



Tier 1 – Establishing a Tribal Response Program

Module 9: TRP Coordinator Role

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

TribalTAB.org

EPA 128(a) Grant Guidance

This Module is a basic overview of the EPA 128(a) Grants. The EPA Annual Guidance should be consulted for detailed guidance on the 128(a) grant program, the application process and schedules, and what are fundable activities or tasks. (See Tier II - Module 8 for more details on Grants Management)

Consult the Annual EPA 128(a) Grant Guidance*: “Funding Guidance for State and Tribal Response Programs Fiscal Year 20XX” .

*see Funding Guidance: www.epa.gov/brownfields/state-and-tribal-response-program and any supplemental EPA Regional Guidance



Tribal Response Program

128(a) Grants

CERCLA Section 128(a) authorized EPA to make grant awards (Cooperative Agreements) to federally recognized 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 4 Elements of the TRP and the Public Record)



Your Role

- ❖ Implement the Cooperative Agreement (Grant) & Work Plan
- ❖ Take reasonable steps to implement the Four Elements of a Tribal Response Program.
- ❖ Maintain and make available to the public a record of sites (the “Public Record”) at which response actions (assessments or cleanups) have been completed in the previous year and are planned to be addressed in the upcoming year.
- ❖ Other tasks or goals included in your grant work plan which may include brownfield site specific work.



The Four Elements of 128(a)

1. **Brownfield Inventory:** A list of all potential brownfield sites on Tribal lands or within Reservation boundaries
2. **Oversight and Enforcement:** Conducting oversight of cleanup of brownfields or other sites and use of Tribal authorities and/or codes to impose cleanups.
3. **Public Participation:** Conducting public outreach and/or meetings to inform the community and seek community input.
4. **Cleanup Approval and Verification:** Procedures and means of approving cleanup plans and verifying that cleanups meet Tribal requirements.

ALSO:

- ❖ Compiling and Sharing the “**Public Record**”
- ❖ Implementing “**Institutional (Tribal) Controls**”



Your Program Limits

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

Tribal 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 and budget.



TRP Coordinator Role & Duties

- ❖ The Coordinator should be familiar with the grant work plan, 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 & data and other reports to the EPA.
- ❖ Reporting includes data entry into the Program Activity Levels (PALs) and Assessment, Cleanup and Redevelopment Exchange System (ACRES).



TRP Coordinator Role & Duties

- ❖ The Coordinator should work closely with the EPA Regional Grant Project 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 work plan.
- ❖ 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 their knowledge and the program.



Recommended TRP Training

- ❖ These Tribal TAB TRP Training 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
- ❖ TERC-LERC Training (Emergency Response)
- ❖ First Aid
- ❖ EPA and other Tribal Workshops



Grant Reporting

Funding Guidance Section IX-Terms & Reporting

- ❖ Quarterly or semi-annual progress reports – work plan activities
- ❖ Information on site-specific activities
- ❖ OMB-approved *Property Profile Form*
- ❖ PALs Report in EPA ACRES database
- ❖ Assessment Cleanup and Redevelopment Exchange System (ACRES)
- ❖ EOY & Annual Program Activity Report
- ❖ Public Record
- ❖ Internal Tribal Reports

Note: The KSU TAB [Brownfields Inventory Tool \(BiT\)](#) may be very helpful in compiling site data and providing means to feed data into other database fields



Why?

- ❖ Accountability
- ❖ Tracking Accomplishments
- ❖ Reporting to Funders
- ❖ Information for leaders
- ❖ Information for the public
- ❖ Credit where credit is due



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128(a) Grant Management: The Annual Process

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: www.epa.gov/brownfields/state-and-tribal-response-program



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.

