving loan fund competitive opportunities and targeted brownfields assessment assistance. Please note that while funding under this announcement is not available for site assessment, site cleanup or plan implementation, the Agency does offer competitive grants for assessment and cleanup of brownfield sites.⁴

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

The EPA's Brownfields Area-Wide Planning Program is being carried out consistent with the principles under the Partnership for Sustainable Communities among the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Transportation (DOT), and EPA. The Partnership was conceived to advance development patterns and infrastructure investment programs that achieve improved economic prosperity, 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) Provide more transportation choices, (2) Promote equitable, affordable housing, (3) Increase economic competitiveness, (4) Support existing communities, (5) Leverage federal investment, and (6) Value communities and neighborhoods.

The EPA recognizes that eligible activities listed in these BF AWP guidelines advance the Partnership's Livability Principles by providing funding for research, technical assistance and training for area-wide planning and implementation strategies that promote cleanup and sustainable reuse of brownfields sites. Reaching out to and coordinating with HUD, DOT, EPA programs and other federal and non-federal partners is highly encouraged throughout the BF AWP process.

Under ranking criterion 4, Community Benefits, applicants will be evaluated on how their proposed BF AWP project will advance the Livability Principles (see Section 5. B.).

Linking BF AWP Approaches to Sustainable and Equitable Development Outcomes

Applicants are encouraged to research sustainable and equitable cleanup and reuse approaches and incorporate them into their proposed BF AWP project. Sustainable and equitable approaches can ensure brownfields are cleaned up and reused in ways that:

- contribute to greener and healthier homes, buildings, and neighborhoods;
- mitigate environmental conditions through effective deconstruction and remediation strategies which address solid and hazardous waste, and improve air and water quality;

⁴ Visit EPA's website for more information: http://www.epa.gov/brownfields/grant_info/index.htm

- 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 cleanup and 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 overall 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 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.

Applicants are encouraged to provide specific examples of how the proposed BF AWP project will work to remove economic, environmental and social barriers to make sustainable and equitable brownfields cleanup and reuse of the highest priority. In addition, under ranking criterion 4, Community Benefits (see Section 5. B.), applicants will be evaluated on how their proposed BF AWP project will lead to sustainable and equitable outcomes.

I. C. Uses of EPA Assistance

Eligible uses of EPA assistance under this competitive opportunity include direct costs necessary to provide research, technical assistance and training for BF AWP activities, such as those listed in Section I. B., or in an approved EPA grant workplan. These direct costs include costs for personnel, contracts for technical experts (including individual consultants), subawards of financial assistance, materials, supplies, room rentals, travel, and transportation expenses.

Note that prior to naming a contractor or subawardee, applicants must carefully review the provisions in Sections II. F. and II. G.

EPA assistance awarded under this solicitation may not be used for the following activities or tasks:

- conducting site assessments, site cleanups, or area-wide plan implementation;
- marketing brownfields properties for redevelopment; zoning activities unrelated to brownfields; area master planning, general community visioning, or comprehensive plan updates that are unrelated to brownfields cleanup and reuse in the project area; and survey design, distribution or collection. Refer to Frequently Asked Questions (FAQs) at http://www.epa.gov/brownfields/areawide_grants.htm;
- conducting response activities often associated with cleanups (i.e., demolition, and groundwater extraction). Assessment, cleanup, and associated activity costs must be funded through other means;
- construction and land acquisition;
- costs that are unallowable (e.g., lobbying, fund-raising, alcoholic beverages) under OMB Cost Principles 2 CFR Part 220 (Educational Institutions), 2 CFR Part 225 (state, tribal, and local governments), or 2 CFR Part 230 (nonprofit organizations), as applicable;
- matching any other federal funds unless there is specific statutory authority for the match (CERCLA does not provide this authority);
- proposal preparation costs;
- projects that duplicate grants awarded under other EPA Brownfields grant programs described in CFDA Nos. 66.818, “Brownfields Assessment, Revolving Loan Funds, and Cleanup Grants” and 66.815, “Environmental Workforce Development and Job Training Grant” or other federally-funded environmental training, research, or technical assistance programs in their target community or communities. Projects may, however, complement community-wide planning activities which the EPA funds under CERCLA § 104(k)(2) assessment grants;
- projects related to exploring, testing and implementing smart growth policies and applications, and projects the EPA funds under CFDA No. 66.611, “Environmental Policy and Innovation Grants” or through EPA Sustainable Communities technical assistance under other announcements; or
- administrative costs (including indirect costs), penalties, or fines (refer to Section 1.D, Prohibitions on Use of Funds).

Note: 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.

Brownfields Site-Specific Planning for Assessment or Cleanup Requires EPA Approval

A recipient who wishes to conduct research, or provide technical assistance or training for site-specific assessment or cleanup planning at one or more brownfields sites within the BF AWP project area must receive prior approval from the EPA for those activities. Recipients must contact their EPA grant project officer to initiate and complete the EPA approval process prior to conducting site-specific cleanup planning activities. EPA approval for site-specific assessment or

cleanup planning will be based on site eligibility and liability provisions under CERCLA § 101(39). A recipient who is liable for contamination at a specific brownfields site is prohibited from conducting assessment or cleaning planning at that site using EPA grant funds under the BF AWP Program.

I. D. Prohibitions on Use of Grant Funds

Funds awarded under Section 104(k)(6) of CERCLA are intended for Brownfields Area-Wide Planning Program activities and may not be used for:

1. A penalty or fine.
2. Assessment, cleanup and implementation activities in the brownfields area-wide plan.
3. Federal cost-share requirement (for example, a cost share required by other federal funds).
4. A response cost at a brownfield site for which the recipient of the grant is potentially liable under CERCLA Section 107.
5. A cost of compliance with any federal law, excluding the cost of compliance with laws applicable to the cleanup.
6. The payment of an administrative cost. In implementing the administrative cost prohibition, EPA has made a distinction between prohibited administrative costs and eligible programmatic costs.

Administrative Costs. Prohibited administrative costs are direct costs including those in the form of salaries, benefits, contractual costs, supplies, and data processing charges incurred to comply with most provisions of the “Uniform Administrative Requirements for Grants” contained in 40 CFR Part 30 or 40 CFR Part 31. Direct costs for grant administration are ineligible even if the grantee or subgrantee is required to carry out the activity under the grant agreement. Prohibited administrative costs are also all indirect costs under OMB Circulars A-21, 2CFR Part 220 (Educational Institutions), A-87, 2 CFR Part 225 (state, tribal, and local governments), and A-122, 2 CFR Part 230 (Nonprofit Organizations), and Subpart 31.2 (Commercial Organizations) of the Federal Acquisition Regulation.

Ineligible grant administration costs include expenses for:

1. Preparation of applications for Brownfields grants and sub-grants;
2. Record retention required under 40 CFR 30.53 and 40 CFR 31.42;
3. Record-keeping associated with supplies and equipment purchases required under 40 CFR 30.33, 30.34, and 30.35 and 40 CFR 31.32 and 31.33;
4. Preparing revisions and changes in the budgets, scopes of work, program plans and other activities required under 40 CFR 30.25 and 40 CFR 31.30;
5. Maintaining and operating financial management systems required under 40 CFR 30.20 and 40 CFR 31.20;
6. Preparing payment requests and handling payments under 40 CFR 30.22 and 40 CFR 31.21;
7. Non-federal audits required under 40 CFR 30.26, 40 CFR 31.26, and OMB Circular A-133;
8. Close out under 40 CFR 30.71 and 40 CFR 31.50.

Programmatic Costs. The EPA has determined that the administrative cost prohibition does not apply to “programmatic” costs, (i.e., costs for activities that are integral to achieving the purpose of the grant), even if the Agency considered the costs to be “administrative” under the prior Brownfields Program.

1. The prohibition does not apply to direct costs for developing a brownfield site(s) area-wide plan to inform site assessment, cleanup, and subsequent reuse. For example, costs for program management salaries (to the extent that such costs are included in the scope of work for the BF AWP grant), materials and supplies for public meetings, necessary travel and transportation expenses are programmatic, not administrative.
2. Direct costs, as defined in the applicable OMB Cost Principle Circular, for the following programmatic activities are not subject to the administrative cost prohibition. These costs, however, must be allowable under the scope of work for the grant. Costs incurred for complying with procurement provisions of 40 CFR Part 30 and Part 31 are considered eligible programmatic costs only if the procurement contract is for services or products that are direct costs for training as described above. Costs for performance and financial reporting required under 40 CFR 30.51 and 30.52, and 40 CFR 31.40 and 31.41 are eligible programmatic costs. Performance and financial reporting are essential programmatic tools for both the recipient and the EPA to ensure that grants are carried out in accordance with statutory and regulatory requirements.

For further information on these prohibitions, contact the EPA as listed in Section 7.

I. E. EPA Strategic Plan Linkage

The projects selected for award through this competition will support progress towards the EPA’s 2011-2015 Strategic Plan Goal 3 (Cleaning Up Communities and Advancing Sustainable Development), Objective 3.1 (Promote Sustainable and Livable Communities).

View EPA’s Strategic Plan at <http://www.epa.gov/planandbudget/strategicplan.html>.

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

Pursuant to EPA Order 5700.7, “Environmental Results under EPA Assistance Agreements,” EPA requires that all grant applicants and recipients adequately address environmental outcomes and outputs. Outcomes and outputs differ both in their nature and in how they are measured. Applicants must discuss environmental outcomes and outputs in their proposed work plan.

1. **Outcomes:** The term “outcomes” refer to the result, effect, or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, must be quantitative, and may not necessarily be achievable during the project period.

The EPA anticipates that outcomes from projects awarded under this announcement will enable recipients to:

- research strategies for appropriately reusing brownfields, which will help lead to eventual assessment, cleanup and improvement of public health;
- connect assessment, cleanup, and decisions for subsequent reuse of these brownfields to their neighborhood and city-wide contexts;
- increase capacity of residents and stakeholders from the area affected by brownfields to participate in, take ownership of, and benefit from brownfields revitalization in their community; and
- further the network of local, regional, state, tribal and/or federal partnerships that will help facilitate environmentally sustainable and equitable brownfields cleanup and redevelopment.

2. **Outputs:** The term “output” 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 EPA anticipates outputs from projects awarded under this competitive opportunity will include, but not be limited to:

- increased community involvement opportunities leading to decisions about the cleanup and future use of the site(s);
- analysis of existing conditions within project area and development of specific site reuse recommendations for key brownfield sites within the project area;
- recommendations for brownfield site assessment and cleanup; and
- development of a brownfields area-wide plan, which includes a list of “next steps” actions and identifies specific resources available and resources needed to implement the plan.

SECTION II – AWARD INFORMATION

II. A. What is the amount of available funding?

The total estimated funding available under this competitive opportunity is \$4 million, subject to the availability of funds, quality of proposals received, and other applicable considerations. The maximum amount of EPA grant funding available per proposal is \$200,000.

EPA reserves the right to make additional awards under this competition, consistent with Agency policy, if additional funding becomes available. Any additional selections for awards will be made no later than six months from the date of the original selection decision.

II. B. How will EPA provide assistance to selected recipients?

The EPA will provide this assistance through a cooperative agreement. Funding will be provided directly to successful applicants for research, technical assistance and training activities. Recipients

will be accountable to EPA for properly expending those funds. Recipients are responsible for facilitating community involvement in developing the brownfields area-wide plan. Funds must be used to support those activities which will help lead to the development of the brownfields area-wide plan. Close out of the agreement will only occur after EPA receives the final brownfields area-wide plan, and the grantee has met and submitted all deliverables required under the grant workplan and EPA grant terms and conditions. EPA funding under this announcement is not available for actual implementation of the plan.

