CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 14-140

RESOLUTION

AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO APPLY, ACCEPT, AND EXPEND FUNDS FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) UNDER THE BROWNFIELDS ASSESSMENT GRANT PROGRAM AND TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE EPA FOR SAID FUNDS.

WHEREAS, Chapter 1, Article 8, Revised Ordinances of Honolulu 1990, requires that when carrying out the provisions of any intergovernmental agreement, all applications and/or amendments thereof, statistical data programs, reports or other official communications which support the application and which are required to be provided by the City and County of Honolulu or its component departments to any other governmental or quasi-governmental agency shall first be presented to the City Council for its review and approval prior to its transmittal; and

WHEREAS, the Environmental Protection Agency (EPA), through a Notice of Funding Availability, has announced funding opportunities through the Brownfields Assessment Grant Program; and

WHEREAS, the Department of Planning and Permitting currently conducts land use and community planning for the City and County of Honolulu; and

WHEREAS, the purpose of the Brownfields Assessment Grant Program is to provide funding for developing inventories of Brownfields, prioritizing sites, conducting community involvement activities and conducting site assessments and cleanup planning related to Brownfields sites; and

WHEREAS, the Department of Planning and Permitting desires to apply for grant funds through the EPA's Brownfields Assessment Grant Program to assist with the planning and implementation of transit-orientated development along the transit corridor; and

WHEREAS, the Department of Planning and Permitting is currently working on the application, due electronically by July 9, 2014, and will satisfy the requirements set forth in the attached Exhibit A; and

WHEREAS, the Department of Planning and Permitting has agreed to forward a copy of the completed application to the City Council upon its completion; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu, State of Hawaii, that the Mayor or the Mayor's designee is hereby authorized to apply, accept, and expend funds from the EPA under the Brownfields Assessment Grant Program and to enter into an intergovernmental agreement with the EPA for the receipt, use, and

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RESOLUTION

administration of said funds, and to enter into any other agreements in connection therewith, or amendments thereto, as may be reasonably required; and

BE IT FURTHER RESOLVED that the Department of Planning and Permitting will promptly forward to the City Council a copy of the completed EPA application upon its completion.

INTRODUCED BY:

(br)

DATE OF INTRODUCTION:

JUN 18 2014

Honolulu, Hawaii

Councilmembers

Exhibit A

Environmental Protection Agency (EPA)
FY14 Guidelines for Brownfields Assessment Grants

Request for Proposals

OVERVIEW

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

TITLE: FY14 Guidelines for Brownfields Assessment Grants

ACTION: Request for Proposals

RFP NO: EPA-OSWER-OBLR-13-05

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NO.: 66.818

DATES: 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 January 22, 2014. Proposals sent electronically through grants.gov must be received by www.grants.gov by 11:59 p.m. Eastern Time on January 22, 2014. Please refer to Section IV.B, *Due Date and Mailing Instructions*, for further instructions.

SUMMARY: The Small Business Liability Relief and Brownfields Revitalization Act ("Brownfields Law", P.L. 107-118) requires the U.S. Environmental Protection Agency (EPA) to publish guidance to assist applicants in preparing proposals for grants to assess and clean up brownfield sites. EPA's Brownfields Program provides funds to empower states, communities, tribes, and nonprofits to prevent, inventory, assess, clean up, and reuse brownfield sites. EPA provides brownfields funding for three types of grants:

1. Brownfields Assessment Grants – provides funds to inventory, characterize, assess, and conduct planning (including cleanup planning) and community involvement related to brownfield sites.

2. Brownfields Revolving Loan Fund (RLF) Grants – provides funds for a grant recipient to capitalize a revolving fund and to make loans and provide subgrants to carry out cleanup activities at brownfield sites.

3. Brownfields Cleanup Grants – provides funds to carry out cleanup activities at a specific brownfield site owned by the applicant.

Under these guidelines, EPA is seeking proposals for **Assessment Grants only**. If you are interested in requesting funding for RLF and/or Cleanup Grants, please refer to announcement EPA-OSWER-OBLR-13-06 (RLF Grant guidelines) and EPA-OSWER-OBLR-13-07 (Cleanup Grant guidelines) posted separately on www.grants.gov and www.epa.gov/brownfields.

For the purposes of these guidelines, the term "grant" refers to the cooperative agreement that EPA will award to a successful applicant. Please refer to Section II.C for a description of EPA's anticipated substantial involvement in the financial assistance agreements awarded under these guidelines.

EPA urges applicants to review the Frequently Asked Questions which can be found at http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf.

In addition, prior to naming a contractor or subawardee in your proposal, please carefully review Section IV.E and F of these guidelines.

FUNDING/AWARDS: The total funding available under the national competition for assessment, cleanup, and RLF grants is estimated at $63.2 million subject to the availability of funds and other applicable considerations. EPA must expend 25 percent of the amount appropriated for brownfields grants on sites contaminated with petroleum. EPA anticipates awarding an estimated 269 grants among all three grant types. Under this announcement, EPA anticipates awarding an estimated 189 assessment grants for an estimated $40 million.

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SECTION I - FUNDING OPPORTUNITY DESCRIPTION

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or the Superfund law) was amended by the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law) to include section 104(k), which provides federal financial assistance for brownfields revitalization, including grants for assessment, cleanup, and RLF.

A **brownfield site is defined** as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutants, contaminants, controlled substances, petroleum or petroleum products, or is mine-scarred land.

As described in Section V of this announcement, proposals will be evaluated based, among other factors, on the extent to which the applicant demonstrates: economic and environmental needs of the targeted communities; a vision for the reuse and redevelopment of brownfield sites and the capability to achieve that vision; reasonable and eligible tasks; partnerships and leveraged resources to complete the project; incorporation of livability and sustainability principles; and economic, environmental, health, and social benefits associated with the reuse and redevelopment of brownfield sites.

A critical part of EPA's assessment and cleanup efforts is to ensure that residents living in communities historically affected by economic disinvestment, health disparities, and environmental contamination have an opportunity to reap the benefits from brownfields redevelopment. EPA's Brownfields Program has a rich history rooted in environmental justice and is committed to helping communities revitalize brownfield properties, mitigate potential health risks, and restore economic vitality.

I.A. Description of Grant

Assessment grants provide funding for developing inventories of brownfields, prioritizing sites, conducting community involvement activities and conducting site assessments and cleanup planning related to brownfield sites. Assessment grant funds may not be used to conduct cleanups. Assessment grants for individual applicants can be either community-wide or site-specific. Community-wide proposals are appropriate when a specific site is not identified and the applicant plans to spend grant funds on more than one brownfield in its community. Site-specific proposals are appropriate when a specific site has been identified and the applicant plans to spend grant funds on this one site only. The performance period for assessment grants is three years. For a list of certain grant and programmatic requirements refer to Section VI.

4. Community-Wide Assessment Grants

   For community-wide proposals, applicants may request up to $200,000 from the hazardous substances funding[1] for sites with potential contamination of hazardous substances, pollutants, or contaminants and up to $200,000 from the petroleum funding[2] for sites with potential petroleum contamination. Applicants may either combine requests for hazardous substances funding and petroleum funding into one proposal if both types of funding will address the same target community for a total not to exceed $400,000; or applicants may submit separate proposals requesting up to $200,000 each for hazardous substances and petroleum funding. An applicant that submits a combined community-wide assessment grant proposal or two separate community-wide assessment grant proposals may also apply for a site-specific assessment grant.

5. Site-Specific Assessment Grants

   For site-specific proposals, applicants may request up to $200,000 to address hazardous substances[1] or petroleum contamination[2] at a specified site. Applicants can apply for only one site-specific assessment grant. Site-specific assessment proposals must respond to the site eligibility threshold criteria in section III.C.3 appropriate to the contamination at the site. If the site has both hazardous substance and petroleum contamination and the hazardous substance and petroleum-contaminated areas of the site are distinguishable, the proposal must

[1] Sites eligible for hazardous substances funding are those sites with the presence or potential presence of hazardous substances, pollutants, contaminants, sites that are contaminated with controlled substances or that are mine-scarred lands. For more information on sites eligible for hazardous substance funding, please refer to the Brownfields FAQs at: http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf.

[2] Sites eligible for petroleum funding are those sites that meet the definition set forth in CERCLA § 101(39)(D)(ii)(II), as further described in Appendix 1, section 1.3.2.

address both eligibility criteria and indicate the dollar amount of funding requested for each type of contamination. If the petroleum and hazardous substances are not easily distinguishable, the applicant must indicate which contaminant is predominant based on available information and respond to the appropriate site eligibility criteria. (Contact your Regional Coordinator listed in Section VII for more information). Note that an applicant cannot propose an alternate site if the site identified in the proposal is determined by EPA to be ineligible for brownfields funding. Applicants may request a waiver of the $200,000 limit and request up to $350,000 for a single site based on the anticipated level of contamination, size, or status of ownership of the site. Applicants requesting a waiver must attach a **one-page** justification for the waiver request. Further pages will not be considered. The justification should include a description of the extent of contamination at the site, the size of the site, and the reasons for requesting additional funding. For more information on the site-specific waiver justification, please refer to the Brownfields Frequently Asked Questions (FAQ) at: http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf.

6. Coalition Assessment Grants

Additionally, assessment proposals may be submitted by one "lead" eligible entity on behalf of a coalition of eligible entities to create a "pool" of grant funds (see Section III.A for a list of entities eligible to apply for an assessment grant). A coalition is a group of three or more eligible entities that submits one grant proposal under the name of one of the coalition participants who will be the grant recipient, if selected. Coalition members may not have the same jurisdiction (for example, different departments in the same county) unless they are separate legal entities (for example, a city and a redevelopment agency). The grant recipient must administer the grant, be accountable to EPA for proper expenditure of the funds, and be the point of contact for the other coalition members. Coalition members may not be members of other coalitions or apply for their own assessment funding. Assessment coalitions may submit only one proposal with requested grant funding of up to $600,000. All coalition assessment grant proposals must be community-wide proposals; therefore, the applicant does not need to respond to the site eligibility threshold criteria in Section III.C.3. Site eligibility will be determined after grant award and prior to expending grant funds at any site. Coalitions will be required to assess a minimum of five sites.

Please note that once the "lead" eligible entity submits the proposal it becomes the applicant and the coalition members may not substitute another eligible entity as the lead eligible entity after the deadline for submitting proposals has passed.

A Memorandum of Agreement (MOA) documenting the coalition's site selection process must be in place prior to the expenditure of any funds that have been awarded to the coalition. The coalition members should identify and establish relationships necessary to achieve the project's goal. A process for successful execution of the project's goal, to include a description and role of each coalition member should be established along with the MOA. The purpose of the MOA is for coalition members to agree internally about the distribution of funds and the mechanisms for implementing the assessment work. MOAs do not need to be included as part of your proposal.

Coalition members are not eligible as applicants for additional community-wide or site-specific assessment grants. A coalition member wishing to apply as a separate applicant must withdraw from the coalition to be eligible for individual assessment funds.

7. Assessment Grant Option Summary

Community-Wide	Site-Specific	Coalition
Up to $200,000 for hazardous substances and/or $200,000 for petroleum	Up to $200,000 for hazardous substances or petroleum	Up to $600,000 for hazardous substances and/or petroleum
No waiver of funding limit	May request a waiver for up to $350,000	No waiver of funding limit
Maximum combined amount $400,000	Maximum amount $350,000	Maximum amount $600,000
May also apply for a site-specific grant; may not apply as a member of a coalition	May also apply for a community-wide grant; may not apply as a member of a coalition	May not apply for an individual community-wide or site-specific grant or as part of another coalition

Applicants that exceed the maximum number of proposals allowable for assessment grants will be contacted, prior to review of any of the proposals by EPA, to determine which proposals the applicant will withdraw from the competition.

For more information on a range of brownfields topics, please refer to the Brownfields FAQ at: http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf. If you do not have access to the Internet, you can contact your Regional Coordinator listed in Section VII.

I.B. Uses of Grant Funds

In addition to direct costs associated with the inventory, assessment, and cleanup planning for brownfield sites, grant funds also may be used for the following activities:

1. Grant funds may be used for direct costs associated with programmatic management of the grant, such as required performance reporting and environmental oversight.

   All costs charged to assessment grants must be consistent with the applicable OMB Cost Circulars. The cost principles for governmental units are found at 2 CFR Part 225.

2. A **local government** (as defined in 40 CFR Part 31.3, *Local Government*) may use up to 10 percent of its grant funds for any of the following activities:
   a. health monitoring of populations exposed to hazardous substances, pollutants, or contaminants from a brownfield site;
   b. monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance, pollutant, or contaminant from a brownfield site; and

c. other related program development and implementation activities (e.g., writing local brownfields-related ordinances) to effectively oversee assessments and cleanups described in an EPA-approved work plan.

The term local government **does not include state or tribal governments** but may include, among others, public housing authorities, school districts, and councils of governments.

3. A portion of the brownfields grant or loan may be used to purchase environmental insurance.

Grant funds cannot be used for the following activities:

1. Administrative costs, such as indirect costs, of grant administration with the exception of financial and performance reporting costs.

2. Proposal preparation costs.

See the Brownfields FAQ at: http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf for additional information on ineligible grant activities and ineligible costs.

I.C. EPA Strategic Plan Linkage

EPA's Strategic Plan defines goals, objectives and sub-objectives for protecting human health and the environment. All three brownfields grant types will support progress toward Goal 3 (Cleaning Up Communities and Advancing Sustainable Development), Objective 3.1 (Promote Sustainable and Livable Communities). Specifically, these grants will help sustain, clean up and restore communities and the ecological systems that support them by providing funds to assess and clean up brownfield sites. EPA will negotiate work plans with recipients to collect information about the hazardous substances, pollutants and petroleum contaminants addressed and the amount of land made safe for communities' economic and ecological use.

(View EPA's Strategic Plan on the Internet at http://www2.epa.gov/planandbudget/strategicplan and view EPA's Order 5700.7A1 at http://www.epa.gov/ogd/epa_order_5700_7a1.pdf)

I.D. Livability Principles and Sustainability

Link to the HUD-DOT-EPA Partnership for Sustainable Communities
EPA's Brownfields Assessment, Revolving Loan, and Cleanup (ARC) Program is being carried out consistent with the principles for the Partnership for Sustainable Communities (PSC) among the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Transportation (DOT), and EPA. The PSC was conceived to advance development patterns and infrastructure investment programs that achieve improved economic prosperity, and healthy, environmentally sustainable, and opportunity-rich communities for all Americans, regardless of race or income. Recognizing the fundamental role that public investment plays in achieving these outcomes, the Administration charged three agencies whose programs impact the physical form of communities—HUD, DOT, and EPA—to coordinate and incorporate the Livability Principles into their policies and funding programs to the maximum degree possible. The

Livability Principles can be found at www.sustainablecommunities.gov and include: (1) provide more transportation choices, (2) promote equitable, affordable housing, (3) increase economic competitiveness, (4) support existing communities, (5) leverage federal investment, and (6) value communities and neighborhoods.

Linking BF Assessment, Revolving Loan Fund, and Cleanup Approaches to Sustainable and Equitable Development Outcomes

Applicants should incorporate sustainable and equitable cleanup and reuse approaches into their proposed Brownfield Assessment, Revolving Loan Fund, and Cleanup (BF ARC) project. The Agency may also consider how well an Applicant's proposed project is coordinated with HUD, DOT, EPA programs and programs available from other potential federal and non-federal partners. Sustainable and equitable approaches can ensure brownfields are cleaned up and reused in ways that:

- contribute to greener and healthier homes, buildings, and neighborhoods;
- mitigate environmental conditions through effective deconstruction and remediation strategies which address solid and hazardous waste, and improve air and water quality;
- improve access by residents to greenspace, recreational property, transit, schools, other nonprofit uses (e.g., libraries, health clinics, youth centers, etc.), and healthy and affordable food;
- improve employment and affordable housing opportunities for local residents;
- reduce toxicity, illegal dumping, and blighted vacant parcels; and
- retain residents who have historically lived within the area affected by brownfields.

Sustainable development practices facilitate environmentally-sensitive brownfields cleanup and redevelopment while also helping to make communities more attractive, economically stronger, and more socially diverse. While ensuring consistency with community-identified priorities, sustainable development approaches encourage brownfield site 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 community walkability, and on-site stormwater management through green infrastructure, among other approaches, can contribute to sustainable development outcomes.

Equitable development outcomes come about when intentional strategies are put in place to ensure that low-income and minority communities not only participate in, but benefit from, decisions that shape their neighborhoods and regions. There are many different approaches that promote equitable development, such as ensuring a mix of housing types across a range of incomes, access to fresh food, access to jobs, and access to local capital. Programs or policies can be put in place to help ensure creation or integration of affordable housing; local or first-source hiring; minority contracting; inclusionary zoning (where a percentage of new housing is designated as affordable housing); healthy food retailers in places where they do not exist (e.g. food deserts); co-operative ownership models where local residents come together to run a community-owned, jointly owned business enterprise; rent control or community land trusts (to help keep property affordable for residents); supportive local entrepreneurial activities, and adherence to equal lending opportunities.

EPA encourages applicants to provide specific examples of how the proposed Brownfield Assessment project will work to remove economic, environmental and social barriers to make sustainable and equitable brownfields reuse of the highest priority.

Under the Program Benefits ranking criterion in Section V, applicants will be evaluated on how their proposed Brownfield Assessment project will advance the livability principles discussed above. In addition, the project will be evaluated on the extent to which it will lead to sustainable and equitable development outcomes as discussed above.

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

Pursuant to EPA Order 5700.7, "Environmental Results under EPA Assistance Agreements," EPA requires that all grant applicants and recipients adequately address environmental outputs and outcomes.

EPA must report on the success of its Brownfields Program through measurable outputs and outcomes, such as the number of sites assessed, number of jobs created and amount of funding leveraged. Applicants are required to describe how funding will help EPA achieve environmental outputs and outcomes in their responses to the ranking criteria (Section V.B.2., *Project Description and Feasibility of Success*). Outputs specific to each project will be identified as deliverables in the negotiated work plan if the proposal is selected for award. Grantees will be expected to report progress toward the attainment of expected project outputs and outcomes during the project performance period.

Outputs and Outcomes are defined as follows:

1. Outputs: The term "outputs" 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 expected outputs for the grants awarded under these guidelines may include but are not limited to the number of brownfield sites identified, development of an area-wide plan, number of Phase I and Phase II site assessments and number of community meetings held.

2. Outcomes: The term "outcomes" refers to the result, effect, or consequence that will occur from carrying out the activities under the grant. Outcomes may be environmental, behavioral, health-related, or programmatic; must be quantitative; and may not necessarily be achievable during the project period. Expected outcomes of brownfields grants include the number of jobs leveraged and other funding leveraged through the economic reuse of sites; the number of acres made ready for reuse or acres of greenspace created for communities; and whether the project will minimize exposure to hazardous substances.

SECTION II - AWARD INFORMATION

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

The total estimated funding available under the national competition for assessment, cleanup, and RLF grants is estimated at $63.2 million subject to the availability of funds and other applicable considerations. Separate announcements are posted for the RLF and cleanup competitions. EPA must expend 25 percent of the amount appropriated for all three types of brownfields grants on sites contaminated with petroleum. EPA anticipates awarding an estimated 269 grants among all three grant types. Under this announcement, EPA anticipates awarding an estimated 198 assessment grants for a total amount of approximately $40 million in funding. In addition, EPA reserves the right to award additional grants under this competition should additional funding become available. Any additional selections for awards will be made no later than six months from the date of the original selection decision. EPA reserves the right to reject all proposals and make no awards under this announcement or make fewer awards than anticipated.

In appropriate circumstances, EPA reserves the right to partially fund proposals by funding discrete portions or phases of proposed projects. To maintain the integrity of the competition and selection process, EPA, if it decides to partially fund a proposal, 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.

Awards may be fully or incrementally funded, as appropriate, based on funding availability, satisfactory performance, and other applicable considerations.

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

The project period for assessment grants is up to three years.

II.C. Substantial Involvement

The brownfield assessment grant will be awarded in the form of a cooperative agreement. Cooperative agreements permit the EPA Project Officer to be substantially involved in overseeing the work performed by the selected recipients. Although 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 may include:

- close monitoring of the recipient's performance to verify the results
- collaborating during performance of the scope of work
- reviewing substantive terms of proposed contracts
- reviewing qualifications of key personnel (EPA will not select employees or contractors employed by the award recipient)
- reviewing and commenting on reports prepared under the cooperative agreement (the final decision on the content of reports rests with the recipient)
- reviewing sites as meeting applicable site eligibility criteria

SECTION III - APPLICANT AND SITE ELIGIBILITY INFORMATION

III.A. Who Can Apply?

