



Tier 2 – Enhancing a Tribal Response Program

Module 8: Grants, PPGs and Consortiums

The detailed role of the Tribal Brownfield Coordinator in seeking and managing an annual CERCLA 128(a) Grant for TRP activities.

TribalTAB.org

A stylized graphic of a bridge with a series of triangular trusses, rendered in a light blue color, spanning the top of the slide.

Your Goal

**A safe and healthy community and environment for
your family and your people.**

128(a) Guidance

Consult the latest U.S. EPA Guidance: U.S. EPA Office of Brownfields Land Revitalization issues an annual 128(a) funding guidance each Fall*:

“Funding Guidance for State & Tribal Response Programs, Fiscal Year 20xx”

NOTE: This guidance is supplemented by the EPA Regions

*See Funding Guidance Link: [State and Tribal Response Program | US EPA](#)



CERCLA 128(a) Cooperative Agreement

- ❖ A type of grant that includes **substantial involvement of EPA** during performance of activities described in the cooperative agreement work plan.
- ❖ The **grantee** for a section 128(a) grant program is typically the Tribal government to which a grant is awarded and is accountable for the use of the funds provided.

(Therefore, the grant is typically awarded to the Tribe(s), not the environmental office or a specific person. The Tribe(s) decide where the funds are allocated.)



Tribal Response Program

128(a) Grants:

The CERCLA Law, Section 128(a), authorized EPA to make grant awards (Cooperative Agreements) to federally recognized Indian Tribes to **Establish and/or Enhance a Tribal Response Program**. To be eligible to receive funding a CERCLA 128(a) Cooperative Agreement Recipients (CARs) must demonstrate that their response program includes, or **is taking reasonable steps to include, the four elements** of a response program.



Tribal Response Program

128(a) Grants:

Additionally, CARs must maintain and make available to the public a record of sites (the Public Record) at which response actions have been completed in the previous year and are planned to be addressed in the upcoming year in order to qualify for section 128(a) funding.

Notes:

- ❖ *The Public Record is NOT the same as the Brownfield Inventory required under Element 1!*
- ❖ *See other TRP Training Modules for specifics on the Four Elements of the TRP and the Public Record.*



Your Mission:

Establish and/or Enhance a Tribal Response Program that:

- ❖ Includes, or is taking reasonable steps to include, the **Four Elements** of a response program, and
- ❖ Maintains and make available to the public a record of sites (the **Public Record**) at which response actions have been completed in the previous year and are planned to be addressed in the upcoming year, at a minimum, as well as
- ❖ Other tasks or goals included in your grant work plan which may include Brownfield site specific work.



Grant Terminology

You will need to be familiar with the following terms:

- ❖ Cooperative Agreement (a type of Grant)
- ❖ Performance Partnership Grant (PPG), if applicable
- ❖ Cooperative Agreement Recipient (CAR)
- ❖ Grantee (Who is listed as the “Grantee” on the Award)
- ❖ Terms & Conditions of the Grant
- ❖ Grant Work Plan & Schedule/Budget



Your Program Limits?

Grant funds are generally limited to establishing and enhancing a TRP and activities related to sites that meet the EPA definition of a brownfield.

However:

A prohibition on the use of grant funds does NOT prohibit a TRP from conducting oversight or imposing its codes or requirements on sites that do not meet the EPA definition of a brownfields site.

Costs incurred for oversight of cleanups at other than brownfields sites may be eligible and allowable costs if such activities are included in the Tribe's work plan. (*discuss with your EPA Regional office*)



TRP Coordinator Role/Duties

Work with your Director & Tribal grants office and know your role(s) which may include:

- ❖ Grant Work Plan (develop work plan & implement tasks)
- ❖ Grant Budget (plan, modify & monitor)
- ❖ Accomplish Grant tasks
- ❖ Meet Grant & Program goals & deadlines
- ❖ Grant/Program Progress Reports
- ❖ Submit data & forms (PALs, ACRES)



TRP Coordinator Role/Duties

- ❖ The Coordinator should be familiar with the grant award, the **workplan**, the goals and objectives for the grant year, the grant **terms and conditions**, and the budget and have input into all of these.
- ❖ The Coordinator is usually responsible for compiling information and data and **submitting the grant progress reports (i.e., PALs Report)** and other reports to the EPA.



TRP Coordinator Role/Duties

- ❖ The Coordinator should be aware of all costs charged to the grant and that all such costs must be authorized under the Tribe's grant work plan to be an allowable use of grant funds.
- ❖ The Coordinator is responsible for monitoring the program progress in accomplishing all tasks and activities that the Tribe committed to in the grant work plan. This does not mean that the Coordinator is directly responsible for accomplishing all tasks but that the tasks are all accomplished by the Tribe in some manner.



