

OVERVIEW SECTION

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

TITLE: FY2015 BROWNFIELDS AREA-WIDE PLANNING GRANT

ACTION: Request for Proposals (RFP)

RFP NO: EPA-OSWER-OBLR-14-06

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

DATES: Proposals are due by September 22, 2014. Proposals may 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 September 22, 2014. Proposals sent through <http://www.grants.gov> must be received by 11:59 p.m. Eastern Time on September 22, 2014.

SUMMARY: This notice announces the availability of EPA grant funds and solicits proposals from eligible entities to conduct research, technical assistance, and/or training activities that will enable the entity to develop an area-wide plan for brownfields assessment, cleanup, and subsequent reuse. Brownfields area-wide planning (BF AWP) grant-funded activities must be directed to one or more brownfield site(s) located in a specific area, such as a neighborhood, a district (e.g., downtown, arts or shopping area), a local commercial corridor, a community waterfront, or a city block. Each project funded under this grant must result in an area-wide plan which includes specific plan implementation strategies for assessing, cleaning up, and reusing the brownfields site(s) as well as related brownfields and project area revitalization strategies.

FUNDING/AWARDS: The total estimated funding available under this competitive opportunity is \$4 million, subject to availability of funds, quality of proposals received, and other applicable considerations. The maximum amount of grant funding that applicants may apply for under each proposal is \$200,000. Applicants may submit more than one proposal so long as each one is for a different project area and is submitted separately. However, if selected for funding, an applicant will not receive funding for more than one proposal, and the maximum amount of funding an applicant may receive under the FY15 BF AWP grant is \$200,000. Project periods up to 24 months are allowed. EPA anticipates selecting approximately 20 projects through this competitive opportunity. Individuals, for-profit firms, and the FY10 and FY13 EPA BF AWP Program recipients are not eligible to apply.

CONTENTS BY SECTION:

- I. Funding Opportunity Description
- II. Award Information
- III. Applicant Eligibility Information and Threshold Criteria
- IV. Proposal Submission Information

- V. Proposal Review Information
- VI. Award Administration Information
- VII. Contacts
- VIII. Other Information

- Appendix 1: Threshold Criteria Worksheet Example
- Appendix 2: Other Factors Checklist
- Appendix 3: Information on Sites Eligible for Brownfields Funding Under CERCLA §104(k) (for the purposes of the FY15 BF AWP Program)
- Appendix 4: Grants.gov Submission Instructions

SECTION I– FUNDING OPPORTUNITY DESCRIPTION

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. CERCLA § 104(k)(6) authorizes the EPA to provide, or fund eligible entities (including nonprofit organizations) to provide, research, technical assistance, and/or training activities to facilitate the following: inventory of brownfields sites, site assessments, remediation of brownfields sites, community involvement, or site preparation.

I.A. Description of the EPA Brownfields Area-Wide Planning (BF AWP) Program Grant

Under this request for proposals (RFP), the EPA seeks to provide successful applicants with grant funding to conduct research, technical assistance, and/or training activities that will enable them to develop a brownfields area-wide plan.

This solicitation is the third time that the EPA has offered the BF AWP Program grant. For more information about the BF AWP program, please visit http://www.epa.gov/brownfields/areawide_grants.htm.

BF AWP Project Area and Catalyst, High Priority Brownfield Site(s)

The brownfields area-wide plan developed under this grant must be for a specific project area that is of appropriate and reasonable size and have a demonstrable link to brownfield site(s). Types of project areas appropriate for a BF AWP grant include a neighborhood, a district (e.g., downtown, arts or shopping area), a local commercial corridor, a community waterfront, industrial corridor or a city block, etc., that is affected by one or more brownfield sites.

The applicant’s proposed area-wide plan must primarily focus on the eventual cleanup and reuse of the catalyst, high priority brownfield site(s) that the applicant identifies within the project area.

For the purposes of the BF AWP grant program, EPA defines a catalyst, high priority brownfield site as a site which, once remediated and reused, has the potential to spur additional revitalization within the BF AWP project area. A catalyst, high priority brownfield site must meet the definition of a “brownfield site” per CERCLA § 101(39) (see Appendix 3 for more information).

Applicants must identify one catalyst, high priority brownfield site under threshold criterion 3 (see Section III.C). Applicants should list any additional catalyst, high priority brownfield site(s), and describe all catalyst, high priority brownfield site(s), under ranking criteria 2 (see Section V.B.).

Given that the EPA will award a maximum of \$200,000 per successful proposal, applicants must demonstrate that they are proposing a reasonable BF AWP project area size and number of catalyst, high priority brownfield site(s). The project area should be a cohesive place in terms of geographic, social, cultural, economic and/or infrastructure connections.

EPA encourages applicants to select only a portion of a large neighborhood, district or corridor for the BF AWP project where such an approach will demonstrate the nexus to the catalyst, high priority brownfield site(s) and will lead to a more focused brownfields area-wide plan. For project areas that involve multiple jurisdictions, applicants should describe how the BF AWP planning process will be overseen by a multi-government management and decision-making process that will ensure successful project execution.

Applicants should describe why the project area is appropriate and of a reasonable size under ranking criterion 2 in Section V.B. of this announcement. Under ranking criteria 4, applicants will need to clearly explain how the BF AWP project partners will work together to develop the brownfields area-wide plan and prioritize implementation actions.

Common BF AWP Grant-Funded Activities

All activities for area-wide planning must be designed to identify reuses for brownfield sites-that will meet community health, environmental and economic development goals. Common grant activities funded via the BF AWP Program include:

- Facilitating community involvement activities that lead to the identification of community priorities related to near- and long-term brownfield site cleanup, reuse and area revitalization.
- Conducting research into the existing conditions of the brownfield site(s) and project area, such as:
 - Brownfields economic research and market analysis,
 - Needed infrastructure and other improvements that will support brownfields reuse and area revitalization,
 - Known environmental conditions of the brownfields and project area (e.g. environmental data, environmental justice concerns, and local health risks),
 - Applicability of pre-existing community or regional plans; and
 - Coordination and alignment with other ongoing planning or revitalization efforts in the project area.

- Developing a detailed brownfields area-wide plan which includes:
 - Specific strategies for brownfields site assessment, cleanup, and reuse;
 - Related improvements and investments necessary to support brownfields reuse and advance sustainable and equitable revitalization within the project area; and
 - Plan implementation strategies, such as near- and long-term actions, resources available and needed, leveraging opportunities, and partners responsible for implementation.

- Technical assistance that builds local community capacity for a wide range of project area stakeholders, so that they can be involved - directly and effectively - in developing and implementing the brownfields area-wide plan.

Primary Grant Deliverable

The brownfields area-wide plan is the primary grant deliverable. The plan should clearly show how all the activities a grantee conducted, and all deliverables produced under the grant, relate back to identifying the community’s priorities for the project area, the local brownfields conditions, and other existing conditions in the area (such as environmental, social, and health conditions; economic realities/market potential, and state of local infrastructure). The plan should recommend specific cleanup and reuse strategies for the catalyst, high priority brownfield site(s) based on these community priorities and project area conditions.

The brownfields area-wide plan should include:

- a summary of the various community involvement activities that were performed throughout the BF AWP project, and a statement which clearly describe how the community input is reflected throughout the plan’s recommendations and strategies;

- an explanation of the community’s priorities, and a list of strategies that help meet those priorities through cleaning up and reusing catalyst, high priority brownfield site(s);

- the results from research on brownfields and project area conditions, including known environmental conditions, data gaps and other existing conditions (such as environmental/social/health conditions, economic realities/market potential, and state of infrastructure in the project area);

- specific reuse scenarios for the catalyst, high priority brownfield site(s);

- detailed plan implementation strategies which identify specific actions, resources available and resources needed to implement the plan, such as:
 - assessment and cleanup activities needed to be compatible with the brownfields reuse scenarios;
 - catalyst, high priority brownfield site(s) improvements and other project area improvements (e.g., infrastructure investments) needed to support brownfields reuse and advance sustainable and equitable revitalization within the project area;

- near-term versus long-term actions and priority projects;
- who is going to lead each action (specific partners already involved or needed); and
- specific sources of funding, investment and other resources needed in the project area.