The following information indicates which entities are eligible to apply for an assessment grant. Nonprofit organizations are not eligible to apply for an assessment grant.

- General Purpose Unit of Local Government. (For purposes of the brownfields grant program, EPA defines general purpose unit of local government as a "local government" as defined under 40 CFR Part 31.)
- 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.
- Government Entity Created by State Legislature.
- Regional Council or group of General Purpose Units of Local Government.
- Redevelopment Agency that is chartered or otherwise sanctioned by a state.
- State.
- Indian Tribe other than in Alaska. (The exclusion of Alaskan tribes from brownfields grant eligibility is statutory at CERCLA §104(k)(1). Intertribal Consortia, comprised of eligible Indian Tribes, are eligible for funding in accordance with EPA's policy for funding intertribal consortia published in the *Federal Register* on November 4, 2002, at 67 Fed. Reg. 67181. This policy also may be obtained from your Regional Brownfields Coordinator listed in Section VII.)
- 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 Brownfields FAQs at: http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf.)

Please note that applicants who received an Assessment grant from EPA in Fiscal Year 2013 (FY13) are <u>not</u> eligible to apply under this competition. If the applicant was a member of a coalition that was awarded a grant in FY13, that applicant is not eligible to apply under this assessment competition.

III.B. Site Eligibility (Site-Specific Proposals Only)

The following items provide important information related to determining if a proposed brownfield site is eligible for funding. Refer to this section when responding to the Threshold Criteria in Section III.C.3. The information you submit will be used by EPA solely to make site eligibility determinations for Brownfields grants and is not legally binding for other purposes including federal, state, or tribal enforcement actions.

1. <u>Basic Site Definition</u>

   To be eligible for a grant, sites must meet the definition of a brownfield as described in Appendix 1.

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.)

2. Property-Specific Determination for Eligibility

The following special classes of property require a "Property-Specific Determination" from EPA to be eligible for brownfields funding:

- properties subject to planned or ongoing removal actions under CERCLA,
- properties with facilities that have been issued or entered into a unilateral administrative order, a court order, an administrative order on consent, or judicial consent decree or to which a permit has been issued by the United States or an authorized state under the Resource Conservation and Recovery Act (RCRA), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SDWA),
- properties with facilities subject to RCRA corrective action (§3004(u) or §3008(h)) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures,
- properties that are land disposal units that have submitted a RCRA closure notification or that are subject to closure requirements specified in a closure plan or permit,
- properties where there has been a release of PCBs and all or part of the property is subject to TSCA remediation, and
- properties that include facilities receiving monies for cleanup from the Leaking Underground Storage Tank (LUST) trust fund (see Appendix 1, Section 1.5.6 for a definition of LUST Trust Fund sites).

EPA's approval of Property-Specific Determinations will be based on whether or not awarding a grant will protect human health and the environment and either promote economic development or enable the property to be used for parks, greenways, and similar recreational or nonprofit purposes. Property-Specific Determination requests must be attached to your proposal and do not count in the 15-page limit for Narrative Proposals. (See Appendix 1, Section 1.5, for more information or contact your Regional Coordinator listed in Section VII if you think your site requires a Property-Specific Determination.)

Additionally, applicants eligible for brownfields grant funds cannot be liable for contamination on the site. Site eligibility related to liability is determined differently at sites contaminated with hazardous substances than for sites contaminated by petroleum or petroleum product.

3. Hazardous Substances, CERCLA Liability, and Demonstration of a Bona Fide Prospective Purchaser

Please see AAI fact sheet, "EPA Brownfields Grants, CERCLA Liability and All Appropriate Inquiries," for more information: http://www.epa.gov/brownfields/aai/aaicerclafs.pdf

For sites contaminated by hazardous substances, persons, including government entities, who may be found liable for the contamination under CERCLA §107 (the Superfund law) are not eligible for grants. Liable parties may include all current owners and operators, former owners and operators of the site at the time of disposal of hazardous substances, and parties that arranged for, or contributed to, the disposal or treatment of hazardous substances on the site. Therefore, even owners who did not cause or contribute to the contamination may be held liable. To be eligible for a site-specific brownfields grant to address contamination at a brownfields property, eligible entities who fall within one of the categories of potentially liable parties must demonstrate that they meet one of the liability protections or defenses set forth in CERCLA by establishing that they are: (1) an innocent landowner; (2) a bona fide prospective purchaser (BFPP); (3) a contiguous property owner; or (4) a local or state government entity that acquired the property involuntarily through bankruptcy, tax delinquency, or abandonment, or by exercising its power of eminent domain. To claim protection from liability as an innocent landowner, contiguous property owner, or bona fide prospective purchaser, property owners, including state and local governments, must conduct all appropriate inquiries prior to acquiring the property. (Please note that these requirements apply to all property acquisitions, including properties acquired by donation or title transfer at zero cost).

Because current owners of contaminated property are potentially liable under CERCLA, all site-specific assessment grant applicants must demonstrate in their proposals that they are not a liable party by establishing that they meet the requirements of one of the liability protections or defenses set forth in CERCLA. For more information on these liability protections, please refer to the Brownfields Law, the April 2009 Fact Sheet entitled: "EPA Brownfields Grants, CERCLA Liability and All Appropriate Inquiries," or EPA guidance entitled *Interim Guidance Regarding Criteria Landowners Must Meet in Order to Qualify for Bona Fide Prospective Purchaser, Contiguous Property Owner, or Innocent Landowner Limitations on CERCLA* ("Common Elements") (http://www.epa.gov/compliance/resources/policies/cleanup/superfund/common-elem-guide.pdf). Applicants may also call the Regional Brownfields Coordinator listed in Section VII with questions about eligibility.

The most common liability protection asserted by applicants is the bona fide prospective purchaser protection (BFPP). Although the statute limits eligibility for BFPP liability protection to entities that purchase property after January 11, 2002, a brownfields grant applicant can take advantage of this protection, for grant purposes only, even if it acquired a site prior to January 11, 2002. Applicants must demonstrate that they complied with all the other BFPP requirements, including:

- All disposal of hazardous substances at the site occurred before the person acquired the site.
- The owner must not be liable in any way for contamination at the site or affiliated with a responsible party. Affiliations include familial, contractual, financial, or corporate relationships that are the result of a reorganization of a business entity with potential liability.
- The owner must have conducted all appropriate inquiries (AAI) prior to acquiring the property. AAI, typically met by conducting a Phase 1 environmental site assessment using the ASTM E1527-05 standard practice, must be conducted or updated within one year prior to the date the property is acquired (i.e., the date on which the entity takes title to the property). In addition, certain aspects of the AAI or Phase I site assessment must be updated, prior to property acquisition, if the activities were conducted more than six months prior to the date of acquisition. Please see the fact sheet "EPA Brownfields Grants, CERCLA Liability and All Appropriate Inquiries," or EPA's AAI Final Rule (70 FR 66070) (http://www.epa.gov/brownfields/aai/index.htm).
- The owner must take appropriate care regarding any hazardous substances found at the site, including preventing future releases and exposures to hazardous substances on the site.
- The owner must provide all legally required notices and cooperate with authorized response persons in the event of discovery or release of any hazardous substances at the site.
- The owner must comply with any land-use restrictions associated with response actions at the site.

4. Petroleum Site Eligibility

The Brownfields Law outlines specific criteria by which petroleum sites may be eligible for brownfields grant funding. In contrast to eligibility of hazardous substance sites, which is related to the applicant's potential liability under CERCLA, petroleum site eligibility is not related to potential liability under the Resource Conservation and Recovery Act (RCRA), which governs petroleum site liability. Instead, Congress set forth specific criteria briefly described as follows: 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 a RCRA corrective action order. If a party is identified as being responsible for the site and that party is financially viable, then the site is not eligible for brownfields grant funds (refer to Appendix 1, Section 1.3.2 for more information). Generally, petroleum site eligibility will be determined by EPA or the state, as appropriate. Where the state is unable to make the eligibility determination, EPA will make the determination. EPA will make the determination for tribes.

III.C. Threshold Criteria for Assessment Grants

This section contains the threshold eligibility criteria that ensure applicants are eligible to receive assessment grants. Threshold criteria are pass/fail. Threshold criteria include applicant eligibility and site eligibility (See also Section III.B). The information you submit will be used by EPA

solely to make site eligibility determinations for Brownfields grants and is not legally binding for other purposes including federal, state, or tribal enforcement actions. Only those proposals that pass all the threshold criteria will be evaluated against the ranking criteria in Section V of this announcement.

Applicants deemed ineligible for funding consideration as a result of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination. Applicants must respond to the items listed below to ensure that they are eligible for funding.

Your responses to these items are required and must be included as an attachment to the Narrative Proposal and transmittal letter you submit to EPA. See Section IV.C for a complete list of required proposal content.

For purposes of the threshold eligibility review, EPA, if necessary, may seek clarification of applicant information and/or consider information from other sources, including EPA files.

Proposals must substantially comply with the proposal submission instructions and requirements set forth in Section IV of this announcement or they will be rejected. Pages in excess of the page limits described in Section IV for the narrative proposal and transmittal letter, and attachments not specifically required, will not be reviewed.

Proposals must be postmarked (if sent by hard copy), or received electronically at www.grants.gov, by 11:59 pm Eastern Time on January 22, 2014. Proposals postmarked or received at grants.gov after the proposal deadline will be considered late and will not be reviewed unless the applicant can clearly demonstrate that it was late due to EPA mishandling or because of technical problems attributable to grants.gov. Applicants will receive correspondence, via email, confirming receipt of their proposal within 30 days of submission deadline. If the applicant is not in receipt of the confirmation email, the applicant should confirm with the appropriate Regional Brownfields Coordinator listed in Section VII or contact Jeanette Mendes at 202-566-1887 or mendes.jeanette@epa.gov. Failure to do so may result in your proposal not being reviewed. Facsimile or email delivery of proposals is not permitted and will not be considered.

There is no required cost share for assessment grants. See Section IV.I for information on leveraging.

Ineligible activities: 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.

1. Applicant Eligibility

   Please note that applicants who received an Assessment grant from EPA in Fiscal Year 2013 (FY13) are not eligible to apply under this competition. If the applicant was a member of a coalition that was awarded a grant in FY13, that applicant is not eligible to apply under this assessment competition.

Applicants must demonstrate that they are an eligible entity for an assessment grant. Refer to the description of applicant eligibility in Section III.A., *Who Can Apply?* For entities other than cities, counties, tribes, or states, please attach documentation of your eligibility (e.g., resolutions, statutes, etc.).

Coalitions applying for assessment grants must document how all coalition members are eligible entities. All coalition members must submit a letter to the grant applicant (lead coalition member) in which they agree to be part of the coalition. Attach these letters to your proposal.

2. Letter from the State or Tribal Environmental Authority

For an applicant other than a state or tribal environmental authority, attach a current letter from the appropriate state or tribal environmental authority acknowledging that the applicant plans to conduct assessment activities and is planning to apply for federal grant funds. Failure to submit this letter will result in the rejection of the proposal for further consideration. Letters regarding proposals from prior years are not acceptable. If you are applying for multiple types of grant program activities, you need to receive only one letter acknowledging the relevant grant activities. However, you must provide a copy of this letter as an attachment to each proposal. Please note that general correspondence and documents evidencing state involvement with the project (i.e., state enforcement orders or state notice letters) are not acceptable. It is the applicant's responsibility to provide advance notice to the appropriate state or tribal environmental authority to allow adequate time for you to obtain the acknowledgement letter and attach it to your proposal.

3. Community Involvement

All applicants must demonstrate how they intend to inform and involve the community and other stakeholders during the planning, implementation and other brownfield assessment activities described in their proposal.

4. Site Eligibility and Property Ownership Eligibility (Site-Specific Proposals Only)

If the site is a hazardous substances site, please respond to items a-h.

If the site is a petroleum site, please respond to items a-d and i, including the requirement to provide a petroleum determination letter.

If the site is commingled hazardous substance and petroleum, the applicant must determine whether the predominant contaminant is petroleum or hazardous substances, and respond to the corresponding items (as noted above).

If applicants are applying for petroleum and hazardous substances funding at the same site, and the hazardous substance and petroleum contaminated areas of the site are

distinguishable, the proposal must respond to items a – i, including the requirement to provide a petroleum determination letter.

Refer to III.B., *Site Eligibility (Site-Specific Proposals Only)* when responding to this section.

Site Eligibility:

a. **Basic Site Information.** Identify (a) the name of the site; (b) the address of the site, including zip code; and (c) the current owner of the site.

b. **Status and History of Contamination at the Site.** Identify (a) whether this site is contaminated by petroleum or hazardous substances; (b) the operational history and current use(s) of the site; (c) environmental concerns, if known, at the site; and (d) how the site became contaminated, and to the extent possible, describe the nature and extent of the contamination.

c. **Sites Ineligible for Funding.** Affirm that the site is (a) not listed or proposed for listing on the National Priorities List; (b) not 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 (c) not subject to the jurisdiction, custody, or control of the U.S. government. (Note: Land held in trust by the U.S. government for an Indian tribe is eligible for brownfields funding.) Please refer to CERCLA §§ 101(39)(B)(ii), (iii), and (vii) and Appendix 1.

d. **Sites Requiring a Property-Specific Determination.** Certain types of sites require a property-specific determination in order to be eligible for funding. Please refer to Appendix 1, Section 1.5, to determine whether your site requires a property-specific determination. If your site requires a property-specific determination, then you must attach the information requested in the Brownfields FAQ at: http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf.

Property Ownership Eligibility:

EPA grant funding may not be used to pay for response costs at a brownfield site for which the recipient of the grant is potentially liable under CERCLA §107. The following items are intended to help EPA ensure that you are not liable under CERCLA for response costs at the site designated in your proposal, or determine, if necessary, that your site is eligible for funding as a petroleum site. Please respond to the following items fully and in the order that they appear (note that based on your responses, EPA may need to obtain additional information to make this determination).

e. **CERCLA § 107 Liability.** Affirm that you are not potentially liable for contamination at the site under CERCLA §107 (e.g., as a current owner or operator of a facility, an owner or operator of a facility at the time of disposal of a hazardous substance, a party that arranged for the treatment or disposal of hazardous substances, or a party that accepted hazardous substances for transport to disposal or treatment facilities at the site) by

establishing that you are eligible for one of the CERCLA liability protections or defenses (see Section III.B.3) **and explain why**. *Please note that brownfields grant applicants that otherwise meet the requirements for a bona fide prospective purchaser, except for having acquired the property prior to January 11, 2002, may still be eligible for brownfields grants. For further information, please see FAQs on All Appropriate Inquiry for more information at* http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf.

f. **Enforcement or Other Actions.** Identify known ongoing or anticipated environmental enforcement or other actions related to the brownfield site for which funding is sought. Describe any inquiries or orders from federal, state, or local government entities that the applicant is aware of regarding the responsibility of any party (including the applicant) for the contamination or hazardous substances at the site, including any liens. The information provided in this section may be verified, and EPA may conduct an independent review of information related to the applicant's responsibility for the contamination or hazardous substances at the site.

g. **Information on Liability and Defenses/Protections Where Applicant Does NOT Own the Site.** If you, the applicant, do not own the site to be assessed, please:

   i) affirm that you did not arrange for the disposal of hazardous substances at the site or transport hazardous substances to the site, and that you did not cause or contribute to any releases of hazardous substances at the site

   ii) describe your relationship with the owner and the owner's role in the work to be performed

   iii) indicate how you will gain access to the site

h. **Information on Liability and Defenses/Protections Where Applicant Owns the Site or Will Own the Site During the Performance of the Grant.** If you, the applicant, own the site to be assessed or will own the site at some point during the performance of the grant, please respond to the following:

   i) Information on the Property Acquisition. To save space, you may combine responses to the following into one response, though please be sure to answer each item fully. Describe:
      1. how you acquired or will acquire ownership (e.g., by negotiated purchase from a private individual, by purchase or transfer from another governmental unit, by foreclosure of real property taxes, by eminent domain, or other (describe))
      2. the date you acquired or will acquire the property
      3. the name and identity of the party from whom you acquired or will acquire ownership (i.e., the transferor) and
      4. all familial, contractual, corporate, or financial relationships or affiliations you have or had with all prior owners or operators (or other potentially responsible

parties) of the property (including the person or entity from which you acquired the property)

ii) Timing and/or Contribution Toward Hazardous Substances Disposal. Identify whether all disposal of hazardous substances at the site occurred before you acquired (or will acquire) the property and whether you caused or contributed to any release of hazardous substances at the site. Affirm that you have not, at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.

iii) Pre-Purchase Inquiry. Describe any inquiry by you or others into the previous ownership, uses of the property, and environmental conditions conducted prior to taking ownership. Please include in your description:

1. The types of site assessments performed (e.g., ASTM E1527-05 Phase I), the dates of each assessment, and the entity for which they were performed (state whether the assessment was performed specifically for you, or if not, the name of the party that had the assessment performed and that party's relationship to you). Please note that to be eligible for a brownfields grant, parties who may be potentially liable under CERCLA (which includes current owners of the property) must demonstrate they are not liable for contamination at the property. In most cases, this demonstration must include evidence that an AAI investigation or Phase I Environmental Site Assessment in compliance with ASTM E1527-05 (or ASTM E2247-08) was conducted prior to property acquisition.
2. Who performed the AAI investigation or Phase I environmental site assessments and identify his/her qualifications to perform such work.
3. If your original AAI investigation or Phase I environmental site assessment was conducted more than 180 days prior to the date you acquired the property, affirm that you conducted the appropriate updates of the original assessment within 180 days prior to your acquisition of the property in order to take advantage of the bona fide prospective purchaser, innocent landowner, or contiguous property owner provision.

iv) Post-Acquisition Uses. Describe all uses to which the property has been put since you acquired ownership (or the uses that you anticipate once you acquire the property) through the present, including any uses by persons or entities other than you. Please provide a timeline with the names of all current and prior users during the time of your ownership; the dates of all uses; the details of each use, including the rights or other reason pursuant to which the use was claimed or taken (e.g., lease, license, trespass); and your relationship to the current and prior users.

v) Continuing Obligations.[3] Describe in detail the specific appropriate care that you exercised (or if you have yet to acquire the property, that you will exercise upon

[3] Applicants that own contaminated land should be aware that some CERCLA liability protections require that the site owner meet certain continuing obligations. For example, grantees must comply with land-use restrictions and institutional controls; take reasonable steps with respect to the hazardous substances on the property; cooperate with, assist, and allow access to authorized representatives; and comply with

acquiring the property) with respect to hazardous substances found at the site by taking **reasonable steps**[4] to:

1. Stop any continuing releases;
2. Prevent any threatened future release; and
3. Prevent or limit exposure to any previously released hazardous substance.

Please confirm your commitment to:

1. Comply with all land-use restrictions and institutional controls;
2. Assist and cooperate with those performing the assessment and provide access to the property;
3. Comply with all information requests and administrative subpoenas that have or may be issued in connection with the property; and
4. Provide all legally required notices.

i. **Petroleum Sites.** (Disregard this item if you do not have a petroleum site.)

Non-tribal applicants must provide the information required for a petroleum site eligibility determination (listed below) to your state, so that the state can make the necessary determination on petroleum site eligibility. You must provide EPA with a copy of the state determination letter as an attachment to your proposal. 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. (**Note**: You must provide EPA with the date you requested your state to make the petroleum site determination. EPA will make the petroleum site eligibility determination if a state is unable to do so following a request from an applicant.) Also in your letter to the state, please request that the state provide information regarding whether it applied EPA's guidelines in making the petroleum determination, or if not, what standard it applied.

Tribal applicants must submit the information required for a petroleum site eligibility determination (listed below) as an attachment to your proposal. EPA will make the petroleum site eligibility determinations for tribes.

Information required for a petroleum site eligibility determination:

i) Current and Immediate Past Owners. Identify the current and immediate past owner of the site. For purposes of petroleum eligibility determinations in these guidelines only, the current owner is the entity that will own the site at time of proposal submission.