TRP Coordinator Role/Duties

- ❖ The Coordinator should **work closely with the EPA Regional Grant Project Officer/Manager** and expect frequent inquiries and communication from the EPA Regional Office on the status and progress of the program as outlined in the grant workplan.
- ❖ The Coordinator should **make recommendations** to the Tribal Environmental Program Manager on what the TRP can do to further establish or enhance the program, training needs, equipment and supply needs, and the budget needs for the following year.
- ❖ The Coordinator should **maintain their training status** and identify further training needed to enhance the program.



Special Grant Requirements

NOTE: You may have multiple grants and/or very specific or special grant requirements when utilizing special funds other than the normal CERCLA 128(a) funding beyond your normal grant terms and conditions.

Consult your EPA Region for such additional or special requirements.



Recommended TRP Training

- ❖ These TRP Modules
- ❖ Tribal TAB website: www.TribalTAB.org
- ❖ ACRES and PALs database training
- ❖ 40 Hour HAZWOPER
- ❖ ITEP Tribal Land & Environment Forum (TLEF)
- ❖ EPA Inspector Training
- ❖ Asbestos & Lead Based Paint Training
- ❖ TERC-LERC Training
- ❖ First Aid
- ❖ EPA & Other Tribal Workshops



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Grant Reporting

Grant Reporting:

(see Funding Guidance Section IX–Terms and Reporting)

- ❖ Quarterly or Semi-annual Progress Reports – work plan activities
- ❖ Information on site-specific activities
- ❖ OMB-approved Property Profile Form
- ❖ Assessment Cleanup and Redevelopment Exchange System (ACRES) ([database for each site assessment and cleanup](#))
- ❖ PALs Report in EPA ACRES database
- ❖ EOY & Annual Program Activity Report
- ❖ Public Record
- ❖ Internal Tribal Reports

Note: [KSU TAB's BiT](#) tool may be very helpful in compiling site data and providing a means to feed data into these other data base fields.



Why?

- ❖ Accountability
- ❖ Tracking accomplishments
- ❖ Reporting to funders
- ❖ Information for Tribal leaders
- ❖ Information for the public
- ❖ Credit where credit is due
- ❖ Keeping the Program funded



Progress Reports

Interim and Final Progress Reports:

- EPA Strategic Plan Goal* and
 - Grant Workplan Commitments and Timeframes.
-
- ❖ **For each Element:** the grantee must report how they are maintaining the element or how they are taking reasonable steps to establish or enhance the element as negotiated in individual workplans.
 - ❖ **Reporting for site-specific assessment or cleanup activities:** Grantees with workplans that include funding for brownfield site assessment or cleanup must input information required by the OMB-approved Property Profile Form into the ACRES database for each site assessment and/or and cleanup.
 - ❖ **Reporting for other site-specific activities:** Grantees with workplans that include funding for other site-specific related activities must include a description of the site-specific activities and the number of sites at which the activity was conducted.

*EPA's strategic plan can be found on the internet at:
<https://www.epa.gov/planandbudget/strategicplan>



Other Reporting Requirements

NOTE:

- ❖ Reporting requirements may be different for a “PPG”.
- ❖ EPA’s regional offices may also request that additional information be added to the progress reports, as appropriate, to properly document activities described by the cooperative agreement workplan.
- ❖ EPA regions may allow CARs to provide performance data in appropriate electronic format.



Reporting Program Activity Levels (PALs)

All Grantees must report a summary of the **previous federal fiscal year's** work (October 1 through September 30), known as Program Activity Levels (“PALs”).

Grantees must report PALs **once annually** when the Section 128(a) funding request is due to the appropriate EPA Regional Office in mid-December. (consult your Region for the due date)



ACRES Database

The Assessment, Cleanup and Redevelopment Exchange System (ACRES) is an online database for [Brownfields Grant](#) recipients to electronically submit data directly to EPA. All ACRES users are required to use ACRES 6.0. [Login to ACRES 6.0.](#)

Go to the EPA Website for current guidance on use of the ACRES database:

<https://www.epa.gov/brownfields/acres-training-tips-and-tools>

For detailed instructions on how to update your brownfields information in ACRES, please see the quick reference guide at:

[https://www.epa.gov/brownfields/brownfields-grantee-reporting-using-assessment-cleanup-and-redevelopment-exchange.](https://www.epa.gov/brownfields/brownfields-grantee-reporting-using-assessment-cleanup-and-redevelopment-exchange)



Public Record Reporting:

Need to demonstrate that the public record:

- a) Exists
- b) Is up-to-date (at least annually)
- c) Is adequate

Note: CARs can refer to an existing public record (e.g., website or other public database) to meet the public record requirement.