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, BF AWP complements the EPA's brownfields assessment, cleanup, revolving loan fund, and environmental workforce development and job training competitive grant opportunities and targeted brownfields assessment assistance. Please note that while funding under this RFP is not available for site assessment, site cleanup or plan implementation, the Agency does offer competitive grants for brownfields site assessment and cleanup and environmental workforce development and job training.¹

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

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

The EPA recognizes that eligible activities listed in these grant guidelines advance the Partnership's Livability Principles by providing funding for eligible area-wide planning activities 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 3, Achieving Project Outcomes that Benefit the Community, applicants will be evaluated on how their BF AWP project outcomes will advance the Livability Principles (see Section V.B.).

In instances where an applicant has received funding or technical assistance from the HUD-DOT-EPA PSC, such as for a HUD Regional Planning or Challenge grant, DOT Transportation Investment Generating Economic Recovery (TIGER), or EPA Smart Growth Implementation or

¹ Visit EPA's website for more information: http://www.epa.gov/brownfields/grant_info/index.htm

Building Blocks Assistance, etc., the applicant will be evaluated on if and how their BF AWP project leverages the previous PSC investment (see ranking criteria 2 and 3 in Section V.B.).

Linking BF AWP to Sustainable and Equitable Development Outcomes

The EPA encourages applicants to include research, technical assistance and/or training activities on sustainable and equitable cleanup and redevelopment approaches, and incorporate them into their BF AWP project.

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. 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 or 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.

The EPA encourages applicants to provide specific examples of how the BF AWP project will prioritize sustainable and equitable brownfields cleanup and redevelopment outcomes, and will work to remove economic, environmental and social barriers in doing so. Under ranking criterion 3, Achieving Project Outcomes that Benefit the Community (see Section V. B.), applicants will be evaluated on how their BF AWP project will lead to sustainable and equitable outcomes.

I.B. Uses of EPA Grant Funds

Eligible uses of EPA grant funds under this competitive opportunity include direct costs necessary to provide research, technical assistance and/or training for BF AWP activities, such as those listed in Section I.A. (and are in the grant workplan which EPA approves). These direct costs include costs for personnel, contracts for technical experts (including individual contractors), subawards of financial assistance, materials, supplies, room rentals, travel, and transportation expenses necessary to carry out the brownfields area-wide planning activities.

Funds awarded under this solicitation are intended for BF AWP research, technical assistance and/or training activities as described in this RFP. They may not be used for the following activities or tasks:

- conducting site assessments, site cleanups, response activities often associated with cleanups such as demolition or groundwater extraction, or brownfields area-wide plan implementation;
- marketing brownfields properties for redevelopment;
- zoning and/or design guideline activities that are unrelated to advancing cleanup and reuse of the brownfields in the project area;
- area master planning, community visioning, or comprehensive planning (or updating/writing such plans) that are unrelated to advancing cleanup and reuse of brownfields in the project area;
- survey design, distribution or collection;
- 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,” 66.815, “Environmental Workforce Development and Job Training Grant,” other 66.814, “Brownfields Training, Research, and Technical Assistance Grants and Cooperative Agreements” 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.C, 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 BF AWP grant recipient who wishes to conduct research, technical assistance and/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. Such activities, if

necessary for the project, should constitute a limited portion of the BF AWP project and budget. For example, site-specific assessment and cleanup planning activities that are necessary to help determine feasibility of site cleanup or reuse option(s) may be done if they support the recipient's decision-making and better inform the implementation strategies that are part of the brownfields area-wide plan. Recipients must contact their EPA grant project officer to initiate and complete the additional approval process required by EPA in order to determine whether the recipient will be able to conduct site-specific assessment or 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 cleanup planning at that site using EPA grant funds under the BF AWP Program.

I.C. Prohibitions on Use of Grant Funds

Funds awarded under Section 104(k)(6) of CERCLA may not be used for:

1. A penalty or fine.
2. Federal cost-share requirement (for example, a cost share required by other federal funds).
3. A response cost at a brownfield site for which the recipient of the grant is potentially liable under CERCLA Section 107.
4. A cost of compliance with any federal law, excluding the cost of compliance with laws applicable to the cleanup.
5. 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 in order 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 2 CFR Part 220 (Educational Institutions), 2 CFR Part 225 (state, local, and Indian tribal governments), and 2 CFR Part 230 (Nonprofit Organizations), and Subpart 31 (Commercial Organizations) of the Federal Acquisition Regulation.

See section below on Programmatic Costs to distinguish between administrative and programmatic costs.

Ineligible grant administration costs include expenses for:

1. Preparation of applications for Brownfields grants and sub-grants;
2. Record retention required under 40 CFR Parts 30 and 31;
3. Record-keeping associated with supplies and equipment purchases required under 40 CFR Parts 30 and 31;

4. Preparing revisions and changes in the budgets, scopes of work, program plans and other activities required under 40 CFR Parts 30 and 31;
5. Maintaining and operating financial management systems required under 40 CFR Parts 30 and 31;
6. Preparing payment requests and handling payments under 40 CFR Parts 30 and 31;
7. Non-federal audits required under 40 CFR Parts 30 and 31, and OMB Circular A-133;
8. Close out under 40 CFR Parts 30 and 31.

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 brownfields area-wide plan that will help the grant recipient make decisions about brownfields site assessment, cleanup, and/or 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 research, technical assistance and/or training as described above. Costs for performance and financial reporting required under 40 CFR Parts 30 and 31 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 VII.

I.D. EPA Strategic Plan Linkage

The projects selected for award under this solicitation will support progress towards the 2014-18 Agency Strategic Plan Goal 3 (Cleaning Up Communities and Advancing Sustainable Development), Objective 1 (Promote Sustainable and Livable Communities).

View EPA’s Strategic Plan at <http://www2.epa.gov/planandbudget/fy-2014-2018-strategic-plan>.

I.E. 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. Recipients must discuss environmental outcomes and outputs in their proposed workplan.

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:

- eventually assess, cleanup and reuse brownfield sites and improve public health and the environment;
 - address local environmental justice concerns;
 - incorporate a variety of sustainable and equitable development approaches in brownfields cleanup and redevelopment and area revitalization;
 - increase capacity of residents and stakeholders from the project area to participate in, take ownership of, and benefit from brownfields cleanup and revitalization in their community; and
 - further the network of local, regional, state, tribal and/or federal partnerships that will help facilitate 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 to determine brownfields project area revitalization priorities;
- stronger recognition of local environmental justice concerns, and opportunities to address these concerns through sustainable and equitable cleanup and redevelopment approaches;
- increased partnerships among local, regional, state, tribal and/or federal agencies who supply information towards or help to develop the brownfields area-wide plan;
- research and analyses of existing conditions within project area (e.g., environmental, social, health, economic, infrastructure, etc.), which will lead to recommendations for brownfield site assessment and cleanup;
- decisions about the cleanup and reuse use of the catalyst, high priority brownfield site(s) that are based on broad and inclusive community involvement; and
- development of a brownfields area-wide plan, which includes implementation strategies for specific actions 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 amount of EPA grant funding available per proposal is \$200,000.

An applicant may submit more than one proposal so long as each one is for a different project area and is submitted separately. However, if selected for funding, an applicant will not receive funding for more than one proposal/project area. The maximum amount of funding an applicant may receive through the FY15 BF AWP grant program is \$200,000.

II.B. How many grants will the EPA award through this competition?

The EPA anticipates awarding 20 grants through this competition.

The 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.

The EPA reserves the right to reject all proposals and make no awards under this announcement, or make fewer awards than anticipated.

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

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;
- collaborating during performance of the scope of work;
- coordination with any EPA contractor-provided technical assistance (if provided by the EPA);
- review and approval of significant changes to the workplan 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 grant 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 grant);
- 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 Parts 30 and 31 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);
- 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 grant per the terms and conditions.

As appropriate, the EPA may help to facilitate coordination between grant recipients and other federal agencies² 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. 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.

At the Agency's discretion, the EPA may provide additional support outside of this grant to conduct brownfield assessments (such as targeted brownfields assessments³) on eligible brownfield sites within the project area, or provide other relevant assistance to the project. If additional assistance is provided via EPA contract, the contractor team will be directed by and accountable to the EPA, but will provide technical assistance through consultation with the 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 assistance.

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

The estimated start date for BF AWP projects awarded under this solicitation is May 2015. All project activities must be completed within the maximum negotiated project performance period of 24 months.

² Such as HUD, DOT, Department of Agriculture (USDA), Economic Development Administration (EDA), etc.

³ Visit EPA's website for more information on the Targeted Brownfields Assessment (TBA) program: http://epa.gov/brownfields/grant_info/tba.htm.

II.E. Will proposals be partially funded?

In appropriate circumstances, the EPA reserves the right to partially fund proposals by funding discrete activities, portions, or phases of proposed projects. If the 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.