At the Agency's discretion, the EPA may provide contract support to conduct targeted brownfield assessments (TBAs)⁵ on eligible brownfield sites within the project area, or provide other relevant technical assistance to the project. If provided, the contractor team will be directed by, and accountable to, the EPA, but will provide technical assistance through consultation with the grant recipient. Any contract support provided by EPA will not duplicate or materially affect the project scope of work under the grant workplan. EPA may consider brownfield site eligibility and site liability prior to providing TBA assistance.

II. C. How many cooperative agreements will EPA award through this competition?

The EPA anticipates award of approximately 20 cooperative agreements resulting from this competitive opportunity. EPA reserves the right to reject all proposals and make no awards under this announcement or make fewer awards than anticipated.

Cooperative agreements permit substantial involvement between the EPA Project Officer and the selected applicants in the performance of the work supported. Although the 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 will include:

- close monitoring of the recipient's performance to verify results;
- collaborating during performance of the scope of work;
- coordination with contractor technical assistance if provided by the EPA;
- review and approval of significant changes to the work plan and/or budget;
- review and approval of BF AWP project workplan phases, including the brownfields area-wide plan, for consistency with the EPA-approved grant workplan and cooperative agreement terms and conditions (review and approval also includes EPA approval of brownfield site(s) eligibility and/or liability per CERCLA §101(39), as needed based on project activities being funded through the cooperative agreement);
- regular (e.g. monthly) conference calls with the recipient;
- participation in conference calls with all BF AWP grantees and/or national meetings;
- review of proposed procurements in accordance with 40 CFR 30.44(e) and 40 CFR 31.36(g) and approval of the substantive terms of contracts and subawards to ensure consistency with the scope of work (EPA will not select contractors or subawardees);

⁵ Visit EPA's website for more information on TBA program: http://epa.gov/brownfields/grant_info/tba.htm. The prohibition on using Brownfield grant funds to pay for response costs at a brownfield site for which the recipient of the funding is potentially liable applies. However, EPA may fund TBAs at properties where the owner is responsible for the contamination if there is a clear means of recouping EPA expenditures.

- approving qualifications of key personnel (EPA will not select employees or contractors employed by the award recipient); and
- review and comment on quarterly reports prepared under the cooperative agreement, per the terms and conditions.

As appropriate, the EPA may facilitate initial coordination between grant recipients and other federal agencies⁶ once the BF AWP projects are underway. Such coordination will serve to provide additional information to the grantee and support their efforts to develop a brownfields area-wide plan and implementation strategy. The EPA may seek assistance from other federal agencies, states, tribes, regions, and local governments to help identify potential resources that may be used by communities to implement the plan. Although the EPA may provide factual information regarding its BF AWP Program to potential funders, the Agency may not endorse proposals, applicants or recipients.

II. D. What is the project period for awards resulting from this solicitation?

The estimated start date for projects resulting from this solicitation is May 2013. All project activities must be completed within the maximum negotiated project performance period of 24 months.

II. E. Will proposals be partially funded?

In appropriate circumstances, EPA reserves the right to partially fund proposals by funding discrete activities, portions, or phases of proposed projects. If EPA decides to partially fund a proposal, it 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; therefore, the EPA maintains the integrity of the competition and selection process.

II. F. Can funding be used to make subawards, acquire contract services, or fund partnerships?

EPA awards funds to one eligible applicant as the recipient even if other eligible entities are named as partners or co-applicants, or members of a coalition or consortium in the proposal. The recipient is accountable to EPA for the proper expenditure of grant funds.

Funding may be used to provide subgrants or subawards of financial assistance, which includes using subawards or subgrants to fund partnerships, provided the recipient complies with applicable requirements for subawards or subgrants including those contained in 40 CFR Parts 30 or 31, as appropriate. Applicants must compete contracts for services and products, including consultant contracts, and conduct cost and price analyses to the extent required by the procurement provisions in 40 CFR Parts 30 or 31, as appropriate. The regulations also contain limitations on consultant compensation.

⁶ Such as Department of Housing and Urban Development (HUD), Department of Transportation (DOT), Department of Agriculture (USDA), Economic Development Administration (EDA), and others.

Applicants are not required to identify subawardees/subgrantees and/or contractors (including consultants) in their proposal. However, if they do, the fact that an applicant selected for award has named a specific subawardee/subgrantee, contractor, or consultant in the proposal EPA selects for funding does not relieve the applicant of its obligations to comply with subaward/subgrant and/or competitive procurement requirements as appropriate. Please note that applicants may not award sole source contracts to consulting, engineering or other firms assisting applicants solely based on the firm's role in preparing the proposal.

Successful applicants cannot use subgrants or subawards to avoid requirements in EPA grant regulations for competitive procurement by using these instruments to acquire commercial services or products from for-profit organizations to carry out its cooperative agreement. The nature of the transaction between the recipient and the subawardee or subgrantee must be consistent with the standards for distinguishing between vendor transactions and subrecipient assistance under Subpart B Section 210 of OMB Circular A-133, and the definitions of “subaward” at 40 CFR 30.2(ff) or “subgrant” at 40 CFR 31.3, as applicable. EPA will not be a party to these transactions. Applicants acquiring commercial good or services must comply with the competitive procurement standards at 40 CFR Part 30 or 40 CFR Part 31.36 and cannot use a subaward/subgrant as the funding mechanism.

II. G. How will an applicant's proposed subawardees or contractors be considered during the evaluation process described in Section 5 of this announcement?

Section V of these guidelines describes the ranking criteria and evaluation process that will be used by EPA to make selections under this announcement. During this evaluation, except for those criteria that relate to the applicant’s own qualifications, past performance, and reporting history, the review panel will consider, if appropriate and relevant, the qualifications, expertise, and experience of the following:

- (i) An applicant’s named subawardees/subgrantees identified in the proposal if the applicant demonstrates in the proposal that if it receives an award that the subaward/subgrant will be properly awarded consistent with the applicable regulations in 40 CFR Parts 30 or 31. For example, applicants must not use subawards/subgrants to obtain commercial services or products from for-profit firms or individual consultants.
- (ii) An applicant’s named contractor(s), including consultants, identified in the proposal if the applicant demonstrates in its proposal that the contractor(s) was selected in compliance with the competitive procurement standards in 40 CFR Part 30 or 40 CFR 31.36 as appropriate. For example, an applicant must demonstrate that it selected the contractors(s) competitively or that a proper non-competitive sole-source award consistent with the regulations will be made to the contractor(s), that efforts were made to provide small and disadvantaged businesses with opportunities to compete, and that some form of cost or price analysis was conducted. EPA may not accept sole source justifications for contracts for services or products that are otherwise readily available in the commercial marketplace.

EPA will not consider the qualifications, experience, or expertise of named subawardees/ subgrantees and/or named contractor(s) during the proposal evaluation process unless the applicant complies with these requirements.

SECTION III –ELIGIBILITY INFORMATION

III. A. Eligible Entities

Entities eligible to receive grant funding through this RFP include:⁷

- General purpose unit of local government.⁸
- 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.
- Regional council or group of general purpose units of local government.
- Government Entity Created by State Legislature.
- Redevelopment agency that is chartered or otherwise sanctioned by a state.
- A state that is serving in a fiscal and administrative capacity on behalf of a local community, where the local community leads the BF AWP process.
- 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 the EPA’s policy for funding intertribal consortia published in the *Federal Register* on November 4, 2002, at 67 Fed. Reg. 67181.)
- 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 BF AWP FAQs at http://www.epa.gov/brownfields/areawide_grants.htm.
- Nonprofit organizations, including institutions of higher education. Nonprofit organizations must meet the definition of that term in Section 4(6) of the Federal Financial Assistance Management Improvement Act of 1999, Public Law 106-107, 31 U.S.C 6101. 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; is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization. Nonprofit organizations exempt from taxation under Section 501(c)(4) of the Internal Revenue Code that lobby are not eligible for EPA grant funding.

Individuals, profit-making firms, and the FY10 EPA BF AWP Pilot Program recipients are not eligible to apply. State applicants that apply to this RFP and propose a project role other than providing grant management capacity (managing the fiscal and administrative grant matters) on behalf of a local community are not eligible under this RFP.

⁷ Reference CFDA 66.814 or CERCLA § 104(k)(1)(A)-(H)

⁸ For purposes of the Brownfields Area-Wide Planning Program, the EPA defines general purpose unit of local government as a “local government” as defined under 40 CFR Part 31.3.

III. B. Cost-Sharing or Matching

No matching funds are required under this competition. Although cost-sharing/matching is not required as a condition of eligibility under this competition, under Section V.B. of this announcement EPA will evaluate applications based on a leveraging criterion. Leveraging is generally when an applicant proposes to provide its own additional funds/resources or those from third party sources to support or complement the project they are awarded under the competition which are above and beyond the EPA grant funds awarded. Any leveraged funds/resources, and their source, must be identified in the proposal (See Section 4(B)(2)(b)(vii) of the announcement). Leveraged funds and resources may take various forms as noted below.

Voluntary cost share is a form of leveraging. Voluntary cost sharing is when an applicant voluntarily proposes to legally commit to provide costs or contributions to support the project when a cost share is not required. Applicants who propose to use a voluntary cost share must include the costs or contributions for the voluntary cost share in the project budget on the SF-424. If an applicant proposes a voluntary cost share, the following apply:

- A voluntary cost share is subject to the match provisions in the grant regulations (40 CFR 30.23 or 40 CFR 31.24, as applicable).
- A voluntary cost share may only be met with eligible and allowable costs.
- The recipient may not use other sources of federal funds to meet a voluntary cost share unless the statute authorizing the other federal funding provides that the federal funds may be used to meet a cost share requirement on a federal grant.
- The recipient is legally obligated to meet any proposed voluntary cost share that is included in the approved project budget. If the proposed voluntary cost share does not materialize during grant performance, then EPA may reconsider the legitimacy of the award and/or take other appropriate action as authorized by 40 CFR Parts 30 or 31 as applicable.

Other leveraged funding/resources that are not identified as a voluntary cost share - this form of leveraging may be met by funding from another federal grant, from an applicant's own resources, or resources from other third party sources. This form of leveraging should not be included in the budget and the costs need not be eligible and allowable project costs under the EPA assistance agreement. While this form of leveraging should not be included in the budget, the grant workplan should include a statement indicating that the applicant is expected to produce the proposed leveraging consistent with the terms of the announcement and the applicant's proposal. If applicants propose to provide this form of leveraging, EPA expects them to make the effort to secure the leveraged resources described in their proposals. If the proposed leveraging does not materialize during grant performance, then EPA may reconsider the legitimacy of the award and/or take other appropriate action as authorized by 40 CFR Parts 30 or 31 as applicable.

III. C. Threshold Eligibility Criteria

This section contains the threshold criteria that an applicant must meet before their proposal is considered for BF AWP Program grant funds. Threshold criteria are evaluated on a pass or fail basis. **Only those proposals that specifically address and pass all five threshold criteria listed**

below, as well as the other standards noted below, will be evaluated against the ranking criteria in Section V.B. 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.

For purposes of the threshold eligibility review, if necessary, the EPA may seek clarification of applicant information and/or consider information from other sources, including EPA files. In addition to the specific threshold criteria below, applicants must substantially comply with the proposal submission instructions and requirements in Section IV of this announcement **or they will be rejected**. Where a page limit is expressed in Section IV. C. with respect to parts of the proposal package, pages in excess of the page limitation will be removed and **will not be reviewed**.

Proposals must be received via www.grants.gov or postmarked on or before the proposal submission deadline as specified in Section IV. B. of this announcement. Applicants are responsible for ensuring that their proposal is postmarked or received by the submission deadline. Proposals postmarked or received through grants.gov after the submission deadline will be considered late and returned to the sender 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. Applicants should confirm receipt of their proposal with Megan Quinn at Quinn.Megan@epa.gov as soon as possible after the submission deadline—failure to do so may result in your proposal not being reviewed.