128(a) TRP Funding Requests

See the [Annual EPA 128\(a\) grant guidance*](#): *Funding Guidance for State and Tribal Response Programs* APPENDIX B: SAMPLE SECTION 128(a) FUNDING REQUEST FORM

EPA Regions and CARs should work together to be sure CARs are providing sufficient information for their funding request and may alter this sample form to memorialize those communications. EPA may request additional information, if it is deemed appropriate to fully understand a CAR's funding request.

*see Funding Guidance Link: [State and Tribal Response Program | US EPA](#)



128(a) TRP Funding Requests

All CARs requesting Section 128(a) funds must submit a funding request to the appropriate EPA regional brownfields contact by **December 15**.

Requests for funding must include the information listed in Sections VII and VIII of the EPA Annual Guidance.

Consult the EPA Annual Guidance for specific or special requirements when utilizing special funds other than the normal CERCLA 128(a) funding.



Fundable Tasks

- ❖ Consult Annual EPA HQ & Region Guidance for what tasks are fundable under the grant.
- ❖ When in doubt –ASK! (get the question right)
- ❖ Ask in advance
- ❖ Know when you need written approval (such as for Site Specific Work)

Note: EPA guidance may change over time



Examples of Fundable Items:

- ❖ Vehicle (buy or lease?)
- ❖ Office supplies
- ❖ Computers & software
- ❖ Safety gear & clothing
- ❖ All weather gear & clothing
- ❖ GPS & GIS equipment & software
- ❖ Camera/Drone
- ❖ File/supply cabinets (locking?)
- ❖ Other



Remaining/Carryover Grant Funds

- ❖ Your Tribal office & EPA project officer can let you know how much funding remains from your past TRP grant/grant year (i.e., Carry Over)
- ❖ This information needs to be provided in your funding proposal.
- ❖ This amount may affect the new funding you receive, so be sure to justify why these funds shouldn't count against your new funding, if possible.



Requesting Increased Funds?

For those Tribes requesting **amounts above their (*last*) allocation**, a separate explanation must be provided using the provided format or the explanation can be made in a narrative form. The request should:

- ❖ Clearly demonstrate the environmental benefits of the proposed activity/task; and
- ❖ How it directly supports the establishment and/or enhancement of the Four Elements of a response program.
- ❖ Consult current EPA HQ Grant Guidance.

Requests for increases over the last FY funding amount will be considered only after allocations are made to cover basic core support to programs of all eligible requestors. Also, any allocation of carry over funds could affect such requests.