SECTION III –ELIGIBILITY INFORMATION

III.A. Who Can Apply?

The following list indicates which entities are eligible to apply for a BF AWP grant. Entities eligible to receive grant funding through this RFP include:⁴

- General purpose unit of local government.⁵
- 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. 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.
- Federally recognized Indian Tribal government. 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.) The exclusion of Alaskan tribes from brownfields grant eligibility is statutory at CERCLA §104(k)(1).
- 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.)
- U.S. Territories and possessions.
- Nonprofit organizations. For purposes of this 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,

⁴ Reference CFDA 66.814 or CERCLA § 104(k)(1)(A)-(H)

⁵ For purposes of the BF AWP Program, the EPA defines general purpose unit of local government as a “local government” as defined under 40 CFR Part 31.

improve, or expand the operation of the organization. Public and nonprofit private educational institutions are eligible to apply. However, nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995 are not eligible to apply.

Individuals, for-profit organizations, and the FY10 and FY13 EPA BF AWP Program recipients are not eligible to apply.

III.B. Cost-Sharing or Matching is Not Required as a Condition of Eligibility

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 solicitation the EPA will evaluate proposals based on leveraging. 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 under the appropriate ranking criterion and documentation provided (see Section V.B., ranking criteria 2 and 3. Note that leveraging which contributes to BF AWP project outputs and grant activities will be evaluated separately from leveraging that helps achieve outcomes in the project area). Leveraged funds and resources may take various forms as noted below.

Voluntary cost share: this 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 grant. 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 an applicant proposes to provide

this form of leveraging, EPA expects the applicant to make the effort to secure the leveraged resources described in the 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 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, and comply with the other requirements listed below, will be evaluated against the ranking criteria in Section V.B.** See information below on how to submit responses to threshold criteria, and page limits for threshold criteria documentation.

For purposes of the threshold eligibility review, the EPA may seek clarification of applicant information if necessary. 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.

In addition to the specific threshold criteria, 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 limit will be removed and **will not be reviewed**.

Proposals must be postmarked (by the U.S. Postal Service or commercial delivery service), or received via <http://www.grants.gov>, on or before the proposal submission deadline as specified in Section IV.B. of this RFP. Applicants are responsible for ensuring that their proposal is postmarked or received by the submission deadline. Proposals postmarked or received through [grants.gov](http://www.grants.gov) after the submission deadline will be considered late and will not receive further consideration unless the applicant can clearly demonstrate that it was late due to EPA mishandling or because of technical problems associated with <http://www.grants.gov>. Applicants should confirm receipt of their proposal with Aimee Storm at storm.aimee@epa.gov as soon as possible after the submission deadline. Failure to do so may result in your proposal not being reviewed.

Five Threshold Criteria

1. Applicant eligibility: Describe how you are an eligible applicant as specified in Section III.A., Who Can Apply?
 - 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 as their fiscal and administrative capacity. No other role for a state applicant will be considered. Attach a memorandum of understanding or other

document which demonstrates the relationship between the state applicant and local community, and explains how the local community will lead the BF AWP process.

2. Location of BF AWP project area: Define the geographic boundaries of your BF AWP project area.
 - a. Provide street names and/or natural or constructed boundaries (such as a river or railroad), and approximate acreage, of your project area.
 - b. Provide a small but legible black and white printed map, no bigger than a standard letter-size page, with scale and street-level detail, which clearly delineates your project area boundaries within the context of the city or larger community.

BF AWP activities must focus on a specific project area, such as a neighborhood, a district (e.g., downtown, arts or shopping area), a local commercial corridor, a community waterfront, etc. or specific city block(s) that are affected by one or more brownfield sites. Applicants must identify a specific project area or the proposal will be rejected. City-wide brownfields planning efforts (and likewise state-wide, county-wide or regional planning efforts) will not be considered for funding. This grant funding is not for comprehensive, city-wide, or regional planning; nor for writing such plans.

3. Identify one catalyst, high priority brownfield site within the BF AWP project area around which your project will focus: Provide the following information for items a-c (and d-e, if applicable) for one catalyst, high priority brownfield site in your BF AWP project area. A catalyst, high priority brownfield site is a site which, once remediated and reused, has the potential to spur additional revitalization within the BF AWP project area.

This site must be a key site around which your BF AWP project will focus, and it must meet the definition of a “brownfield site” per CERCLA § 101(39).⁶ The catalyst, high priority brownfield site identified for this threshold criterion must also be one of the catalyst, high priority brownfield site(s) identified and described under ranking criterion 2.i (see Section V.B.).

- a. **Basic site information.** Identify the
 - i. name of the brownfields site;
 - ii. address of the site, including zip code; and
 - iii. approximate acreage of the site.
- b. **Site eligibility for funding.** The types of sites listed below are not eligible for funding because they are excluded from the CERCLA § 101(39) definition of a “brownfield site.” Therefore, you must 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

⁶ 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 the site is contaminated or potentially contaminated with petroleum or hazardous substances. If commingled, state the predominant contaminant. If site is contaminated or potentially contaminated with petroleum, you must also include the information required under Section III.C.3.e. “Petroleum site eligibility, if applicable” below.
- d. **Petroleum site eligibility, if applicable.** If the site is contaminated or potentially contaminated by petroleum, the EPA will need to perform an additional analysis to ensure the site is eligible. 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 applies only to sites contaminated or potentially contaminated by petroleum.

Generally, the state or EPA, as appropriate, will determine petroleum site eligibility. You must send a request to your state asking them to make the petroleum site determination. Address i, or ii and iii below, as applicable:

- i. If the state makes the determination regarding petroleum site eligibility as a brownfield that meets the CERCLA § 101(39) definition, you must attach to your threshold criteria responses the letter from the state that demonstrates compliance with this criterion. Be sure the letter from the state includes information regarding whether it applied EPA’s guidelines in making the petroleum site determination, or if not, what standard it applied.

If you do not have a letter from the state, address ii and iii below:

- ii. If the state does not make the determination before the proposal due date or is unable to make the determination, please attach a copy of the request you sent to the state, including the date of the request. EPA will make the petroleum site eligibility determination if a state is unable to do so following a timely request from the applicant. The EPA will make the determination for tribes.
- iii. You must demonstrate in your threshold criteria response that the 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, you must ensure the following information is included in your threshold criteria response:**

- 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. 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
 - b. 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
 - c. 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.

- e. **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 prior brownfield grant eligibility, and there are no changes at the brownfield site regarding the site-specific criteria (as outlined in a-d above), then you must provide the date of the EPA’s prior determination in addition to all information as required above, and 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 the site identified under this threshold criterion does not meet the definition of a “brownfield site” per CERCLA § 101(39), you may not substitute a different site, and the proposal will not pass threshold review and will not be further considered. Please contact your Regional Brownfields Coordinator (see Section VII.C.) very early in the grant proposal preparation process if you have questions about whether your catalyst, high priority site meets the definition of a “brownfield site” per CERCLA § 101(39).

4. Ineligible activities: As noted in Sections I.B. and I.C., 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 your proposed budget, the EPA will determine that the entire proposal is ineligible for funding.
5. Letter of commitment to the project: You must attach to the grant proposal at least one letter of commitment to the project per the following:

- a. If your organization is a government or quasi-governmental entity, the letter of commitment must be from a relevant nonprofit organization.
- b. If your organization is a nonprofit entity, the letter of commitment must be from a relevant government entity.
- c. The letter of commitment should clearly describe how the organization/entity has been and/or will be substantially involved in your BF AWP project. The letter must include 1) a description of the role in your BF AWP project, 2) affirmation of any commitments to the project or resources to be leveraged, and 3) name(s) and phone number(s) of contact person(s).
- d. The letter of commitment must be written on the organization's/entity's official letterhead, include their signature, and clearly demonstrate the level of involvement in the BF AWP project.
- e. You must identify in your threshold criteria response which letter of commitment is submitted for the purposes of meeting this criterion, and identify the type of organization (e.g., a relevant nonprofit organization or relevant government entity) who provided the letter.
- f. The EPA may verify information submitted in this commitment letter and consider this information during the evaluation process.