CERCLA information requests and subpoenas and provide legally required notices. For more information on the obligations of owners of contaminated property, see EPA's *Common Elements Reference Sheet* at http://www.epa.gov/compliance/resources/policies/cleanup/superfund/common-elem-ref.pdf.

[4] Please note that reasonable steps may include actions such as limiting access to the property, monitoring known contaminants and complying with state and/or local requirements. The steps taken to prevent or limit exposure to previously released hazardous substances may depend, for example, on such things as the location of the site in relation to the public and whether the public has been known to use (or even trespass on) the site.

ii) Acquisition of Site. Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).

iii) No Responsible Party for the Site. Identify whether the current and immediate past owner (which includes, if applicable, the applicant): (1) dispensed or disposed of petroleum or petroleum product contamination, or exacerbated the existing petroleum contamination at the site; and (2) owned the site when any dispensing or disposal of petroleum (by others) took place; and (3) took reasonable steps with regard to the contamination at the site.

iv) Assessed 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.

v) 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.

vi) Judgments, Orders, or Third Party Suits. Provide information that no responsible party (including the applicant) is identified for the site through, either:

1. 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
2. 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
3. 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.

vii) Subject to RCRA. Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act.

viii) 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 iii) or vi) 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. For more information, see Appendix 1, Section 1.3.2.

SECTION IV - PROPOSAL SUBMISSION INFORMATION

IV.A. How to Obtain a Proposal Package

Electronic copies of these guidelines can be obtained from the EPA brownfields website (http://www.epa.gov/brownfields/applicat.htm), or through www.grants.gov. Hard copies may be requested by contacting your Regional Brownfields Coordinator listed in Section VII.

In order to maintain the integrity of the competition process, EPA staff cannot 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. EPA's limitations on staff involvement with grant applicants are described in EPA's Assistance Agreement Competition Policy (EPA Order 5700.5A1). However, EPA staff will respond to questions regarding threshold eligibility criteria, administrative issues related to the submission of the proposal, and requests for clarification about this announcement.

IV.B. Due Date and Mailing Instructions

Proposals are due January 22, 2014. Applicants may submit their proposals through the U.S. Postal Service, commercial delivery service, or electronically through www.grants.gov. Only one method should be used for the submission of the original, complete proposal package as described in IV.C. below.

1. Hard Copy Submissions
   Proposals sent through the U.S. Postal Service or a commercial delivery service must be postmarked by January 22, 2014. Only one copy of the complete proposal is required.

   Mail one complete, original proposal to:
   Environmental Management Support, Inc.
   Attn: Mr. Don West
   8601 Georgia Avenue, Suite 500
   Silver Spring, MD 20910
   Phone 301-589-5318

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

   Proposals postmarked by the USPS/commercial delivery service after January 22, 2014, will not be considered for funding.

2. Electronic Submissions
   Proposals sent electronically through grants.gov must be received by grants.gov by 11:59 p.m. Eastern Time on January 22, 2014. Proposals received after 11:59 p.m. Eastern Time on January 22, 2014, will not be considered for funding. Refer to Appendix 2 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 2. 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.

Applications submitted through grants.gov will be time and date stamped electronically. If you have not received a confirmation of receipt from EPA within 30 days of the proposal deadline, please contact Jeanette Mendes at 202-566-1887 or mendes.jeanette@epa.gov. Failure to do so may result in your proposal not being reviewed.

IV.C. Content and Form of Proposal Submission

Refer to Section I.A. for information on the number of assessment grants and amount of funding that may be requested. Applicants must submit separate proposals for community-wide and site-specific assessment grants. Each proposal must stand on its own merits based on the responses given to the relevant criteria for that grant type and must not reference responses to criteria in another proposal.

Pages exceeding stated page limits will not be evaluated. The page limits indicated for the Transmittal Letter and Narrative Proposal do not include the required attachments described in item 1.c. in the Proposal Content below. There is no page limit for the attachments. Only required attachments are allowed – no other attachments will be considered.

Upon receipt, proposals will be reviewed for content and threshold eligibility issues and copied for distribution to evaluators. Do not include binders, spiral binding, or color printing. All proposal materials must be in English. The narrative proposal, transmittal letter and attachments must be typed, on letter-sized (8.5 x 11-inch) paper, and should use standard 12-point font and 1-inch margins. While these guidelines establish the minimum type size requirements, applicants are advised that readability is of paramount importance. Applicants are responsible for submitting a complete proposal, as described below, by the due date.

1. Proposal Content: Refer to the sections indicated for detailed instructions on what to include in your proposal.

    a. Transmittal Letter (2 single spaced-page limit)- See No. 2 below
    b. The Narrative Proposal, which includes the responses to all ranking criteria (15 single spaced-page limit)- See No. 3 below
    c. Attachments (**Only** the listed attachments will be accepted- all others will be removed from the proposal prior to review. There is no page limit for attachments.)
        i) Threshold Documentation (see Section III.B and C)
        ii) Letter from the state or tribal environmental authority (see Section III.C.2)
        iii) Documentation of applicant eligibility if other than city, county, state, or tribe (see Section III.C.1.)
        iv) Letters of support from all community-based organizations identified in the community engagement and partnerships ranking criteria (see Section V.B.3) You must attach support letters to your proposal or EPA will not take the community-based organization's support into consideration.
        v) Documentation indicating leveraged funds are committed to the project (see Section V.B.2.b.iii)
        vi) Justification for requested waiver of the $200,000 limit for a site-specific assessment, if applicable (see Section I.A.2)
        vii) Property-specific determination request, if applicable (see Section III.C.3.d)
        viii) Letters of commitment from assessment coalition members, if applicable (see Section III.C.1)
        ix) Petroleum eligibility determination information, if applicable (see Section III.C.3.i)

x) Special Considerations checklist (located at Appendix 3), if applicable (see Section IV.B.2.j)

d. For grants.gov submissions applicants must also submit the SF 424 and 424A forms. See Appendix 2.

2. Transmittal Letter: The transmittal letter shall identify the applicant and a contact for communication with EPA. The transmittal letter, including the applicant identification information, shall not exceed two single spaced pages. Any pages submitted over the page limit will not be considered. The transmittal letter must be written on the applicant's official letterhead, and signed by an official with the authority to commit your organization to the proposed project. Applicants are to submit separate transmittal letters for each proposal they submit. EPA does not consider information in transmittal letters to be responses to the ranking criteria. Each transmittal letter must also include:

a. Applicant Identification: Provide the name and full address of the entity applying for funds. This is the agency or organization that will be receiving the grant and will be accountable to EPA for the proper expenditure of funds.

b. Applicant DUNS number [Refer to Section VI.G. for more information if you do not have a DUNS number.]

c. Funding Requested:
   i) Grant type: Indicate Assessment
   ii) Federal Funds Requested: $_____ and whether you are requesting a waiver for a site-specific proposal (please refer to funding limitations for each grant type)
   iii) Contamination: Hazardous Substances, Petroleum, or both
   Note: if both, provide a breakdown of the amount of funding you are requesting by contaminant type (e.g., $200,000 hazardous substances and $200,000 petroleum)
   iv) Community-wide, Site-specific, or Coalition

d. Location: City, county, and state or reservation, tribally owned lands, tribal fee lands, etc., of the brownfields community(ies) that you propose to serve. For assessment grant coalitions, list all jurisdictions covered under the proposal.

e. For site-specific proposals, please provide the property name and complete site address, including zip code.

f. Contacts:
   i) Project Director: Provide name, phone/fax numbers, email address, and mailing address of the Project Director assigned to this proposed project. This person should be the main point of contact for the project, and should be the person responsible for the project's day-to-day operations. The Project Director may be contacted if other information is needed.
   ii) Chief Executive/Highest Ranking Elected Official: Provide the name, phone/fax numbers, email address, and mailing address of the applicant's Chief Executive or

highest ranking elected official. For example, if your organization is a municipal form of government, provide this information for the Mayor or County Commissioner. Otherwise, provide this information for your organization's Executive Director or President. These individuals may be contacted if other information is needed.

g. Date Submitted: The date your proposal is submitted to EPA via U.S. Postal Service, commercial delivery service, or electronically through www.grants.gov.

h. Project Period: The project period must not exceed three years for assessment grants.

i. Population:
   i) Provide the general population of your jurisdiction and the jurisdictions of any coalition partners.
   ii) If you are not a municipal form of government, provide both the population of the target area and the jurisdiction to be addressed by this proposal. Tribes must provide the number of tribal/non-tribal members affected. Your jurisdiction's population can be found at: http://www.census.gov

j. Please attach the "Other Factors" Checklist in Appendix 3 to the transmittal letter identifying which, if any, of the items are applicable to your proposal. The "Other Factors" Checklist does not count towards the two-page limit for this section.

3. Narrative Proposal: The narrative proposal includes responses to all ranking criteria (see Section V.B). The narrative proposal shall not exceed 15 single spaced pages. Any pages submitted 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 work or project covered by your proposal.

4. Attachments – See List Above (IV.C.1).

IV.D. Intergovernmental Review

As appropriate for your state, applicants are encouraged to contact their State Intergovernmental Review Office early to start the required intergovernmental review process. The review process will be needed if you are selected to receive a grant. This effort is separate from the threshold criteria related to a state environmental letter attachment (see Section III.C.2). Contact your Regional Brownfields Coordinator listed in Section VII for assistance.

IV.E. Use of Funds to Make Subawards, Contract Services, or Fund Partnerships

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

Funding may be used to provide subgrants or subawards of financial assistance, which includes using subawards or subgrants to fund partnerships , provided the recipient complies with applicable requirements for subawards or subgrants including those contained in 40CFR Parts 30 or 31, as appropriate. Applicants must compete contracts for services and products, including consultant contracts, and conduct cost and price analyses, to the extent required by the procurement provisions of the regulations at 40 CFR Parts 30 or 31, as appropriate. The regulations also contain limitations on consultant compensation. Applicants are not required to identify subawardees/subgrantees and/or contractors (including consultants) in their proposal/application. However, if they do, the fact that an applicant selected for award has named a specific subawardee/subgrantee, contractor, or consultant in the proposal/application EPA selects for funding does not relieve the applicant of its obligations to comply with subaward/subgrant and/or competitive procurement requirements as appropriate. Please note that applicants may not award sole source contracts to consulting, engineering or other firms assisting applicants with the proposal solely based on the firm's role in preparing the proposal/application.

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

IV.F. Evaluation of Subawardees and Contractors

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

(i) an applicant's named subawardees/subgrantees identified in the proposal if the applicant demonstrates in the proposal that if it receives an award that the subaward/subgrant will be properly awarded consistent with the applicable regulations in 40 CFR Parts 30 or 31. For example, applicants must not use subawards/subgrants to obtain commercial services or products from for-profit firms or individual consultants.

(ii) an applicant's named contractor(s), including consultants, identified in the proposal if the applicant demonstrates in its proposal that the contractor(s) was selected in compliance with the competitive Procurement Standards in 40 CFR Part 30 or 40 CFR 31.36 as appropriate. For example, an applicant must demonstrate that it selected the contractor(s) competitively or that a proper non-competitive sole-source award consistent with the regulations will be made

to the contractor(s), that efforts were made to provide small and disadvantaged businesses with opportunities to compete, and that some form of cost or price analysis was conducted. EPA may not accept sole source justifications for contracts for services or products that are otherwise readily available in the commercial marketplace.

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

IV.G. Confidential Business Information

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

IV.H. Management Fees

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

IV.I. Voluntary Cost Share/Leveraging

Voluntary cost sharing is when an applicant voluntarily proposes to provide costs/contributions to support the project when a cost share is not required as is the case under this competition or to provide costs/contributions above any required cost share. When preparing proposals, applicants should remember that voluntary cost share is a form of leveraging and can be included in the response to the leveraging criteria. If an applicant proposes a voluntary cost share, the following apply: (1) 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); (2) The recipient may not use other sources of federal funds to meet a voluntary cost share unless the federal statute authorizing the other federal funding provides that the federal funds may be used to meet a cost share requirement on a federal grant; and (3) A voluntary cost share may only be met with eligible and allowable costs. The recipient is legally obligated to meet any proposed voluntary cost share that is included in the approved project budget, should the applicant be selected for award.

IV. J. Pre-proposal/Application 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 applications/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 the announcement. In addition, if necessary, EPA may clarify threshold eligibility issues with applicants prior to making an eligibility determination.

IV.K. Duplicate Funding

Generally, applicants are not prohibited from submitting the same or virtually the same proposal to EPA under multiple competitions, if appropriate. However, if an applicant does so, and the proposal is selected for award under another competition, that may affect their ability to receive an award under this competition for that proposal.

SECTION V - PROPOSAL REVIEW INFORMATION

V.A. Review and Selection Process

Timely submitted proposals initially will be reviewed by the appropriate EPA Regional Office to determine compliance with the applicable threshold criteria for assessment grants (Section III.C). The threshold criteria review is pass/fail. Applicants deemed ineligible for funding consideration as a result of the threshold criteria review will be notified within 15 calendar days of the ineligibility determination. 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 brownfield assessment. The national evaluation panels will be composed of EPA staff and potentially other federal agency representatives. Eligible proposals will be evaluated based on the criteria below.

For evaluation and selection purposes, EPA's Office of Brownfields and Land Revitalization (OBLR) will prepare two ranked lists of eligible proposals. One list will be comprised of "new" applicants defined as those applicants who have never received an EPA brownfields grant before with the exception of a pilot grant EPA awarded in 2002 or earlier. A second list will be comprised of "existing and former" applicants defined as those applicants who have a current brownfields grant or have had a grant that was awarded in 2003 or later, but have not receive an award in FY 2013. The Agency intends to use approximately 50% of the total amount of funding available under this announcement for grants to "new" applicants. This percentage is an

estimate and is subject to change based on funding levels, the quality of proposals received and other applicable considerations.

OBLR will provide both lists to the Selection Official, who is responsible for further consideration of the proposals and final selection of grant recipients. Proposals will be selected for award by this Official based on their evaluated point scores, the availability of funds, and, if and as appropriate, consideration of the other factors described in Section V.C.

V.B. Ranking Criteria for Assessment Grants

If your proposal passes the threshold eligibility review (see Section III.C), your responses to the ranking criteria below will be evaluated and scored by national evaluation panels. Your proposal may be assigned up to 200 points based on the ranking criteria. Respond to the following ranking criteria below in your proposal.

1. **Community Need [45 points]**
   This section of your proposal provides the context for your project. The needs defined in this section should provide the foundation of your later discussion of the brownfields project, planned community engagement and partnerships and the ways the project will ultimately benefit your targeted community (both outputs and outcomes). This section of your narrative should identify your targeted community, as well as the community's brownfield issues and the impacts they have on the targeted community in which they are located. This section should also present the environmental, health and/or welfare, and economic challenges faced by the targeted community as related to its brownfields. Proposals will be evaluated on the quality and extent to which you have presented a compelling picture of your brownfield(s) and the needs of your targeted community.

   All proposals should demonstrate how the grant will serve a community(ies) to address or facilitate the identification and reduction of threats to the health or welfare of children, pregnant women, minority or low-income communities, or other sensitive populations; and/or will serve a community(ies) that is unable to draw on other sources of funding because of the small population or low income of the community.

   Coalition proposals should demonstrate it will serve coalition partners and communities that would otherwise not have access to resources to address brownfields. For example, a state or county may put together a coalition that includes small communities that do not have the capacity to apply for brownfields funding on their own.

   a. **Targeted Community and Brownfields [20 points]**

      i. Targeted Community Description (5 points)
      Include a brief description of your city, town, or geographic area to provide the reader some background on its cultural and industrial history that establishes the context for your brownfield challenges. Within this geographic area, identify and describe the targeted community where you plan to perform assessment activities, such as a neighborhood, district, corridor, census tract or other locality around which your project will focus.

ii. Demographic Information (5 points)

Provide demographic information about your targeted community including pertinent indicators of population, unemployment, poverty, minorities, and income such as those shown in the suggested table below, and clearly cite the sources of your data.

Sample Format for Demographic Information (supplement as appropriate)

	Targeted Community (by Census Tract)	City/Town or County	Statewide	National
Population:				308,745,538[1]
Unemployment:				7.2%[2]
Poverty Rate:				15.1 %[3]
Percent Minority:				26.7%[1]
Median Household Income:				$49,445[3]
Other:				

[1]Data is from the 2010 U.S. Census data and is available at http://www.census.gov/.
[2]Data is from the Bureau of Labor Statistics and is available at www.bls.gov
[3]Data is from the 2010 American Community Survey and is available at http://www.census.gov/newsroom/releases/archives/income_wealth/cb11-157.html

For resources to gather demographic information, please go the FAQs at http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf.

iii. Brownfields [5 points]

Describe your brownfields, as well as their proximity to, and effect on your targeted community. Provide information about the nature and extent of your brownfields such as past land uses and site activities, potentially related environmental issues or contaminants, and current conditions. Discuss the real or perceived negative environmental impacts associated with the brownfields.

iv. Cumulative Environmental Issues [5 points]

In addition to brownfields, provide a summary of other various cumulative environmental issues (e.g. siting of power plants, incinerators, industry, landfills, congested highways, or other sources of air, water and land pollution) or other environmental justice concerns which may be present.

b. Impacts on Targeted Community
[15 Points]

Describe how the issues discussed in this section have resulted in a disproportionate impact on the targeted community. Provide information describing the threats to health or welfare of sensitive populations such as children, pregnant women, minority or low-income communities, or other sensitive groups in the targeted community potentially subject to environmental exposures, including brownfields. Discuss the impacts the brownfields have on public health or welfare of your targeted community, such as:

- possible aggravation of public health issues, such as a greater than normal incidence of diseases or conditions (including cancer, asthma or birth defects) that may be

associated with exposure to hazardous substances, pollutants or contaminants resulting from cumulative environmental conditions, including brownfields, or
- other impacts on the general health and/or welfare of the targeted community.

c. Financial Need [10 Points]

i. Economic Conditions [5 points]
Describe why you, as an applicant, need this funding and are unable to draw on other sources of funding because of a small population, low income or other factors of the targeted community. Describe how local economic conditions may have been made worse due to industrial decline, plant closures, natural disasters, or other significant economic disruptions.

ii. Economic Effects of Brownfields [5 points]
Elaborate on the demographic table above (Section V.B.1.a) and discuss the key economic effects (e.g. reduced tax base, lost jobs and business opportunities, depressed property values, ongoing costs to secure vacant properties, etc.) of the brownfields on the targeted community. Describe other economic effects associated with brownfields such as blight, property vacancy, community disinvestment, burden on municipal services etc. To the extent that this discussion may include quantitative estimates and statistics, clearly cite the sources of such data.

2. Project Description and Feasibility of Success [50 points]
This section of your proposal describes your project and how it will be implemented. This section should demonstrate the feasibility of the project you will fund with this grant, and the extent to which the grant will stimulate the availability of other funds for environmental assessment or remediation, and the subsequent reuse of the target area in which the brownfield site(s) is located.

Proposals will be evaluated on the quality and extent to which you demonstrate:

How your project will further the targeted community's land use and revitalization plans or vision;

a reasonable approach and methodology to achieve project goals;

a realistic basis for project costs; and

the availability of, and access to, sufficient resources to complete the project.

All proposals should demonstrate how the majority of grant funds are allocated for tasks directly associated with environmental site assessment.

Site-specific proposals should demonstrate how the task descriptions and budget justify the need for the amount of funding requested for the proposed site

Coalition proposals should demonstrate how the grant funds address a minimum of five sites as well as sites located in each coalition member's jurisdiction.

Refer to Section VI.E, *Brownfields Programmatic Requirements*, to read EPA expectations of projects funded with brownfields assessment grants.

a. Project Description [25 Points]

i. Describe the project that will be funded under this grant and how the project aligns with the targeted community's land use and revitalization plans. In addition to the description of the grant-funded assessment work, describe the redevelopment strategy or projected redevelopment for the property or properties that are assessed. [10 Points]

ii. Describe the project management approach which will be used to ensure completion within 3 years (address timing of contractor procurement, site selection, and site access). [5 Points]

iii. Site Selection [10 Points]
For community-wide and assessment coalition proposals, describe the process for prioritizing and selecting sites to assess, and for obtaining access to those sites.