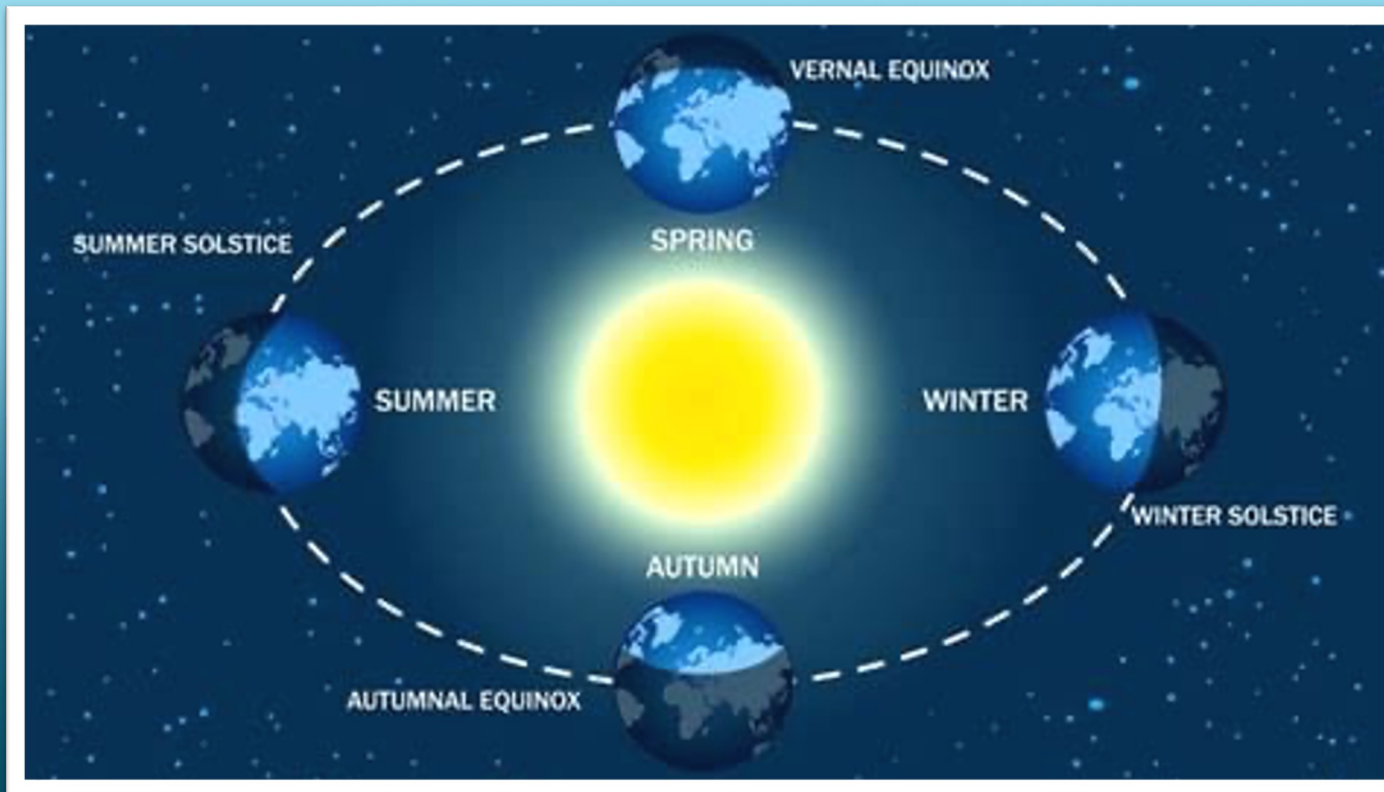
The Grant Budget Award & Allocation

- ❖ Is the EPA funding allocation same as requested?
- ❖ Need to modify work plan and budget to fit actual allocation?
- ❖ Calculate final grant budget categories (basic & detailed).