Applicants must address these threshold criteria in their proposal submittal. If a threshold criterion is not applicable, applicants should state the threshold criterion number and “N/A”.

Applicants may use the Threshold Criteria Worksheet Example in Appendix 1 when organizing and submitting the information required for threshold review. If an applicant chooses to follow this example, the applicant should fill in the information as requested per Appendix 1, identify it as the “Threshold Criteria Worksheet” and submit it with the grant proposal package transmission to the EPA. There is no page limit for the Threshold Criteria Worksheet portion of the proposal. However, an applicant who chooses to submit a Threshold Criteria Worksheet must include information on that worksheet only as needed to demonstrate compliance with each threshold criterion; any additional information on the worksheet will not be considered when evaluating proposals. If the worksheet is not used, applicants must still submit the threshold documentation as an attachment to the narrative proposal. See Section IV.C. for more information.

1. **Applicant eligibility:** Describe how you are an eligible applicant as specified in Section III.A., *Eligible Entities*.

- For entities other than cities, counties, states or tribes, attach documentation of your eligibility (non-profit status, resolutions, statutes, etc.). Evidence of current nonprofit status under federal, state, or tribal law must be provided at the time the proposal is submitted.
- State applicants must clearly demonstrate that you are applying on behalf of a local community and will serve in a fiscal and administrative capacity on behalf of that community, but the local community will lead the BF AWP process; no other role for a

state applicant will be considered. Attach a memorandum of understanding or other document which demonstrates this relationship between the state applicant and local community.

- The FY10 EPA Brownfields Area-Wide Planning Pilot Grant recipients are not eligible to apply.

Documentation of applicant eligibility does not count towards proposal page limits.

2. **Location of proposed BF AWP project area:** Define the geographic boundaries of the proposed BF AWP project area.

- a. Provide street, natural and/or constructed boundaries (such as a river or a railway) and approximate acreage of project area.
- b. Provide a small but legible black and white map, with scale and street-level detail, which clearly delineates the project area boundaries within the context of the city or community.

Brownfields area-wide planning activities must focus on a specific project area within a city, community or rural area (such as a neighborhood, downtown district, city block(s) or local commercial corridor) that is affected by one or more brownfield sites. Proposals that do not focus on a specific project area will be rejected. Note that this grant funding is not for comprehensive, city-wide, or regional planning.

3. **Identify the specific catalyst, high priority brownfield site(s) within the proposed BF AWP project area around which your project will focus.**

Applicants must demonstrate that their proposed project area is affected by one or more catalyst, high priority site(s) that meet the definition of a “brownfield site” per CERCLA § 101(39).⁹ To be eligible for a BF AWP grant, a minimum of 50% of the catalyst, high priority sites submitted must meet the definition of a brownfield. Please note that the catalyst, high priority brownfield site(s) identified for this threshold criterion should be consistent with the catalyst, high priority brownfield site(s) identified under ranking criterion 2.i.

To meet this threshold criterion, applicants must provide the following information (a-d) for each of the catalyst, high priority brownfield site(s) identified:

- a. **Basic Brownfields Site Information.** Identify the
 - i. name of the brownfields site; and
 - ii. address of the site, including zip code.
- b. **Sites Ineligible for Funding.** Affirm that the site is NOT:
 - i. listed or proposed for listing on the National Priorities List;
 - ii. 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

⁹ More information on “brownfield site” definition is provided in Appendix 3.

- iii. 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 3.
- c. **Type of Contamination, or Potential Contamination, at the site.** Identify whether petroleum or hazardous substances contaminate, or potentially contaminate, this site. If commingled, state the predominant contaminant.

Petroleum Site Eligibility: Note that if the site is contaminated or potentially contaminated by petroleum, the EPA will need to perform an additional analysis to ensure the site meets the definition of a brownfield site under CERCLA. This is because the Brownfields Law outlines specific criteria by which petroleum sites may be eligible for brownfields grant funding which is different from those criteria used for brownfields sites contaminated by hazardous substances. The following information (i – ii below) applies only to sites contaminated or potentially contaminated by petroleum:

- i. Applicants must demonstrate in their proposals that each catalyst, high priority site contaminated by petroleum meets the following specific criteria:
 - 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 an order under RCRA § 9003(h).

Please refer to Appendix 3, Section 1.3.1 for more information about these criteria for sites contaminated by petroleum. **To demonstrate compliance with these criteria for sites contaminated by petroleum, ensure the following information is included in the proposal:**

- 1) Current and Immediate Past Owners. Identify the current and immediate past owner of the site.
- 2) Acquisition of Site. Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).
- 3) No Responsible Party for the Site. Identify whether the current and immediate past owner (which includes, if applicable, the applicant)
 - a. dispensed or disposed of petroleum or petroleum product contamination, or exacerbated the existing petroleum contamination at the site;
 - b. owned the site when any dispensing or disposal of petroleum (by others) took place; and
 - c. took reasonable steps with regard to the contamination at the site.

- 4) 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.
 - 5) Relatively Low Risk. Identify whether the site is of “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.
 - 6) Judgments, Orders, or Third Party Suits. Provide information that no responsible party (including the applicant) is identified for the site through, either:
 - A judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site; or
 - An enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site; or
 - A citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site.
 - 7) Subject to RCRA. Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act.
 - 8) 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 3) or 6) 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.**
- ii. Generally, the EPA or the state, as appropriate, will determine petroleum site eligibility. If the state makes the determination regarding petroleum site eligibility as a brownfield that meets the CERCLA § 101(39) definition, the applicant must attach a letter from the state that demonstrates compliance with this criterion. Where the state is unable to make the eligibility determination, the EPA will make the determination. The EPA will make the determination for tribes.

- d. **Date of prior determination, if applicable:** If the EPA has previously determined that a site meets the definition of “brownfield site” for the purpose of a prior brownfield grant eligibility, and there are no changes regarding the site-specific criteria at the brownfield site (as stated above), then applicant must also provide the date of the EPA’s prior determination in addition to all information as required above, in order to clearly affirm that there have been no changes with respect to the site-specific criteria.

The information you submit for this threshold criterion will be used by the EPA solely to make site eligibility determinations for this BF AWP Program grant, and is not legally binding for other purposes including federal, state, or tribal enforcement actions. In addition, determinations made regarding meeting the definition of CERCLA § 101(39) is not equivalent to a determination that the identified brownfield site would be eligible for site-specific grant funding (i.e. EPA Brownfields Assessment, Cleanup or Revolving Loan Fund Grant funding) which requires a more robust eligibility determination.

If the EPA finds that less than 50% of the site(s) identified under this threshold criterion are eligible, applicants may not substitute other site(s), and the proposal will not pass threshold and will not be further considered. Please contact your Regional Brownfields Coordinator (see Section 7.C.) very early in the grant application process if you have questions about whether each of your catalyst, high priority site(s) meet the definition of a “brownfield site” per CERCLA § 101(39).

4. **Ineligible activities:** As noted in Section I, if a proposal includes any ineligible tasks or activities, that portion of the proposal will be ineligible for consideration and funding. If the costs for ineligible tasks or activities exceed 50% of the applicant’s proposed budget, the EPA will determine that the entire proposal is ineligible for funding.
5. **Letter of support:** Applicant must **attach to the grant proposal** at least one letter of support.¹⁰ If the applicant is a government or quasi-governmental entity, the letter of support must be from a relevant nonprofit organization. If the applicant is a nonprofit entity, the letter of support must be from a relevant government entity. Letter of support must reflect the supporting organization’s official letterhead, signature, and clearly demonstrate the level of involvement in the proposed BF AWP project. The EPA may verify information submitted in support letters and with any of the individuals and organizations listed in the proposal, and consider this information during the evaluation process.

SECTION IV- PROPOSAL SUBMISSION INFORMATION

IV. A. How to Obtain a Proposal Package

Applicants may download individual grant application forms, or electronically request a paper application package and an accompanying computer CD of information related to applicants’/grant recipients’ roles and responsibilities from the EPA’s Grants and Debarment website by visiting:

¹⁰ Letters of support that are not attached to the grant proposal or part of the grant submission package when transmitted to EPA do not meet this requirement and will not be considered.

http://www.epa.gov/ogd/grants/how_to_apply.htm. Hard copies of these guidelines may be requested by contacting your Regional Brownfields Coordinator listed in Section VII. C.

IV. B. Due Date and Mailing Instructions

Proposals are due November 30, 2012. Applicants may submit their proposals through the U.S. Postal Service, commercial delivery service, or electronically through www.grants.gov. Only one method should be used for the submission of the original, complete proposal as described in Section IV. C. Applicants may submit more than one proposal so long as each one is for a different project area and is submitted separately.

1. Hard Copy Submissions

Proposals submitted in hard copy must be postmarked by the U.S. Postal Service or commercial delivery service by November 30, 2012. **Two printed copies of the completed proposal are required for hard copy submission. Proposals postmarked by the USPS or commercial delivery service after November 30, 2012 will not be considered.**

Mail **the original, complete hard copy proposal** to:

Environmental Management Support, Inc.

Attn: Mr. Don West

8601 Georgia Avenue, Suite 500

Silver Spring, MD 20910

Phone 301-589-5318

(Note: Overnight mail must include Mr. West's phone number in the address.)

The **second complete copy of the proposal** must be mailed to the appropriate EPA Regional Brownfields Coordinator listed in Section 7.

2. Electronic Submissions Using www.grants.gov

The electronic submission of your proposal must be made by an official representative of your institution who is registered with Grants.gov. For more information, go to <http://www.grants.gov> and click on "Get Registered" on the left side of the page. *Note that the registration process may take a week or longer to complete.* If your organization is not currently registered with Grants.gov, please encourage your office to designate an Authorized Organization Representative (AOR) and ask that individual to begin the registration process as soon as possible.

To begin the proposal process under this grant announcement, go to <http://www.grants.gov> and click on the "Apply for Grants" tab on the left side of the page. Then click on "Apply Step 1: Download a Grant Application Package" to download the compatible Adobe viewer and obtain the application package. **To apply through grants.gov you must use Adobe Reader applications and download the compatible Adobe Reader version (Adobe Reader applications are available to download for free on the grants.gov website. For more information on Adobe Reader please visit the Help section on grants.gov at <http://www.grants.gov/help/help.jsp> or http://www.grants.gov/aboutgrants/program_status.jsp).**

Once you have downloaded the viewer, you may retrieve the proposal package by entering the Funding Opportunity Number, EPA-OSWER-OBLR-12-06, or the CFDA number that applies to this announcement (66.814), in the appropriate field. Then complete and submit the proposal package as indicated. **You may also be able to access the proposal package by clicking on the “Application” button at the top right of the synopsis page for this announcement on <http://www.grants.gov> (to find the synopsis page, go to <http://www.grants.gov> and click on the “Find Grant Opportunities” button on the left side of the page and then go to Search Opportunities and use the “Browse by Agency” feature to find the EPA opportunities).**

Proposal Submission Deadline. Your organization’s AOR must submit your complete proposal package electronically to the EPA through Grants.gov (<http://www.grants.gov>) no later than November 30, 2012, 11:59 p.m. ET. **Please submit the proposal materials described below.**

Proposal Materials. The following forms and documents are required under this announcement (*Refer to Section IV.C., Content and Form of Proposal Submission*).

- A. Application for Federal Assistance (SF-424)
- B. Budget Information for Non-Construction Programs (SF-424A)
- C. Narrative Proposal including Transmittal Letter. (See Section IV. C.)
- D. Attachments. (See Section IV C. 3.)

The proposal package must include all of the following materials.

