



Cooperative Agreement Terms & Conditions

Southeast Brownfields Conference
September 26, 2018

Terms and Conditions



The Big Picture

- Review your Notice of Award!
 - Administrative Conditions
 - Programmatic Conditions
- These are **YOUR** responsibility!
 - Not your contractor's
- Substantial Involvement
 - EPA has the right to be substantially involved

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	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement		GRANT NUMBER (FAIN): 00D59917	DATE OF AWARD 09/07/2017
			MODIFICATION NUMBER: 0	MAILING DATE 09/14/2017
			PROGRAM CODE: BF	ACH# pend
			TYPE OF ACTION New	
RECIPIENT TYPE: Municipal			Send Payment Request to: Las Vegas Finance Center	
RECIPIENT: City of Bowling Green P.O. Box 430 Bowling Green, KY 42102-0430 FIN: 61-6001789			PAYEE: City of Bowling Green P.O. Box 430 Bowling Green, KY 42102-0430	
PROJECT MANAGER Matt Powell P.O. Box 430 Bowling Green, KY 42102-0430 E-Mail: matt.powell@bgky.org Phone: 270) 393-3071	EPA PROJECT OFFICER Derek Street 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: street.derek@epa.gov Phone: 404-562-4300	EPA GRANT SPECIALIST Kenny Richardson Grants and Audit Management Section E-Mail: richardson.kenny@epa.gov Phone: 404-562-9021		
PROJECT TITLE AND DESCRIPTION Brownfields assessment and Cleanup Cooperative Agreements This action approves an award in the amount of \$300,000 to the City of Bowling Green Kentucky to conduct community-wide assessments at Brownfields sites potentially contaminated with hazardous substances and/or petroleum products. The recipient may also develop a site inventory, prioritize sites and conduct Phase I and/or Phase II assessments. Grant funds may also be used for public outreach, community involvement, and cleanup/reuse planning activities.				
BUDGET PERIOD 10/01/2017 - 09/30/2020	PROJECT PERIOD 10/01/2017 - 09/30/2020	TOTAL BUDGET PERIOD COST \$300,000.00	TOTAL PROJECT PERIOD COST \$300,000.00	
NOTICE OF AWARD Based on your Application dated 12/22/2016 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$300,000. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$300,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date, or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS 61 Forsyth Street Atlanta, GA 30303-8960			ORGANIZATION / ADDRESS U.S. EPA, Region 4 Resource Conservation and Restoration Division 61 Forsyth Street Atlanta, GA 30303-8960	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official Keva R. Lloyd - Grants Management Officer				DATE 09/07/2017

Sufficient Progress – By March 2020

Assessment Grants

- Draw down at least 35% of your total funds by March 2020
- Ex. 35% of a \$300,000 grant is \$105,000

Cleanup Grants

- Remediation Plan
- Institutional controls
- Community Engagement started
- Pre-cleanup State requirements
- Solicitation for Remediation Services

Failure to meet Sufficient Progress will require a Corrective Action Plan

EPA can terminate a Cooperative Agreement before the end date

Cost-Share – only for Cleanup

- 20% cost share is required
 - Ex. \$200,000 grant means \$40,000
- Money, labor, services or materials
 - Can be made through in-kind contributions and administrative costs
- Only for costs that are eligible and allowable
- Support by adequate documentation
- Comply with 2 CFR § 200.306
- Administrative costs, whether paid for by EPA or used as cost-share (or a combination of both), may not exceed the 5% limit.

Work Plan and Budget

- Activities must relate to the objectives and milestones in the work plan
- Work plan modifications require a written request to your Project Officer
 - Not to be implemented until approved
- Budget modifications of $\leq 10\%$ of grant award are allowed after a request to your Project Officer
 - Modifications $\geq 10\%$ require additional EPA approval