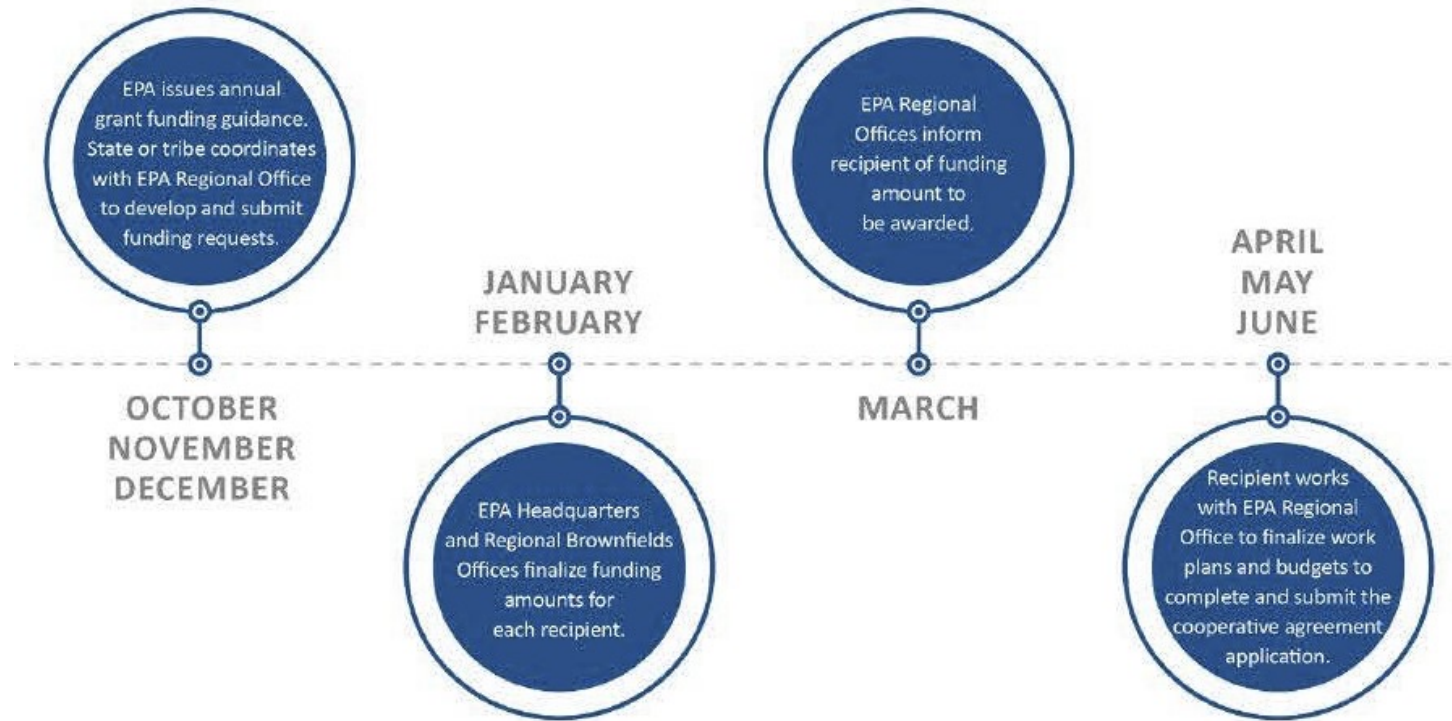
128(a) Grant Management

The ANNUAL PROCESS



Grant Application & Awards Schedule:

What is the general timeline for Section 128(a) funding?



*Approximate schedule- consult your EPA Regional Office for due dates



Grant Application & Awards Schedule:

MONTH*	Annual 128(a) Grant Award Process
Oct .1	Begin Grant Fiscal Year (FY)
Fall	EPA HQ issues Annual 128(a) Grant Guidance
Fall	EPA Regions issues Supplemental 128(a) Grant Guidance
Dec. 15*	Draft Grant Funding Requests due to EPA Regions
Jan-Feb	EPA HQs & Regions finalize funding decisions
April-June	EPA Regions and Tribes finalize workplans and budgets and finalize grant (cooperative Agreement) application
Check date*	Final signed Grant Applications due to EPA (grants.gov)
Sept.	Issue Final Grant Award for next FY
Sept. 30	End of Grant fiscal year (FY)

*Approximate schedule- consult your EPA Regional Office for due dates



Quarterly Grant Reporting Cycle

FY GRANT QUARTER	Qtr. Dates	Qtr. Report Due
Qtr. 1:	Oct. 1 – Dec. 31	Jan. 31
Qtr. 2	Jan. 1 – March 31	April 30
Qtr. 3	April 1 – June 30	July 31
Qtr. 4	July 1 – Sept. 30	Oct. 30
End of Year*	4 Qtrs.	*Consult EPA



Full Final Application

Full (grants.gov) Grant Application with:

- ❖ Form 424 with required forms and budget tables
- ❖ Detailed work plan & task descriptions
- ❖ Milestones
- ❖ Deliverables table
- ❖ Required attachments and/or data entry (ACRES, property profile forms, etc.)



Standard Form 424A

Be sure to use the current and
correct forms required by the U.S.
EPA

OMB Number: 4040-0004
Expiration Date: 07/31/2006

Application for Federal Assistance SF-424		Version 02
<div style="display: flex; justify-content: space-between;"><div style="width: 33%;">* 1. Type of Submission: <input type="checkbox"/> Preapplication <input type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application</div><div style="width: 33%;">* 2. Type of Application: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision</div><div style="width: 33%;">* If Revision, select appropriate letter(s): <div style="border: 1px solid black; height: 15px; width: 100%;"></div>* Other (Specify) <div style="border: 1px solid black; height: 15px; width: 100%;"></div></div></div>		
<div style="display: flex; justify-content: space-between;"><div style="width: 45%;">* 3. Date Received: <div style="border: 1px solid black; height: 15px; width: 100%;"></div><small>Completed by Grants.gov upon submission.</small></div><div style="width: 55%;">4. Applicant Identifier: <div style="border: 1px solid black; height: 15px; width: 100%;"></div></div></div>		
5a. Federal Entity Identifier: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		* 5b. Federal Award Identifier: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
State Use Only:		
6. Date Received by State: <div style="border: 1px solid black; width: 50px; height: 15px;"></div>		7. State Application Identifier: <div style="border: 1px solid black; width: 150px; height: 15px;"></div>
8. APPLICANT INFORMATION:		
* a. Legal Name: <div style="border: 1px solid black; width: 100%; height: 15px;"></div>		
* b. Employer/Taxpayer Identification Number (EIN/TIN): <div style="border: 1px solid black; width: 100%; height: 15px;"></div>		* c. Organizational DUNS: <div style="border: 1px solid black; width: 100%; height: 15px;"></div>
d. Address:		
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e. Organizational Unit:		
Department Name: <div style="border: 1px solid black; width: 100%; height: 15px;"></div>		Division Name: <div style="border: 1px solid black; width: 100%; height: 15px;"></div>
f. Name and contact information of person to be contacted on matters involving this application:		
<div style="display: flex; justify-content: space-between;"><div style="width: 45%;">Prefix: <div style="border: 1px solid black; width: 50px; height: 15px;"></div></div><div style="width: 55%;">* First Name: <div style="border: 1px solid black; width: 100%; height: 15px;"></div></div></div>		
Middle Name: <div style="border: 1px solid black; width: 100%; height: 15px;"></div>		
* Last Name: <div style="border: 1px solid black; width: 100%; height: 15px;"></div>		
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Title: <div style="border: 1px solid black; width: 100%; height: 15px;"></div>		
Organizational Affiliation: <div style="border: 1px solid black; width: 100%; height: 15px;"></div>		
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* Email: <div style="border: 1px solid black; width: 100%; height: 15px;"></div>		





