

FY20 Summary of the Brownfield Assessment, Revolving Loan Fund, and Cleanup Grant Guidelines Changes
(as of 10/3/19)

EPA prepared this Summary of Changes document to assist prospective applicants with preparing Brownfields Multipurpose, Assessment, Revolving Loan Fund (RLF), and Cleanup Grant applications. Please review the FY20 Proposal Guidelines (also referred to as Request for Application (RFA)) when preparing your application. If the information in the Summary of Changes differs from information in the statute, regulation, or the Guidelines, then the statute, regulation or the Guidelines will take precedence.

CHANGES TO THE ASSESSMENT, RLF, AND CLEANUP GRANT GUIDELINES		
Topic	Previously Published Guidelines	FY20 Assessment, RLF, and Cleanup Grant Guidelines
General Information		
IV.C. Content and Form of Proposal Submission		If you submit more than one application for the same, identical project (either in error or to replace a previously submitted application), EPA will only review the most recently received application for that project unless you notify Jerry Minor-Gordon (minor-gordon.jerry@epa.gov) and specify which application you want EPA to review.
Appendix 1 – Submission Materials	Previously, EPA issued Request for Proposals (RFPs).	EPA is now issuing Request for Applications (RFAs). The following forms and documents are required under the announcements. <ol style="list-style-type: none"> 1. Application for Federal Assistance (SF-424) 2. Budget Information for Non-Construction Programs (SF-424 A) 3. Assurances for Non-Construction Programs (SF-424 B) 4. Preaward Compliance Review Report (EPA Form 4700-4) 5. EPA Key Contacts (Form 5700-54) 6. Narrative Information Sheet, the Narrative, and required attachments. <p>Note: A workplan is not required under the announcements. Applicants that are selected for funding will negotiate the workplan with EPA before the cooperative agreement is awarded.</p>
Terminology		Replaced “redevelopment” with “reuse” to clarify that EPA supports projects that will stimulate economic development, as well as projects that will facilitate the creation of, preservation of, or addition

		to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.
III. Threshold Criteria		
General Threshold Information		<p>Added language clarifies that applicants must include all relevant threshold information in the application.</p> <p>“For purposes of the threshold eligibility review, EPA, if necessary, may seek clarification of applicant information that is included in the application and/or consider information from other sources, including EPA files. Such communications shall not be used to correct application deficiencies or material omissions, materially alter the application or project proposed, or discuss changes to the applicant’s responses to any evaluation or selection criteria.”</p>
General Threshold Information		<p>Added language clarifies that the entity seeking funds must be listed on the federal paperwork and the entity’s AOR must submit the application. Once the agreement is awarded, recipients may choose to subgrant funds to another entity that will oversee work (e.g., cooperative agreement management oversight activities).</p> <p>“Applicants need to ensure that the correct Authorized Organization Representative (AOR) and DUNS number of the entity that will receive the award and will be held accountable by EPA for the proper expenditure of funds are listed on the application.”</p>
III.B. Threshold Criteria Related Property Acquired Under Certain Circumstances by Units of State and Local Government	<p>State and local units of government that acquired ownership or control of a property by any of the circumstances listed below <u>and</u> did not cause or contribute to any contamination at the property, are exempt from liability for any previous contamination at that property and, therefore, do not have to demonstrate that they meet the requirements of a CERCLA liability defense to be eligible for a Brownfields Grant. Such circumstances include:</p> <ul style="list-style-type: none"> • Seizure or in connection with any law enforcement activity; 	<p>State and local units of government that acquired ownership or control of a property by any of the circumstances listed below <u>and</u> did not cause or contribute to any contamination at the property, are exempt from liability for any previous contamination at that property and, therefore, do not have to demonstrate that they meet the requirements of a CERCLA liability defense to be eligible for a Brownfields Grant. Such circumstances include:</p> <ul style="list-style-type: none"> • Seizure or in connection with any law enforcement activity; • Bankruptcy; • Tax delinquency; or