- A. **Application for Federal Assistance, Standard Form (SF-424).** Complete the form. There are no attachments. Please be sure to include organization fax number and email address in Block 5 of the Standard Form SF-424. Please note that the organizational Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number must be included on the SF-424. Organizations may obtain a DUNS number at no cost by calling the toll-free DUNS number request line at 1-866-705-5711, or visiting the Dun & Bradstreet website at: <http://www.dnb.com>.
- B. **Standard Form SF 424A – Budget Information.** Complete the form. There are no attachments. The total amount of federal funding requested for the project period should be shown on line 5(e) and on line 6(k) of SF-424A. If indirect costs are included, the amount of indirect costs should be entered on line 6(j). The indirect cost rate (i.e., a percentage), the base (e.g., personnel costs and fringe benefits), and the amount should also be indicated on line 22.
- C. **Narrative Proposal and Transmittal Letter** (also referenced as “Project Narrative Attachment Form” on <http://www.grants.gov>). Prepare in accordance with the instructions detailed in *Sections IV.C.1. Transmittal Letter and IV.C.2, Narrative Proposal* of this announcement (EPA-OSWER-OBLR-12-06). The Transmittal Letter shall not exceed 2 pages and the Narrative Proposal shall not exceed 15 pages. These documents must substantially conform to the outline and content detailed in

Section IV.C. of this announcement. The transmittal letter and narrative proposal documents should be readable in PDF or MS Word and consolidated into a single file.

- D. **Other Attachments Form.** Use the “Other Attachments Form” to attach a copy of attachments as requested in Section IV. C. 3. Attachments. **These documents will not count as part of the Narrative Proposal page limit.**

Proposal Preparation and Submission Instructions.

Document A through D, listed under Proposal Materials above, should appear in the “Mandatory Documents” box on the <http://www.grants.gov> “Grant Application Package” page.

For Documents A and B, click on the appropriate form and then click “Open Form” below the box. The fields that must be completed will be highlighted in yellow. Optional fields and completed fields will be displayed in white. If you enter an invalid response or incomplete information in a field, you will receive an error message. When you have finished filling out each form, click “Save.” When you return to the electronic “Grant Application Package” page, click on the form you just completed, and then click on the box that says, “Move Form to Submission List.” This action will move the document over to the box that says, “Mandatory Completed Documents for Submission.”

For Document C, you will need to attach electronic files. Prepare your “Narrative Proposal” and “Transmittal Letter” in accordance with the instructions detailed in *Section IV. C, Content and Form of Proposal* of this announcement (EPA-OSWER-OBLR-12-06). Save the document to your computer as an MS Word, PDF or WordPerfect file. When you are ready to attach them to the application package, click on “Project Narrative Attachment Form,” and open the form. Click “Add Mandatory Project Narrative File,” and attach them (previously saved to your computer) using the browse window that appears. You may then click “View Mandatory Project Narrative File” to view it. Enter a brief descriptive title of your project in the space beside “Mandatory Project Narrative File Filename;” the filename should be no more than 40 characters long. If there are other attachments that you would like to submit to accompany your proposal, you may click “Add Optional Project Narrative File” and proceed as before to attach the attachments. When you have finished attaching the necessary documents, click “Close Form.” When you return to the “Grant Application Package” page, select the “Project Narrative Attachment Form” and click “Move Form to Submission List.” The form should now appear in the box that says, “Mandatory Completed Documents for Submission.”

For Document D, the attachments to the Narrative Proposal identified in Section IV.C.3 of this announcement, you may click attach required attachments using the “Other Attachments Form.” After attaching the documents, please remember to highlight the “Other Attachments Form” and click “Move Form to Submission List.”

Please note that applicants are limited to using the following characters in all attachment file names. Valid file names may only include the following UTF-8 characters: A-Z, a-z, 0-9,

underscore (_), hyphen (-), space, period. If applicants use any other characters when naming their attachment files their applications will be rejected by grants.gov.

Once you have finished filling out all of the forms/attachments and they appear in one of the “Completed Documents for Submission” boxes, click the “Save” button that appears at the top of the Web page. It is suggested that you save the document a second time, using a different name, since this will make it easier to submit an amended package later if necessary. Please use the following format when saving your file: “Applicant Name – FY13 - Assoc Prog Supp - 1st Submission” or “Applicant Name - FY 13 Assoc Prog Supp Back-up Submission.” If it becomes necessary to submit an amended package at a later date, then the name of the 2nd submission should be changed to “Applicant Name – FY13 Assoc Prog Supp - 2nd Submission.”

Once your proposal package has been completed and saved, send it to your AOR for submission to the U.S. EPA through Grants.gov. Please advise your AOR to close all other software programs before attempting to submit the application package through <http://www.grants.gov>.

In the “Application Filing Name” box, your AOR should enter your organization’s name (abbreviate where possible), the fiscal year (e.g., FY13, and the grant category (e.g., Assoc Prog Supp). The filing name should not exceed 40 characters. From the “Grant Application Package” page, your AOR may submit the application package by clicking the “Submit” button that appears at the top of the page. The AOR will then be asked to verify the agency and funding opportunity number for which the application package is being submitted. If problems are encountered during the submission process, the AOR should reboot his/her computer before trying to submit the application package again. [It may be necessary to turn off the computer (not just restart it) before attempting to submit the package again.] If the AOR continues to experience submission problems, he/she may contact <http://www.grants.gov> for assistance by phone at 1-800-518-4726, or email at <http://www.grants.gov/help/help.jsp>; or contact Megan Quinn at Megan.Quinn@epa.gov.

Proposal materials submitted through <http://www.grants.gov> will be time/date stamped electronically. If you have not received a confirmation of receipt from the EPA (not from grants.gov) within 30 days of the proposal deadline, please Megan Quinn at Quinn.Megan@epa.gov.

In addition to electronic submission through www.grants.gov, a complete copy of the proposal should be mailed to the appropriate the EPA Regional Brownfields Coordinator listed in Section VII. C.

Transmission Difficulties

If transmission difficulties that result in a late transmission, no transmission, or rejection of the transmitted proposal are experienced, follow the guidance below. The EPA may decide to review the proposal if it is clearly demonstrated that these transmission difficulties were due solely as a result of problems associated with the transfer to Grants.gov. The decision regarding acceptance of the proposal for review will be made by the EPA and provided to the applicant within ten working days of the request. All e-mails, as described below, are to be

sent to Megan Quinn at Quinn.Megan@epa.gov with the applicant's name in the email subject line.

- (1) Late transfer or no transmission due to electronic submission problems: Should electronic submission problems result in the proposal being transferred to Grants.gov after 11:59 p.m. Eastern Time on the solicitation closing date, send an e-mail documenting the problem, include the Grants.gov "case number" and attach the entire proposal.
- (2) Grants.gov rejection of proposal: If a notification is received from Grants.gov stating that the proposal has been rejected **for reasons other than late submittal**, immediately send an email which include the notice provided by Grants.gov documenting rejection and attach the entire proposal.

IV. C. Content and Form of Proposal

The following documents are required for all proposal packages, irrespective of the mode of submission. All packages must contain a transmittal letter, a narrative proposal, and attachments as described below. Only attachments described below are allowed – **no other attachments will be considered.**

- Transmittal Letter (2 single-spaced page limit) – See IV. C.1 below
- Narrative Proposal (15 single-spaced page limit) – See IV. C.2 below
- Attachments including: (see IV.C.3 below)
 - (Optional) Threshold Criteria Worksheet (no page limit) – See III.C. and Appendix 1
 - Project milestones schedule (1 page limit)
 - Letter of support as required per threshold criterion 5 (see Section III.C.). **Applicants must include and attach this required support letter to the proposal to pass threshold review.**
 - Additional letter(s) of support from all organizations and stakeholders identified in ranking criterion 3, Community Engagement (see Section V.B.). **Applicants must include and attach additional support letters to the proposal.** Letters of support received separate from the proposal will not be considered.
 - Leveraging documentation (if not provided in letters of support) which affirms any additional commitments to the project
 - A completed Other Factors Checklist (see Appendix 2) with supporting documentation attached as applicable. (See Section V. C.).
 - Application for Federal Assistance (SF-424), available at http://www.epa.gov/ogd/forms/adobe/SF424_sec.pdf
 - Documentation of applicant eligibility and any other information for threshold eligibility purposes not covered by the above attachments or Threshold Criteria Worksheet– see Section III.C. (no page limit)

Note: For www.grants.gov submissions applicants must also submit the SF 424A form; see Section IV. B. 2.

Pages exceeding the stated page limits above will not be reviewed. Do not include binders, spiral binding, or color printing. All proposal materials must be submitted in English. Photos, graphics, and extraneous materials will not be considered. All proposal materials must be typed, single-spaced on letter-sized paper; with one-inch margins and using a font size no smaller than 12 point. While these guidelines establish the minimum type size requirements, applicants are advised that readability is of paramount importance. Attachments are limited to those identified as required above. Applicants are responsible for submitting a complete proposal, as described above, by the due date.

IV. C. 1. Transmittal Letter

The transmittal letter must identify the applicant and a contact for communication with the EPA. The transmittal letter, including the applicant identification information, must not exceed two single-spaced pages. The transmittal letter must be written on your organization's official letterhead, and signed by an official with the authority to commit the organization to the proposed project. The transmittal letter must include:

1. Applicant Identification: Provide the name and full address of the entity applying to the EPA for grant funding. This is the agency or organization that will be receiving the funding and will be accountable to the EPA for proper expenditure of grant funding provided under a cooperative agreement.
2. Applicant DUNS number [Refer to Section 4.C.3 for more information if you do not have a DUNS number.]
3. EPA Cooperative Agreement funding amount requested: Specify the amount of EPA funds requested for BF AWP activities, up to \$200,000.
4. Project Area Location and Description:
 - a. Provide city, county, and state or reservation, tribally owned lands, tribal fee lands, etc., where the project area is located. If the project area has a name, state it here.
 - b. Provide the general population of the project area, and the general population of the city, county or reservation. Tribes must provide the number of tribal/non-tribal members affected. Use appropriate census data found at <http://www.census.gov>.
5. Project Contacts:
 - a. Project Director: Provide the name, phone/fax numbers, email address, and mailing address of the assigned project director. This person may be contacted if further information is needed.
 - b. Chief Executive/Highest Ranking Official: Provide the name, phone/fax numbers, email address, and mailing address of the applicant's Chief Executive (e.g., mayor of a city, executive director of a quasi-government or nonprofit entity, etc.). This person may be contacted if further information is needed.

6. Date submitted to the EPA via U.S. Postal Service, commercial delivery service, or via <http://www.grants.gov>.
7. Project Period: Include anticipated project start and stop dates. The maximum project period is 24 months.
8. Project summary: Include a short paragraph summarizing the proposed BF AWP project, including a synopsis of proposed project activities and key community partners.

IV. C. 2. Narrative Proposal

The narrative proposal must explicitly describe the applicant's proposed project and specifically address each of the ranking criteria disclosed in Section V. B.

The narrative proposal must not exceed 15 pages, single-spaced. Any pages over the page limit will not be evaluated. The narrative proposal must be clear, concise, and specifically address all of the applicable ranking criteria. Responses to the criteria must include the criteria number and title but need not restate the entire text of the criteria. Proposals must provide sufficient detail to allow for an evaluation of the merits of the proposal. Factual information about your proposed project and community must be provided. Do not include discussions of broad principles that are not specific to the proposed project activities covered by your proposal. Do not provide photos or extraneous materials.

IV. C. 3. Attachments

The following attachments, as listed above, should be submitted as part of the proposal package. No other attachments will be considered.