EPA Grant Budget Categories

Consult your EPA Region for
Budget Format

D. BUDGET BREAKOUT Sample Budget Format

Budget Categories	Amount
Personnel	
Fringe Benefits	
Travel	
Equipment *	
Supplies	
Contractual (specify)	
Other, specify (examples: Training, Vehicle)	
Indirect Cost (Rate = %) (If applicable)	
Total	
* 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.	



Grant Budget: Standard Form 424

OMB Approval No. 0348-0044

BUDGET INFORMATION - Non-Construction Programs						
SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		\$	\$	\$	\$	0.00
2.						0.00
3.						0.00
4.						0.00
5. Totals		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
SECTION B - BUDGET CATEGORIES						
6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)	
	(1)	(2)	(3)	(4)		
a. Personnel					0.00	
b. Fringe Benefits					0.00	
c. Travel					0.00	
d. Equipment					0.00	
e. Supplies					0.00	
f. Contractual					0.00	
g. Construction					0.00	
h. Other					0.00	
i. Total Direct Charges (sum of 6a-6h)		0.00	0.00	0.00	0.00	0.00
j. Indirect Charges						0.00
k. TOTALS (sum of 6i and 6j)		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
7. Program Income		\$	\$	\$	\$	0.00

Previous Edition Usable

Authorized for Local Reproduction

Standard Form 424A (Rev. 7-97)
Prescribed by OMB Circular A-102



Grant Terms & Conditions include:

- ❖ Standard (all grants)
- ❖ National (TRP)
- ❖ Regional (TRP)
- ❖ Grantee Specific

You should have a copy of these and know what is in them!

Check them every year – they can change!



Grant Close Out

- ❖ The grantee has 90 days after the end of the grant project period (usually Sept. 30) to submit the required forms and reports to EPA. *(Consult your EPA Region on deadlines and required information and forms.)*
- ❖ If there are any remaining grant funds (carry over) the Tribe must work with the EPA to seek the recertification and reallocation of the funds, if possible.
- ❖ The Tribe will have to submit an amended work plan, budget and complete application package for any recertified grant funds.
- ❖ The entire process may take 5 - 6 months or more.



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TRP Grant: Options

Performance Partnership Grants (PPG) & Tribal Consortia

Performance Partnership Grant

Tribes may include 128(a) Tribal Response Program Cooperative Agreements in a **Performance Partnership Grant (PPG)***.

A PPG combines several program Cooperative Agreements into one grant and provides for some resource sharing between programs.

**69 Fed. Reg. 51,756 (2004)*



Performance Partnership Grant

NOTE: If your 128(a) Tribal Response Program is part of a **Performance Partnership Grant** (PPG) the grant dates and application requirements are different, consult your Director and/or EPA project manager for the requirements of that grant proposal, application and award process for your program.



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Tribal Consortiums

A light blue background featuring a stylized bridge arch structure at the top, composed of a series of triangular trusses. The background transitions from a light blue at the top to a darker blue at the bottom.

What is a Consortium?
**Why would our Tribe consider being part
of a consortium?**

Intertribal Consortium

The term **Intertribal consortia** or **Intertribal consortium** means a partnership between two or more federally recognized Indian Tribes that is authorized by the governing bodies of those Indian Tribes to apply for and receive assistance under one of the EPA grant programs.



TRP Intertribal Consortia

This is an option available for Tribes that have limited capacity and resources that share mutual cultural and geographic interests with other Tribes.

There are several 128(a) Tribal consortia in Alaska combining the programs of several Tribes & villages. The largest is the Yukon River Inter-Tribal Watershed Council.