OR

For site-specific assessment proposals describe the existing conditions of the subject property including anticipated levels of contamination, size, and/or status of ownership of the site.

b. Task Description and Budget Table [20 Points]

Task Description [15 Points]
List the tasks required to implement the proposed project. Describe the work that will take place under each task including grant-funded work and any supplemental work or services necessary to carry out the project that will be funded by sources other than this grant. (Activities not supported by the grant **should not** be included in the budget table.) Identify and enumerate specific outputs from the project, which may include, but are not limited to, Phase I environmental site assessments, Phase II environmental site assessments, site cleanup plans, area-wide plans, or site inventories. [Refer to Section I.E.2 for an explanation of outputs.]

Provide a cost estimate for each **grant-funded** task, which describes the basis for the estimated costs, and specifies costs by the budget categories shown in the table below. Where appropriate, present unit costs and quantify work products (e.g., Contractual Costs: Conduct Phase 1 assessments on five sites at a cost of $2,500 each for a total of $12,500). Explain any costs that appear to be atypical (i.e., unusually high or low). Do not include tasks for activities that are ineligible uses of funds under EPA's assessment grant (e.g., land acquisition, building demolition that is not necessary to assess contamination at the site, building or site preparation, or administrative costs, such as

indirect costs). Please refer to the Brownfields FAQ at http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf for additional examples of ineligible uses of funds. For questions not covered by the FAQ, contact your Regional Coordinator.

Budget Table (5 Points)
Using the sample table format below, indicate how EPA grant funds will be used for the specific tasks described above. Specify the costs by budget category. Include ONLY EPA grant funds in this table.

Applicants requesting hazardous substance and petroleum funding in the same proposal must provide either two separate budget tables, or two separate line items within one budget table, which distinguish hazardous substance funds from petroleum funds. Task descriptions and budget estimates must distinguish hazardous substance funds from petroleum funds.

Note: Even if applying via Grants.gov, please use the table format below.

Sample Format for Budget

Budget Categories	**Project Tasks**				
(programmatic costs only)	[Task 1]	[Task 2]	[Task 3]	[Task 4]	Total
Personnel					
Fringe Benefits					
Travel[1]					
Equipment[2]					
Supplies					
Contractual					
Other (specify) _____					
Total					

[1] Travel to brownfields-related training conferences is an acceptable use of these grant funds.
[2] EPA defines equipment as items that cost $5,000 or more with a useful life of more than one year. Items costing less than $5,000 are considered supplies. Generally, equipment is not required for assessment grants.

c. **Ability to Leverage** [5 points]
Describe other sources of funding or resources that you have or may be seeking to ensure the successful revitalization of brownfields sites assessed with this grant. This should include public or private resources (beyond this grant) to achieve assessment, cleanup, and/or redevelopment needs of brownfields sites.

If you are not yet able to identify sources of leveraged funding needed for this project, then provide a recent example where you or your project partners have successfully

leveraged resources to achieve an environmental or revitalization goal of your community (not necessarily on a brownfields site). Attach copies of documentation to this proposal for any "firm leveraged" resources identified in this section. See the Brownfields FAQ at: http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf for more information on how to demonstrate leveraging commitments.

3. **Community Engagement and Partnerships [35 points]**
This section of your proposal demonstrates how you will inform and involve the community and other stakeholders during the planning and implementation of your project. Your responses to the criteria will also explain how your proposed community engagement plan will meet the needs of the targeted community identified in the Community Need (Section V.B.1) portion of your proposal and identify the stakeholders and partners necessary to achieve the benefits discussed in Project Benefits (Section V.B.4). Proposals will be evaluated on the quality and extent to which your proposal demonstrates actions or plans to involve relevant stakeholders.

Community-wide proposals should demonstrate how the whole community, not just localized groups directly affected by a site or sites, has provided input from the project inception and will be engaged throughout the project;

Site-Specific proposals should discuss and demonstrate meaningful involvement of community groups or representatives directly affected by the site, in addition to the broader community.

Coalition proposals should demonstrate how all communities addressed through this project have provided input from the beginning of the project, and will be engaged throughout the project. . Coalition proposals should demonstrate that the grant recipient will ensure that community engagement is tailored specifically to the needs of each targeted community and coalition member.

a. **Plan for Involving Targeted Community & Other Stakeholders; and Communicating Project Progress [15 points]**
Discuss your plan for involving the targeted community and other stakeholders (such as neighborhood organizations, citizens groups, property owners, lenders, business organizations and developers) in the planning and implementation of your project (which may include project planning, site selection for assessments, cleanup decisions, and reuse planning).

Describe your plans for communicating the progress of your project, addressing the needs of the targeted community, to community members. The description should include a discussion of why the plans identified are appropriate for the targeted community.

Note: Applicants may address this criterion by various means that show meaningful public engagement where information is shared and views and input are actively solicited, including public meetings, webinars, use of media, and internet forums.

Applicants must demonstrate how they will engage the targeted community in meaningful ways to ensure success of the proposed project.

b. **Partnerships with Government Agencies** [10 points]
Describe your current efforts and plans to initiate and develop new, or to access existing, partnerships with the following governmental entities, including a description of the role they would play to ensure your brownfields project is successful:

i) your local/state/tribal environmental and health agencies as applicable to your state and local procedures – please briefly explain your local environmental oversight structure; [5 Points]

ii) other relevant federal, state, and local governmental agencies [5 Points]

c. **Partnerships with Community Organizations)** [10 points]
Describe your current efforts and plans to initiate and develop partnerships with community organizations and discuss how they will be involved in the planning and implementation of your project.
- Include a description of each organization involved in your project.
- Describe the role and affirm commitments that each of these organizations will make in planning and implementation of the project. EPA may conduct reference checks to ensure that organizations identified are supportive and involved with the brownfields project.
- Letters of Support - Attach to the proposal current letters from all of the community organizations you have listed. These letters should discuss their support of the project, and describe and affirm their roles and the commitments they make to the planning and implementation of the project. The numbers of partners is not as important as the contributions of their organization.

***Note*:** If there are no community organizations in your community, then state this and demonstrate how the community is engaged and will continue to be involved in your project. This can be done by including support letters from residents, letters from residents to the editors of local newspapers, attendance lists at public meetings concerning the project, comments from local citizens received on the plans and implementation of the project, etc.

Examples of community organizations might include, but are not limited to, civic organizations, local citizen groups, business groups, environmental, local labor groups, local advocacy organizations, and educational institutions. Community organizations do **not** include local government departments, the local planning department/district/office, local contractors, the mayor's office, or other elected officials. See FAQ # 7 (http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf) for more information about Community-Based Organizations.

4. **Project Benefits** [30 points]
This section of your proposal describes the anticipated outcomes and benefits expected from your project in the context of the needs you demonstrated in the Community Need (Section

V.B.1), the broader planning efforts as discussed in the Project Description (Section V.B.2), including sustainable redevelopment and the near-term efforts to support sustainable environmental practices in the community. It will also describe how the outcomes of this assessment work will contribute to the community plan for the revitalization of brownfields sites. Proposals will be evaluated on the quality and extent to which they demonstrate the potential of the project, or the development plan for the project area to, realize significant outcomes and benefits to the health/welfare and environment of the community, facilitate environmentally sustainable redevelopment planning, and stimulate economic or non-economic benefits.

Note that most of these sub-criteria present an either/or option for response – allowing some portion of each sub-criteria to apply to all applicants.

a. **Health and/or Welfare and Environment** [10 points]
   Describe the health and/or welfare and environmental benefits anticipated from this grant (or broader project). Describe how these benefits will address the health and/or welfare and environmental challenges in the Community Need (Section V.B.1).

b. **Environmental Benefits from Infrastructure Reuse/Sustainable Reuse** [10 points]
   i. Describe how your community is using planning, policies, ordinances or other tools to foster and implement sustainable redevelopment. Provide examples which may be pertinent to the proposed project such as using existing infrastructure, green buildings, energy efficiency, water management, green remediation, construction and demolition materials recycling, diesel emissions reductions, and renewable energy. [5 Points]

   ii. Provide one example of efforts you have taken in your planning to integrate equitable development <u>or</u> livability principles for cleanup and revitalization of brownfields, such as improved transportation choices, affordable housing, and other considerations as described on page 7 of these guidelines. [5 Points]

c. **Economic <u>or</u> non-Economic Benefits (long term benefits)** [10 points]

   i. Discuss economic benefits, such as increased employment and expanded tax base, through the redevelopment of sites assessed under this grant. Be as specific as possible;

      OR

      discuss other non-economic benefits associated with sites to be reused for greenspace or other not-for-profit activities. Examples may include areas redeveloped for uses such as parks, recreation areas, greenways, environmental buffers and other not-for-profit, governmental or charitable organization spaces libraries, schools, health centers, community centers, fire stations, etc. [5 Points]

   ii. Describe any planned efforts to promote local hiring and procurement or link members of the community to potential employment opportunities in brownfields

assessment, cleanup, or redevelopment related to your proposed projects. Such efforts may include, but are not limited to partnering with local workforce development entities or Brownfields job training grantees. A list of Brownfields job training grantees can be found at http://cfpub.epa.gov/bf_factsheets/index.cfm. [5 Points]

5. **Programmatic Capability and Past Performance** [40 points]
This section of your proposal demonstrates that your organization ("the applicant") has programmatic capability (experience, knowledge and resources, or ability to obtain them) necessary to ensure successful completion of all required aspects of this project and grant as discussed in the previous section of your proposal and Section VI of the these guidelines. Proposals will be evaluated on the quality and extent to which your proposal demonstrates the ability of your organization to successfully manage and complete the project, considering your programmatic and administrative capacity, plans for measuring and reporting your outputs and outcomes, and your past and/or current performance under federally and/or non-federally funded assistance agreements (past and current).

Note: In evaluating an applicant's response to this criterion, in addition to the information provided by the applicant, EPA may consider relevant information from other sources including information from EPA files and/or from other federal or non-federal grantors to verify or supplement information provided by the applicant.

a. **Programmatic Capability [24 points]**
Describe the organizational structure you will utilize to ensure the timely and successful expenditure of funds and completion of all technical, administrative and financial requirements of the project and grant. Include a brief discussion of the key staff including their roles, expertise, qualifications, and experience.

Describe the system(s) you have in place to appropriately acquire any additional expertise and resources (e.g. contractors or subawardees) required to successfully complete the project. Please refer to Section IV.E. and F. regarding contractors and subawards.

b. **Audit Findings [2 points]**
Describe any adverse audit findings. If you have had problems with the administration of any grants (e.g., compliance reporting, expenditure of funds), please describe how you have corrected, or are correcting, the problems. If you have not, please affirm that you have not had any adverse audit findings. Respond to this criterion regardless of whether or not you have had a federal or non-federal assistance agreement. [*Failure to address this section will result in zero points for this factor.*]

c. **Past Performance and Accomplishments [14 points]**
If you have ever received an EPA brownfields grant, please respond to **item i.**

If you have never received an EPA brownfields grant, but have received other federal or non-federal assistance agreements (an assistance agreement is a grant or cooperative agreement, but not a contract) please respond to **item ii.**

If you have never received any type of federal or non-federal assistance agreements please indicate this in response to **item iii.** and you will receive a neutral score of 7 points for this factor

i) **Currently or Has Ever Received an EPA Brownfields Assessment, Revolving Loan Fund, or Cleanup Grant** [14 Points]
Identify and provide information regarding each of your current and most recent EPA Assessment, Revolving Loan Fund or Cleanup brownfields grant(s) (but no more than five). Demonstrate how you successfully managed the grant(s), and successfully performed all phases of work under each grant by providing information on the following:

1. Compliance with grant requirements [7 Points]:
   Discuss your compliance with the work plan, schedule and terms and conditions. Include whether you have made, or are making, sufficient progress towards achieving the expected results of the grant in a timely manner? If you are not, please explain why. What corrective measures did you take, or are you taking, and how did you document and communicate them?

   Discuss your history of timely and acceptable quarterly performance and technical reporting, as well as, ongoing Assessment, Cleanup and Redevelopment Exchange System (ACRES) reporting.

   For all open EPA Brownfield grant(s), please explain your need for additional funding. Additionally, for all open grant(s) indicate if there are funds remaining, the grant period (start and end date) and the plan for expenditure by the end of the grant period.

   For all closed EPA Brownfields grant(s), indicate if there were funds remaining at the time of closure, the amount of remaining funds and a brief explanation of why the funds were not expended.

2. Accomplishments [7 Points]:
   Describe the accomplishments and specific outputs of your grant-funded program. Discuss whether these outputs and outcomes were accurately reflected in ACRES at the time of this proposal submission, and if not, please explain why?

- OR -

ii) **Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements** [14 Points]
Identify and describe each of your current and/or most recent federally and non-federally funded grants (no more than five) that are most similar in size, scope, and relevance to the proposed project. Demonstrate how you successfully managed the grant(s), and successfully performed all phases of work under each grant by providing information on the following:

1. Purpose and Accomplishments [7 Points]:

   Describe the awarding agency/organization, amount of funding, and purpose of the grant(s) you have received.

   Discuss the specific accomplishments, and outputs and outcomes of the project supported by these grants, including specific measures of success for the project supported by each type of grant received.

2. Compliance with grant requirements [7 Points]:

   Describe your compliance with the work plan, schedule and terms and conditions. Include whether you made or are making sufficient progress towards achieving the expected results of the grant in a timely manner? If not, please explain why? What corrective measures did you take, or are you taking, and how did you document and communicate them?

   Discuss your history of timely and acceptable reporting, as required by the awarding agency/organization.

- OR –

iii) **Has Never Received Any Type of Federal or Non-Federal Assistance Agreements** Affirm that your organization has never received any type of federal or non-federal assistant agreement (grant). [*Failure to indicate anything in response may result in zero points for this factor.*] [7 Points]

V.C. Other Factors

In making final selection recommendations from among the most highly ranked applicants on each of the lists discussed in Section V.A., EPA's Selection Official may consider the following factors if, and as, appropriate. In their proposals, applicants should provide a summary on whether and how any of these applicable special considerations apply:

- Fair distribution of funds between urban and non-urban areas including an equitable distribution to "micro" communities (those communities with populations of 10,000 or less). EPA strongly encourages non-urban communities, including "micro" communities to apply.
- A balanced distribution of funds among EPA's ten Regions and among the states and territories or the project is assisting a Tribe or territory;
- Compliance with the 25 percent statutory petroleum funding allocation;
- Whether the applicant is a federally recognized Indian tribe or United States territory;
- The need to provide funding to address specific types of contamination identified in the Brownfields law such as whether a site is mine-scarred or contaminated with controlled substances;
- The needs of communities adversely affected by natural disasters (2006 or later);
- Whether the project primarily focuses on Phase II assessments;

- Demonstrated firm leveraging commitments for facilitating brownfield project completion by identifying amounts and contributors of funding in the proposal and have included documentation;
- Community experienced manufacturing plant closure(s) (2008 or later) tied to the targeted brownfield sites or project area, including communities experiencing auto plant closures due to bankruptcy or economic disruptions;
- Whether the applicant is a recipient or a core partner of a HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant that is directly tied to the project area, and can demonstrate that funding from a PSC grant has or will benefit the project area. To be considered, **the applicant must attach documentation** which demonstrates this connection to a HUD-DOT-EPA PSC grant;
- Recent (2008 or later) significant economic disruption (unrelated to a natural disaster or manufacturing/auto plant closure) has occurred within community, resulting in a significant percentage loss of community jobs and tax base;
- Whether the applicant is a recipient of an EPA Brownfields Area-Wide Planning grant; and
- Communities implementing green remediation plans.

V.D. Proposal Checklist for Assessment Grants

Before you submit your proposal(s) for assessment grants, please ensure the following documents are included in your package submitted to the EPA's contractor.

☑ Transmittal Letter (2-page limit)	
☑ The Narrative Proposal, which includes the responses to ranking criteria (15-page limit)	
☑ Documentation of all applicable threshold criteria (see Section III. B and C)	
☑ Letter from the state or tribal environmental authority (see Section III.C.2)	
☑ Documentation of applicant eligibility if other than city, county, state, or tribe (see Section III.C.1)	
☑ Documentation indicating committed firm leveraged resources, if applicable (see Section V.B.2.b.iii)	
☑ Letters of Support from all community-based organizations identified in the community engagement and partnerships ranking criteria (see Section V.B.3)	
☑ Justification for requested waiver of the $200,000 limit for a site-specific assessment, if applicable (see Section I.A.2)	
☑ Property-specific determination request, if applicable (see Section III.C.3.d)	
☑ Letters of commitment from assessment coalition members, if applicable (see section III.C.1)	
☑ Petroleum eligibility determination information, if applicable (see Section III.C.3.i)	
☑ Other Factors Checklist (located in Appendix 3), if applicable (see Section IV.C.2.j)	

SECTION VI - AWARD ADMINISTRATION INFORMATION

VI.A. Award Notices

EPA Regions will notify applicants who fail threshold eligibility requirements within 15 calendar days of the Agency's determination of ineligibility. EPA will notify applicants who have not been selected for award based on the ranking criteria and other factors within 15 calendar days of EPA's final decision on selections for this competition.

EPA anticipates notification to successful applicants will be made via telephone or electronic or postal mail by Spring 2014. The notification will be sent to the original signer of the proposal or the project contact listed in the proposal. This notification, which informs the applicant that its proposal has been selected and is being recommended for award, is not an authorization to begin work. For example, if statutory funding or other issues are discovered during the award process that may affect the ability of EPA to make an award to an applicant. The successful applicant must also prepare a work plan and submit application forms, which must be approved by EPA, before the grant can officially be awarded. The award notice, signed by an EPA grants officer, is the authorizing document and will be provided through 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. The applicants whose proposals are selected will be asked to submit a cooperative agreement application package to their EPA Regional Office. This package will include the application (Standard Form 424), a proposed work plan, a proposed budget, and other required forms. An EPA Project Officer will work with you to finalize the budget and work plan. It is EPA's expectation that the selected applicants will complete the award process within six months of the announcement.

2. Approved cooperative agreements will include terms and conditions that will be binding on the grant recipient. Terms and conditions specify what grantees must do to ensure that grant-related and Brownfields Program-related requirements are met. Applicants also will be required to submit progress reports in accordance with grant regulations found in 40 CFR 30.51 or 40 CFR 31.40. A listing and description of general EPA regulations applicable to the award of assistance agreements may be viewed at http://www.epa.gov/ogd/AppKit/applicable_epa_regulations_and_description.htm

VI.C. Reporting Requirements

During the life of 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 shall 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.

Grant recipients will be required to report site-specific accomplishments on Property Profile Forms and preferably submit them electronically to EPA's ACRES reporting system. Failure to comply with the reporting requirements may result in an early termination of the grant and return of grant funds.

At the end of the cooperative agreement, a final project report also is required. The final report will summarize accomplishments, expenditures, outcomes, outputs, lessons learned, and any other resources leveraged during the project and how they were used.

VI.D. Disputes

Assistance agreement competition-related disputes 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 may also be requested by contacting the person listed in Section VII of the announcement.

VI.E. Brownfields Programmatic Requirements

Brownfields grantees must comply with all applicable federal and state laws to ensure that the assessment and cleanup protects human health and the environment. Brownfields grantees also must comply with the program's technical requirements, which may include, but are not limited to, the following:

1. Quality Assurance (QA) Requirements
   When environmental samples are collected as part of any brownfields cooperative agreement (e.g., assessment and site characterization, cleanup verification sampling, post-cleanup confirmation sampling), recipients shall submit to EPA for approval a Quality Assurance Project Plan (QAPP) prior to the collection of environmental samples. The QAPP must document quality assurance practices sufficient to produce data adequate to meet project objectives and minimize data loss. Compliance with the Quality Assurance requirements is an eligible use of grant funds for assessment grants.

2. Historic Properties or Threatened and Endangered Species
   If historic properties or threatened or endangered (T&E) species may be impacted by the assessment or cleanup of a site, the requirements of the National Historic Preservation Act (NHPA) or the Endangered Species Act (ESA) may apply, respectively. Grantees are required to consult with EPA prior to conducting any on-site activity (such as invasive sampling or cleanup) that may affect historic properties or T&E species to ensure that the requirements of Section 106 of NHPA and Section 7(a)(2) of the ESA are met. Assessment grantees should plan for these consultation requirements.