1. **Threshold Criteria Worksheet**: (Optional). The Threshold Criteria Worksheet may be used as described in III.C. If a threshold criterion is not applicable, applicants should address it as "N/A". See Section III.C. and Appendix 1. If the worksheet is not used applicants must submit responses to threshold eligibility criteria as another attachment to the narrative proposal.
2. **Project Milestones Schedule**: Submit one page that includes anticipated start times and completion dates of significant tasks under your project (e.g., provide timeframes for planning research or technical assistance activities, public meetings, existing conditions analysis, market study, health analysis, implementation action plan, final report preparation, etc.).
3. **Letter of Support which meets threshold criterion 5**: As per the threshold criteria in Section III. C., applicant must attach an appropriate letter of support to the proposal. Applicants must include and attach this required support letter to the proposal to pass threshold review. Note this attachment is required and the EPA will not consider a threshold support letter transmitted to the Agency by other means.
4. **Additional Letter(s) of Support (for evaluation under ranking criteria in Section V)**: Applicants must attach additional letters of support for your project from project partners

(organizations and stakeholders) discussed in your narrative proposal under ranking criterion 3, Community Engagement (Section V. B.). The letter(s) must include 1) a description of the role in the BF AWP project, 2) affirmation of any commitments to the project or resources to be leveraged (if any), and 3) names and phone numbers of contact persons. The EPA may contact these organizations and stakeholders to verify the information provided and consider this information during the evaluation process. Each letter of support must reflect the supporting organization's official letterhead and signature. Letters of support which are received separately or not attached to the proposal will not be reviewed or considered.

5. **Leveraging documentation** (if not provided in letters of support) that affirms any additional commitments to the project. Include names and phone numbers of persons to contact at the organizations providing the leveraging. The EPA may contact these organizations to verify the information provided and consider this information during the evaluation process.
6. **Other Factors Checklist** (see Appendix 2); completed by the applicant with supporting documentation attached as applicable. (See Section V. C.)
7. **Application for Federal Assistance (SF-424)**, available at http://www.epa.gov/ogd/forms/adobe/SF424_sec.pdf. Applicants will be required to provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number when submitting the SF-424. Applicants can receive a DUNS number, at no cost, by calling the dedicated toll-free DUNS number request line at 1-888-814-1435 or visiting the D&B website at <http://www.dnb.com>.
8. **Documentation of Applicant Eligibility:** For entities other than cities, counties, states or tribes, please attach documentation of your eligibility (non-profit status, resolutions, statutes, etc.). State applicants must clearly demonstrate that you are applying on behalf of a local community and will serve in a fiscal and administrative capacity on behalf of that community, but the local community will lead the BF AWP process; attach a memorandum of understanding or other document which demonstrates this relationship between the state applicant and local community. Further, please affirm that you are not a recipient of an FY10 Brownfields Area-Wide Planning Pilot grant.

Note: For entities not using the optional Threshold Criteria Worksheet described above you must submit information for the applicable threshold criteria in III.C as an attachment to the narrative proposal.

IV. D. Confidential Information

The EPA recommends that you do not include confidential business information ("CBI") in your proposal. However, if CBI is included, it will be treated in accordance with 40 CFR 2.203. Applicants must clearly indicate which portion(s) of their proposal they are claiming as CBI. EPA will evaluate such claims in accordance with 40 CFR Part 2. If no claim of confidentiality is made, EPA is not required to make the inquiry to the applicant otherwise required by 40 CFR 2.204(c)(2) prior to disclosure. The Agency protects competitive proposals from disclosure under applicable

provisions of the Freedom of Information Act until the completion of the competitive selection process.

Under Public Law No. 105-277, research data produced under awards resulting from this announcement may be subject to the Freedom of Information Act.

IV. E. Management Fees

When formulating budgets for proposals, applicants must not include management fees or similar charges in excess of the direct costs or at the rate provided for by the terms of the agreement negotiated with the EPA. The term “management fees” or similar charges refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs that are not allowable under EPA assistance agreements. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

IV. F. Pre-Proposal Assistance and Communications

In accordance with EPA's Assistance Agreement Competition Policy (EPA Order 5700.5A1), EPA staff will not 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. Applicants are responsible for the contents of their proposals. However, consistent with the provisions in the announcement, the EPA will respond to questions from individual applicants regarding threshold criteria and requests for clarification about the announcement until November 15, 2012. Questions received from applicants and the EPA's responses will be posted online under the BF AWP FAQs found at http://www.epa.gov/brownfields/areawide_grants.htm.

SECTION V – PROPOSAL REVIEW INFORMATION

V. A. Review and Selection Process

EPA will review all proposals that are received by the closing date and time to determine compliance with the applicable threshold criteria in Section III.C. 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 EPA's National Brownfields Program. The national evaluation panels will be composed of EPA staff and may include other federal agency representatives. National evaluation panels will base their evaluations solely on the responses to the applicable ranking criteria and will assign a total point score to each proposal.

Completed evaluations and rankings will then be referred to the EPA Headquarters Selection Official, who is responsible for final selection of EPA recipients under this competitive funding opportunity. Proposals will be selected for award by this official based on their evaluated point scores, the availability of funds, and, if applicable, the consideration of other factors as described in Section V.C.

V. B. Proposal Evaluation (Ranking) Criteria

Each eligible proposal will be evaluated according to the criteria set forth below. Applicants must directly and explicitly address these criteria as part of their narrative proposals. Each proposal will be rated under a points system, with a total of 100 points possible.

Ranking Criteria:

1. Community Need (15 points)
2. Brownfields Area-Wide Planning Project Description (30 points)
3. Community Engagement and Partnerships (20 points)
4. Community Benefits (15 points)
5. Programmatic Capability and Past Performance (15 points)
6. Leveraging (5 points)

Ranking criterion 1. Community Need (a maximum of 15 points may be awarded for this criterion)

Under this criterion, proposals will be evaluated based on the quality and extent to which the proposal demonstrates how the project area has been affected by economic distress/disruption (such as industry plant closures), public health challenges, brownfield sites, and environmental degradation. Proposals that clearly demonstrate the economic, social, environmental and financial needs of the project area affected by brownfields, including a clear description of how the project addresses environmental justice concerns (such as a disproportionately high burden of environmental pollution that may be borne by low-income, minority and other disadvantaged populations), may be evaluated more favorably. Responses should clearly identify the sources of information used in this section.

- i. Discuss the economic concerns within the project area. Provide census-based (<http://www.census.gov>) demographic data as requested in the table below. Also provide other census-based indicators (such as the foreclosure rate, rate of cost-burdened renters spending over 30% of income on rent, etc.) and/or additional information (e.g., degree to which the project area lies in a food desert¹¹) that provides a compelling explanation for why the project area was selected. Include events resulting in significant local job loss affecting the project area, such as recent (2005 or later) natural disaster(s) or recent (2007 or later) industry plant closures or other significant economic disruption(s). Describe factors that limit your ability to draw on other sources of funding for researching site cleanup and reuses approaches to facilitate subsequent redevelopment of the area. (5 points)

Sample Format for Demographic Information

	BF AWP Project Area	County/City	State	National
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¹¹ A food desert is defined as a low-income census tract and residing more than one mile from a supermarket or large grocery store. USDA has a Food Desert Locator at <http://www.ers.usda.gov/data/fooddesert/>

Population:				308,745,538 ¹
Unemployment:				8.2% ²
Poverty Rate:				15.1 % ³
Percent Minority:				27.6% ¹
Median Household Income:				\$49,445 ³
Other:				

¹Data is from the 2010 U.S. Census data and is available at <http://www.census.gov/>.

²Data is from the Bureau of Labor Statistics and is available at <http://www.bls.gov/cps/>

³Data is from the 2010 American Community Survey and is available at http://www.census.gov/newsroom/releases/archives/income_wealth/cb11-157.html

For resources to gather demographic information, please go the FAQs at http://www.epa.gov/brownfields/areawide_grants.htm.

- ii. Discuss how the BF AWP grant funding will serve residents, including residents in minority, low-income, and tribal communities, living in areas that face a disproportionate level of environmental degradation, disease, or conditions suspected from contaminant exposures. Provide project area health indicators, other social indicators not described above, such as evidence of addressing or facilitating the identification and reduction of threats to the health and welfare of children, pregnant women or other sensitive populations or additional information to support your response. (5 points)
- iii. Discuss how economic, social and health concerns relate to current brownfields challenges in your project area. Describe the effects of brownfield site(s) (sites with known or potential contamination) within the project area. (5 points)

Ranking criterion 2. Brownfields Area-Wide Planning Project Description (a maximum of 30 points may be awarded for this criterion)

Under this criterion, proposals will be evaluated based on the quality and extent to which the proposal provides specific information on how the applicant will conduct a research and/or technical assistance project that will result in a brownfields area-wide plan. Proposals will be evaluated on the extent and quality to which the applicant identifies specific brownfields sites; provides enough detail information to support a reasonable approach to the project; provides a clearly stated and appropriate budget for achieving the project's objectives using cooperative agreement funds (including the cost effectiveness of the proposed budget and whether the budget contains any ineligible costs); and identifies measurable outputs and outcomes. Proposals that identify a reasonable number of catalyst, high priority brownfield sites and a more focused BF AWP project approach (given project area size and amount of grant funding available) may be evaluated more favorably. Proposals that clearly demonstrate consistency and integration with existing community planning efforts may also be evaluated more favorably.

- i. Describe the brownfield sites within the project area that you have selected as catalyst, high priority sites. (These must be the same brownfields sites as identified in threshold criterion 3). Explain why these sites have been selected as the properties where you will focus your

proposed BF AWP efforts (such as based on community interest, environmental concerns, reuse potential, and infrastructure considerations), and why you expect these specific sites have the strongest potential to catalyze revitalization within the project area. Discuss previous assessment or cleanup activities at brownfield sites within the project area, and how the results of those activities shape the proposed project. (10 points)

- ii. Provide the project tasks, narrative description and budget which clearly demonstrate how the project activities will be synthesized to lead to timely and successful development of a brownfields area-wide plan, including an implementation strategy, for the project area. (10 points)
 - a. Describe the specific tasks of your proposed BF AWP project, including how you will accomplish each task. Include in your narrative an estimated cost basis for activities under each task (e.g., one market study @ \$15,000; room rental for six community meetings @ \$250/meeting = \$1,500, light refreshments @ \$75 per meeting for six community meetings = \$450); etc). (5 points)
 - b. Use the sample budget table format below to identify specific tasks for which EPA grant funding will be used. Show the costs (by budget category) associated with each task. Do not include tasks or activities for costs that are ineligible uses of funds as per Section I. C., as doing so can render the proposal incapable of being funded. (5 points)

Sample budget table

<i>Example task descriptions</i> Cooperative Agreement Budget	Task 1 <i>Cooperative Agreement Oversight</i>	Task 2 <i>Community Involvement</i>	Task 3 <i>Existing conditions research</i>	Task 4 <i>Brownfields site reuse planning</i>	Task 5 <i>Develop brownfields area-wide plan & next steps/resources implementation</i>	Total
Personnel						
Fringe benefits						
Travel						
Contractual						
Supplies						
Other (be specific; include amounts for subgrants)						
Total EPA Funds						

- iii. Explain your proposed project's consistency and integration with community planning efforts, including the extent to which the BF AWP process will build from local or regional efforts to integrate housing, transportation, economic development, community health and

environmental improvement. Describe how the proposed BF AWP project will complement these community planning efforts. Discuss how the resulting brownfields area-wide plan will be supported and advanced by local government. (5 points)

- iv. Performance measurement: anticipated outputs and outcomes. Specify the expected environmental outputs and outcomes anticipated as a result of the proposed BF AWP project. Discuss how you propose to track, measure and document your progress in achieving the project outputs and outcomes. Outputs, quantitative or qualitative, must be measurable during the project performance period. (5 points)

Ranking criterion 3. Community Engagement and Partnerships (a maximum of 20 points may be awarded for this criterion)

Under this criterion, proposals will be evaluated on the effectiveness of the applicant's engagement with the community and key partners affected by the BF AWP project area. Applicants will be evaluated on effectiveness of existing community engagement, and stakeholder and organizational support towards the proposed BF AWP project. Applicants will also be evaluated on their approach for incorporating community input throughout the BF AWP process to ensure meaningful involvement and community ownership of brownfields cleanup and reuse decisions.