Submitting Responses to Threshold Criteria

Applicants must address all five threshold criteria in their proposal package submittal. Submit threshold criteria responses per the following:

- Attach threshold criteria responses separately from the narrative proposal.
 - Applicants may use the Threshold Criteria Worksheet Example in Appendix 1 when organizing and submitting the threshold criteria responses. 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.
 - If the Threshold Criteria Worksheet Example is not used, applicants should still submit their threshold criteria responses in another document separate from the narrative proposal.
 - Ensure the threshold criteria worksheet/document includes responses to all five threshold criteria. If a threshold criterion is not applicable, applicants should state the threshold criterion number and "NA".
 - Threshold response documentation should also include the following:
 - a letter of commitment per threshold criterion 5;
 - if applicable, a letter from the state regarding petroleum site eligibility per threshold criterion 3;
 - for applicants other than cities, counties, states or tribes: documentation that demonstrates eligibility status; and
 - for state applicants: a memorandum of understanding or other document which clearly demonstrates the state is applying on behalf of a local community to serve in

- a fiscal and administrative capacity for that community, but the local community will lead the BF AWP process.
- See Section IV.C.3. for more information.
- Include information in threshold criteria responses only as needed to demonstrate compliance with each threshold criterion; any additional information will not be considered when evaluating proposals.

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: 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 September 22, 2014. Applicants may submit their proposals through the U.S. Postal Service, commercial delivery service, or electronically through <http://www.grants.gov>. Only one method should be used for the submission of the original, complete proposal (see Section IV.C. for content and form of proposal). Applicants may submit more than one proposal so long as each one is for a different project area and is submitted separately.

If you have not received a confirmation of receipt from EPA within 30 days of the proposal deadline, please contact Aimee Storm at storm.aimee@epa.gov. Failure to do so may result in your proposal not being reviewed.

1. Hard Copy (Paper) Submissions

Proposals sent through the U.S. Postal Service (USPS) or commercial delivery service must be postmarked by September 22, 2014 or they will not be considered. **Two printed copies of the completed proposal are required for hard copy submission.**

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

Environmental Management Support, Inc.

Attn: Mr. Abe Parker

8601 Georgia Avenue, Suite 500

Silver Spring, MD 20910

Phone 301-589-5318

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

Mail the **second hard copy of the complete proposal** to the appropriate EPA Regional

Brownfields Coordinator listed in Section VII.C.

2. Electronic Submissions

Proposals sent electronically through Grants.gov must be received by grants.gov by 11:59 p.m. Eastern Time on September 22, 2014. Proposals received after 11:59 p.m. Eastern Time on September 22, 2014, will not be considered for funding. Proposals submitted through Grants.gov will be time and date stamped electronically. Refer to Appendix 4 for specific instructions on the use of Grants.gov. In the event that an applicant experiences difficulties transmitting their proposal(s) through Grants.gov, please refer to the procedures in Appendix 4.

Note: There is a registration process to complete for electronic submission via Grants.gov. The registration process may take a week or more to complete. Occasionally, technical and other issues arise when using Grants.gov. EPA encourages applicants to submit their proposals early.

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 (limit: 2 pages) – see IV.C.1. below
- Narrative Proposal (limit: 15 pages) – see IV.C.2. below
- Required Attachments, including: (see IV.C.3. below)
 - Threshold criteria responses– see III.C. (and Appendix 1 if using Threshold Criteria Worksheet Example).
 - Threshold criteria documentation should also include:
 - Letter of commitment to the project as required per threshold criterion 5
 - If applicable, letter from the state regarding petroleum site eligibility per threshold criterion 3
 - For applicants other than cities, counties, states or tribes: documentation that demonstrates eligibility status; and
 - For state applicants: a memorandum of understanding or other document demonstrating the state is applying on behalf of a local community to serve in a fiscal and administrative capacity for that community, but the local community will lead the BF AWP process
 - Project milestones schedule (limit: 1 page)
 - Additional letter(s) of commitment to the project from all project partners identified in ranking criterion 4, Community Engagement and Partnerships - see Section V.B. Please note, letters of commitment 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.
 - Leveraging documentation (if not provided in letters of commitment) which affirms any funds/resources committed to the project

- A completed Other Factors Checklist (see Appendix 2) with supporting documentation attached as applicable - see Section V.C.
- Standard Form (SF) 424 and 424-A forms - Application for Federal Assistance and Budget Information for Non-Construction Programs – see Section IV.C.3. Note: for <http://www.grants.gov> submissions, applicants will be prompted automatically to submit SF-424 and 424-A forms.

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. With the exception of a small but legible black and white map (described in threshold criterion 2), 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. Attachments are limited to those identified as required above. Applicants are responsible for submitting a complete proposal, as described above, by the due date.

While these guidelines establish minimum requirements, applicants are advised that readability and a well-organized proposal are of paramount importance.

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 IV.C.3. for more information if you do not have a DUNS number.]
3. EPA grant funding amount requested: Specify the amount of EPA funds requested for eligible BF AWP activities, up to \$200,000.
4. BF AWP Project Area Location and Description:
 - a. Provide city, county, and state or reservation, tribally owned lands, tribal fee lands, etc., where the BF AWP project area is located. If the project area has a specific name, state it here.
 - b. Provide the general population of the BF AWP project area, and the general population of the city, county or reservation that the BF AWP project area is located in. Tribes must provide the number of tribal/non-tribal members affected. Use appropriate census data found at <http://www.census.gov>.

- c. Provide a brief description of the project area, highlighting a few key identifying features, area characteristics and typical land uses.
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 entity or nonprofit organization, 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 Grants.gov.
 7. **Project Period:** Include anticipated project start and stop dates. The maximum project period is 24 months.
 8. **Project summary:** Summarize the proposed BF AWP project, including a synopsis of proposed project goals, activities and key 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 discussed in Section V.B.

The narrative proposal must not exceed 15 single-spaced pages. 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. Required Attachments

Submit the following attachments as part of the proposal package. No other attachments will be considered.

1. **Threshold criteria responses:** Responses to all five threshold criteria should be submitted separately from the narrative proposal. Additional threshold criteria documentation is allowed as described below. Applicants may use the Threshold Criteria Worksheet Example (see Appendix 1) to organize and submit responses to the five threshold criteria as described in III.C. If the

Threshold Criteria Worksheet Example is not used, applicants should submit responses to five threshold criteria in a separate document. Applicants must include information only as needed to demonstrate compliance with each threshold criterion; any additional information in the threshold criteria responses will not be considered when evaluating proposals. If a threshold criterion is not applicable, applicants should address it as “NA”

Threshold response documentation should also include the following:

- a letter of commitment per threshold criterion 5;
 - if applicable, a letter from the state regarding petroleum site eligibility per threshold criterion 3;
 - for applicants other than cities, counties, states or tribes: documentation that demonstrates eligibility status; and
 - for state applicants: a memorandum of understanding or other document which clearly demonstrates the state is applying on behalf of a local community to serve in a fiscal and administrative capacity for that community, but the local community will lead the BF AWP process.
2. **Milestones Schedule:** Submit one page that includes anticipated start times and completion dates of significant tasks under your project (e.g., provide timeframes for major activities, such as advisory committee meetings, community involvement activities, existing conditions analysis, brownfields economic market study, infrastructure analysis, public health analysis, development of brownfields cleanup and reuse scenarios, implementation strategy action plan development, final report preparation, etc.).
 3. **Additional Letter(s) of Commitment (for evaluation under ranking criteria 4 in Section V.B.):** Applicants must attach additional letters of commitment to your project from project partners discussed in your narrative proposal under ranking criterion 4, Community Engagement and Partnerships (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. Each letter of commitment must reflect the supporting organization’s official letterhead and signature. Letters of commitment which are received separately (not attached to the proposal) will not be reviewed or considered; the EPA will not consider letters transmitted to the Agency by other means.
 4. **Leveraging documentation:** If not provided in letters of commitment, applicants must attach documentation that affirms any additional funds/resources committed 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.
 5. **Other Factors Checklist:** Applicants should complete checklist (see Appendix 2) and attach supporting documentation as applicable. (See Section V.C.)
 6. **Standard Form (SF) 424 and 424-A forms** - Application for Federal Assistance with original signature and Budget Information for Non-Construction Programs (no page limit). SF-424

forms may be downloaded 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 on the SF-424 forms. 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>.

IV.D. 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, EPA will respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the proposal, and requests for clarification about any of the language or provisions in the announcement. Please note that applicants should raise any questions they may have about the solicitation language to the contact identified in Section VII as soon as possible so that any questions about the solicitation language may be resolved prior to submitting a proposal. In addition, if necessary, EPA may clarify threshold eligibility issues with applicants prior to making an eligibility determination

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. A total of 100 points is possible, depending on the quality and clarity of the criteria responses.