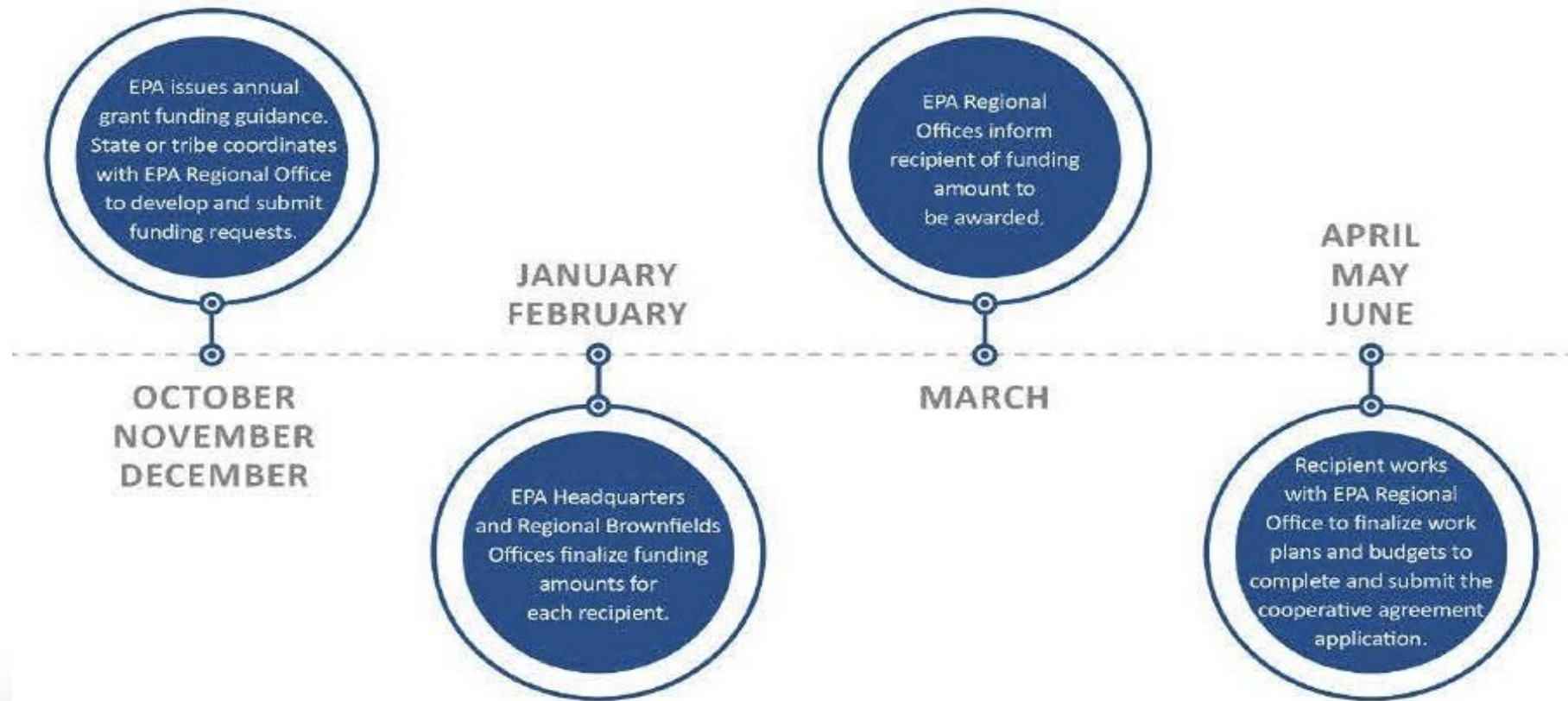
Consult the EPA Annual Guidance for specific or special requirements when utilizing “Bipartisan Infrastructure Law “ or other special funds, other than the normal CERCLA 128(a) funding.



128(a) Application & Awards Schedule

Approximate schedule- consult your EPA Regional Office for due dates

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



128(a) Application & Awards Schedule

Approximate schedule- consult your EPA Regional Office for due dates


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)



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



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Why Implement a Brownfields 128(a) Program



Before:
Change this...

After:
...to this.
(and eventual reuse)





Before:
Replace this...

After:
...with this.

(Southern Ute Tribal Multi-purpose Building)



**Clean up and
Replace This...**





...With These.

Northern Cheyenne Tribe
Lame Deer, Montana



Be Determined in Achieving Your Goals



Aim High



Try to See Eye-to-Eye



Be a Good Teammate



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



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