Proposals that can demonstrate effective community engagement within the BF AWP project area and that involve key partners who have been working recently with community members towards developing a revitalization (or area-wide) plan which includes consideration of brownfield sites may be evaluated more favorably. Proposals with support letters that demonstrate strong, long-term involvement from community-based organizations, appropriate and multiple governmental units, and the public throughout the project may be evaluated more favorably. Proposals that demonstrate a clear and effective governing structure for managing the organizations and stakeholders involved in the proposed BF AWP project, and a strong leadership role in this process by the applicant, may be evaluated more favorably. The EPA may verify information submitted in support letters and with any of the individuals and organizations listed in the proposal, and consider this information during the evaluation process.

Community engagement and partnership efforts should include various organizations representing a broad spectrum of the community; examples include grassroots, neighborhood, school, city council, business, local government, and other organizations.

- i. Describe the degree to which an existing, inclusive, and collaborative project area revitalization (or area-wide planning) effort, which includes consideration of brownfield sites, is already underway within the project area. Include when this effort was initiated, and discuss overall effectiveness of the effort to-date, including recent accomplishments. Explain how the grant funding requested for your proposed BF AWP project will serve as the logical next step to the ongoing project area revitalization effort, and will further prepare the community to implement the brownfields area-wide plan once completed. (5 points)

- ii. Provide a list of local community-based organizations,¹² government entities, and other stakeholders that are already or will be involved in the proposed BF AWP project, and include support letters. (5 points)
- a. Include the name, contact information, and specific role of each organization or stakeholder in the BF AWP project.¹³
 - b. Indicate which organizations and stakeholders have been involved in the proposed project area revitalization (or area-wide plan) effort already and those that will be involved in the proposed BF AWP project going forward.
 - c. Attach letters from all organizations and stakeholders listed. Each support letter should clearly describe how the organization or stakeholder has been and/or will be substantially involved in the BF AWP project. The letter(s) must include 1) a description of the role in the BF AWP project, 2) affirmation of any commitments to the project or resources to be leveraged, and 3) names and phone numbers of contact persons. The EPA may contact these organizations and stakeholders to verify the information provided and consider this information during the evaluation process. Letters of support must reflect the supporting organization's official letterhead and signature.

Letters of support will only influence the evaluation of your proposal under this ranking criterion, except where the letters contain specific leveraging commitments to the BF AWP project. Any leveraging commitments will only be evaluated under ranking criterion 6, Leveraging.

- iii. Clearly explain how all the organizations and stakeholders involved in the proposed BF AWP project will work together to create the brownfields area-wide plan and determine specific priorities for short, medium and long-term brownfields area-wide plan implementation actions. Discuss whether the governing structure for managing the BF AWP process already exists or is proposed. Describe how the governing structure will enable the organizations and stakeholders involved to prioritize brownfield site(s) cleanup and reuse, related infrastructure improvements, and other revitalization needs within the project area. Indicate the degree to which your organization (as the organization applying for BF AWP grant funding) already leads, or will lead, this process. (5 points)
- iv. Describe how community input will be incorporated into the project to ensure meaningful involvement and community ownership of the process throughout the proposed BF AWP project. Provide specific details on how ongoing input will shape the project and lead to project success, including your plan for obtaining and incorporating public input on the project (including number of community meetings, site tours, brownfields site design

¹² Community-based organizations may include, but are not limited to, local citizen or business groups, borrowers, environmental or civic organizations, educational institutions, and local labor organizations. [Note: community-based organizations do not include local government departments, the local planning department/district/office, local contractors, the mayor's office, or other elected officials.] If community-based organizations do not exist in your area, please provide background information affirming the lack of such organizations. Then, demonstrate how the community is engaged and involved in your project.

¹³ If you intend to fund a stakeholder group with a subaward, please review Section II. F. carefully.

charrettes, and other outreach anticipated) and communicating progress to citizens. (5 points)

Ranking criterion 4. Community Benefits (a maximum of 15 points may be awarded for this criterion)

Under this criterion, proposals will be evaluated on the extent to which the proposed project will result in project area improvements to the local economy, environment, public health and safety. Additionally, proposals that clearly demonstrate how the BF AWP process will advance the HUD-DOT-EPA Livability Principles¹⁴ and lead to specific sustainable and equitable development outcomes as described in Section I.B may be evaluated more favorably.

Provide specific details and examples which describe the extent to which the proposed BF AWP project will:

- i. Lead to community improvements and brownfields assessment, cleanup, reuse and area revitalization, including:
 - a. helping to identify and reduce threats to human health, the environment, to the welfare of sensitive populations;
 - b. stimulating economic development;
 - c. facilitating use or reuse of existing infrastructure; and
 - d. creating or preserving green space, recreational property, or other non-profit uses.(10 points)
- ii. Advance the HUD-DOT-EPA Partnership for Sustainable Communities Livability Principles, and lead to these and other sustainable and equitable development outcomes as discussed in Section I.B. (5 points)

Ranking criterion 5. Programmatic Capability and Past Performance (a maximum of 15 points may be awarded for this criterion)

Under this criterion, applicants will be evaluated on their demonstrated technical capability to successfully carry out the proposed project taking into account the following factors.

- i. Submit a list of federally and/or non-federally funded assistance agreements (assistance agreements include federal grants and cooperative agreements but not federal contracts or interagency agreements) similar in size, scope and relevance to the proposed project that your organization performed within the last three years (no more than 5 agreements, and preferably EPA agreements). Describe (i) whether, and how, you were able to successfully complete and manage those agreements and (ii) your history of meeting the reporting requirements (including ACRES reporting)¹⁵ under those agreements, including whether you adequately and timely reported on your progress towards achieving the expected outputs and

¹⁴ HUD-DOT-EPA Partnership for Sustainable Communities Livability Principles and sustainability and equitable outcome principles are described in Section I. B.

¹⁵ ACRES (Assessment, Cleanup and Redevelopment Exchange System) reporting is a requirement of EPA Brownfields grants; more information at <http://epa.gov/brownfields/pubs/acres/index.htm>.

outcomes of those agreements (and if not, explain why not) and whether you submitted acceptable final technical reports under the agreements. In evaluating applicants under this factor, the EPA will consider the information provided by the applicant and may also consider relevant information from other sources, including information from EPA files and from current/prior grantors (e.g., to verify and/or supplement the information provided by the applicant). If you do not have any relevant or available past performance or past reporting information, please indicate this in the proposal and you will receive a neutral score for these factors (5 points). If you do not provide any response for these items, you may receive a score of 0 for this ranking criterion. *(10 points)*

- ii. Summarize your staff and organization's knowledge, experience, qualifications, and resources (or ability to obtain them) which will enable timely and successful achievement of your proposed BF AWP project goals. *(5 points)*

Ranking criterion 6. Leveraging (a maximum of 5 points may be awarded for this criterion)

Under this criterion, proposals will be evaluated based on the extent to which they demonstrate leveraging of additional funds/resources beyond the EPA grant funding to support the BF AWP activities within the project area, and how these funds/resources will contribute to the eventual cleanup/reuse of brownfields sites and overall area revitalization. Proposals that have significant leveraging commitments already secured and clearly affirmed in letters of support or other documentation from the organizations providing the resources may be evaluated more favorably. The EPA may verify information submitted with any of the referenced organizations and consider this information during the evaluation of proposals.

List the amount, type, source of dollars or other resources to be leveraged within the project area, and state whether the leveraging has already been secured. Describe how the leveraging will contribute to the BF AWP project activities or eventual assessment, cleanup and reuse of brownfields sites and overall area revitalization. If applicable, cite specific examples of leveraged funds within the BF AWP project area from HUD-DOT-EPA Partnership for Sustainable Communities programs. Leveraging includes but is not limited to funds and other resources leveraged from businesses, labor organizations, non-profit organizations, education and training providers, and/or federal, state, tribal, and local governments, as appropriate. If leveraging has not been secured, explain how you will obtain the leveraged resources, the likelihood the leveraging will materialize during the EPA grant performance period, the strength of the leveraging commitment, and the specific role the leveraged resources will play to support the proposed BF AWP project activities. Selected applicants are expected to abide by their proposed leveraging commitments during the EPA grant performance period; failure to do so may affect the legitimacy of the award. *(5 points)*. See also discussion of leveraging and voluntary cost share in III.B.

V. C. Other Factors

The EPA Selection Official may consider the following other factors, in addition to the evaluation results based on the criteria above, as appropriate, in making final funding decisions.

- Fair distribution of funds between urban and non-urban areas;
- Whether the applicant's proposed BF AWP project area is rural, where the population of the overall community is 20,000 or less and not located in a Metropolitan Statistical Area;
- A balanced geographic distribution of grants across the EPA's ten regions (note: the EPA reserves the right to fund the top ranked proposal for each region, regardless of its score relative to scores in other regions, contingent on the quality of the proposal and funding availability);
- Whether the applicant is, or applicant will primarily assist, a federally recognized Indian Tribe or an entity from a United States Territory;
- Whether the applicant proposes to serve an area designated as a federal, state or local Empowerment Zone or Renewal Community;
- Whether the applicant proposes to serve an area affected by recent (2005 or later) natural disaster(s);
- Whether the applicant's proposed BF AWP project area contains recent (2007 or later) industry plant closures or other significant economic disruptions; and/or
- Whether the applicant is a recipient or a core partner of a HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant that is directly tied to the BF AWP project area, and can demonstrate that funding from a PSC grant has or will benefit the proposed BF AWP project area.

Applicants must complete and submit the Other Factors Checklist and attach supporting documentation as needed, as described in Appendix 2, as part of their proposal submission. Failure to do so may affect EPA's ability to consider these other factors during selection decisions. The EPA may verify this information prior to selection and consider this information during the evaluation process.

V. D. Proposal Checklist

Before you submit your proposal to the EPA for the Brownfields Area-Wide Planning Program, please ensure that the following documents are included in your submission.

<input type="checkbox"/> Transmittal Letter (2-page limit) (see Section IV.C.1)
<input type="checkbox"/> Narrative Proposal, which includes the responses to all ranking criteria (15-page limit) (see Sections IV.C.2 and V.B.).
Attachments including: (see Section IV.C.3) (No other attachments will be considered)
<input type="checkbox"/> (Optional) Threshold Criteria Worksheet (no page limit) (see Section III.C. and Appendix 1)
<input type="checkbox"/> Responses to all threshold criteria if not using worksheet
<input type="checkbox"/> Project Milestones Schedule (1 page)
<input type="checkbox"/> Letter of Support which meets threshold criterion 5 in III.C
<input type="checkbox"/> Additional Letter(s) of Support for evaluation under ranking criteria
<input type="checkbox"/> Leveraging documentation (if not provided in letters of support)
<input type="checkbox"/> Other Factors Checklist (completed by applicant with supporting documentation provided as

applicable; see Appendix 2 and Section V.C.)
<input type="checkbox"/> Application for Federal Assistance (SF-424), available at http://www.epa.gov/ogd/forms/adobe/SF424_sec.pdf and SF-424A if submitting via www.grants.gov
<input type="checkbox"/> Documentation of applicant eligibility and documentation for other threshold criteria if necessary (see Sections III.C and IV.4.B.3).

SECTION VI – AWARD ADMINISTRATION INFORMATION

VI. A. Award Notices

EPA will notify applicants who have not been selected for award within 15 calendar days of Agency's final decision and announcement on selections for this competition.