3. All Appropriate Inquiries
   All Appropriate Inquiries (AAI) must comply with 40 CFR. Part 312 and must, at a minimum, include the information below. All AAI reports submitted to EPA Project Officers as deliverables under this assessment cooperative agreement must be accompanied

by a completed "Reporting Requirements Checklist" that EPA's Project Officer will provide to the recipient. The checklist also is available to grantees on the EPA website at www.epa.gov/brownfields/aai/index.htm. They must include:

a. An ***opinion*** as to whether the inquiry has identified conditions indicative of releases or threatened releases of hazardous substances, and as applicable, pollutants and contaminants, petroleum or petroleum products, or controlled substances, on, at, in, or to the subject property.

b. An identification of ***"significant" data gaps*** (as defined in 40 CFR. 312.10), if any, in the information collected for the inquiry. Significant data gaps include missing or unattainable information that affects the ability of the environmental professional to identify conditions indicative of releases or threatened releases of hazardous substances, and as applicable, pollutants and contaminants, petroleum or petroleum products, or controlled substances, on, at, in, or to the subject property. The documentation of significant data gaps must include information regarding the significance of these data gaps.

c. ***Qualifications*** **and** ***signature*** of the environmental professional(s). The environmental professional must place the following statements in the document and sign the document:

   - *"[I, We] declare that, to the best of [my, our] professional knowledge and belief, [I, we] meet the definition of Environmental Professional as defined in §312.10 of this part."*

   - *"[I, We] have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. [I, We] have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312."*

   Note: Please use either "I" or "We."

d. In compliance with §312.31(b), the environmental professional must include in the final report an ***opinion regarding additional appropriate investigation***, if the environmental professional has such an opinion.

EPA may review checklists and AAI final reports for compliance with the AAI regulation documentation requirements at 40 CFR Part 312 (or comparable requirements for those using ASTM Standard 1527-05). Any deficiencies identified during an EPA review of these documents must be corrected by the recipient within 30 days of notification. Failure to correct any identified deficiencies may result in EPA disallowing the costs for the entire AAI report as authorized by 40 CFR 31.43(a)(2). If a recipient willfully fails to correct the deficiencies, the Agency may consider other available remedies under 40 CFR 31.43 and 2 CFR Part 180.

4. Sufficient Progress

EPA will evaluate whether the recipient has made sufficient progress 18 months from the date of award. For purposes of assessment grants, the recipient demonstrates "sufficient

progress" when 35% of funds have been drawn down and obligated to eligible activities; for assessment coalition grants "sufficient progress" is demonstrated when a solicitation for services has been released, sites are prioritized or an inventory has been initiated if necessary, community involvement activities have been initiated and a Memorandum of Agreement is in place. If EPA determines that the recipient has not made sufficient progress, the recipient must implement a corrective action plan approved by EPA. Failure to comply with the reporting requirements may result in an early termination of the grant and return of grant funds to the EPA.

5. Collection of Post-Grant Information
   Under the Government Performance and Results Act, EPA reports on the many benefits of brownfields funding. One such measure provides information on additional resources leveraged as a result of using brownfields grant funds. These leveraged, non-EPA funds may include additional cleanup funds or redevelopment funding from other federal agencies, state, tribal, and local governments, or private organizations. As many of these activities occur beyond the grant period, please note that EPA may contact you well after the grant period of performance to collect this information.

6. Protection of nearby and sensitive populations
   Grantees are required to protect all nearby populations, including sensitive populations in the targeted community from contaminants during assessment work conducted on brownfield sites under this grant. Activities include implementing procedures necessary to mitigate any potential exposure from the contamination.

VI.F. Subaward and Executive Compensation Reporting

Applicants must ensure that they have the necessary processes and systems in place to comply with the subaward and executive total compensation reporting requirements established under OMB guidance at 2 CFR Part 170, unless they qualify for an exception from the requirements, should they be selected for funding.

VI.G. System for Award Management (SAM) and Data Universal Numbering System (DUNS) Requirements

Unless exempt from these requirements under OMB guidance at 2 CFR Part 25 (e.g., individuals), applicants must:
1. Be registered in the CCR prior to submitting an application or proposal under this announcement. CCR/SAM information can be found at https://www.sam.gov/portal/public/SAM/.
2. Maintain an active CCR registration with current information at all times during which it has an active Federal award or an application or proposal under consideration by an agency, and
3. Provide its DUNS number in each application or proposal it submits to the agency. Applicants can receive a DUNS number, at no cost, by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711, or visiting the D&B website at: http://www.dnb.com.

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

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

VI.H. Website References in Solicitations

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

VI.I. Unfair Competitive Advantage

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

VI.J. Use of Funds

An applicant that receives an award under this announcement is expected to manage assistance agreement funds efficiently and effectively and make sufficient progress towards completing the project activities described in the work-plan in a timely manner. The assistance agreement will include terms/conditions implementing this requirement.

VI.K. Data Access and Information Release

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

VI.L. Unliquidated Obligations

An applicant that receives an award under this announcement is expected to manage assistance agreement funds efficiently and effectively and make sufficient progress towards completing the project activities described in the work-plan in a timely manner. The assistance agreement will include terms/conditions implementing this requirement.

VI.M Unpaid Federal Tax Liabilities and Felony Convictions for Non-Profit and For-Profit Organizations

Awards made under this announcement are subject to the provisions originally contained in the Department of Interior, Environment, and Related Agencies Appropriations Act, 2012, Public Law 112-74, Division E, Title IV, Sections 433 and 434 regarding unpaid federal tax liabilities and federal felony convictions, which have been continued in subsequent appropriations. These provisions prohibit EPA from awarding funds made available by the Act to any for-profit or non-profit organization: (1) subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; or (2) that was convicted (or had an officer or agent of such corporation acting on its behalf convicted) of a felony criminal conviction under any Federal law within 24 months preceding the award, unless EPA has considered suspension or debarment of the corporation, or such officer or agent, based on these tax liabilities or convictions, and determined that such action is not necessary to protect the Government's interests. Non-profit or for-profit organizations that are covered by these prohibitions are ineligible to receive an award under this announcement.

VI.N. Copyrights

In accordance with 40 CFR 31.34 (for state, local and Indian tribal governments) or 40 CFR 30.36, as applicable, EPA reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, for Federal Government purposes, copyrighted works developed under a grant, subgrant or contract under a grant or subgrant. Examples of federal purpose include but are not limited to: (1) Use by EPA and other federal employees for official Government purposes; (2) Use by federal contractors performing specific tasks for the Government; (3) Publication in EPA documents provided the document does not disclose trade secrets (e.g. software codes) and the work is properly attributed to the recipient through citation or otherwise; (4) Reproduction of documents for inclusion in federal depositories; (5) Use by state, tribal and local governments that carry out delegated federal environmental programs as "co-regulators" or act as official partners with EPA to carry out a national environmental program within their jurisdiction; and (6) Limited use by other grantees to carry out federal grants provided the use is consistent with the terms of EPA's authorization to the grantee to use the copyrighted material.

VI.O. Restrictions on Use of Federal Funds

All costs incurred under this program must be allowable under 40 CFR 30.27 or 40 CFR 31.22, as applicable, and the applicable Office of Management and Budget (OMB) Cost Circulars: 2 CFR Part 225 (State, local, or Indian tribal governments), 2 CFR Part 230 (non-profit organizations), or 2 CFR Part 220 (Educational institutions). Copies of these circulars can be found at http://www.whitehouse.gov/omb/circulars/. In accordance with applicable law, regulation, and policy, any recipient of funding must agree to comply with restrictions on using assistance funds for unauthorized lobbying, fund-raising, or political activities (i.e., lobbying members of Congress or lobbying for other federal grants, cooperative agreements, or contracts).

Funds generally cannot be used to pay for travel by federal agency staff. Proposed project activities must also comply with all state and federal regulations applicable to the project area. The applicant must also review the solicitation for any other programmatic funding restrictions applicable to this program. If awarded funding, the recipient must refer to the terms and conditions of its award for other funding restrictions applicable to its award. It is the responsibility of the recipient to ensure compliance with these requirements.

SECTION VII – AGENCY CONTACTS

Regional Brownfields 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
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EPA Region 6 **Amber Perry** Perry.Amber@epa.gov	**AR, LA, NM, OK, TX**	1445 Ross Avenue, Suite 1200 (6SF-VB) Dallas, TX 75202-2733 **Phone** (214) 665-3172 **Fax** (214) 665-6660
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EPA Region 8 **Dan Heffernan** Heffernan.Daniel@epa.gov	**CO, MT, ND, SD, UT, WY**	1595 Wynkoop Street (EPR-B) Denver, CO 80202-1129 **Phone** (303) 312-7074 **Fax** (303) 312-6065
EPA Region 9 **Noemi Emeric-Ford** Emeric-Ford.Noemi@epa.gov	**AZ, CA, HI, NV, AS, GU**	600 Wilshire Blvd. Suite 1460 Los Angeles, CA 90017 **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

Appendix 1
Information on Sites Eligible for Brownfields Funding Under CERCLA §104(k)

1.1 Introduction

The information provided in this Appendix will be used by EPA in determining the eligibility of any property for brownfields grant funding. The Agency is providing this information to assist you in developing your proposal for funding under CERCLA §104(k) and to apprise you of information that EPA will use in determining the eligibility of any property for brownfields grant funding.

This information is used by EPA solely to make applicant and site eligibility determinations for Brownfields grants and is not legally binding for other purposes including federal, state, or tribal enforcement actions.

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.

1.3 Additional Areas Specifically Eligible for Funding

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

1. Sites contaminated by **controlled substances**.
2. Sites contaminated by **petroleum or a petroleum product**.
3. **Mine-scarred lands**.

See below for guidance on determining the scope of each of these three types of sites. Applicants should identify properties included within their funding proposals that fall within the scope of any of the following three areas.

1.3.1 Contamination by Controlled Substance

Sites eligible for funding include real property, including residential property, that is contaminated by a controlled substance. A "controlled substance" is defined under the Controlled Substances Act as "a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of this title (21 USC Section 812). The term does not include distilled spirits, wine, malt beverages, or tobacco..." For example, sites eligible for brownfields funding may include private residences formerly used for the manufacture and/or

distribution of methamphetamines or other illegal drugs where there is a presence or potential presence of controlled substances or pollutants, contaminants, or hazardous substances (e.g., red phosphorous, kerosene, acids).

1.3.2 Contamination by Petroleum or 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, 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).

Site-specific assessment or cleanup grant proposals for petroleum-contaminated sites must provide information in their proposal indicating whether the site meets each of the criteria listed above. If EPA awards an applicant a revolving loan fund grant, the state or EPA must make the same determinations for site(s) that will be cleaned up under a loan or subgrant. These criteria are explained 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 section 101(39)(D) for the purpose of brownfields funding 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.

"Relatively Low Risk"
Applicants whose brownfield site(s) include properties or portions of properties 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). EPA's view is that the following types of petroleum-contaminated sites are high-risk sites, or are <u>not</u> of "relatively low risk:"

1. "High risk" sites currently being cleaned up using LUST trust fund monies.
2. 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.

"A Site for Which There is No Viable Responsible Party"
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 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 EPA cannot award the grant. This analysis is twofold – EPA or the 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 (1) 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 (1) and (2) below.

1. No responsible party has been identified for the site through:
   a. 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 ;
   b. 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
   c. 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

2. 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.[3]

   If no responsible party is identified above, then the petroleum-contaminated site may be eligible for funding. If a responsible party is identified above, EPA or the state must next

[3] 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.

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 application 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, EPA will follow the standard set forth in this Appendix. Note that any viability determination made by EPA is for purposes of the CERCLA Section 104(k) grant program only.

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

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

2. **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.

3. **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. EPA does not endorse the use of any specific sources, and 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).

"Cleaned Up by a Person Not Potentially Liable"
Brownfields funding may be awarded for the assessment and cleanup of petroleum-contaminated sites provided:

1. 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
2. The applicant did not exacerbate the contamination at the site and took reasonable steps with regard to the contamination at the site.

"Is not subject to any order issued under §9003(h) of the Resource Conservation and Recovery Act (RCRA)"
Proposals that include requests for an assessment or direct cleanup grant to address petroleum-contaminated sites must not be subject to a corrective action order under RCRA §9003(h). If EPA awards an applicant a revolving loan fund grant, the state or EPA must make the same determination for site(s) that will be cleaned up under a loan or subgrant.

1.3.3 Mine-Scarred Lands

Mine-scarred lands are eligible for brownfields funding. EPA's view is that "mine-scarred lands" are those lands, associated waters, and surrounding watersheds where extraction, beneficiation, or processing of ores and minerals (including coal) has occurred. For the purposes of this section, the definition of extraction, beneficiation, and processing is the definition found at 40 CFR 261.4(b)(7).

Mine-scarred lands include abandoned coal mines and lands scarred by strip mining.

<u>Examples of coal mine-scarred lands may include, but are not limited to:</u>

- Abandoned surface coal mine areas
- Abandoned deep coal mines
- Abandoned coal processing areas
- Abandoned coal refuse areas
- Acid or alkaline mine drainage
- Associated waters affected by abandoned coal mine (or acid mine) drainage or runoff, including stream beds and adjacent watersheds

<u>Examples of non-coal hard rock mine-scarred lands may include, but are not limited to:</u>

- Abandoned surface and deep mines
- Abandoned waste rock or spent ore piles;

- Abandoned roads constructed wholly or partially of waste rock or spent ore
- Abandoned tailings, disposal ponds, or piles
- Abandoned ore concentration mills
- Abandoned smelters
- Abandoned cyanide heap leach piles
- Abandoned dams constructed wholly or partially of waste rock, tailings, or spent ore;
- Abandoned dumps or dump areas used for the disposal of waste rock or spent ore;
- Acid or alkaline rock drainage
- Waters affected by abandoned metal mine drainage or runoff, including stream beds and adjacent watersheds

1.4 Sites Not Eligible for Brownfields Funding

The following three types of properties are not eligible for brownfields funding under the Brownfields Law, even on a property-specific basis. Applicants should not include these types of sites in the funding proposals.

1) Facilities listed or proposed for listing on the National Priorities List (NPL).
2) 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.
3) Facilities that are subject to the jurisdiction, custody, or control of the U.S. government. Facilities owned by, or under the custody or control of, the federal government are not eligible for brownfields funding. 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.

Note that land held in trust by the U.S. government for an Indian tribe is not excluded from funding eligibility. In addition, eligibility for brownfields funding does not alter a private owner's ability to cost recover from the federal government in cases where the previous federal government owner remains liable for environmental damages.

1.5 Particular Classes of Sites Eligible for Brownfields Funding Only With Property-Specific Determinations

The following special classes of property are generally ineligible brownfield sites unless EPA makes a "Property-Specific Determination":

- Properties subject to planned or ongoing removal actions under CERCLA.
- Properties with facilities that have been issued or entered into a unilateral administrative order, a court order, an administrative order on consent, or judicial consent decree or to which a permit has been issued by the United States or an authorized state under RCRA, FWPCA, TSCA, or SDWA.
- Properties with facilities subject to RCRA corrective action (§3004(u) or §3008(h)) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures.

- Properties that are land disposal units that have submitted a RCRA closure notification or that are subject to closure requirements specified in a closure plan or permit.
- Properties where there has been a release of PCBs and all or part of the property is subject to TSCA remediation.
- Properties that include facilities receiving monies for cleanup from the LUST trust fund.

EPA's approval of Property-Specific Determinations will be based on whether or not awarding a grant will protect human health and the environment and either promote economic development or enable the property to be used for parks, greenways, and similar recreational or nonprofit purposes. Property-Specific Determination requests should be attached to your proposal and do not count in the 15-page limit. See the Brownfields FAQ at: http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf for more information on how to prepare and submit a Property-Specific Determination.

1.5.1 Facilities Subject to CERCLA Removal Actions

Properties (including parcels of properties) where there are removal actions may not receive funding, unless EPA makes a property-specific determination of funding eligibility.

EPA's view is that a removal may be identified by the occurrence of one of the following events, whichever occurs first in time: EPA issues an action memo; EPA issues an Engineering Evaluation/Cost Analysis approval memo; EPA mobilizes onsite; EPA issues a notice of federal interest to one or more potentially responsible parties (PRPs), which in emergencies may be made verbally; or EPA takes other actions that are consistent with a removal.

Once a removal action is complete, a property is eligible for brownfields funding without having to obtain a property-specific funding determination. EPA's view is that, solely for the purposes of eligibility to receive brownfields funding, a removal is complete when the actions specified in the action memorandum are met, or when the contractor has demobilized and left the site (as documented in the "pollution report" or POLREP). Applicants applying for brownfields funding for sites at which removal actions are complete must include documentation of the action being complete with their funding proposal.

Parcels of facilities not affected by removal action at the same property may apply for brownfields funding and may be eligible for brownfields funding on a property-specific basis. Property-specific funding decisions will be made in coordination with the on-scene coordinator (OSC) to ensure that all removals and cleanup activities at the property are conducted in safe and protective manners and to ensure that the OSC retains the ability to address all risks and contamination.

Please note that if a federal brownfields-funded site assessment results in identifying the need for a new removal action, the grantee may continue to expend assessment grant funds on additional assessment activities. However, any additional expenditure of federal brownfields funds and any additional site assessment activities should be conducted in coordination with the OSC for the site.

1.5.2 Facilities to which a permit has been issued by the United States or an authorized state under the Resource Conservation and Recovery Act (RCRA), the Federal Water Pollution Control Act, the Toxic Substances Control Act, or the Safe Drinking Water Act

Generally, in cases where a property or a portion of a property is permitted under the Resource Conservation and Recovery Act, Section §1321 of the Clean Water Act, the Safe Drinking Water Act, and/or the Toxic Substances and Control Act, the property, or portion of the property, may not receive funding without a property-specific determination. Therefore, applicants should review the following guidance regarding which types of permitted facilities may not receive funding unless EPA makes a property-specific determination to provide funding. Applicants should note that the exclusion for permitted facilities does not extend to facilities with National Pollutant Discharge Elimination System (NPDES) permits issued under the authorities of the Federal Water Pollution Control Act, but is limited to facilities issued permits under the authorities of the Oil Pollution Act (i.e., §1321 of FWPCA).

In cases where one or more portions of a property are not eligible for funding, the applicant should identify the specific permit and situation that causes the property to be excluded. In addition, the applicant must include, within the proposal, documentation that federal brownfields funding for the assessment or cleanup of the property will further the goals established for property-specific funding determinations as described in the Brownfields FAQ at: http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf.

In some cases, a facility may not have a permit or order because it is not in compliance with federal or state environmental laws requiring that it obtain a permit or the facility has failed to notify EPA of its regulatory status. Such facilities are not eligible for brownfields funding. For example, a RCRA treatment unit operator is required to obtain a permit and/or notify EPA of its operation. An operator that fails to fulfill those obligations will likely not have a permit or order as EPA will be unaware of its existence. Therefore, it is EPA's view that such facilities are ineligible to receive brownfields funds as a result of their failure to comply with a basic regulatory requirement. Additional guidance on the eligibility of RCRA-permitted facilities, including facilities under administrative or court orders, including corrective action orders, is provided in the Brownfields FAQ at:
http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf.

1.5.3 RCRA Sites

RCRA Facilities that are Eligible for Funding

EPA's view is that the following types of RCRA facilities are eligible for brownfields funding and do not require Property-Specific Determinations:

a. RCRA interim status facilities that are not subject to any administrative or judicial order or consent decree.
b. RCRA interim status facilities that are subject to administrative or judicial orders that do **not** include corrective action requirements or any other cleanup provisions (e.g., RCRA §3008(a) orders without provisions requiring the owner/operator to address contamination).
c. Parcels of RCRA facilities that are not under the scope of a RCRA permit or administrative or judicial order.

RCRA Facilities that Require Property-Specific Determinations

EPA's view is that the following types of RCRA facilities **may not receive funding without a property-specific determination**:

a. RCRA-permitted facilities.
b. RCRA interim status facilities with administrative orders requiring the facility to conduct corrective action or otherwise address contamination, including facilities with orders issued under the authorities of RCRA §3008(a), §3008(h), §3013, and §7003.
c. Facilities under court order or under an administrative order on consent or judicial consent decree under RCRA or CERCLA that require the facility to conduct corrective action or otherwise address contamination at the facility.
d. Land disposal units that have notified EPA or an authorized state of their intent to close and have closure requirements specified in closure plans or permits.

1.5.4 Land disposal units that have filed a closure notification under Subtitle C of RCRA and to which closure requirements have been specified in a closure plan or permit

RCRA hazardous waste landfills that have submitted closure notifications, as required under 40 CFR 264.112(d) or 265.112(d), generally will not be funded. This may include permitted facilities that have filed notification of closure and for which EPA and/or an authorized state is proceeding with final closure requirements for the facility. For interim status facilities, this is done through approval of a closure plan submitted with closure notification. For permitted facilities, this is routinely done as a modification to the permit, requested by the facility at the time of closure notification.