2.0 PROJECT FUNDS EXPENDED

Table 1: Summary of Costs Incurred for Hazardous Substances Assessment

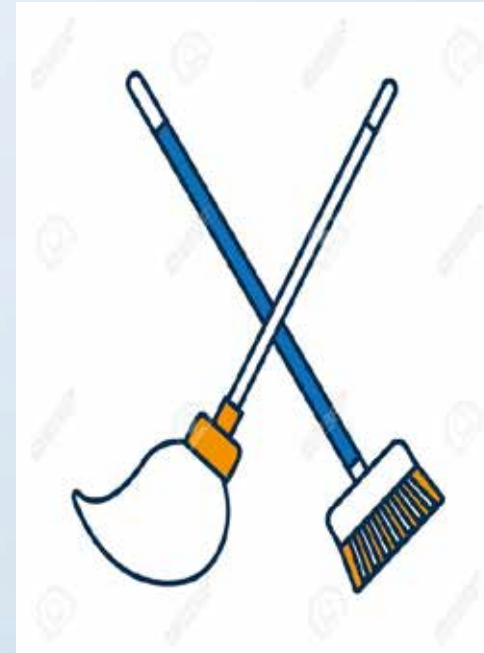
Object Class	Current Approved Budget	Costs Incurred This Quarter	Costs Incurred to Date	Total Remaining
Personnel	\$12,000		\$3,786.45	\$8,213.55
Fringe Benefits				
Travel	\$1,752		\$965	\$787
Equipment				
Supplies	\$1,248		1,032.86	215.14
Contractual	\$185,000	\$2,962.50	\$4,577.50	\$180,422.50
Other				
Total	\$200,000.00	\$2,962.50	\$10,361.81	\$189,638.19

Table 2: Summary of Costs Incurred for Petroleum Assessment

Object Class	Current Approved Budget	Costs Incurred This Quarter	Costs Incurred to Date	Total Remaining
Personnel	\$12,000		\$3,009	\$8,991
Fringe Benefits				
Travel	\$1,752		\$965	\$787
Equipment				
Supplies	\$1,248			\$1,248
Contractual	\$185,000	\$35,991.15	61,818.72	\$123,181.28
Other				
Total	\$200,000.00	\$15,012.18	\$65,792.72	\$134,207.28

Cleanup Complete?

- No job's finished until the paper work is done.
- Site is cleaned up when a "Clean" or No Further Action letter is issued.
- Ready for Anticipated Reuse (RAC)



Reporting Requirements

Disadvantaged Business Enterprise (DBE)

- Due annually
- EPA Form 5700-52A
- Submit to Grants Management Office and Project Officer

Federal Financial Report

- Due annually
- Standard Form (SF)-425
- Submit to Las Vegas Finance Center and Project Officer

Ø Consult your Notice of Award to determine to whom to submit your DBE form and Federal Financial Report

Ø Don't forget to include your Project Officer!

Ø Forms can be found online at the URLs in your Notice of Award

Reporting Requirements

- Quarterly Reports*
 - 1st report covers Oct 1st through December 31st
 - Due by January 31st 2019
- ACRES
 - Add information as needed for interim and final accomplishments
 - Updating ACRES is required
 - Source of program metrics

CAR Name: City of Shelbyville Community-Wide Assessment Cooperative Agreement Number: BF00D46016 Date Submitted: 10/21/2017 Quarterly Report Number: 4 th Q 2017			
Task 1: Project Management and Reporting/Program Support			
Subtask / Activity	Deliverable/ Outputs / Milestone	Target Date	Lead Party
A. Assemble internal team, including technical, financial, managerial. Establish project schedule.	Team established, agreement written. Schedule developed.	Qtr. 1	PM, Team
B. Prepare bid documents for procuring contractor support.	Bid package complete.	Qtr. 1	City Engineer
C. Select contractor.	Contractor selected	Qtr. 2	PM
D. Kick-off meeting held.	Kick-off meeting complete	Qtr. 2	Team
E. Grant Project Reporting and Performance Evaluation: a. Quarterly Progress Reports to EPA & State b. Final Grant Reporting	Quarterly Progress Reports (10 days after end of qtr.) Final Report (90 days after grant)	Cycles	PM, Team
Cost Estimates for Task 1: Total Budget \$26,350 – Estimated Travel Total Budget = \$3,450 1) New Grantee's Workshop 2 Staff = \$1,725 (Flight \$420; Hotel: \$180/day x 2 night = \$360 + Per diem \$165); 2) National Conference 2 Staff = \$1,725 (Flight \$420; Hotel \$180 x 2=\$360 + Per diem \$165). Estimated Supplies Total Budget = \$900 office supplies for 3 years. Contractual Total Budget Estimated \$22,000 – EPA Work Plan; Reports (Annual: MBE/WBE, Financial FS 425, Project Projection; Quarterly activity); Final Closeout; ACRES Management; Meetings (Client, Community & Property Owners); Project Management of files and activities to ensure EPA guidelines are being met.			
Accomplishments and Progress Reporting for this period. The following items were completed during this quarter. <ul style="list-style-type: none"> • The 3rd Quarterly Report and the Projection Report was submitted on July 21, 2017. • The City was notified on August 10th that Derek Street from EPA was assigned the Shelbyville Grant. • City staff plan to attend the National Brownfields Conference, December 5-7, 2017 in Pittsburgh, PA. • Phase I properties currently under assessment have been entered into the ACRES database. 			