EPA anticipates notification to successful applicants will be made via telephone or electronic or postal mail within 15 calendar days of Agency's final decision. 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 EPA's Grants & Interagency Management Division. 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. Direct funding to a successful applicant will be awarded as a cooperative agreement. Successful applicants will be asked to submit a cooperative agreement application package to the EPA. 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.
2. Approved cooperative agreements will include terms and conditions that will be binding on the recipient. Terms and conditions specify what grantees must do to ensure that grant-related and Brownfields Program-related requirements are met. For example:
 - Applicants will be required to submit progress reports in accordance with grant regulations found in 40 CFR 30.51 or 40 CFR 31.40.
 - Applicants that receive awards under this competitive funding opportunity are expected to manage cooperative agreement funds efficiently and effectively and make sufficient progress towards completing the project activities described in the work-plan in a timely

manner. Sufficient progress means that the EPA will make a determination, per the grant terms and conditions, as to whether the recipient has made sufficient progress in implementing its cooperative agreement. If not, the EPA may terminate the agreement.

- Applicants that receive awards under this competitive funding opportunity will have to comply with grant terms and conditions related to the Agency's prior approval of project phases and/or activities that require additional site-specific brownfield eligibility or liability determinations per CERCLA § 101(39).

A listing and description of general EPA regulations applicable to the award of grants may be viewed at http://www.epa.gov/ogd/AppKit/applicable_epa_regulations_and_description.htm.

3. Executive Order 12372, Intergovernmental Review of Federal Programs, may be applicable to awards resulting from this announcement. Applicants the EPA selects for funding may be required to provide a copy of their proposal to their State Point of Contact (SPOC) or other affected area wide, regional and local officials for review, pursuant to Executive Order 12372, Intergovernmental Review of Federal Programs as implemented by the EPA at 40 CFR Part 29.¹⁶ This review is not required with the initial proposal. Contact your Regional Brownfields Coordinator listed in Section 7.C. for assistance.
4. Reimbursement Limitation. If the recipient expends more than the amount of funding in its EPA approved budget in anticipation of receiving additional funds from the EPA, it does so at its own risk. The EPA is not legally obligated to reimburse the recipient for costs incurred in excess of the EPA approved budget.
5. Subawards and Executive Compensation Reporting. Applicants must ensure that they have the necessary processes and systems in place to comply with the sub-award and executive total compensation reporting requirements established under OMB guidance at 2 CFR Part 170, unless they qualify for an exception from the requirements, should they be selected for funding.
6. Central Contractor Registration (CCR) and Data Universal Numbering System (DUNS) Requirements

Unless exempt from these requirements under OMB guidance at [2 CFR Part 25](#) (e.g., individuals), applicants must:

1. Be registered in the CCR prior to submitting an application or proposal under this announcement. CCR/SAM information can be found at <https://www.sam.gov/portal/public/SAM/>.
2. Maintain an active CCR registration with current information at all times during which it has an active Federal award or an application or proposal under consideration by an agency, and
3. Provide its DUNS number in each application or proposal it submits to the agency.

¹⁶ More information can be found at http://www.whitehouse.gov/omb/grants_spoc

Applicants can receive a DUNS number, at no cost, by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711, or visiting the D&B website at: <http://www.dnb.com>.

If an applicant fails to comply with these requirements, it will, should it be selected for award, affect their ability to receive the award.

Please note that the CCR has been replaced by the System for Award Management (SAM). To learn more about SAM, go to SAM.gov or <https://www.sam.gov/portal/public/SAM/>.

VI. C. Reporting Requirements

During 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 set forth in the terms and conditions of the cooperative agreement. These reports will 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.

At the end of the cooperative agreement, a final report is required. Please see Section 1. B. for more information on this final report. Close out of the grant will only occur after the EPA receives all required materials from the grantee.

VI. D. Disputes

Disputes related to this competition 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 <http://www.epa.gov/ogd/competition/resolution.htm>. Copies of these procedures also may be requested by contacting the EPA as listed in Section 7.

VI. E. Data Access and Information Release

The EPA has the right to obtain, reproduce, publish, or otherwise use the data first produced under the awards to be made under this solicitation and authorize others to receive, reproduce, publish, or otherwise use such data for federal purposes under 40 C.F.R. § 30.36(c). In addition, pursuant to 40 C.F.R. § 30.36(d), if the EPA receives a Freedom of Information Act (FOIA) request for research data that (1) relates to published research findings produced under an EPA award and (2) was used by the federal government in developing an agency action that has the force and effect of law, then the EPA shall request, and the award recipient shall provide, within a reasonable time, the research data so that it may be made available to the public through procedures established under the FOIA.

VI. F. Brownfields Programmatic Requirements

Recipients must comply with the EPA Brownfields Program's technical requirements, which may include, but are not limited to, the following:

1. **Quality Assurance (QA) Requirements.** When existing (or secondary) environmental data will be used for any activity as part of this cooperative agreement, recipients shall submit to the EPA for approval a Quality Assurance Project Plan (QAPP) prior to use of existing environmental data.
2. **Collection of Post Grant Information:** Under the Government Performance and Results Act, the 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 funding from state, tribal, and local governments, or private organizations. As many of these activities occur beyond the grant period, note that the EPA may contact you well after the project period to collect this information.

VI. G. Unpaid Federal Tax Liabilities and Felony Convictions for Non-Profit and For-Profit Organizations (FY12 funding)

Awards made under this announcement are subject to the provisions contained in the Department of Interior, Environment, and Related Agencies Appropriations Act, 2012, HR 2055, Division E. Sections 433 and 434 regarding unpaid federal tax liabilities and federal felony convictions. These provisions prohibit the EPA from awarding funds made available by the Act to any for-profit or non-profit organization: (1) subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; or (2) that was convicted (or had an officer or agent of such corporation acting on its behalf convicted) of a felony criminal conviction under any Federal law within 24 months preceding the award, unless the EPA has considered suspension or debarment of the corporation, or such officer or agent, based on these tax liabilities or convictions, and determined that such action is not necessary to protect the Government's interests. Non-profit or for-profit organizations that are covered by these prohibitions are ineligible to receive an award under this announcement.

Unpaid Federal Tax Liabilities and Felony Convictions for Non-Profit and For-Profit Organizations (FY 13 funding)

EPA anticipates that awards made under this announcement will be subject to the provisions contained in the Department of Interior, Environment, and Related Agencies Appropriations Act, 2012, HR 2055, Division E. Sections 433 and 434 regarding unpaid federal tax liabilities and federal felony convictions. These provisions prohibit EPA from awarding funds made available by the Act to any for-profit or non-profit organization: (1) subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; or (2) that was convicted (or had an officer or agent of such corporation acting on its behalf convicted) of a felony criminal conviction under any Federal law within 24 months preceding the award, unless EPA has considered suspension or debarment of the corporation, or such officer or agent, based on these tax liabilities or convictions, and determined that such action is not necessary to protect the Government's interests. Subject to the language in the FY 13 Appropriation Act (or Continuing Resolution), EPA anticipates that non-

profit or for-profit organizations that are covered by these prohibitions will be ineligible to receive an award under this announcement.

VI. H. Website References in Solicitation

Any non-federal websites or website links included in this solicitation are provided for proposal preparation and/or informational purposes only. The U.S. EPA does not endorse any of these entities or their services. In addition, the EPA does not guarantee that any linked, external websites referenced in this solicitation comply with Section 508 (Accessibility Requirements) of the Rehabilitation Act.

VI. I. Unfair Competitive Advantage

EPA personnel will take appropriate actions in situations where it is determined that an applicant may have an unfair competitive advantage, or the appearance of such, in competing for awards under this announcement. Affected applicants will be provided an opportunity to respond before any final action is taken.

VI. J. Nonprofit Administrative Capability Clause

Non-profit applicants that are recommended for funding under this announcement are subject to pre-award administrative capability reviews consistent with Section 8b, 8c and 9d of EPA Order 5700.8 - Policy on Assessing Capabilities of Non-Profit Applicants for Managing Assistance Awards (http://www.epa.gov/ogd/grants/award/5700_8.pdf). In addition, non-profit applicants that qualify for funding may, depending on the size of the award, be required to fill out and submit to the Grants Management Office the Administrative Capabilities Form with supporting documents contained in Appendix A of EPA Order 5700.8.

SECTION VII– EPA CONTACT

VII. A. Agency Headquarters Contact Information

Megan Quinn, U.S. EPA, Office of Brownfields and Land Revitalization (MC 5105-T), 1200 Pennsylvania Avenue, NW, Washington, DC 20460; Phone (202) 566-2773 or email quinn.megan@epa.gov.

VII. B. Proposal Submission Address for Regular Mail (USPS) or Express Mail/Courier Delivery (Courier, FedEx, UPS, DHL):

Environmental Management Support Inc.
Mr. Don West
8601 Georgia Avenue, Suite 500
Silver Spring, MD 20910
Phone 301-589-5318

(Note: Overnight mail must include Mr. West's phone number in the address.)

VII. C. EPA Regional Contacts

Regional Brownfields Coordinators

REGION & STATES		ADDRESS/PHONE NUMBER
EPA Region 1 Diane Kelley Kelley.Diane@epa.gov	CT, ME, MA, NH, RI, VT	5 Post Office Square Suite 100, Mail code: OSRR7-2 Boston, MA 02109-3912 Phone (617) 918-1424 Fax (617) 918-1291
EPA Region 2 Lya Theodoratos Theodoratos.Lya@epa.gov	NJ, NY, PR, VI	290 Broadway 18th Floor New York, NY 10007 Phone (212) 637-3260 Fax (212) 637-4360
EPA Region 3 Tom Stolle Stolle.Tom@epa.gov	DE, DC, MD, PA, VA, WV	1650 Arch Street Mail Code 3HS51 Philadelphia, PA 19103 Phone (215) 814-3129 Fax (215) 814-5518
EPA Region 4 Philip Vorsatz Vorsatz.Philip@epa.gov	AL, FL, GA, KY, MS, NC, SC, TN	Atlanta Federal Center 61 Forsyth Street, S.W. 10TH FL Atlanta, GA 30303-8960 Phone (404) 562-8789 Fax (404) 562-8689
EPA Region 5 Deborah Orr Orr.Deborah@epa.gov	IL, IN, MI, MN, OH, WI	77 West Jackson Boulevard Mail Code SM-7J Chicago, IL 60604-3507 Phone (312) 886-7576 Fax (312) 886-7190
EPA Region 6 Mary Kemp Kemp.Mary@epa.gov	AR, LA, NM, OK, TX	1445 Ross Avenue, Suite 1200 (6SF-VB) Dallas, TX 75202-2733 Phone (214) 665-6560 Fax (214) 665-6660
EPA Region 7 Susan Klein Klein.Susan@epa.gov	IA, KS, MO, NE	901 N. 5th Street Kansas City, KS 66101 Phone (913) 551-7786 Fax (913) 551-9786
EPA Region 8 Dan Heffernan Heffernan.Daniel@epa.gov	CO, MT, ND, SD, UT, WY	1595 Wynkoop Street (EPR-B) Denver, CO 80202-1129 Phone (303) 312-7074 Fax (303) 312-6065
EPA Region 9 Sara Russell Russell.Sara@epa.gov Noemi Emeric-Ford Emeric-Ford.Noemi@epa.gov	AZ, CA, HI, NV, AS, GU	75 Hawthorne Street, SFD- 6-1 San Francisco, CA 94105 Phone (415) 972-3218 Fax (415) 947-3528 Phone (213) 244-1821 Fax (213) 244-1850
EPA Region 10 Susan Morales Morales.Susan@epa.gov	AK, ID, OR, WA	1200 Sixth Avenue, Suite 900 Mailstop: ECL-112 Seattle, WA 98101 Phone (206) 553-7299 Fax (206) 553-0124

Appendix 1: Threshold Criteria Worksheet Example

Applicants may use this example as a guide for organizing and submitting information required by the EPA for the threshold criteria review described in Section III.C. Applicants must meet all the threshold criteria and other standards in Section III.C. in order for their proposal to be further considered for evaluation. Applicants must carefully review Section III.C. for additional information regarding the threshold criteria. If a threshold criterion is not applicable, applicants should state the threshold criterion number and “N/A”.