Please note that RCRA hazardous waste landfills that have submitted closure notifications may be eligible for brownfields funding with a Property-Specific Determination.

1.5.5 Sites Contaminated with PCBs

The Brownfields Law excludes from funding eligibility portions of facilities where there has been a release of PCBs that are subject to remediation under TSCA.

EPA's view is that all portions of properties **are eligible** for brownfields site assessment grants, except where EPA has initiated an involuntary action with any person to address PCB contamination. Also, it is EPA's view that all portions of properties **are eligible** for cleanup and RLF grants, except where EPA has an ongoing action against a disposer to address PCB contamination. However, any portion of a property where EPA has initiated an involuntary action with any person to address PCB contamination and portions of properties where EPA has an ongoing action against a disposer to address PCB contamination will require a Property-Specific Determination to be eligible for brownfields funding, including:

- There is a release (or disposal) of any waste meeting the definition of "PCB remediation waste" at 40 CFR 761.3; **and**
- At which EPA has initiated an involuntary action with any person to address the PCB contamination. Such involuntary actions could include:
  - Enforcement action for illegal disposal;

- Regional Administrator's order to characterize or remediate a spill or old disposal (40 CFR 761.50(b)(3));
- Penalty for violation of TSCA remediation requirements;
- Superfund removal action; or
- Remediation required under RCRA §3004(u) or §3004(v).

PCBs may be remediated under any one of the following provisions under TSCA:

a. Section 761.50(b)(3), the directed characterization, remediation, or disposal action.
b. Section 761.61(a), the self-implementing provision.
c. An approval issued under §761.61(c), the risk-based provision.
d. Section 761.61(b) to the level of PCB quantification (i.e., 1 ppm in soil).
e. An approval issued under §761.77, the coordinated approval provision.
f. Section 761.79, the decontamination provision.
g. An existing EPA PCB Spill Cleanup Policy.
h. Any future policy or guidance addressing PCB spill cleanup or remediation specifically addressing the remediation of PCBs at brownfield sites.

1.5.6 LUST Trust Fund Sites

The Brownfields Law requires a Property-Specific Determination for funding at those sites (or portions of properties) for which assistance for response activity has been obtained under Subtitle I of RCRA from the LUST trust fund. EPA's view is that this provision may exclude UST sites where money is being spent on actual assessment and/or cleanup of UST/petroleum contamination.

However, in cases where the state agency has used LUST trust fund money for state program oversight activities on an UST site, but has not expended LUST trust funds for specific assessment and/or cleanup activities at the site, the site would be eligible for brownfields funding and does not need a Property-Specific Determination. Such sites may receive brownfields funding on a property-specific basis, if it is determined that brownfields funding will protect human health and the environment and the funding will promote economic development or enable the creation of, preservation of, or addition to greenspace (see guidance on documenting eligibility for property-specific funding determinations provided in the Brownfields FAQ at: http://www.epa.gov/brownfields/proposal_guides/FY14_FAQs.pdf).

Examples of sites receiving LUST trust fund monies that EPA would consider to be good candidates to receive brownfields grants or loans:

a. All UST fields pilots (50 pilots).
b. Sites (or portions of properties) where an assessment was completed using LUST trust fund monies and the state has determined that the site is a low-priority UST site, and therefore, additional LUST trust fund money cannot be provided for the cleanup of petroleum contamination, but the site still needs some cleanup and otherwise is a good candidate for economic revitalization.
c. Sites (or portions of properties) where LUST trust fund money was spent for emergency activities, but then the site was determined to be ineligible for further expenditures of LUST

trust funds, yet the site needs additional funding for continued assessment and/or cleanup that will contribute to economic revitalization of the site.

1.6 Eligible Response Sites/Enforcement Issues

The Brownfields Law limits EPA's enforcement and cost recovery authorities at "eligible response sites" where a response action is conducted in compliance with a state response program. Section 101(40) of CERCLA defines an "eligible response site" by referencing the general definition of a "brownfield site" in §101(39)(A) and incorporating the exclusions at §101(39)(B). The law places further limitations on the types of properties included within the definition of an eligible response site, but grants EPA the authority to include within the definition of eligible response site, and on a property-specific basis, some properties that are otherwise excluded from the definition. Such property-specific determinations must be based upon a finding that limits an enforcement will be appropriate, after consultation with state authorities, and will protect human health and the environment and promote economic development or facilitate the creation of, preservation, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes. While the criteria appear similar to those for determining eligibility for funding on a property-specific basis, the determinations are distinct, will be made through a separate process, and may not be based on the same information requested in this document for property-specific funding determinations.

Also, please note that in providing funding for brownfield sites, and given that a limited amount of funding is available for brownfields grants, EPA's goal is to not provide brownfields funding to sites where EPA has a planned or ongoing enforcement action. While EPA does not intend that the existence of a planned or ongoing enforcement action will necessarily disqualify a site from receipt of brownfields funding, EPA does believe it is necessary that EPA be aware of the existence of any such action in making funding decisions. As a result, EPA will conduct an investigation to evaluate whether a site is, or will be, subject to an enforcement action under CERCLA or other federal environmental statutes. EPA is requesting that applicants identify ongoing or anticipated environmental enforcement actions related to the brownfield site for which funding is sought.

Appendix 2
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-OBLR13-05, or the CFDA number that applies to the announcement (CFDA 66.818), 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 January 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.

Application 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 including transmittal letter. See Section IV.C for details on the content of the narrative proposal and transmittal letter and the associated page limits.
IV. Required Attachments. See Section IV.C of this announcement.

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 Jeanette Mendes at mendes.jeanette@epa.gov. Failure to do so may result in your proposal not being reviewed.

Appendix 3
Other Factors Checklist

Name of Applicant: _____

Please identify (with an ***X***) which, if any of the below items apply to your community or your project 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 will verify these disclosures prior to selection and may consider this information during the selection process. If this information is not clearly discussed in your narrative proposal or in any other attachments, it will not be considered during the selection process.

	Other Factor	**Page #**
	Community population is 10,000 or less	
	Federally recognized Indian tribe	
	United States territory	
	Applicant will assist a Tribe or territory	
	Targeted brownfield sites are impacted by mine-scarred land	
	Targeted brownfield sites are contaminated with controlled substances	
	Recent natural disaster(s) (2006 or later) occurred within community, causing significant community economic and environmental distress	
	Project is primarily focusing on Phase II assessments.	
	Applicant demonstrates firm leveraging commitments for facilitating brownfield project completion by identifying amounts and contributors of funding in the proposal and have included documentation	
	Community experienced manufacturing plant closure(s) (2008 or later) tied to the targeted brownfield sites or project area, including communities experiencing auto plant closures due to bankruptcy or economic disruptions.	
	Recent (2008 or later) significant economic disruption (unrelated to a natural disaster or manufacturing/auto plant closure) has occurred within community, resulting in a significant percentage loss of community jobs and tax base.	
	Applicant is a recipient or a core partner of a HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant that is directly tied to the project area, and can demonstrate that funding from a PSC grant has or will benefit the project area. To be considered, applicant must attach documentation which demonstrates this connection to a HUD-DOT-EPA PSC grant.	
	Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant	
	Community is implementing green remediation plans.	
	Climate Change (also add to "V.D Other Factors")	

Exhibit B

City and County of Honolulu
EPA Community-Wide Assessment Grant Proposal

1. COMMUNITY NEED

1.a. Targeted Community and Brownfields

1.a.i Targeted Community Description

The City and County of Honolulu (the City) comprises the entire island of Oahu, with a population of 976,372.[1] The vast majority of residents live along the densely populated south and west coasts. The targeted communities for this proposal lie within this area along the future 20-mile Honolulu Authority for Rapid Transit (HART) corridor that will connect the urban core with the rapidly developing communities to the west. HART construction is underway with initial service scheduled for 2017 and full service in 2019. The City is creating community-based transit-oriented development (TOD) plans for 19 station locations. This proposal focuses on the following seven TOD areas, running from east to west: Iwilei, Kapalama, Kalihi, Middle Street, Pearl Ridge, Waipahu, and West Loch.

These communities form Honolulu's historical and current industrial core, and all have medium to high density housing and commercial development. Iwilei was Honolulu's earliest commercial and industrial area, due to its proximity to a natural deep water harbor. Former land uses in Iwilei include the Honolulu Gas Company, Dole Cannery, the Oahu Railroad Depot, a Fertilizer Works, and a harbor side oil storage complex. Iwilei continues to be an industrial and commercial center, with a number of new 'big box' retail outlets. Kapalama, Kalihi, and Middle Street lie directly west of Iwilei, and have a similar mix of industrial, commercial, and low-income residential land uses.

A passenger and freight rail line built in the 1890s connected downtown Honolulu with the sparsely settled arable land to the west. This enabled plantation and industrial development to move further west, including the Pearl Ridge, Waipahu, and West Loch areas. The Oahu Sugar Mill operated in Waipahu from 1897 – 1995. World War II spurred further industrial development, particularly at Pearl Harbor. The Oahu Rail Company's service in the corridor ended after World War II as a more complete road network was built.

Immigrants from Japan, China, and the Philippines provided most of the plantation and industrial labor in Honolulu during the 19th and early 20th centuries, and continue to be the core of these communities. Later waves of Southeast Asian and Pacific Island immigrants also settled in the corridor. Most of the housing stock is for low to middle–income households, served by several large subsidized housing complexes, including Mayor Wright Homes and Kukui Gardens (Iwilei); Kaahumanu Homes and Kamehameha Homes (Kalihi); and Kamalu-Hoolulu, Waipahu I and Waipahu II homes (Waipahu). Iwilei has a large homeless population that is assisted by social service providers in the community, including the Salvation Army and the Institute for Human Services (IHS). The TOD areas in this proposal have a number of known and likely brownfields caused by current and historic industrial uses. These have posed risks to human health, contributed to urban blight, and suppressed development in these communities.

1.a.ii Demographic Information

Honolulu is a city with tremendous economic disparities, and the TOD areas in this proposal are among its poorest and most disadvantaged neighborhoods. While Hawaii and Honolulu had lower unemployment and higher household incomes than the Nation over the past few years, the TOD areas have been significantly worse off than the rest of the State and City. Although median household income in the TOD areas is slightly higher than the National median, Honolulu's high cost of living and extremely high cost of housing dramatically reduce local purchasing power. The current Consumer Price Index (CPI) for Honolulu is 253, compared to 232 for the average U.S. city (BLS, 2013, 1982-84 CPI is 100).

[1] U.S. Census, 2012 estimate

Hawaii's energy costs per Kilowatt Hour are three times higher than the national average (DBEDT, 2013). Honolulu has the worst housing affordability index in the nation according to the National Board of Realtors, with median household income covering only 73.7% of the median price to finance a local single family home in 2012. Housing affordability is a much larger problem among TOD area households given their significantly lower incomes than the City overall. Over 60% of TOD area residents are renters, compared to about 44% for Honolulu overall. A critically low housing supply is driving prices upward, making it increasingly difficult for low and middle-income families to buy a home. Development of affordable housing is a persistent challenge in Honolulu, and one of the foremost objectives for TOD planning. An analysis of the HUD DOT Location Affordability Index (LAI) in the TOD areas indicates that they are among the most affordable areas of Honolulu for low-income households. However, the combined housing and transportation costs for this area still consume 35% to 72% of a $44,700 annual household income.

Demographic Information

	TOD Areas (18 Census Tracts)	City & County of Honolulu	Hawaii	National
Population (1)	76,336	953,207	1,360,301	308,745,538
Unemployment (2)	6.3%	5.0%	5.6%	7.9%
Poverty Rate – Families (3)	12.0%	6.1%	6.7%	10.1%
Percent Minority(1)	92.4%	79.2%	75.3%	26.7%
Median Household Income (3)	$54,249	$70,093	$66,420	$51,914
Pct. Commuting to Work by Public Transportation (3)	17.2%	7.9%	6.0%	4.9%
Receiving Food Stamps/SNAP Last 12 mos (% of households) (3)	16.0%	6.6%	7.4%	9.3%
Receiving Cash Public Assistance Last 12 mos (% Of Households) (3)	6.7%	3.3%	3.3%	2.5%
Renters as % of Households (1)	61.3%	43.9%	42.3%	34.9%
Pct of Population Over 5 yrs Speaking Language Other Than English at Home (3)	52.6%	28.1%	25.5%	20.1%

U.S. Census 2010; Bureau of Labor Statistics Local Area Unemployment, 2010
American Community Survey, 5-year estimates, 2010

Poverty indicators are high in the TOD areas relative to the City, State, and Nation. The percentage of families in poverty is twice as high in the TOD areas as the rest of the City and State, and there is double the rate of dependence on food stamps and welfare. There are also tremendous socioeconomic disparities within the TOD areas. For example, more than 20% of families live in poverty in the Chinatown, Mayor Wright Homes, Waiakamilo, and West Loch census tracts. The Iwilei Census Tract had 19.2% unemployment, in large part due to the significant number of homeless persons in the area. The rate of public transit commuting by TOD area residents is more than double that for rest of the City, State, or Nation. Overall, the relatively high rates of poverty, the lack of affordable housing, and strong dependence on public transit in the TOD areas underscores the importance of redevelopment that enhances mobility & accessibility, increases affordable housing, and brings new job opportunities. The new rail system will provide access to over 40% of Honolulu's jobs.

1.a.iii Brownfields

Hawaii Department of Health (DOH) records and a recent June 2010 Environmental Impact Statement (EIS) completed for the HART project indicate nearly 50 environmental sites with potential contamination along the proposed rail line. About 20 of these sites lie within ½ mile of the seven TOD areas proposed in this application (Iwilei, Kapalama, Kalihi, Middle Street, Pearl Ridge, Waipahu, and West Loch). This list includes gas stations, auto repair shops, salvage yards, fuel pipeline and storage facilities, and manufacturing operations. Chemicals of concern from brownfields in the area include: petroleum hydrocarbons, volatile organic compounds, polynuclear aromatic hydrocarbons, lead, and pesticides. In the

table below, the rank of 1 indicates a high probability of releases to soil and groundwater, and the rank of 2 indicates that additional investigation is warranted. This table is not a complete list of likely brownfields in the TOD areas as the HART EIS was focused on the rail alignment and station locations. Additional brownfield sites are likely to be found in the comprehensive inventory to be developed through this Community-Wide Assessment Grant.

Site Name	Rank	HART Station	Site Name	Rank	HART Station
Ka`aahi Site	2	IWILEI	G. Von Hamm	1	KAPALAMA
Iwilei Project Site	1	IWILEI	Foremost Dairies	1	KALIHI
Pier 15	2	IWILEI	Middle Street Intermodal	1	MIDDLE ST
Pier 13/14	2	IWILEI	Pearl Auto .	1	PEARLRIDGE
BHP Gasco	2	KAPALAMA	Sears	2	PEARLRIDGE
Costco warehouse	2	KAPALAMA	O`ahu Sugar	2	WAIPAHU
Costco gas station	2	KAPALAMA	Waipahu Auto	2	WAIPAHU
Sprint lot	1	KAPALAMA	Pacific Machinery	2	WEST LOCH
Cutter Dodger	1	KAPALAMA	Cutter Mitsubishi	2	WEST LOCH
Honolulu Gas.	1	KAPALAMA			

Excerpt of portion of the table from "Sites of Concern near the interested Transit Stations that Could Be Contaminated". The sites are cited from the Honolulu High-Capacity Transit Corridor Project Environmental Impact Statement (June 2010) Table 4-22 (Page 4-129).

An analysis using the DOH's Environmental Health Warehouse data found that there are a high number of businesses that use and/or store hazardous waste within the TOD areas. These include diesel generators, hazardous waste generators and transporters, and leaking underground storage tanks (LUSTs). There are a total of 1,150 of these environmental interests in the combined seven TOD areas, including 229 LUSTs. Housing and industrial uses are intertwined in the TOD areas, increasing the visual impacts and public health risks from brownfields. Recent community surveys in each of these TOD areas show residents' heightened awareness of blight in neighborhoods.

1.a.iv Cumulative Environmental Issues

The residents of the TOD area neighborhoods are among the most impoverished and underserved in the State. These areas have numerous industrial and commercial operations that contribute fuel and solvent compounds to ambient air and soil. These operations also add to non-point surface discharges to area streams where children play and some residents fish. Significant amounts of parcels in the TOD areas have industrial zoning classifications, particularly in Iwilei, Kapalama/Kalihi/Middle St area where 31% of the land is industrial. Former municipal waste incinerators were located in Iwilei, Kapalama and Waipahu. There is a large oil-burning Hawaiian Electric 500 Mw power plant near Pearl Ridge, and the Pearl Harbor Naval Base has experienced a number of environmental pollution issues during its more than 110 years of operation. Residential and commercial land uses are found throughout these TOD areas, and the local population has carried the burden of hosting much of the City's industrial operations for several generations. The high densities and lack of open space further increase the risk of exposure to brownfield contaminants.

Honolulu's limited freeway system crosses through each of the TOD areas in this proposal. Other major arterials such as the Nimitz, Kamehameha, and Farrington Highways pass directly through the TOD areas carrying significant volumes of truck, bus, and automobile traffic. Congestion is severe in the TOD areas, with several highway and arterial segments operating at Levels of Service E and F during commute hours. (State of Congestion on Oahu, Oahu Metropolitan Planning Organization, 2011).

1.b. Impacts on Targeted Community

Brownfield sites can have profound impacts on community health and well-being, particularly upon sensitive populations such as children, women of child-bearing age, and the elderly.

Sensitive Populations (US Census 2010)

	TOD Areas	City/County	State	National
Pct. Of Pop under 5 Years	6.1%	6.4%	6.4%	6.5%
Pct. of Pop who are 15-44 Year Old females	19.3%	19.8%	19.3%	20.2%
Pct. Of Pop over 65 years	14.7%	14.5%	14.3%	13.0%

The proportion of the entire TOD area's sensitive populations reflects those of the City and State, however individual census tracts within the TOD area show significant differences. For example, in the West Loch TOD area tract 10.3% of the population is under five, and the elderly population in several tracts in Waipahu and Iwilei exceeds 20% of the total population. In addition, the Iwilei TOD area has a high number of homeless individuals who spend significant time outdoors, and who may be exposed to a wide range of contaminants from previous land uses, or from illegal dumping of wastes. Overall lack of open space increases the risk of exposure to brownfield contaminants, particularly for active children. Canals and waterfront areas in Kapalama, Kalihi, Pearl Ridge, and Waipahu are enticing environments to play around, but some of these have been used for industrial purposes such as auto repair shops, tire recycling yards, and salvage operations. Chemicals of concern from brownfields in the area include: petroleum hydrocarbons, volatile organic compounds, polynuclear aromatic hydrocarbons, lead, and pesticides. Many of the sites in the TOD areas have a high probability of releases to soil and groundwater.

In addition to public health risks from direct exposure to brownfield contaminants, the project would address another key health issue in Honolulu. Despite Hawaii's consistently high rankings for health in the general population, diabetes is a growing problem and particularly within certain communities and ethnic groups. While the overall prevalence of adult diabetes in Honolulu was 7.3% in 2007, it was 9.2% in Waipahu. (Hawaii Diabetes Report, 2010 Hawaii DOH). Obesity and Type 2 Diabetes are largely preventable and can be managed through diet and exercise. The improved trails and accessible, affordable housing developed after brownfield issues are addressed would provide much needed attractive walking options in these communities, which tend to be urban heat islands with little contiguous green space. Known and likely brownfield sites have also suppressed redevelopment efforts in the TOD areas by creating a visual blight that reduces the overall attractiveness of the communities. This blight stands in stark contrast to wealthier areas of the city as well as the less disturbed natural environment in Honolulu, reinforcing the image of these communities as relatively older and decayed areas.