Ranking Criteria:

1. Community Need (15 points)
2. BF AWP Project Description (32 points)
3. Achieving Project Outcomes that Benefit the Community (25 points)
4. Community Engagement and Partnerships (20 points)
5. Programmatic Capability and Past Performance (8 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 extent to which the proposal demonstrates how the project area has been affected by economic, social, public health and environment justice concerns, and how these concerns relate to brownfield challenges. Proposals that clearly demonstrate the economic, social, public health, environmental justice challenges of the project area, the effects on sensitive populations, and difficult conditions in the project area that are clearly tied to brownfield challenges will be evaluated more favorably. Responses should clearly identify the sources of information used.

- i. (5 points) Discuss the economic concerns within your project area. Provide census-based (<http://www.census.gov>) demographic data as requested in the table below. Also provide other data or additional information that provides a compelling explanation for why you selected the project area. Include information (including dates) of events happening within the project area that resulted in significant local job loss or other economic disruption. Describe how these and other factors limit your ability to draw on other sources of funding for conducting the BF AWP project.

Sample Format for Demographic Information

	BF AWP Project Area	County/City	State	National
Population				308,745,538 ¹
Unemployment				6.7% ²
Poverty Rate				11.8 % ³
Percent Minority				26.7% ¹
Median Household Income				\$51,371 ³
<i>Include other relevant census data as needed in additional rows</i>				

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 U.S. Census 2012 American Community Survey and is available on American FactFinder at <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml>

For additional suggestions for demographic information resources, see the FAQs at http://www.epa.gov/brownfields/areawide_grants.htm.

- ii. (5 points) Discuss the social, public health and environmental justice concerns within your project area. Provide relevant public health and other social indicators not already described above that provide a compelling explanation for why you selected the project area, and include information on sensitive populations (such as children, pregnant woman and the elderly). Describe how the community within the project area has been disproportionately affected by environmental justice concerns.
- iii. (5 points) Discuss the brownfields challenges in your project area, as they relate to the economic, social, public health and environmental justice concerns you discussed in i. and ii above.

Ranking criterion 2. BF AWP Project Description (a maximum of 32 points may be awarded for this criterion)

Under this criterion, proposals will be evaluated based on the extent to which the proposal provides specific information on how the applicant will conduct a research, technical assistance and/or training project that will result in a brownfields area-wide plan. Proposals will be evaluated on the extent to which the applicant identifies a reasonable project area size; specific and appropriate catalyst, high priority brownfields sites; provides useful information on the environmental activities at those sites; supplies enough details to support a reasonable approach to the project; includes a clearly stated and appropriate budget for achieving the project's objectives using EPA grant funds (including the cost effectiveness of the budget and whether any ineligible costs are proposed); identifies measurable outputs and ability to leverage resources to directly support project activities. Proposals that identify a reasonable number of catalyst, high priority brownfield sites, a more focused BF AWP project approach (given project area size and amount of funding available), appropriate budget, outputs and committed leveraging will be evaluated more favorably.

- i. (3 points) List and briefly describe the brownfield site(s) within the project area that you have selected as catalyst, high priority site(s). (One of these sites must be the same site as you identified for threshold criterion 3). Affirm that each of your catalyst, high priority brownfield sites meets the EPA definition of a "brownfield site" per CERCLA § 101(39). (see Appendix 3 for more information).
- ii. (5 points) Describe why the project area you selected is appropriate and of a reasonable size. Explain how and why the site(s) you selected to be the catalyst, high priority brownfield sites in your BF AWP project area. (For example, did you select these sites via a community involvement process? Or, did you select these sites due to environmental concerns, proximity, reuse potential, community need as described above, and/or infrastructure considerations, etc?) Share your reasoning for why you expect these sites have the strongest potential to spur revitalization within the project area.
- iii. (5 points) Describe the environmental activities that already have, or need to, take place at each catalyst, high priority brownfield site(s). Identify 1) where EPA or other brownfields assessment or cleanup funds have been used already, and/or 2) if any sites will need assessment or cleanup in the future, when you anticipate assistance will be needed (e.g.,

during or after the BF AWP project), and your plan for obtaining these resources.

- iv. (3 points) Budget table: Provide the grant project budget. 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 an ineligible uses of funds as per Sections I.B. and I.C., as doing so can render the proposal ineligible for funding.

Please remember that this funding opportunity is not for master, comprehensive or regional planning activities, nor for writing such plans.

Sample budget table

<i>Example task descriptions</i> Cooperative Agreement Budget	Task 1 <i>Cooperative Agreement Management</i>	Task 2 <i>Community Involvement</i>	Task 3 <i>Existing Conditions research</i>	Task 4 <i>Catalyst/High Priority Brownfields site reuses</i>	Task 5 <i>Next Steps & Resources Needed Implementation Strategy</i>	Task 6 <i>Develop Final BF AWP Document</i>	Total
Personnel							
Fringe benefits							
Travel							
Contractual							
Supplies							
Other (be specific; include amounts for subgrants)							
Total EPA Funds							

- v. (10 points) Tasks narrative: describe each task of your BF AWP project, including how you will accomplish each task and how each task will help to inform eventual brownfields catalyst/high priority site(s) assessment, cleanup and subsequent reuse. Tasks narrative should clearly demonstrate how project activities will lead to timely and successful development of a brownfields area-wide plan for your project area. Include in your narrative an estimated cost basis for activities under each task (e.g., a brownfields economic market analysis @ \$20,000; room rental for six community meetings @ \$250/meeting = \$1,500; etc.).
- vi. (3 points) Performance measurement for project outputs: Attach a 1-page project milestones list or chart that clearly shows the expected outputs (including environmental outputs)

anticipated as a result of the BF AWP project. Also discuss how you propose to track, measure and document your progress in achieving the project outputs. Outputs, quantitative or qualitative, must be measurable during the project performance period.

- vii. (3 points) Resources leveraged⁷ in direct support of the BF AWP project activities and outputs: Describe the extent to which you have already or will leverage other committed funds/resources/in-kind assistance that will help you achieve the BF AWP project activities and outputs. List the amount, type, source of dollars or other resources to be leveraged, and the specific role the resources will play to directly support the BF AWP project activities and outputs. Documentation of leveraged commitments must be attached to the proposal. If leveraging has not been committed, 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.

In instances where an applicant has received grant funding or technical assistance from the HUD-DOT-EPA PSC, such as for a HUD Regional Planning or Challenge grant, DOT Transportation Investment Generating Economic Recovery (TIGER), or EPA Smart Growth Implementation or Building Blocks Assistance, etc., applicant should explain if and how their BF AWP project leverages the previous PSC investment.

Note: leveraging included here is specifically for BF AWP project activities and outputs. Leveraging for project outcomes will be evaluated separately under ranking criterion 3.v. If you list the same source of leveraged resources under both ranking criteria 2 and 3, you must clearly explain the amount to be used for BF AWP project activities and outputs versus project outcomes. An unclear explanation will result in EPA giving consideration for the leveraging resource under one criterion only.

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. See also discussion of leveraging and voluntary cost share in Section III.B.

Ranking criterion 3. Achieving Project Outcomes that Benefit the Community (a maximum of 25 points may be awarded for this criterion)

Under this criterion, proposals will be evaluated on the extent to which the project will result in project area outcomes that benefit the community, including improvements to human health and the environment, local economy, social conditions, and welfare of residents. Proposals that include specific details and examples in support of how the project will lead to sustainable and equitable development outcomes and advance the HUD-DOT-EPA Livability Principles⁸ will be evaluated

⁷ 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

⁸ HUD-DOT-EPA Partnership for Sustainable Communities Livability Principles and sustainability and equitable outcomes are described in Section I.A.

more favorably. Proposals that clearly articulate how progress towards the outcomes will be measured, and demonstrate committed leveraging that will help achieve the project outcomes and create benefit for the community within the project area, will be evaluated more favorably.