	<ul style="list-style-type: none"> • Bankruptcy; • Tax delinquency; • Abandonment; or • Other circumstances where title to the property was acquired by virtue of the government’s function as sovereign. 	<ul style="list-style-type: none"> • Abandonment. <p>Further, EPA has treated and will continue to treat acquisitions by escheat as exempt from liability if the other conditions in CERCLA § 101(20)(D) are met.</p> <p>See the FY20 FAQs for additional information on the types of acquisitions that are not exempt from CERCLA liability.</p>
III.B. Threshold Criteria Related to BFPP Protections – Hazardous Substances Funding		Provided additional guidance for applicants that acquired a non-publicly owned property <u>before</u> January 11, 2002.
III.B. Threshold Criteria Related to Landowner Protections for from CERCLA Liability – Hazardous Substances Funding	Former comprehensive guidance on the landowner liability protections was available in the <i>Interim Guidance Regarding Criteria Landowners Must Meet in Order to Qualify for Bona Fide Prospective Purchaser, Contiguous Property Owner, or Innocent Landowner Limitations on CERCLA (“Common Elements”)</i> .	<p>Updated comprehensive guidance on the landowner liability protections is available in the <i>EPA’s Enforcement Discretion Guidance Regarding Statutory Criteria for Those Who May Qualify as CERCLA Bona Fide Prospective Purchasers, Contiguous Property Owners, or Innocent Landowners (“Common Elements”)</i>.</p> <p>The “Common Elements” guidance is available at https://www.epa.gov/enforcement/common-elements-guidance</p>
IV.E. Ranking Criteria & V.A. Evaluation Criteria		
1.a.ii. Description of the Priority Brownfield Site		<p>Removed language:</p> <p>“If applicable, describe whether the priority site(s) is located adjacent to a body of water or is a federally designated flood plain.”</p> <p>Note, applicants can document if the priority/proposed site(s) is adjacent to a body of water or is in a federally designated flood plain on the Other Factors Checklist in Section IV.D., <i>Narrative Information Sheet</i>.</p>

1.b.ii. – Outcomes and Benefits of Reuse Strategy		<p>Added language on for applicants to provide information on how the outcomes of the project will benefit an Opportunity Zones.</p> <p>“Describe the potential of the proposed project or revitalization plans to stimulate economic development in the target area upon completion of the cleanup of these properties, <u>and/or</u> how the grant will facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes. Describe how the proposed project or revitalization plans will help spur economic growth within an Opportunity Zone.”</p>
2.a.ii. Threats to Sensitive Populations	<p><u>“Economically Impoverished/Disproportionately Impacted Populations</u> Populations in the target area(s) that are economically impoverished and/or disproportionately share the negative environmental consequences resulting from industrial, governmental, and/or commercial operations or policies.”</p>	<p><u>“Disproportionately Impacted Populations</u> Populations in the target area(s) that have environmental justice challenges and/or disproportionately share the negative environmental consequences resulting from industrial, governmental, and/or commercial operations or policies.”</p>
2.b. Community Engagement	<p><u>Community Engagement</u> i. Community Involvement ii. Incorporating Community Input</p>	<p>The former <i>Community Involvement</i> criterion is divided into two subcriteria, <i>Project Partners</i> and <i>Project Partner Roles</i>.</p> <p><u>Community Engagement</u> i. Project Partners ii. Project Partner Roles iii. Incorporating Community Input</p>
2.b.i. Project Partners – Evaluation Criterion		<p>Revised evaluation criterion language:</p> <p>“The degree to which each entity is a local project partner and the degree to which each partner is relevant to the proposed project. The degree to which the project partners represent different types of groups/organizations in the local community.”</p>
2.b.ii. Incorporating Community Input	<p>“Discuss your plan to communicate project progress to the local community, including the frequency and by what</p>	<p>“Discuss your plan to communicate project progress to the local community, project partners, and residents/groups in (or in closest proximity to) the target area/impacted by the sites, including the</p>