1.c. Financial Need

1.c.i Economic Conditions

The City's fiscal constraints limit the ability to address brownfields in the TOD areas. Honolulu is grappling with high infrastructure repair and maintenance costs, particularly for badly needed road and sewer/wastewater system repairs. Operating budget constraints limit city departments' ability to fill vacant positions, which is straining existing staff resources. A 2010 Consent Decree requires the City to make more than $3.5 billion of improvements to its wastewater treatment and sewage systems over a 10-year period. A recent study of urban roads ranked Honolulu as having the 13th worst conditions for cities over 500,000 (TRIP, October 2013). Honolulu's current administration is focusing on these and other essential infrastructure upgrades and repairs through its $623 million FY 2014 CIP budget, but faces a $156 million shortfall in total City revenues. City agencies have been ordered by the Administration to seek grant funding from non-City sources unless needs are legally mandated or costs can be offset by equivalent spending reductions. While the HART rail line construction is financed through Federal funds and a local half-cent General Excise Tax, TOD development/redevelopment will rely primarily on private sector funding.

1.c.ii Economic Effects of Brownfields

Brownfields and other forms of urban blight have suppressed development in the TOD areas while much of the rest of the City and State has thrived in recent years. Many of the TOD areas have effectively become economic sink holes that attract undesirable land uses and deter development that would be more beneficial for local residents. The relatively large amounts of low-income housing, warehouses, and public institutional land in these TOD areas limits the tax revenue base. Median household income is 23% lower than the City average see Sec. 1.a.ii) which limits consumer spending and associated sales tax revenues. Tourism is the largest industry in the State, accounting for an estimated 17.3% of Gross State Product and 26.4% of total tax revenues (Hawaii Tourism Authority 2005-2015 Strategic Plan).

However, there are virtually no tourist accommodations or activities in the TOD areas addressed in this proposal. Housing units in Honolulu increased by 7.9% between 2000 and 2010, but only 0.6% in Kapalama, 3.7% in Kalihi, and 0.3% in Pearl Ridge (DBEDT 2012 State Data Book, Table 21.21 Number of Housing Units in Oahu Neighborhoods). The low rates of development are partially due to lack of vacant land, but that has not been a deterrent to redevelopment in nearby Kakaako (not part of the target community), which had a 33.3% increase in housing units over the same period. Within the TOD areas, unemployment is 1.3% higher and median income is about $16,000 lower than the City as a whole (see Demographic Information table in 1.a.ii). This reduces the amount of spending within the corridor, which further reduces tax revenues to the City and State.

2. PROJECT DESCRIPTION AND FEASIBILITY OF SUCCESS

2.a. Project Description

2.a.i Project Description and Consistency with Redevelopment Plans

The City would use its ARC funding to help implement the revitalization and redevelopment of the TOD areas as envisioned in their respective TOD plans. The majority of funds would be used for Phase I and Phase II Environmental Site Assessments (ESAs), split evenly between petroleum and hazardous substance sites. The City would first create a comprehensive inventory of brownfield sites within the TOD areas. Site selection for ESAs would be determined through the process defined in Section 2.a.iii. The City would partner with the DOH to conduct two or more seminars for key stakeholders and developers to orient them to the brownfield assessment and remediation process, federal/state/local regulations pertaining to brownfields, and available remediation resources. The City would also consult with established TOD stakeholder and advisory groups regarding brownfield assessments and remediation, and incorporate brownfield assessment and clean up information in its ongoing community outreach meetings, web postings, and other means of community engagement.

The scarcity of land for urban development and severe traffic congestion throughout much of central and west Honolulu have driven the need for smart growth policies to accommodate the City's growing population. The HART rail line and TOD development around many of its stations offer tremendous opportunities for more efficient, accessible urban development, and the revitalization and enhancement of lower income communities. Redevelopment of former and current industrial parcels with brownfield issues is an essential step in this process. TOD planning has its basis in the Oahu General Plan (most recently updated in 2013) and various plans that guide subregional and community development. The General Plan encourages sustainable development with 'compact and mixed-use development patterns that encourage higher densities and conserves energy' and 'multi-modal transportation networks and transit-oriented developments to reduce automobile use.' The Plan also calls for higher density redevelopment in urbanized areas and increasing the supply of affordable housing.

More detailed subregional plans define goals and objectives for future development within different areas of Honolulu. The Primary Urban Center Development Plan (PUCDP) (2004) includes Iwilei,

Kapalama, Kalihi, Middle Street, and Pearl Ridge while the Central Oahu Sustainable Communities Plan addresses West Loch and Waipahu. Both plans recommend rapid transit and the role of these communities as transit nodes. There is also an emphasis on 'cultivating livable communities' through more walkable communities, enhanced open space, more affordable housing, and preservation of historical structures.

All TOD areas underwent extensive visioning and planning over the past few years. An overall TOD Planning Framework guided subarea TOD plan development. Community needs surveys were conducted, and existing conditions were assessed and analyzed. Concepts were then developed, leading to redevelopment plans for each TOD area. Specific opportunities identified within the plans that have known or likely brownfield issues are identified in this proposal for further investigation with the involvement of local community groups. These include the Pearl Harbor Historic Trail, the Kapakahi Stream walkway, and the Kapalama Canal area.

The brownfield identification and assessment activities funded through this proposal would leverage the considerable planning and outreach already done within each of the TOD areas to identify sites that offer the greatest potential to revitalize these communities and stimulate additional public and private redevelopment efforts.

2.a.ii Project Management Approach

The project would be managed by the City's Department of Planning and Permitting (DPP) with appropriate assistance from other municipal departments for procurement, contracting, etc. Upon receiving the award, DPP would draft a comprehensive three-year Work Plan addressing all major components of the project, including site inventory and selection, Phase I and II assessment, clean-up plans, and community outreach. The Work Plan will define tasks, budgets, desired outcomes, timelines, and oversight responsibilities. RFPs for contractual work will be based on templates from previously commissioned work, modified as appropriate.

The City will follow its standard, and EPA compliant, purchasing procedures to select qualified contractors to assist with the project. DPP will set up a Project Task Review Committee of selected City and DOH staff to review RFPs and contractor work products to ensure consistency with this proposal and the Work Plan. Site selection for Phase I and II ESAs will be determined based on rankings from the brownfield inventory described in Section 2.a.i. Site access to City and State properties will not be an issue. The City will focus on privately owned sites that are either for sale, or where the owners have expressed in interest in redeveloping their properties. The City will work through local organizations such as community associations, housing nonprofits, Neighborhood Boards, and others to identify these privately owned sites.

2.a.iii Site Selection

Site selection for Phase I and II ESAs will be based on a comprehensive inventory of likely and known petroleum and/or hazardous substance brownfield sites that the City will have prepared. A site ranking system for ESA preparation will be developed based on five criteria: (1) site readiness for redevelopment, (2) alignment between site proposals and TOD plans for the specific area, (3) Property Owner interest and participation, (4) catalytic development potential of the site, and (5) ability to leverage other funds for remediation & redevelopment. The City will attempt to identify at least three brownfield candidates for ESA preparation within each of the seven TOD areas. Access to State- or eligible City-owned properties will not be an issue. Private property owners with sites in the inventory will be approached by the City to determine their interest in project participation, to discuss the TOD plans and recommendations pertaining to their site, and explain the brownfield ESA and remediation process. The City will develop an access agreement that must be signed by each participating private property owner. The access agreement will provide the City and its contractor access to the owner's property as necessary to conduct Phase I and II ESAs. The site

inventory and ranking system will be discussed with each of the community groups that have been involved in TOD planning within their respective communities.

2.b. Task Description and Budget Table

2.b.i Task Description

General Programmatic – General programmatic scope items will include: 1) selecting and hiring an environmental contractor; 2) completing EPA reporting; 3) two staff members attending one regional and one national brownfield conference); and 4) working closely with the selected contractor to implement the grant project. Task outputs include 1) preparation of a cooperative agreement work plan; 2) execution of the cooperative agreement; 3) an environmental contractor request for proposal and contract; and 4) all required EPA reporting. The general programmatic budget for the project is $37,000 ($18.5K hazardous substance and $18.5K petroleum). City labor is estimated at $30,000 (545 hours at $55/hr [$35/hr direct labor and $20/hr fringe]). Travel costs are estimated based on airfare costs of $550 per person per conference ($2,200), hotel and meal costs of $150 per person per day for six days ($1,800). City general programmatic costs constitute 8.5% of the proposed budget. A budget of $3,000 (120 hours at $125/hr) has been estimated for the contractor to assist with EPA reporting.

Community Engagement - This task includes: 1) preparation of a public involvement plan; 2) establish and facilitate a brownfields advisory committee; 3) prepare fact sheets, webpage, and presentation materials; 4) communicate project benefits to brownfield property owners and other project stakeholders; and 5) facilitate public meetings. City costs for community outreach are estimated at $6,000 (110 hours at $55/hr) and contractor costs for community engagement are estimated at $5,000 (38 hours at $125/hr).

Brownfields Inventory – This task also involves development of a brownfields inventory. The area for which an inventory will be developed will include all seven TOD areas described in Section 1.a.i. Inventory development will include site identification, construction of a GIS-based list of potential brownfields, and prioritization using the system described in Section 2(a)(iii). The total (petroleum and hazardous substance) contractor cost for creating and prioritizing the brownfields inventory will be $15,000 (120 hrs at $125/hr).

Phase I and II Assessment - This task will involve performing up to 12 Phase I Environmental Site Assessments (ESAs). Sites will be chosen for Phase I ESAs based upon inventory prioritization, and other factors associated with the overall goals of the project. The estimated cost for Phase I ESAs is $3,000 (21 hours at $125/hr plus $375 for an environmental records report). The total Phase I ESA cost is estimated at $36,000 ($18,000 hazardous substance and $18,000 petroleum).

Based upon the findings of the 16 Phase I ESAs, the City anticipates conducting up to 10 Phase II ESAs. The City also may choose to conduct a Phase II ESA on property where it has not conducted a Phase I ESA if previous environmental work has been completed at the property and made available to the City (as part of the TOD project, some environmental assessment work has already been completed). Estimated individual Phase II ESA costs by task include: 1) eligibility determinate and ESA/NHPA evaluation estimated at $1,250 (10 hours @ $125/hr); 2) quality assurance project plan, sampling and analysis plan, and health and safety plan estimated at $4,375 (35 hours @ $125/hr); and Phase II ESA sampling activities and reporting estimated at $22,625 (44 hours at $125/hr [$5,500]; $6,000 for drilling, waste disposal, and utility locate contractors, and $5,500 for laboratory testing). Total Phase II ESA costs are estimated at $226,250 ($113,125 hazardous substance and $113,125 petroleum).

Remedial Planning - Cleanup planning will be completed for an estimated four properties at an estimated cost of $18,750 per plan (150 hrs at $125/hr). It is anticipated that for underground storage tank sites a corrective action plan and contaminated media management plan will be prepared, and that for hazardous substance sites an Analysis of Brownfield Cleanup Alternatives (ABCA) and contaminated

media management plan will be prepared. We will work closely with the DOH in conducting remedial planning to assure compliance with State of Hawaii cleanup laws.

2.b.ii Budget Tables

The budget for the project includes funding for programmatic tasks, community engagement (including outreach and education), brownfield inventory, Phase I and II assessment, and remedial planning. A budget for both petroleum and hazardous substance assessment is being requested. This is reflected in the budget breakdown provided in the two tables below.

Budget Categories	Petroleum Project Tasks					
	General Program	Comm. Engage	Inventory	Phase I & II Assessment	Remedial Planning	Total
Personnel	$11,250	$2,250				$13,500
Fringe Benefits	$3,750	$750				$4,500
Travel[1]	$2,000					$2,000
Contractual[2]	$1,500	$2,375	$7,500	$131,125	$37,500	$180,000
Petro Total	$18,500	$5,375	$7,500	$131,125	$37,500	$200,000
	Hazardous Substance Project Tasks					
Personnel	$11,250	$2,250				$13,500
Fringe Benefits	$3,750	$750				$4,500
Travel[1]	$2,000					$2,000
Contractual[2]	$1,500	$2,375	$7,500	$131,125	$37,500	$180,000
HazMat Total	$18,500	$5,375	$7,500	$131,125	$37,500	$200,000
Grant Total	**$37,000**	**$10,750**	**$15,000**	**$262,250**	**$75,000**	**$400,000**

[1]*Expenses for attendance at two brownfield conferences by two City staff.*

[2]*The City will comply with the procurement procedures contained in 40 CFR 31.36.*

2.c Ability to Leverage

Sites with documented contamination may be eligible to receive low cost clean up loans through the State's Brownfields Cleanup Revolving Loan Fund, administered by the Department of Business, Economic Development, and Tourism (DBEDT). The Fund executed loans worth $1.97 million during FY 2010 – 2011, and repayments to the fund totaling $1.77 million should be available for new loans by the end of FY 2014.

Any qualified properties with known brownfield issues could apply for EPA ARC Clean-Up Grants. The City and DOH would assist applicants with information and guidance about this grant source, and cover it in the brownfield seminar for property owners and developers.

The City is finalizing establishment of an Equitable TOD Fund Program to be administered by the Hawaii Community Reinvestment Corporation (HCRC), a designated Community Development Financial Institution by the U.S. Treasury. HCRC will have $2.1 million in HUD and $2.5 million in private monies to help finance pre-development activities on sites planned for affordable housing. The City anticipates that some of the brownfield sites to be assessed will be suitable for affordable housing, based on the tremendous housing needs in the corridor and the TOD planning done for the areas addressed in this proposal. The City also has an Affordable Housing Fund of over $20 million that will be available for housing projects in the TOD areas, and is developing a financing toolkit of property tax and general excise tax exemptions and potential special district funding to support equity-focused TOD projects.

Kamehameha Schools (KS) is a major landowner with a 1,500 acre real estate portfolio, including property adjacent to most transit stations. Their plans in Kapalama dovetail with the City's TOD plan for this neighborhood. KS is planning to spend $150 million over six years for mixed use development and affordable and workforce housing along the Kapalama Canal, and an initial $30 - $50 million for commercial property upgrades along Dillingham Avenue, a major artery. While KS will take responsibility for

assessment and cleanup of their own properties, the ARC funding will be used for assessments on adjacent properties. Coupled with $25 to $30 million in green infrastructure, greenway and multimodal system improvements planned in the city's pending CIP budget, the environmental assessments will help to leverage KS's investments.

3. COMMUNITY ENGAGEMENT AND PARTNERSHIPS

3.a Involving Targeted Community & Other Stakeholders; and Communicating Project Progress

Brownfield outreach will build upon the City's extensive and collaborative community outreach process for TOD planning over the past five years. Outreach for the seven TOD areas in this proposal included thirteen community workshops attended by approximately 585 participants, and 30 Community Advisory Committee meetings. The City also received 3,849 responses to the Community Needs Surveys mailed to residents in the TOD areas, which were used to identify problems and opportunities within each area. The City also held three large TOD symposiums in 2007, 2010, and 2013 which each drew about 250 participants. Public input received through workshops, surveys, and advisory committees was essential to the development of individual TOD area plans that address the unique needs, constraints, opportunities, and visions of each community. Most of the community outreach on brownfields will take place within ongoing comprehensive TOD planning events that can attract a wide cross-section of people. This approach will help the community to better understand brownfield issues within the broader redevelopment process, and enable the City to incorporate community input into brownfield assessment planning.

The next stages of TOD outreach will include public meetings and City Council hearings to finalize and adopt draft Neighborhood TOD plans for the 14 stations completed to date (including all seven in this proposal), and several public workshops and stakeholder group meetings for the remaining station area plans yet to be completed. Stakeholder groups in each area typically include community associations, nonprofits, business owners and landowners, and housing developers. Public workshops will include charrette-style hands-on mapping exercises, walking audits, and other field exercises. In addition, project-level planning and visioning charrettes will be conducted for the city's priority catalytic projects, including the Pearl Ridge and Kapalama Canal station areas.

The City will develop a public involvement plan for brownfield outreach and engagement based on the TOD outreach experience, and establish and facilitate a Brownfields Advisory Committee (BAC) to supplement the community input received at TOD events. BAC membership will reflect the range of community leaders and stakeholders active in the seven TOD areas in this proposal. The City will prepare fact sheets, webpage information, and presentation materials to communicate project benefits to the community. Outreach materials will be prepared in English, Tagalog, Ilocano, and Chinese as had been done in TOD outreach to accommodate the large immigrant populations within these TOD communities. Because the TOD planning process emphasizes improving these communities for the existing residents to remain living there, local input is vital to determining priorities within each neighborhood. This same philosophy will guide the brownfield assessment process.

The City will also partner with the DOH to hold brownfield seminars for landowners, developers, and key stakeholders to explain brownfield assessment and clean up processes. The City will particularly focus on engaging community groups and stakeholders who would play key roles in the redevelopment of their communities, including Neighborhood Boards; nonprofit housing organizations, community-based groups focusing on preservation or restoration of physical and natural resources, and business groups. Due to the active ongoing TOD community engagement and the high visibility of the HART project, the City is confident that each community can be kept actively involved in brownfield issues and clean-up efforts within their vicinity.

3.b Partnerships with Government Agencies

3.b.i Partnerships with Local/State/Tribal Environmental and Health Agencies

The City will work closely with the DOH's Hazard Evaluation and Emergency Response (HEER) office and other divisions within DOH's Environmental Health Administration to develop the inventory of known and likely brownfield sites and obtain available information on each of them to rank sites for ESA preparation. The City and DOH will conduct one or more brownfield seminars for TOD landowners and developers to explain the process, requirements, regulations, and available resources for brownfield clean up. These seminars will be modeled after the annual Hawaii Brownfields Forums organized by DOH with assistance from the EPA and the Center for Creative Land Recycling. The seminars will focus on the types of information landowners and developers need to know about brownfield identification and remediation prior to planning and financing a redevelopment project. Speakers will include land owners and developers with prior experience redeveloping brownfields. Every effort will be made to encourage landowners and developers in the TOD areas to attend.

The City and DOH will also develop and present information on brownfields to the community at various TOD planning events that will occur over the next three years. This information will include the status of any previous or ongoing clean up projects in specific communities, and responses to questions and concerns about exposure to specific contaminants found during assessments and/or clean up operations. DOH will also work with the City to ensure that assessments completed through this grant meet all applicable State laws and requirements.

3.b.ii Partnerships with Other Federal, State, and Local Government Agencies

The City will continue to work cooperatively with **HART**, a semi-autonomous agency of the City whose mission is to construct and operate a 20-mile rapid transit rail line between the Ala Moana Shopping Center and the emerging community of Kapolei. HART will design and build all of the stations in the TOD areas addressed by this proposal, along with supporting features such as parking, kiss and ride facilities, and information kiosks. It is in the City's and HART's mutual interest for the TOD areas surrounding the stations to be optimally developed to ensure safety and accessibility, and to be vibrant mixed-use centers that revitalize their respective communities. The City will work extremely closely with HART staff to implement this Community Wide Assessment grant, particularly for the development of the brownfield inventory and the ranking and selection of specific sites for Phase I and II ESAs.

The City will continue to partner with the **State Office of Planning (OP)**, the Governor's designated lead agency for coordinating TOD programs and opportunities for State agencies. OP collaborates with the City's TOD program to capitalize on the redevelopment and infill potential for creating livable communities along Honolulu's transit corridor. OP would assist the City in coordinating project activities with impacted State agencies. OP also administers the Hawaii Brownfields Cleanup Revolving Loan Fund that provides a potential source of low-cost funding for the remediation and cleanup of contaminated sites, and will welcome loan applications for the cleanup of eligible sites identified through this program.

The State **Office of Planning (OP)** will assist the City with coordinating project activities with impacted State agencies. OP also administers the Hawaii Brownfields Cleanup Revolving Loan Fund, which is a potential resource to address brownfields identified through this grant.

The City will also partner with the **State Department of Accounting and General Services (DAGS)**, which oversees state agency construction. DAGS is managing future development of a highly likely brownfield site in the Iwilei TOD area. DAGS plans to build the Liliha Civic Center complex on the site, which would house the State's Department of Human Services. The new building would add much needed economic vitality to the Iwilei community, and improve access to many social services.

3.c Partnerships with Community Organizations

Community engagement will be further advanced through partnerships with individual community groups for specific opportunities, as described below. Contact persons and information are found in the attached letters of support:

The Oahu Resource Conservation and Development Council (ORCD) is an independent non-profit entity that has prepared plans for cleaning up the Kapakahi Stream in Waipahu. This polluted urban waterway runs from the Waipahu TOD area to the Pearl Harbor Historic Trail. Restoration of it and the creation of a walking/biking trail were identified as key opportunities in the Waipahu TOD plan. ORCD has invested significant effort to develop a Watershed Plan for the stream. ORCD will work with the City to plan and conduct community outreach and help stimulate local interest in restoring the stream environment.