- i. (5 points) Describe the extent to which assessment, cleanup and reuse of the catalyst, high priority sites will help address the concerns and challenges you described in ranking criterion 1. Community Need. Explain how your BF AWP project will help identify and reduce threats to human health, the environment, and improve the welfare of sensitive populations (such as children, pregnant woman, and the elderly) and others, including minority, low-income, and tribal community residents living in environmental justice areas or other areas that face a disproportionate level of environmental degradation, disease, or conditions suspected from contaminant exposures.
- ii. (10 points) Describe the extent to which your BF AWP project will lead to direct outcomes that revitalize the project area and benefit the community. Include direct outcomes related to:
 - a. stimulating economic development;
 - b. facilitating use or reuse of existing infrastructure;
 - c. creating or preserving green space, recreational property, or other non-profit uses; and
 - d. other sustainable and equitable development outcomes.
- iii. (5 points) Provide specific details and examples for how the project outcomes discussed in 3.i. and ii. above will advance the HUD-DOT-EPA Partnership for Sustainable Communities Livability Principles (found on page pg 4-5; additional information in the FAQs).
- iv. (2 points) Performance measurement for project outcomes: Discuss how you propose to track, measure and document your progress in achieving the outcomes listed in ranking criterion 3.i. and ii. above.
- v. (3 points) Resources leveraged in support of achieving these project outcomes and creating benefit for the community within the project area: Describe the extent to which you are able to leverage other committed funds/resources that directly relate to helping achieve the project outcomes described above. List the amount, type, source of dollars or other resources to be leveraged within the project area, and the specific role the resources will play to achieve the project outcomes. Documentation of leveraged commitments must be attached to the proposal. 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, and the strength of the leveraging commitment.

In instances where an applicant has received grant funding or technical assistance from the HUD-DOT-EPA PSC, such as for a HUD Regional Planning or Challenge grant, DOT Transportation Investment Generating Economic Recovery (TIGER), or EPA Smart Growth

Implementation or Building Blocks Assistance, etc., applicant should explain if and how their BF AWP project leverages the previous PSC investment.

Note: leveraging included here is specifically for BF AWP project outcomes. Leveraging for project activities and outputs will be evaluated separately under ranking criterion 2.ii.d. If you list the same source of leveraged resources under both ranking criteria 2 and 3, you must clearly explain the amount to be used for BF AWP project outcomes versus project activities and outputs. An unclear explanation will result in EPA giving consideration for the leveraging resource under one criterion only.

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. See also discussion of leveraging and voluntary cost share in Section III.B.

Ranking criterion 4. 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 support from project partners. Applicants will 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. Community engagement and partnership efforts should include various organizations representing a broad spectrum of the community; examples include grassroots, neighborhood, school, faith-based, city council, business, local government, and other organizations.

Proposals that can demonstrate recent involvement of project partners and community members working together on project area revitalization (with consideration of brownfield sites) will be evaluated more favorably. Proposals that clearly demonstrate consistency and integration with existing community planning efforts will be evaluated more favorably. Proposals with letters of commitment that demonstrate strong, long-term involvement throughout the project from a variety of project partners will be evaluated more favorably. Proposals that demonstrate a clear and effective structure for developing priorities related to brownfields cleanup and reuse, as well as follow-through implementation activities by project partners and organizations, and a strong leadership role in this process by the applicant, will be evaluated more favorably.

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

- c. Explain how your BF AWP project will be consistent and integrated with other local community planning and revitalization efforts. Also describe the extent to which your BF AWP project will build from regional planning efforts (such as those funded through HUD Regional Planning grants or other regional planning efforts) that integrate housing, transportation, economic development, community health and environmental improvement.
- ii. (5 points) Provide a list of project partners, including local community-based organizations,⁹ government entities, and other stakeholders that are involved already or will be involved in your BF AWP project. Include letters of commitment to the project.
- Include the name, contact information, and specific role of each partner in your BF AWP project.
 - Indicate which partners have been involved already in the project area revitalization effort and which partners will be involved in your BF AWP project going forward.
 - Attach letters of commitment from all partners listed. Each letter should clearly describe how the partner has been and/or will be substantially involved in your BF AWP project. The letter(s) must include 1) a description of the role in your 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 partners to verify the information provided and consider this information during the evaluation process. Letters of commitment must reflect the supporting organization's official letterhead and signature. *Remember that any letters of commitment received separately from (not attached to) the proposal will not be reviewed or considered.*
- Except where a letter contains specific leveraging commitments to your BF AWP project activities, outputs or outcomes, the information contained in each letter of commitment will only influence the evaluation of your proposal under this ranking criterion. Any leveraging commitments will only influence the evaluation of your proposal under ranking criterion 2 or 3, as appropriate.
- iii. (5 points) Clearly explain how the BF AWP project partners will work together to develop the brownfields area-wide plan and to prioritize implementation actions (such as brownfield site cleanup and reuse, related infrastructure improvements, and other revitalization priorities). Describe how the project partners will work together to:
- create the brownfields area-wide plan;

⁹ Community-based organizations may include, but are not limited to, local citizen or business groups, borrowers, environmental, civic, faith-based, grassroots, or local labor organizations, and educational institutions. [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.

- 2) jointly commit to achieving priorities identified in the plan (including how the plan will be advanced by local government as well as regionally supported);
- 3) determine a timeline of implementation tasks and actions and assign responsibilities;
- 4) track progress on implementation tasks and actions; and
- 5) modify implementation tasks and actions as needed to achieve the goals of the plan.

Discuss whether there is already a governing structure amongst your project partners for managing the BF AWP decision-making process as described above, and how this process works. If a governing/management structure is proposed, describe how it will work. Indicate the degree to which your organization already leads, or will lead, this BF AWP process.

- iv. (5 points) Describe how input from community members and relevant outside organizations (beyond the project partners and organizations listed above) will be incorporated into your project, to ensure meaningful involvement and community ownership of the process throughout your BF AWP project. Provide specific details on your plan for obtaining and incorporating public input on the project; state why your selected outreach methods are most appropriate for your community and how you will communicate progress to citizens.

Ranking criterion 5. Programmatic Capability and Past Performance (a maximum of 8 points may be awarded for this criterion)

Under this criterion, applicants will be evaluated on their demonstrated technical capability to successfully carry out the BF AWP project, taking into account organizational capabilities and past performance.

- i. (4 points) Summarize your staff and organization's knowledge, experience, qualifications, and resources (or ability to obtain them) which will enable timely and successfully achievement of your BF AWP project goals.
- ii. (4 points) 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 five agreements, and preferably EPA agreements). Describe:
 - a. whether and how you were able to successfully manage and complete those agreements, and

- b. your history of meeting the reporting requirements (including ACRES reporting)¹⁰ under those agreements, including whether you adequately and timely reported on your progress towards achieving the expected outputs and 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 (2 points). If you do not provide any response for these items, you may receive a score of 0 for this ranking criterion.

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. In their proposals, applicants should provide a summary on whether and how any of these “other factors” apply to their BF AWP project. Applicants must also 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.

- Whether the applicant’s BF AWP project area is urban or non-urban;
- Whether the applicant’s 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;
- Whether the BF AWP project area is in a “micro” community (a community with population of 10,000 or less);
- Whether the applicant is or is applying on behalf of a federally recognized Indian Tribe or an entity from a United States Territory;
- Whether the applicant will serve an area designated as a federal, state or local Empowerment Zone or Renewal Community;
- Whether the applicant’s catalyst, high priority brownfield site(s) is (are) tied to a recent (2008 or later) natural disaster(s) within the BF AWP project area;
- Whether the applicant’s catalyst, high priority brownfield site(s) is (are) tied to a recent (2008 or later) manufacturing industry plant closure within the BF AWP project area;
- Whether the applicant’s catalyst, high priority brownfield site(s) is (are) tied to a recently (2008 or later) closed or closing power plant within the BF AWP project area;
- Whether the applicant’s catalyst, high priority brownfield site(s) is (are) tied to recent (2008 or later) significant economic disruption within the BF AWP project area, unrelated to a

¹⁰ 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>.

- natural disaster, manufacturing industry plant closure or closed/closing power plant;
- Whether the applicant is a recipient or a core partner of HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant funding or technical assistance that is directly tied to the BF AWP project area, and can demonstrate that funding from a PSC grant or technical assistance has or will benefit the proposed BF AWP project area;
- Whether the applicant is a HUD Promise Zone community; and/or
- Whether the applicant is one of the twelve recipients or a core partner/implementation strategy party of a “manufacturing community” designation provided by the Economic Development Administration (EDA) under the Investing in Manufacturing Communities Partnership. A core partner/implementation strategy party is a local partner organization/jurisdiction that will carry out the proposed strategy, as demonstrated in letters of commitment or memoranda of understanding which documents their contributions, roles, and responsibilities to the partnership. EDA may provide to EPA a list of the core partners/implementation strategy parties for each of the 12 “manufacturing community” designees, which EPA would use to verify this other factor.

EPA may also consider the fair distribution of funds between urban and non-urban areas, and the 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).