	method(s) you will use and how input will be solicited, considered, and responded to.”	frequency and by what method(s) you will use and how input will be solicited, considered, and responded to.”
3. Task Descriptions, Cost Estimates, and Measuring Progress	Applicants provided information on outputs under the <i>Cost Estimates and Outputs</i> criterion.	Applicants are to provide information on outputs under the newly created <i>Task Description of Tasks/Activities and Outputs</i> criterion.
3. Task Descriptions, Cost Estimates, and Measuring Progress		<p>The ranking criteria under <i>Description of Tasks/Activities and Outputs</i> are reformatted to match the evaluation criteria. Applicants may consider using the provided sample table to present their responses.</p> <p><u>Description of Tasks/Activities and Outputs</u></p> <ol style="list-style-type: none"> i. Program Implementation ii. Anticipated Project Schedule iii. Task/Activity Lead iv. Outputs
3. Cost Estimates		<p>The <i>Cost Estimate</i> evaluation criterion is separated into the following sub-criteria:</p> <ul style="list-style-type: none"> • development of cost estimates • application of cost estimates • funds allocated toward environmental site assessments (Assessment Grants only) • funds allocated towards loans (RLF Grants only), and • eligibility of cost share activities (Cleanup and RLF Grants)
4.a. Programmatic Capability	<p><u>Programmatic Capability</u></p> <ol style="list-style-type: none"> i. Organizational Structure ii. Description of Key Staff iii. Acquiring Additional Resources 	<p>The former <i>Organizational Structure</i> criterion now divided into two sub-criteria, <i>Organizational Structure and Description of Key Staff</i>.</p> <p><u>Programmatic Capability</u></p> <ol style="list-style-type: none"> i. Organizational Structure ii. Description of Key Staff iii. Acquiring Additional Resources

ASSESSMENT GRANT GUIDELINE CHANGES

Topic	FY19 Assessment Grant Guidelines	FY20 Assessment Grant Guidelines
General Information		
FY19 Multipurpose Grant Recipients -		Entities that were awarded (or have been selected for an award for) a Fiscal Year 2019 (FY19) Multipurpose Grant (EPA-OLEM-OBLR-18-08) may not apply for an FY20 Assessment Grant.
III. Eligibility Information and Threshold Criteria		
III.B. Threshold Criteria – Expenditure of Current Assessment Grant Funds	“Current EPA Brownfields Assessment Grant recipients must demonstrate that payment has been received from EPA (also known as ‘drawn down’) for at least 70% of each Assessment cooperative agreement they have with EPA by January 1, 2019 in order to apply for additional Assessment Grant funding under this solicitation.”	“Current EPA Brownfields Assessment Grant recipients must demonstrate that payment has been received from EPA (also known as ‘drawn down’) for at least 70% of each Assessment cooperative agreement they have with EPA by November 1, 2019 in order to apply for additional Assessment Grant funding under this solicitation.”
Point/Percentage Distribution		
Listed in Section V. within the Evaluation Criterion	Project Area Description and Plan for Revitalization – 30% Community Need and Community Engagement – 20% Task Description, Cost Estimates, and Measuring Success – 35% Programmatic Capability – 15% Maximum number of points: 100	Project Area Description and Plan for Revitalization – 27% Community Need and Community Engagement – 23% Task Description, Cost Estimates, and Measuring Success – 33% Programmatic Capability – 17% Maximum number of points: 150

RLF GRANT GUIDELINE CHANGES

Topic	FY18 RLF Grant Guidelines	FY20 RLF Grant Guidelines
I. Funding Opportunity Description		
I.A. Description of Grant – Grant Funds		Clarified existing language regarding the use of RLF Grant funds. “An RLF Grant recipient must use 50% or more of the awarded funds and the associated cost share to provide loans for the cleanup of eligible brownfield sites and associated eligible programmatic capability. The remaining EPA funding and associated cost share may