Kamehameha Schools (KS) is a private charitable trust to improve the capability and well being of Native Hawaiians through education. KS is a major landowner in Kapalama and will be redeveloping several commercial and residential parcels in the community to help realize the goals and objectives of the TOD plan for this area. KS will partner with the City to help clean up and enhance the area on both sides of the Kapalama Canal and create a linear park for the Kapalama neighborhood. As one of Hawaii's largest and most experienced developers, KS will also help other landowners and developers understand the brownfield cleanup process at the City/DOH brownfield seminars to be held.

Honolulu Community College (HCC) is a public higher education institution within the Kapalama TOD area. The campus is directly adjacent to the Kapalama Canal identified by the City as a catalytic project site. Many HCC students live in the adjacent TOD areas. HCC offers a two-year Associate Degree in Occupational and Environmental Safety Management that addresses recognition and control of environmental hazards, knowledge and application of EPA regulatory requirements, and demonstration of necessary knowledge and skills for employment in environmental health and safety. HCC faculty and students from this program will be involved in planning, community outreach, and other activities that would allow them to gain professional experience while also helping them revitalize their own communities.

The Aiea Community Association (ACA), is a non-profit community organization actively involved in range of issues and projects in the Aiea-Pearl City area. ACA seeks to preserve and enhance the Pearl Harbor Historic Trail for biking and walking along the waterfront in the Pearl Ridge TOD area. A recent community survey showed that 44% of households use the trail at least once per month, primarily for exercise. Cleanup of brownfield sites along this trail would improve their experience and encourage others to use it. ACA will participate in the BAC, help to identify and prioritize brownfield sites, encourage local landowners and developers to work with the City, and help attract community participation.

The Trust for Public Land (TPL) is a national nonprofit organization dedicated to conserving land for parks, gardens, and other natural uses throughout the US. The Hawaii TPL office has been very active in conservation and creating new resources for the preservation of land for community needs. TPL would help the City identify potential park and community spaces where there are brownfields, and work with the City to obtain public and private resources to acquire sites for these purposes.

The Salvation Army serves a number of people in the TOD areas through programs for substance abuse, senior day care, family intervention, and basic needs. They recognize the impacts that brownfields can have on lower-income residents or homeless persons, and strongly supports the City's efforts to have brownfields assessed and cleaned up. The Salvation Army also owns several properties in the TOD areas and will work with the City to see if any of them require ESAs before they can be redeveloped.

The Pacific Resource Partnership (PRP) is an organization linking Hawaii's largest developers and contractors with unionized carpenters. PRP formed a TOD Working Group of stakeholders to help educate their members and the public about TOD benefits. PRP's TOD Working Group will help the City to educate the public about brownfield assessment and remediation as part of the redevelopment process.

Additional community partnerships will be formed for specific projects after the comprehensive inventory of brownfield sites is completed and individual opportunities can be identified and prioritized. It is anticipated that projects for affordable housing, retail development, and community facilities will be identified after brownfield sites are mapped against the proposed redevelopment concepts in the neighborhood TOD plans.

4. PROJECT BENEFITS

4.a Health and/or Welfare and Environment

Brownfield assessment and cleanup will be a major component of TOD development, which itself will have a transformative impact on the communities in the long run. Rather than being bypassed neighborhoods of relative poverty in an automobile dominated urban environment, they can be focal points of economic and social activity for the surrounding region. Remediation and redevelopment of brownfields would reduce exposure to contaminants cited in Section 1.b that are known to affect development of immune systems, liver and kidney functions, the nervous system, and other aspects of human health (CDC Agency for Toxic Substance and Disease Registry).

In addition, the potential for brownfield remediation to increase and enhance walking and biking options throughout the TOD areas has vast potential to help residents address Type 2 diabetes, obesity, and other health issues that can be ameliorated through exercise. Ironically, while much of the world imagines Hawaii as a pristine, natural environment with inspiring open spaces to explore, the communities addressed in this proposal are densely populated, gritty urban environments that can be difficult to escape by lower income residents with little in the way of contiguous green space and mobility constraints. The brownfield assessment activities identified in this proposal involving local partners in Iwilei, Kapalama, Pearl Ridge, and Waipahu would help establish much needed momentum for the long process of redevelopment in these communities. In addition to the direct environmental and public health benefits resulting from cleanup and remediation, the resulting redevelopment will have significant public health benefits.

The neighborhood TOD plans require walkable, mixed use development, with complete streets, greenways and green infrastructure along existing waterways, and accessible neighborhood parks and gathering places. Increasing physical activity and access to parks have been shown to improve physical and mental health. Brownfield redevelopment within TOD areas will contribute to broader environmental preservation. Oahu is a small island with a growing population, and redevelopment is an absolute necessity to address growth. Developable land is scarce, and topographical constraints limit regional infrastructure to narrow corridors. Only 26% of the island of Oahu is classified for urban use, with the remaining 74% designated for conservation and agriculture (DBEDT 2012 State Data Book, Table 6.04). Preservation of the natural environment is essential to protect Hawaii's unique fauna and flora. Although Hawaii is the fourth smallest state in land area, it has by far the highest number of endangered species (US FWS). Preservation of endangered species requires conserving natural environments by containing urban development through strategies like brownfield reuse.

4.b Environmental Benefits from Infrastructure Reuse/Sustainable Reuse

4.b.i Sustainable Redevelopment Implementation

TOD Planning in Honolulu embodies the Partnership for Sustainable Communities' Livability Principles. The City's TOD Planning Principles seek to develop vibrant, mixed-use communities where automobiles are not a necessity, which will reduce household transportation and housing costs. TOD development will focus on concentrating jobs and housing near the HART rail stations, providing more reliable access to employment while stimulating community economic development. TOD development also focuses on revitalizing existing communities and leveraging the infrastructure that is already in place. Finally, TOD

planning in Honolulu recognizes and appreciates the diversity of the different communities along the HART corridor, and has engaged in extensive community planning efforts to address the unique constraints, opportunities, and visions of each area. The City's new TOD Program Administrator, Harrison Rue, has spent the last several years supporting each of the partnership agencies with research, publications, workshops, and technical assistance, and will ensure that the livability principles are applied to the brownfield program and associated redevelopment.

4.b.ii Equitable Development or Livability Principle Integration Example

The brownfield assessment activities in this proposal will help implement the City's TOD development/redevelopment approach, which is an outcome of the City's 2010 HUD Community Challenge Planning Grant. Honolulu's TOD vision for a series of diverse, walkable neighborhoods along the HART rail line will be realized according to the City's TOD Planning Framework that guides individual neighborhood TOD plans. The brownfield activities in this proposal will contribute to TOD implementation and support livability principles in the TOD communities by catalyzing community revitalization and increasing access to more transportation choices. TOD development will reuse urbanized land and preserve the limited open space, agricultural land, and conservation areas on the island of Oahu.

4.c Economic and Non-Economic Benefits (Long Term Benefits)

4.c.i Economic, Environmental, and Social Equity Benefits

Successful redevelopment of brownfields will increase the municipal tax base and raise local property values, which will provide more economic security for existing homeowners. Remediation of brownfields will also make more sites available for affordable housing, which is a key objective within each TOD area plan. It will stimulate more development interest in the TOD areas, creating new jobs, investment opportunities and sales tax revenue. Brownfield assessments provide more certainty to developers who will know following a Phase I assessment whether they can immediately develop a site vs. continuing to address contamination issues. Timely redevelopment is important to establishing momentum within each TOD area.

There are compelling environmental benefits from brownfield cleanup in the TOD areas. The waterfront areas in Pearl Ridge and Waipahu have tremendous potential to provide local communities, other Honolulu residents, and tourists with unique insight into the environmental and historical contexts of these areas. These waterfronts have been effectively cut off from their respective communities by industrial and retail development for such a long time that it is easy to forget they are so close to the shoreline. The Pearl Harbor Historic Trail will connect Pearl Ridge and Waipahu and communities to the west along an 18.6 mile route that passes scenic vistas, historic sites, and shoreline environments that host a wide range of flora and fauna, including endangered species such as the Hawaiian Stilt, Moorhen, Coot, and Duck (US Fish & Wildlife Service, Pearl Harbor Natural Wildlife Refuge. http://www.fws.gov/refuge/pearl_harbor/)

4.c.ii Promoting Local Employment and Integration with Workforce Development Entities

There is no EPA workforce development grant in Honolulu. The City will work with the Hawaii Department of Human Services Employment and Training (E&T) program to determine if any job seeker has the appropriate qualifications to assist with our brownfield projects. When selecting contractors to conduct our project, consideration will be given to those located in close proximity the TOD areas and that commit to using local subcontractors to the maximum extent possible. Extra consideration will also be given to contractors who involve students and graduates from local training programs such as the Occupational and Environmental Safety Management (OESM) Program at the Honolulu Community College through internships or employment.

5. PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE

5.a Programmatic Capability

The proposed project would be managed under the City's Transit-Oriented Development (TOD) Program led by Harrison Rue within the Department of Planning and Permitting (DPP). Mr. Rue recently returned to Hawaii as the new Community Building and Transit-Oriented Development (TOD) Administrator for the City. He is the founding director of the Citizen Planner Institute in Hawaii and Florida, and has done extensive work and led numerous workshops and conferences on Oahu over the past 15 years. Prior to returning to Hawaii, Harrison was a Principal with ICF International, a Virginia-based consulting firm, where he supported federal, state, and local efforts to build more sustainable communities. He has supported each of the Partnership for Sustainable Communities agencies, including developing most of FHWA's livability publications; developing HUD's sustainable performance measures and providing grantee technical assistance, and extensive research, writing, and technical assistance for EPA's smart growth program. He leads the TOD Subcabinet, which includes the directors of all city planning, finance, development, and infrastructure departments, who are charged with implementing the TOD program and will support grant activities.

Under the direction of Mr. Rue, TOD Planner Shem Lawlor will be responsible for implementation of the grant, procuring and coordinating contractors that will perform the necessary environmental assessments, and completion of all required EPA reporting. Mr. Lawlor has a bachelors degree in Political Science and Masters of Urban and Regional Planning degrees from the University of Hawaii at Manoa. He has six years of experience working on and managing TOD-related projects for the City. Over the last three years, Mr. Lawlor has been the project manager for a $2.3 million HUD Community Challenge Grant that is helping to establish an Equitable TOD Fund Program, (a revolving loan fund), to fund the preservation and development of affordable rental housing along the rail corridor. Mr. Lawlor is also the project manager for the City's Bikeshare Organizational Study.

Mr. Lawlor will draw upon the support of DPP's three-member Community Planning Branch as well as an additional project manager and full-time administrative assistant that the TOD Program is in the process of hiring. When securing professional contractors to perform Phase I and II investigations and community engagement, the TOD Program will follow all applicable City, State and Federal procurement statutes, and comply with 40 CFR Parts 30 and 31 for contractor procurement, including following prescribed limitations on compensation.

5.b Audit Findings

The City has extensive experience administering grants from a number of state and federal agencies. For at least the last six years, the City has qualified as a low risk auditee, and has not received an adverse audit finding from a federal, state, tribal, or local government inspector general or similar organization, or U.S. Government Accountability Office. The City has never been required to comply with special "high risk" terms and conditions under agency regulations pursuant to OMB Circular A-102.

5c. Past Performance and Accomplishments

5.c.i Currently or Has Ever Received EPA Brownfields Grant

Compliance With Grant Requirements

The City received a $400,000 EPA Brownfields Community-Wide Assessment Grant (the CWA Project) in October, 2006 to assess and evaluate likely and known brownfield sites on Oahu with potential for redevelopment. The CWA Project was managed by the Office of Special Projects within the City's Department of Community Services. In November, 2012 the CWA Project was closed after having completed all the objectives outlined in the work plan. $349,378.36 of grant funds were expended on

Phase I and II ESAs. The Office of Special Projects successfully complied with all EPA requirements, including filing all required reports in a timely manner. The City did not input technical information into the ACRES reporting system as this was not widely used at the time the City was awarded the grant. However, the City provided all required quarterly and annual progress reports with accompanying technical information to the EPA. Changes to the original work plan and schedule were coordinated with and approved by the EPA, and the remaining balance was not drawn down.

Accomplishments

The City initially identified twelve potential Brownfield sites based on the EPA Region-9 Eligibility Determination Checklist, recommendations from government agencies, and through public meetings and interviews with people familiar with the sites. A 'Site Selection Matrix' was used to rank them, with five sites recommended for ESAs. The City chose three priority sites to undergo immediate Phase I ESAs, which each warranted Phase II ESAs. In 2009, the City expanded the scope of site selection to include areas surrounding the proposed HART rail transit stations using the same site selection methodology. Due to political uncertainties in 2009-2010 over construction of the rail system, it was ultimately determined that the focus of the brownfield project should shift to other areas, including the Hawaii Community Development Authority's Kakaako District. The 2006 ARC grant enabled the City to determine through Phase I and II ESAs the extent of remediation needed for three sites in Waipahu, one of the TOD areas addressed in this proposal. It also provided Phase I findings for sites in Kakaako on six parcels that were subsequently used by the Office of Hawaiian Affairs (OHA) to obtain a 2013 EPA Brownfields Assessment Grant award.

5.c.ii No Brownfields Grant, But Has Received Federal or Non-Federal Assistance Agreements

In 2010, the City was awarded a $2.38 million HUD Community Challenge Grant to develop and implement a Transit-Oriented Housing Strategy to maintain and promote housing for low- and moderate-income families around the HART rail transit system. The City hired consultants to analyze the existing housing and transportation conditions, analyze existing and proposed policy tools for implementing TOD, and assess the capacity of existing community organizations to assist with TOD. The City organized key stakeholders from City and State agencies and other public, non-profit and private partners into a TOD collaborative. This working group examined the existing conditions and policy reports and helped the City to formulate a strategy to advance TOD planning and implementation. Based on the recommendations of this working group, the City is establishing an Equitable TOD Fund Program in partnership with an affordable housing financing non-profit to provide financing for affordable housing projects in the TOD areas.

5.c.iii Never Received Any Federal or Non-Federal Assistance Agreements

Not applicable.

Exhibit C

EPA May 28, 2014 Press Release:

"EPA Selects City and County of Honolulu for a $400,000 Brownfields Grant"

For Immediate Release: May 28, 2014
Media Contact: Dean Higuchi, 808-541-2711, higuchi.dean@epa.gov

EPA selects City and County of Honolulu for a $400,000 Brownfields grant

Funding will revitalize communities by cleaning up and redeveloping contaminated sites

HONOLULU - The U.S. Environmental Protection Agency (EPA) announced today that the City and County of Honolulu will be one of 171 communities nationwide receiving brownfields funding to clean and redevelop contaminated properties, boost local economies and leverage jobs while protecting public health and the environment.

The FY14 Brownfields Assessment, Revolving Loan Fund, and Cleanup (ARC) grants will give communities and businesses a chance to return economic stability to under-served and economically disadvantaged neighborhoods through the assessment and clean-up of abandoned industrial and commercial properties, places where environmental cleanups and new jobs are most needed.

"Brownfields funding allows communities to innovate new ways to retrofit formerly polluted, unused sites for sustainable new uses," said Jared Blumenfeld, EPA's Regional Administrator for the Pacific Southwest. "The City and County of Honolulu will not only protect the environment and public health with the funding, but foster new job growth opportunities for its local communities."

The City and County of Honolulu will be using its $400,000 brownfield hazardous substances and petroleum grant funds to conduct up to 12 Phase I and up to 10 Phase II environmental site assessments in support of the city's Rail Transit project. Grant funds also will be used to develop an inventory and prioritize brownfield sites, and conduct community outreach and cleanup planning activities along the city's rail transit oriented development zones.

A Phase I assessment determines the likelihood that some form of environmental contamination is present which includes a complete and thorough investigation on the history of a particular site. A Phase II assessment is a more comprehensive investigation that may include the collection of soil or groundwater samples to determine contamination conditions at the site.

A total of approximately $23.5 million is going to communities that have been impacted by plant closures. Other selected recipients include tribes and communities in 44 states across the country; and at least 50 of the grants are going to U.S. Housing and Urban Development, U.S. Department of Transportation, and U.S. EPA grant recipient communities.

Since the inception of the EPA's Brownfields program in 1995, cumulative brownfield program investments have leveraged more than $21 billion from a variety of public and private sources for cleanup and redevelopment activities. This equates to an average of $17.79 leveraged per EPA brownfield dollar expended. These investments have resulted in approximately 93,000 jobs nationwide. These projects demonstrate the positive impact a small investment of federal brownfields funding can have on community revitalization through leveraging jobs, producing clean energy, and providing recreation opportunities for surrounding neighborhoods. EPA's Brownfields Program empowers states, communities, and other stakeholders to work together to prevent, assess, safely clean up, and sustainably reuse brownfields sites.

More information on brownfields grants by state: http://cfpub.epa.gov/bf_factsheets/

More information on EPA's brownfields:

Program http://www.epa.gov/brownfields/
Success Stories http://www.epa.gov/brownfields/success/index.htm
Benefits http://www.epa.gov/brownfields/overview/Brownfields-Benefits-postcard.pdf

Thanks!

Dean Higuchi
Press Officer/Congressional Liaison/Public Affairs
US EPA, Region 9, Hawaii Office
higuchi.dean@epa.gov
808-541-2711

Exhibit D

EPA Brownfields Assessment Program

Application for Federal Assistance

APPLICATION FOR FEDERAL ASSISTANCE

Date: June 2, 2014

Name/Address of Applicant: **City/County of Honolulu**

Congratulations Harrison - The Environmental Protection Agency (EPA), Region 9, is pleased to announce the availability of financial assistance as follows:

APPLICATION DUE DATE: July 9, 2014

PROGRAM TITLE: Brownfields Assessment Cooperative Agreement (NEW PROJECT)

STATUTORY AUTHORITY: CERCLA 104(k)(2)

FEDERAL FUNDS AVAILABLE: $400,000

REQUIRED NON-FEDERAL MATCH: NA

CATALOG OF FEDERAL DOMESTIC ASSISTANCE NO.: 66.818

DELEGATION OF AUTHORITY (EPA use only): 14-45

WAS THIS PROPOSAL SUBJECT TO COMPETITION (EPA use only): Yes

The application kit (including instructions) is available through the internet at http://www.epa.gov/region09/funding/applying.html. Please ensure that your organization's SAM.gov registration is current and active.

The Environmental Protection Agency (EPA) is establishing new electronic business practices to reduce its footprint. The implementation of the electronic approach will ensure a faster and less costly method for grantees when submitting applications to the Grants Management Office. Your application and final work plan may be submitted by using **one** of the following methods:

1. Region 9 Electronic Mail Box: GrantsRegion9@epa.gov
   The application kit with instructions for completing all of the necessary forms may be downloaded at the following web site: http://www.epa.gov/region09/funding/applying.html . Please include "Federal Funding Application" and the grant program in the subject line.

2. Paper Submission (Least preferred method)
   An original and one copy of each complete application package and final workplan shall be submitted to:

   Grants Management Office, MTS-7
   Management & Technical Services Division
   U.S. Environmental Protection Agency, Region 9
   75 Hawthorne Street
   San Francisco, CA 94105

Please obtain a copy of the Code of Federal Regulations (CFR), Title 40, Parts 1-49, and the Office of Management and Budget (OMB) Circulars, which are applicable to your grant or cooperative agreement, at your local U.S. Government Bookstore, or from the U.S. Government Printing Office at (202) 512-1800, or through the internet at http://www.epa.gov/region9/funding/before.html.

EPA Region 9 has a "Greening Grants" Policy that is designed to encourage grantees to incorporate sustainability practices into projects funded under EPA assistance agreements. A copy of the policy is attached along with this application. Your EPA Project Officer will discuss with you whether any of the tasks/activities in your work plan can be carried out in a "greener way". http://www.epa.gov/region9/funding/pdfs/r9-greening-grants-policy.pdf

Questions regarding the application or administrative/fiscal matters should be referred to Vernese Gholson of the Grants Management Office, at (415) 947-4200 or gholson.vernese@epa.gov. Please call me at **(213) 244-1821** regarding programmatic questions (e.g. development of workplan). Before electronically submitting your application package by July 9th, please ensure that I have reviewed and approved your workplan.

Sincerely,

/s/ Noemi Emeric-Ford
Regional Brownfields Coordinator

cc: Nicole Moutoux
Vernese Gholson, MTS-7