If an applicant chooses to follow this example, the applicant should fill in the information as requested, identify it as the “Threshold Criteria Worksheet” and submit it as an attachment with the grant proposal package transmission to the EPA. There is no page limit for the Threshold Criteria Worksheet portion of the proposal. However, an applicant who chooses to submit a Threshold Criteria Worksheet must include information on the worksheet only as needed to demonstrate compliance with each threshold criterion; any additional information on the worksheet will not be considered when evaluating proposals. Applicants who choose not to use the worksheet to submit the threshold criteria responses must attach threshold responses to the narrative proposal prior to submission.

(Example) Threshold Criteria Worksheet

Name of Applicant: _____

1. Applicant eligibility: Describe how you are an eligible applicant as specified in Section III.A., *Eligible Entities*.

If applicable:

- Attach documentation of your eligibility if applicant is not a city, county, state or tribe. Documentation includes non-profit status, resolutions, statutes, etc.
- If applicant is a nonprofit, provide evidence of current nonprofit status under federal, state, or tribal law at the time the proposal is submitted.
- State applicants must clearly demonstrate that you are applying on behalf of a local community and will serve in a fiscal and administrative capacity on behalf of that community, but the local community will lead the BF AWP process. Attach a memorandum of understanding or other document which demonstrates this relationship between the state applicant and local community.
- Affirm you are not a recipient of an FY10 BF AWP pilot grant.

2. Location of proposed BF AWP project area:

- a. In the space below, provide geographic boundaries (street, natural and/or constructed boundaries, such as a river or a railway) and approximate acreage of the proposed BF AWP project area.

- b. In the space below, provide a small but legible black and white map, with scale and street-level detail, which clearly delineates the project area boundaries within the context of the city or community.

3. Identify the specific catalyst, high priority brownfield site(s) within the proposed BF AWP project area around which your project will focus:

In the space below, provide the following information (a-d) for each of the catalyst, high priority brownfield site(s) identified. (Note: these catalyst, high priority brownfield site(s) should be consistent with the catalyst, high priority brownfield site(s) identified under ranking criterion 2.i.).

- a. **Basic Brownfields Site Information:** Provide the name of the brownfields site and the address of the site, including zip code.
- b. **Affirmation that the site is NOT any of the following:** listed or proposed for listing on the National Priorities List; 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 subject to the jurisdiction, custody, or control of the U.S. government.
- c. **Type of Contamination, or Potential Contamination, at the site.** State whether petroleum or hazardous substances contaminate, or potentially contaminate, this site.
- If comingled, state the predominant contaminant.
 - If petroleum is the predominant contaminant or potential contaminant, include the following information on Petroleum Site Eligibility:

Petroleum Site Eligibility (only applies to sites where the predominant contaminant is/may be petroleum)

Attach a letter from the state, or provide information below, which demonstrates how each catalyst, high priority site contaminated by petroleum meets specific criteria:

- the site must be of “relatively low risk,”
- there can be no viable responsible party,
- the site will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site, and
- the site must not be subject to an order under RCRA § 9003(h).

To demonstrate compliance with these criteria for sites contaminated by petroleum, ensure the following information is included:

- 1) Current and Immediate Past Owners. Identify the current and immediate past owner of the site.
- 2) Acquisition of Site. Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).

- 3) No Responsible Party for the Site. Identify whether the current and immediate past owner (which includes, if applicable, the applicant)
 - a. dispensed or disposed of petroleum or petroleum product contamination, or exacerbated the existing petroleum contamination at the site;
 - b. owned the site when any dispensing or disposal of petroleum (by others) took place; and
 - c. took reasonable steps with regard to the contamination at the site.
- 4) 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.
- 5) Relatively Low Risk. Identify whether the site is of “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.
- 6) Judgments, Orders, or Third Party Suits. Provide information that no responsible party (including the applicant) is identified for the site through, either:
 - A judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site; or
 - An enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site; or
 - A citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site.
- 7) Subject to RCRA. Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act.
- 8) 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 3) or 6) 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.**

- d. **(If applicable) Date of the EPA’s prior determination** that the site meets the definition of “brownfield site” for purpose of a prior brownfield grant per CERCLA § 101(39):
-

4. Ineligible activities: Unless your proposal contains any activities that are ineligible for funding, you may state “N/A” for this threshold criterion. Please reference Section I.C., Uses of EPA Assistance, to ensure that the activities you are proposing for your project are eligible. Ineligible activities will not be considered for funding and may affect evaluation of your proposal and the ability of it to be funded.

5. Letter of support: Identify which letter of support provided with your grant proposal package meets this threshold requirement.

If applicant is a non-profit organization, state whether the letter is from a relevant government or quasi-governmental entity. If applicant is a government or quasi-governmental entity, state if the letter is from a relevant nonprofit organization.

Appendix 2: Other Factors Checklist

Name of Applicant: _____

Please identify with an **X** any of the items below which may apply to your proposed BF AWP project area as described in your proposal. EPA may verify these disclosures and supporting information prior to selection and may consider this information during the evaluation process. Attach documentation to your proposal as applicable; otherwise, this information may not be considered in the grant selection process.

- ☐ Applicant's proposed BF AWP project is in an urban area, where the population of the overall community is 100,000 or more
- ☐ Applicant's proposed BF AWP project is in a rural area, where the population of the overall community is 20,000 or less and is not located in a Metropolitan Statistical Area
- ☐ Applicant is, or applicant will assist, a federally recognized Indian Tribe or an entity from a United States Territory
- ☐ Applicant proposes to serve an area designated as a federal, state or local Empowerment Zone or Renewal Community. To be considered, **applicant must attach documentation** which demonstrates this current designation.
- ☐ Applicant's proposed BF AWP project area has been affected by recent (2005 or later) natural disaster(s). To be considered, **applicant must identify here** the timeframe and type of natural disaster(s) that occurred: _____
- ☐ Applicant's proposed BF AWP project area contains recent (2007 or later) industry plant closures or other significant economic disruptions. To be considered, **applicant must identify here** the timeframe and name of the plant recently closed and jobs lost, or reason for other significant economic disruption within the BF AWP project area: _____
- ☐ Applicant is a recipient or a core partner of a HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant that is directly tied to the BF AWP project area, and can demonstrate that funding from a PSC grant has or will benefit the BF AWP project area. To be considered, **applicant must attach documentation** which demonstrates this connection to a HUD-DOT-EPA PSC grant.

Appendix 3: Information on Sites Eligible for Brownfields Funding Under CERCLA §104(k) (for the purposes of the FY12 BF AWP Program)

1.1 Introduction

The information provided in this Appendix will be used by the EPA in determining the eligibility of a property for brownfields grant funding under the FY12 Brownfields Area-Wide Planning Program. The Agency is providing this information to assist you in developing your proposals for funding under CERCLA §104(k)(6) and to apprise you of information that the EPA will use in determining the eligibility of a property for brownfields grant funding.

This information is used by the EPA solely to make applicant and site eligibility determinations for this Brownfields Area-Wide Planning grant and is not legally binding for other purposes including federal, state, or tribal enforcement actions.

Determinations made for this BF AWP Program regarding meeting the definition of CERCLA § 101(39) does not equal a determination that the identified brownfield site would be eligible for site-specific grant funding (i.e. EPA Brownfields Assessment, Cleanup or Revolving Loan Fund Grant funding) which requires a more robust eligibility determination.

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.

To be eligible for a BF AWP grant, a minimum of 50% of the catalyst, high priority sites submitted per threshold criterion 3 must meet the definition of a brownfield. 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.) The 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 U.S. government.

Applicants should not include sites ineligible for brownfields funding as catalyst, high priority sites for the BF AWP project area in their proposals.

1.3 Additional Areas Specifically Eligible for Funding

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

- a. Sites contaminated by controlled substances,
- b. Sites contaminated by petroleum or a petroleum product, and
- c. Mine-scarred lands.

1.3.1 Additional Information on Sites Contaminated or Potentially Contaminated by Petroleum or a 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, the EPA or the state must determine:

1. The site is of “relatively low risk” compared with other “petroleum-only” sites in the state; and
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).

For the purposes of threshold criterion 3, an applicant that identifies one or more catalyst, high priority brownfield sites as being predominantly contaminated, or potentially contaminated, by petroleum must provide information in their proposal indicating whether the site meets each of the criteria listed above. More information on these criteria is provided below. **The summary of information that applicants will need to include for these sites is explained in 1.3.2 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 the EPA or a state under CERCLA § 101(39)(D) for the purpose of this brownfields funding opportunity 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.

1. “Relatively Low Risk”

Applicants that include one or more catalyst, high priority brownfield site(s) where portions of those properties are 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). The EPA’s view is that the following types of petroleum-contaminated sites are high-risk sites, or are not of “relatively low risk:”

- a. “High risk” sites currently being cleaned up using LUST trust fund monies.
- b. 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.

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

The 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 the 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 the EPA cannot award the grant. This analysis is twofold – the EPA or 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 (a) 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 (a) and (b) below.

- a. No responsible party has been identified for the site through:
 - i. 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;
 - ii. 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
 - iii. 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; and
- b. 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.¹⁷

If no responsible party is identified above, then the petroleum-contaminated site may be eligible for funding. If a responsible party is identified above, the 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 proposal 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, the EPA will follow the standard set forth in this Appendix. Note that any viability determination made by the EPA is for purposes of the CERCLA Section 104(k)(6) BF AWP grant program only.

The 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, the EPA will consider ongoing businesses or companies (corporations, LLCs, partnerships, etc.) and government entities to be viable. The EPA will generally deem a defunct or insolvent company and an individual responsible party to be not viable. The 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:

- a. **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

¹⁷ 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.

to pay for the assessment or cleanup.

- b. **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.
- c. **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. The EPA does not endorse the use of any specific sources, and the 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 (Google, Ask).

3. "Cleaned Up by a Person Not Potentially Liable"

Brownfields funding may be awarded for the assessment and cleanup of petroleum-contaminated sites provided:

- a. 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, and
- b. The applicant did not exacerbate the contamination at the site and took reasonable steps with regard to the contamination at the site.

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

Proposals that include requests for a BF AWP grant which includes petroleum-contaminated site(s) as catalyst, high priority site(s) must not be subject to a corrective action order under RCRA § 9003(h).

1.3.2 Summary of Information Required for Petroleum Site Eligibility Determination

For the purposes of threshold criterion 3, an applicant that identifies one or more catalyst, high priority brownfield sites as being predominantly contaminated, or potentially contaminated, by petroleum must provide the following information in their proposal.

- 1. Current and Immediate Past Owners. Identify the current and immediate past owner of the site.
- 2. Acquisition of Site. Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).

3. No Responsible Party for the Site. Identify whether the current and immediate past owner (which includes, if applicable, the applicant)
 - a. dispensed or disposed of petroleum or petroleum product contamination, or exacerbated the existing petroleum contamination at the site;
 - b. owned the site when any dispensing or disposal of petroleum (by others) took place; and
 - c. took reasonable steps with regard to the contamination at the site.
4. 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.
5. Relatively Low Risk. Identify whether the site is of “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.
6. Judgments, Orders, or Third Party Suits. Provide information that no responsible party (including the applicant) is identified for the site through, either:
 - A judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site; or
 - An enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site; or
 - A citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site.
7. Subject to RCRA. Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act.
8. 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 3) or 6) 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.**