V. D. Proposal Checklist

Before you submit your proposal to the EPA for the BF AWP 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.).
<input type="checkbox"/> Responses to five threshold criteria. (see Section III.C.)
<p>Threshold response documentation should also include the following:</p> <ul style="list-style-type: none"> ▫ Letter of commitment to the project as required per threshold criterion 5 ▫ If applicable, letter from the state regarding petroleum site eligibility per threshold criterion 3 ▫ For applicants other than cities, counties, states or tribes: documentation that demonstrates eligibility status ▫ For state applicants: a memorandum of understanding or other document demonstrating the state is applying on behalf of a local community to serve in a fiscal and administrative capacity for that community, but the local community will lead the BF AWP process
<input type="checkbox"/> Project Milestones Schedule (1-page limit)
<input type="checkbox"/> Additional Letter(s) of Commitment to the project for evaluation under ranking criteria
<input type="checkbox"/> Leveraging documentation (if not provided in letters of commitment)

Other Factors Checklist (completed by applicant with supporting documentation provided as applicable; see Appendix 2 and Section V.C.)

Standard Form (SF) 424 and 424-A forms - Application for Federal Assistance with original signature and Budget Information for Non-Construction Programs (no page limit) (see Section IV.C.3.) Note: for <http://www.grants.gov> submissions, applicants will be prompted automatically to submit SF-424 and 424-A forms.

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, email or postal mail within 15 calendar days of Agency’s final decision. The notification will be sent to the original signer of the proposal, your organization’s chief executive, 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 successful applicant must prepare a project workplan and submit application forms, which must be approved by the EPA, before the cooperative agreement can be awarded officially. The award notice, signed by an EPA grants officer, is the authorizing document and will be provided through email or postal mail. The time between notification of selection and award of a grant can take up to 90 days or longer.

VI.B. Administrative and National Policy Requirements

1. Funding will be awarded as a cooperative agreement. Successful applicants will be asked to submit a cooperative agreement application package to the EPA. This package will include the application, a proposed workplan, a proposed budget, and other required forms. An EPA project officer will work each successful applicant to finalize the budget and workplan.
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 that receive awards under this solicitation are required to:
 - Submit progress reports in accordance with grant regulations found in 40 CFR 30.51 or 40 CFR 31.40.
 - Manage cooperative agreement funds efficiently and effectively and make sufficient progress towards completing the project activities described in the workplan 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.

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 29.¹¹ This review is not required with the initial proposal. Contact your EPA Regional Brownfields Coordinator listed in Section VII.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.

VI.C. Brownfields Programmatic Requirements

Grant recipients must comply with the EPA Brownfields and Land Revitalization Program's requirements as outlined in the grant terms and conditions. These may include, but are not limited to, the following:

1. Complying with Quality Assurance (QA) requirements: when existing environmental data will be used for any activity as part of this cooperative agreement, recipients may be required to submit to the EPA Regional Office for approval a QA Project Plan (QAPP) prior using existing environmental data.
2. Seeking 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). Grant recipients must consult their EPA project officer to begin the approval process.
3. Considering and addressing concerns about changing climate conditions throughout the BF AWP project area, and strategies to mitigate/adapt to changing climate conditions on catalyst, high priority brownfield site(s).
4. Providing project updates, results and leveraging information post grant: 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, non-profit or private organizations. As many of these activities occur beyond the grant period, note that the EPA may contact recipients well after the project period to collect this and other project updates/results information.

¹¹ More information can be found at http://www.whitehouse.gov/omb/grants_spoc

VI.D. 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.A. 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.E. 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 VII.

VI.F. Additional Provisions for Applicants Incorporated into the Solicitation

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

SECTION VII- CONTACTS

VII.A. EPA Headquarters Contact Information

Aimee Storm, U.S. EPA, Office of Brownfields and Land Revitalization (MC 5105-T), 1200 Pennsylvania Avenue, NW, Washington, DC 20460; email storm.aimee@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. Abe Parker
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

REGION & STATES		ADDRESS/PHONE NUMBER
EPA Region 1 Frank Gardner Gardner.Frank@epa.gov	CT, ME, MA, NH, RI, VT	5 Post Office Square Suite 100, Mail code: OSRR7-2 Boston, MA 02109-3912 Phone (617) 918-1278 Fax (617) 918-1291
EPA Region 2 Schenine Mitchell Mitchell.Schenine@epa.gov	NJ, NY, PR, VI	290 Broadway 18th Floor New York, NY 10007 Phone (212) 637-3283 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 Barbara Alfano Alfano.barbara@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) 562-8923 Fax (404) 562-8689
EPA Region 5 Chris Choi Choi.Christopher@epa.gov	IL, IN, MI, MN, OH, WI	77 West Jackson Boulevard Mail Code SM-7J Chicago, IL 60604-3507 Phone (312) 353-5006 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	11201 Renner Blvd Lenexa, KS 66219 Phone (913) 551-7786 Fax (913) 551-9786
EPA Region 8 Danny 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

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
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SECTION VIII. OTHER INFORMATION

1. Applicants should review the Frequently Asked Questions (FAQs) which can be found at http://www.epa.gov/brownfields/areawide_grants.htm.
2. Prior to naming a “partner” organization, contractor (including individual consultants) or subawardee in your proposal, please carefully review the “Additional Provisions for Applicants Incorporated into this Solicitation” at http://www.epa.gov/ogd/competition/solicitation_provisions.htm and the FAQs.
3. For additional information on how to apply for, manage, and complete an EPA grant, please visit: http://www.epa.gov/ogd/training/resources_for_communities/epa_grants_101.htm

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 described in Section III.C. Applicants must meet all the threshold criteria and other standards in Sections III.C and IV 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 an applicant chooses to follow this example worksheet, 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.

If this Threshold Criteria Worksheet example is not used, an applicant should still submit the threshold criteria responses as a separate attachment to the narrative proposal.

Applicants should ensure the threshold criteria worksheet/document includes responses to all five threshold criteria. If a threshold criterion is not applicable, applicants should state the threshold criterion number and “NA”.

Additional threshold criteria documentation should be submitted per Sections III.C. and IV. An applicant who chooses to submit a Threshold Criteria Worksheet (or separate document with threshold criteria responses) must include information only as needed to demonstrate compliance with each threshold criterion; any additional information will not be considered when evaluating proposals.

(Example) Threshold Criteria Worksheet

Name of Applicant: _____

1. Applicant eligibility: Describe how you are an eligible applicant as specified in Section III.A., Who Can Apply?

If applicable, attach the following documentation separately:

- 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. Attach a memorandum of understanding or other document which demonstrates the relationship between the state applicant and local community, and explains how the local community will lead the BF AWP process.
- Affirm you are not a recipient of a FY10 or FY13 BF AWP pilot grant.

2. Location of proposed BF AWP project area:

- a. In the space below, provide the geographic boundaries (street names, natural and/or constructed boundaries, such as a river or a railroad) and approximate acreage of your BF AWP project area.
- b. In the space below, provide a legible black and white map (no bigger than a letter-sized page), with scale and street-level detail, which clearly delineates your project area boundaries within the context of the city or community.

3. Identify one catalyst, high priority brownfield site within the BF AWP project area around which your project will focus:

In the space below, provide the following information for items a-c (and d-e, if applicable) for one catalyst, high priority brownfield site.

Remember: A catalyst, high priority brownfield site is a site which, once remediated and reused, has the potential to spur additional revitalization within the BF AWP project area. This site must be a site around which your BF AWP project will focus, and it must meet the definition of a “brownfield site” per CERCLA § 101(39).¹² The catalyst, high priority brownfield site identified for this threshold criterion must also be listed and described under ranking criterion 2.i.

- a. **Basic brownfields site information:** Provide the name of the brownfields site, address of the site (including zip code), and approximate acreage of the site.
- b. **Affirm 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 the site is contaminated or potentially contaminated by petroleum or hazardous substances.
 - i. If comingled, state the predominant contaminant.
 - ii. If petroleum is the predominant contaminant or potential contaminant, include the following information on Petroleum Site Eligibility in e. below.
- d. **If applicable, provide information as needed to demonstrate petroleum site eligibility.** If you have a letter from the state, respond to item i. below. If you do not have a letter from the state, respond to item ii. and iii. below. Items i., ii. and iii. apply only to sites where the predominant contaminant is or may be petroleum.

¹² More information on “brownfield site” definition is provided in Appendix 3.

- i. Attach a one-page letter from the state which demonstrates brownfields site eligibility for the catalyst, high priority site that 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).

Be sure the letter from the state includes information regarding whether it applied EPA’s guidelines in making the petroleum site determination, or if not, what standard it applied.