Tribal Consortia in Alaska

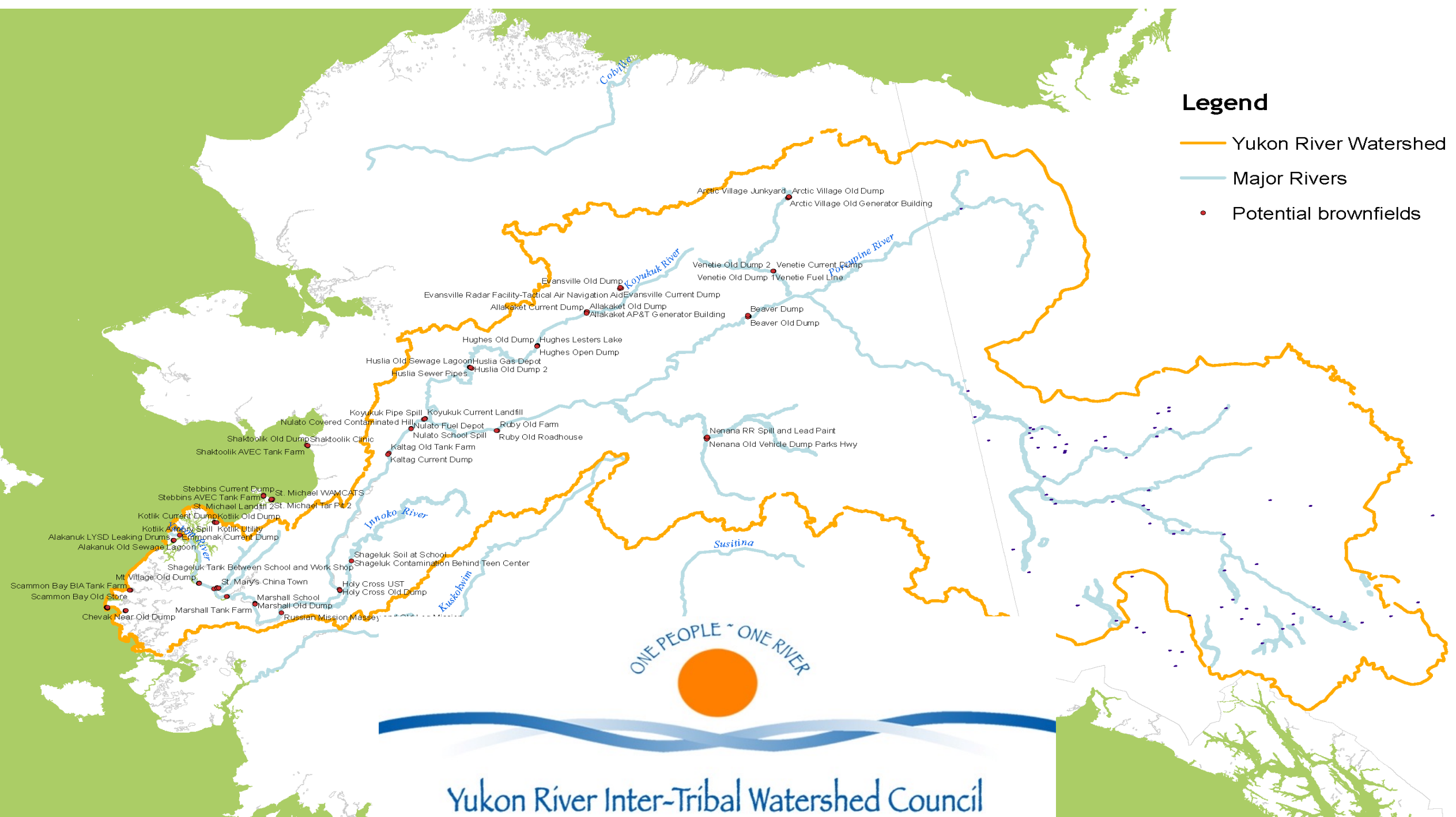
Alaska Tribal Consortia include:

- ❖ Nelson Island Consortium - Tununak
- ❖ Kuskokwim River Watershed Council
- ❖ Bristol Bay Native Association
- ❖ Maniilaq Association
- ❖ Middle Kuskokwim Consortium - Akiachak
- ❖ Yukon River Intertribal Watershed Council
- ❖ Alaska Native Health Consortia
- ❖ GASH Consortia



Legend

- Yukon River Watershed
- Major Rivers
- Potential brownfields



The “Law”

- ❖ EPA interpreted its new authorities under section 128(a) of CERCLA to award TRP grants to federally recognized Indian Tribes to include awarding these grants to “intertribal consortia”, as that term is defined by EPA and statute.
- ❖ Therefore, a group or “consortia” of several Tribes, or other federally recognized Tribal entities, may apply for a 128(a) grant to provide funding for establishing and enhancing a Tribal Response Program Consortia.



Who is Eligible?

The term "**Indian Tribal government**" means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.