		be used for eligible programmatic costs, including issuing and managing subgrants to clean up eligible brownfield sites.”
I.A. Description of Grant – Subgrants	Previously, RLF subgrants were limited to \$200,000.	In FY20, RLF subgrants are limited to \$350,000.
IV.E. Ranking Criteria & V.A. Evaluation Criteria		
Ranking and Evaluation Criteria – Structure		Ranking and evaluation criteria have been rewritten and/or restructured. Please review the FY20 RLF Grant Guidelines for details.
4.b.i. Past Performance and Accomplishments – Currently Has or Previously Received an EPA Brownfields Grant		Evaluation criterion: “Current RLF Grant recipients that have significantly depleted funds may garner more points. EPA defines “significantly depleted funds” as uncommitted, available funding is 25% or less of total RLF funds awarded under all open and closed grants and cannot exceed \$600,000. For new RLF Grant recipients with an award of \$1 million or less, funds will be considered significantly depleted if the uncommitted or available funding does not exceed \$300,000.”
V.B. Other Factors and Considerations		
Other Factors		Added Other Factor for new RLF Grant applicants: “the distribution of funds between new applicants and previous RLF Grant recipients – “New” applicants are defined as entities that have never received an EPA RLF Grant, or applicants that were awarded an RLF Grant in 2009 or earlier”
Point/Percentage Distribution		
Listed in Section V. within the Evaluation Criterion	Community Need – 17% Program Description & Feasibility Success – 30% Community Engagement & Partnerships – 20% Program Benefits – 13% Programmatic Capability – 20% Maximum number of points: 100	Project Area Description and Plan for Revitalization – 24% Community Need and Community Engagement – 19% Task Description, Cost Estimates, and Measuring Success – 41% Programmatic Capability – 16% Maximum number of points: 185

CLEANUP GRANT GUIDELINE CHANGES

Topic	FY19 Cleanup Grant Guidelines	FY20 Cleanup Grant Guidelines
General Information		
FY19 Multipurpose Grant Recipients -		Entities that were awarded (or have been selected for an award for) a Fiscal Year 2019 (FY19) Multipurpose Grant (EPA-OLEM-OBLR-18-08) may not apply for an FY20 Cleanup Grant.
IV.E.3. Ranking Criteria		
1.b.i. Reuse Strategy and Alignment with Revitalization Plans		<p>The criterion is revised to request information on 1) how sites in federally designated flood plains will be taken into account in the reuse strategy/projected reuse; and 2) how the public has been involved in the reuse strategy/projected reuse.</p> <p><i>Ranking Criterion:</i> “Describe the reuse strategy, or projected reuse, for the brownfield site(s) to be remediated in the target area. Discuss how the reuse strategy/projected reuse aligns with the local government’s land use and revitalization plans; and if applicable, how the strategy/projected reuse takes into account that the site is in a federally designated flood plain. Describe how the public and project partners were involved in the development of the reuse strategy/projected reuse.”</p> <p><i>Evaluation Criterion:</i> “The extent to which a reuse strategy/projected reuse is clearly identified for the proposed brownfield site(s), and the extent to which the reuse strategy/projected reuse clearly aligns with and advances the local government’s land use and revitalization plans; and if applicable the extent to which the reuse strategy/projected reuse is an appropriate reuse option for a site in a federally designated flood plain. The degree to which the public and project partners have had meaningful involvement in the development of the reuse strategy/projected reuse.”</p>

3.c. Cost Estimates	The cost share was evaluated under the <i>Description of Tasks and Activities</i> criterion.	The cost share will be evaluated under the <i>Cost Estimates</i> criterion. <i>Ranking Criterion:</i> “Describe how cost estimates for each task were developed (per budget category; including the cost share), and, where appropriate, present costs per unit.” <i>Evaluation Criterion:</i> “The extent to which the entire cost share will be met with eligible activities.”
Point/Percentage Distribution		
Listed in Section V. within the Evaluation Criterion	Project Area Description and Plan for Revitalization – 30% Community Need and Community Engagement – 20% Task Description, Cost Estimates, and Measuring Success – 35% Programmatic Capability – 15% Maximum number of points: 100	Project Area Description and Plan for Revitalization – 29% Community Need and Community Engagement – 21% Task Description, Cost Estimates, and Measuring Success – 35% Programmatic Capability – 15% Maximum number of points: 170

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