If you do not have a letter from the state, address ii. and iii. below

- ii. When the state does not make the determination before the proposal due date or is unable to make the determination, please attach a copy of the request you sent to the state, including the date of the request.
- iii. **To demonstrate compliance with the criteria for the site contaminated by petroleum, ensure the following information is included in the threshold criteria response:**
 - 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. 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
 - b. 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
 - c. 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.

e. **If applicable, provide the 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: Verify whether your proposal contains any activities that are ineligible for funding by referencing Sections I.B. and I.C. You must 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.

If your proposal does not contain any activities that are ineligible for funding, you may state “NA” for this criterion.

5. Letter of commitment to the project: Identify the name and the type of organization who provided the letter of commitment that meets this threshold requirement.

- a. If your organization is a government or quasi-governmental entity, the letter of commitment must be from a relevant nonprofit organization.
- b. If your organization is a nonprofit entity, the letter of commitment must be from a relevant government entity.
- c. The letter of commitment should clearly describe how the organization/entity has been and/or will be substantially involved in your BF AWP project. The letter must include 1) a description of the role in your BF AWP project, 2) affirmation of any commitments to the

project or resources to be leveraged, and 3) name(s) and phone number(s) of contact person(s).

- d. The letter of commitment must be written on the organization's/entity's official letterhead, include their signature, and clearly demonstrate the level of involvement in the BF AWP project.
- e. This letter of commitment must be attached to your grant proposal package.

Appendix 2: Other Factors Checklist

Name of Applicant: _____

Please identify with an **X** any of the items below which may apply to your BF AWP project area as described in your proposal. To be considered for an Other Factor, you must include the page number where each applicable factor is discussed in your proposal. EPA 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. If this information is not clearly discussed in your narrative proposal or in any of the required attachments, it will not be considered in the grant selection process.

X	Other Factor	Page #
	BF AWP project is in an urban area, where the population of the overall community is 100,000 or more	
	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	
	BF AWP project is in a micro community with population of 10,000	
	Applicant is or is applying on behalf of, a federally recognized Indian Tribe or an entity from a United States Territory	
	Applicant will 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 catalyst, high priority brownfield site(s) is (are) tied to recent (2008 or later) natural disaster(s) within the BF AWP project area.	
	Applicant’s catalyst, high priority brownfield site(s) is (are) tied to a recent (2008 or later) manufacturing industry plant closure within the BF AWP project area.	
	Applicant’s catalyst, high priority brownfield site(s) is (are) tied to a recently (2008 or later) closed or closing power plant within the BF AWP project area.	
	Applicant’s catalyst, high priority brownfield site(s) are tied to a recent (2008 or later) significant economic disruption, <u>unrelated</u> to a natural disaster, manufacturing industry plant closure or closing/closed power plant, within the BF AWP project area.	
	Applicant is a recipient or a core partner of HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant funding or technical assistance that is directly tied to the BF AWP project area, and can demonstrate that funding from a PSC grant/technical assistance has or will benefit the BF AWP project area. Examples of PSC grant or technical assistance include a HUD Regional Planning or Challenge grant, DOT Transportation Investment Generating Economic Recovery (TIGER), or EPA Smart Growth Implementation or Building Blocks Assistance, etc. To be considered, applicant must attach documentation.	
	Applicant is a HUD Promise Zone community. To be considered, applicant must attach documentation.	
	Applicant is one of the 12 recipients, or a core partner/implementation strategy party, of a “manufacturing community” designation provided by the Economic	

	<p>Development Administration (EDA) under the Investing in Manufacturing Communities Partnership (IMCP). To be considered, applicant must attach documentation which demonstrates either designation as one of the 12 recipients, or relevant pages from a recipient’s IMCP proposal which lists/describes the core partners and implementation strategy parties. A core partner/implementation strategy party is a local partner organization/jurisdiction that will carry out the proposed strategy, as demonstrated in letters of commitment or memoranda of understanding which documents their contributions, roles, and responsibilities to the partnership. EDA may provide to EPA a list of the core partners/implementation strategy parties for each of the 12 “manufacturing community” designees, which EPA would use to verify this other factor.</p>	
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Appendix 3: Information on Sites Eligible for Brownfields Funding Under CERCLA §104(k) (for the purposes of the FY15 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 FY15 BF AWP 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 BFAWP 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, at least one catalyst, high priority brownfield site in the project area must meet the definition of a “brownfield site” per CERCLA § 101(39). For the purposes of the BF AWP grant program, EPA defines a catalyst, high priority brownfield site as a site which, once remediated and reused, has the potential to spur additional revitalization within the BF AWP project area.

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 in their threshold criteria response or narrative proposal any site that is ineligible for brownfields funding, nor describe an ineligible site as a catalyst, high priority brownfield site.

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 a catalyst, high priority brownfield site as being predominantly contaminated, or potentially contaminated, by petroleum must provide information in their threshold criteria response 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 a petroleum site 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 a catalyst, high priority brownfield site 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.¹³

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

¹³ 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.

returns, bank statements, financial statements, insurance policies designed to address environmental liabilities, etc.), especially if the responsible party is still associated with the site or is the applicant, and, therefore, will receive the benefit of the grant. An applicant that is a responsible party and claiming it is not viable should provide conclusive information, such as an INDIPAY or MUNIPAY analysis, on its inability to pay for the assessment or cleanup.

- 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 a catalyst, high priority brownfield site as being predominantly contaminated, or potentially contaminated, by petroleum must request their state to make a petroleum site determination. EPA will make the petroleum

site eligibility determination if a state is unable to do so following a timely request from the applicant. The EPA will make the determination for tribes.

If you do not attach a letter from the state with the petroleum site determination, you must demonstrate in your threshold criteria response that the catalyst, high priority site contaminated by petroleum meets the four specific criteria above. Provide the following information in your threshold criteria response:

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.**

Appendix 4: Grants.gov Proposal Submission Instructions

The electronic submission of your application must be made by an official representative of your institution who is registered with Grants.gov and is authorized to sign applications for Federal assistance. For more information on the registration requirements that must be completed in order to submit an application through grants.gov, go to <http://www.grants.gov> and click on “Applicants” on the top of the page and then go to the “Get Registered” link on the page. If your organization is not currently registered with 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. Please note that the registration process also requires that your organization have a DUNS number and a current registration with the System for Award Management (SAM) and the process of obtaining both could take a month or more. Applicants must ensure that all registration requirements are met in order to apply for this opportunity through grants.gov and should ensure that all such requirements have been met well in advance of the submission deadline. Registration on grants.gov, SAM.gov, and DUNS number assignment is FREE.

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

You may also be able to access the application package for this announcement by searching for the opportunity on <http://www.grants.gov>. Go to <http://www.grants.gov> and then click on “Search Grants” at the top of the page and enter the Funding Opportunity Number, EPA-OSWER-OBLR-14-06, or the CFDA number (66.814) that applies to this announcement, in the appropriate field and click the Search button. Alternatively, you may be able to access the application package by clicking on the Application Package button at the top right of the synopsis page for the announcement on <http://www.grants.gov>. To find the synopsis page, go to <http://www.grants.gov> and click “Browse Agencies” in the middle of the page and then go to “Environmental Protection Agency” to find the EPA funding opportunities.

Proposal Submission Deadline: Your organization’s AOR must submit your complete application package electronically to EPA through Grants.gov (<http://www.grants.gov>) no later than September 22, 2014, 11:59 p.m. EDT. Please allow for enough time to successfully submit your application process and allow for unexpected errors that may require you to resubmit. Please submit *all* of the application materials described below using the grants.gov application package that you downloaded using the instructions above. For additional instructions on completing and submitting the electronic application package, click on the “Show Instructions” tab that is accessible within the application package itself.

Proposal Materials The following forms and documents are mandatory under this announcement:

- I. Application for Federal Assistance (SF-424)
- II. Budget Information for Non-Construction Programs (SF-424A)
- III. Narrative Proposal and the Transmittal Letter. See Section IV.C for details on the content of the narrative proposal and transmittal letter and the associated page limits.
- IV. Attachments as required; see Section IV.C of this announcement.

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 Aimee Storm at storm.aimee@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 includes the notice provided by Grants.gov documenting rejection and attach the entire proposal.

Applications submitted through grants.gov will be time and date stamped electronically. If you have not received a confirmation of receipt from EPA (not from grants.gov) within 30 days of the proposal deadline, please contact Aimee Storm (storm.aimee@epa.gov). Failure to do so may result in your proposal not being reviewed.