EPA Tribal Policy

EPA believes that making grants for Tribes available to intertribal consortia is consistent with Executive Order 13084 and subsequently Executive Order 13175 dated Nov. 6, 2000, which encourages agencies to adopt "flexible policy approaches" and to respect and recognize the principle of Indian self-governance and sovereignty.



EPA: Intertribal Consortia

- ❖ EPA believes this approach is a practical, reasonable and prudent way to help interested Tribes strengthen environmental protection when limited funding is available to support Tribal environmental programs.
- ❖ Tribes that form an intertribal consortium may be able to use their limited resources more efficiently and address environmental issues more effectively than they could if each Tribe developed and maintained separate environmental programs.



Eligibility Requirements

An intertribal consortium must demonstrate that all members of the consortium:

- (1) Meet the eligibility requirements for the grant; and
- (2) Authorize the consortium to apply for and receive assistance.



Submission Requirements

To demonstrate eligibility an intertribal consortium must submit to EPA adequate documentation of:

- (1) The existence of the partnership between federally recognized Indian Tribal governments; and
- (2) Authorization of the consortium by all its members to apply for and receive the grant(s) for which the consortium has applied.



Consortia Challenges

- ❖ Sharing of resources and staff between multiple Tribal governments and/or communities can be challenging.
- ❖ Ensuring that all members of the consortia feel like equal partners.
- ❖ Ensuring that all members concerns and priorities are considered and addressed.
- ❖ Servicing a large geographic area.



Consortia Challenges

Ensure that all member Tribes & communities:

- ❖ Feel like equal partners; and
- ❖ Are satisfied that their concerns and priorities are considered and addressed.



A stylized graphic of a bridge arch, composed of a series of triangles, spanning the top of the slide.

TRP Grant Options:

Revolving Loan Fund & Liability Insurance

The “Law”: The Revolving Loan Fund

Under 128(a)(1)(B)(ii) *Additional Uses*, Congress provided that all or part of a grant under 128(a) may be used to capitalize a **Revolving Loan Fund(RLF)** for **brownfield remediation** under section 104(k)(3) to provide financing for response actions under a response program.



Why an RLF?

A key challenge to brownfields cleanup and redevelopment is overcoming the financial barriers associated with developing a potentially contaminated site because private lenders are often reluctant to provide loans for projects with potentially contaminated property. (loans for the cleanup costs)



Why an RLF?

An RLF can help overcome this challenge by providing low interest loans and grants for cleanup costs to fill the gap in financing. This added source of funding can assist property owners with flexible and favorable borrowing and repayment terms.



Why an RLF?

Revolving Loan Fund (RLF) grants provide funding for a grant recipient to capitalize a revolving loan fund and to provide sub-grants to carry out cleanup activities at brownfield sites.

When loans are repaid, the loan amount is returned into the fund and re-lent to other borrowers, providing an ongoing source of capital within a community.



The RLF

These RLFs are subject to the same requirements that are applicable to RLFs awarded under section 104(k)(3)* to include:

- ❖ a 20% match on the amount of section 128(a) funds used for the RLF;
- ❖ a prohibition on using EPA grant funds for administrative costs relating to the RLF; and
- ❖ a prohibition on using RLF loans or sub-grants for response costs at a site for which the recipient may be potentially liable under section 107 of CERCLA.

**Other prohibitions contained in CERCLA Section 104(k)(4) also apply.*

For further information on the RLF contact your EPA Regional Office.



Liability Insurance

“The Law”

Under 128(a)(1)(B)(ii) *Additional Uses*, Congress provided that all or part of a grant under 128(a) may be used to purchase insurance or develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a response program.



Liability Insurance

Environmental insurance or a risk-sharing pool, indemnity pool, or insurance mechanism can be established to provide financing for response actions under a Tribal Response Program.

Technical and legal assistance is recommended in pursuing these types of financial mechanisms.

For further information contact your EPA Regional Office.



PPG eligible?

Section 128(a) funds used to fund a RLF or purchase insurance or develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a Tribal Response Program are **not eligible** for inclusion in the PPG.





Why Implement a Brownfields 128(a) Program and Manage a Grant?



Change This

To This
And Eventual Reuse





Replace This

With This
(Southern Ute Tribal
Multi-purpose Buidling)



Cleanup and Replace This



With These: Northern Cheyenne Tribe Lame Deer, MT



We Would Like to Hear From You

Questions about this Module or need other
brownfields assistance?

Contact the Tribal TAB team at
Tribal-TAB@ksu.edu



Scan this QR image to provide feedback on this TRP Module

TribalTAB.org