All Appropriate Inquiry Requirement

- All Phase I ESAs must follow ASTM Standard E1527-13
- *All Appropriate Inquiry Final Rule: Reporting Requirements Checklist for Assessment Grant Recipients*
 - Contains an opinion about releases
 - data gaps
 - qualifications and signature of the environmental professional
 - and opinion regarding additional appropriate inquiry
- The checklist must be signed by the grant recipient, not the contractor



All Appropriate Inquiries Rule:
Reporting Requirements and Suggestions on Report Content

Records Retention

- Record retention is required for **three (3)** years after the close of the grant
- If an audit takes place it will be at the grantee's office
- The grant recipient is the responsible party, not the contractor



Parting Thoughts on Success

- Talk to your Project Officer and inform him/her of issues
 - There are no bad questions!
- Reach out to your state program
- Find a mentor, either a current or former grantee recipient
 - Your state contacts or project officer can help you find one


Key T&C - Site Eligibility Determination

- Cleanup Grants and Site-specific Grants
 - Part of Application's Threshold Criteria - Done
- Community-Wide Assessment Grants
 - Each property must have a signed Site Eligibility Determination form
- Sites must meet the federal definition of a brownfield site
 - EPA Definition in § 101(39) of CERCLA
- Eligible sites are where the Cooperative Agreement Recipient (CAR)
 - is not responsible for the contamination at the Site, and
 - has a defense to liability (BFPP, Involuntary acquisition, etc)
 - In most cases this means that a **Phase I ESA was conducted prior to purchase** UNLESS the local government acquired the property prior to January 11, 2002.



New!

Site Eligibility Determination – Petroleum Sites

- Petroleum sites must
 - Have No viable Responsible Party
 - Not be subject to a corrective action order under RCRA Solid Waste Disposal Act
- CAR cannot be the Responsible Party
- Note that the BUILD Act removed the requirement for the site to be a “low risk”

- Process Varies across the Region (Ask your PO or State contact)

Site Eligibility Form

- Revised Form in 2018 to account for BUILD Act
- Complete the Form prior to doing a Phase II ESA
- Submit form to your EPA PO
 - Ask for help from your PO to get to “Yes” for Eligibility.
 - EPA can help with petroleum eligibility issues

**U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 4
BROWNFIELDS SITE ELIGIBILITY DETERMINATION OUTLINE**

To be used for determining site eligibility for Phase II Environmental Site Assessments and Cleanups.

A. GENERAL INFORMATION

1. Grantee/Targeted Brownfields Assessment (TBA) Applicant Name:
2. Grant/Applicant Type: Assessment, Cleanup, Revolving Loan Fund (RLF), Multipurpose, or TBA?
If a Grant, provide the Grant Number:
3. Work to be conducted: Assessment, Cleanup or Other
If other, please explain:
4. Provide the amount of funding estimated to be spent on the site:
(Assessments are limited to \$200,000 per site¹ unless a waiver is approved up to \$350,000. RLF subgrant cleanups are limited to \$200,000 per site. Multipurpose grant cleanups are limited to the amount in the EPA-approved budget.)
5. Date of proposed work:
6. Name and title of person completing the form:
7. Date Submitted to EPA:

B. BASIC SITE INFORMATION

1. Site Name and ACRES ID if available:
2. Site Address (and County):
3. Name of the current owner of the site:

ACRES Highlights

- ACRES is comprised of over 1,500 Cooperative Agreement Recipients, EPA Project Officers, and contractor users
- Since its inception, the Brownfields program has...
 - Assessed over 27,000 properties
 - Leveraged over 136,000 jobs
 - Leveraged over \$26.107 Billion

ACRES – What's the Purpose?



*Atlanta Youth Soccer Association;
Cleanup; 2004*



Southern Maine RPC; RLF; 2007

What Data Are Collected?

- ACRES is the online system where EPA Brownfields grantees report site-specific work based on the hard-copy Property Profile Form (PPF) and Job Training Reporting Form (JTR)
 - Assessment, cleanup, and redevelopment activities and funding
 - Contaminants found and media affected
 - Property history and ownership information
- Available at: <http://www.epa.gov/brownfields>

When Do We START Using ACRES?



- Assessment Grant
 - Before you submit your first QR/When you begin your first assessment
- Cleanup Grant
 - Before you submit your first QR
- RLF Grant
 - When you issue your first loan/subgrant
- 128a (States & Tribes)
 - When site-specific activities begin

Please Log In

Username:

Password:

[Forgot your username or password?](#)

New to ACRES? [One Time Registration](#)

This application supports IE version 5.5 and above.
JavaScript must be enabled to use this application.
Popups must be enabled to use this application.

Get general information on the [Brownfields program](#)

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Version 5.01.030 | [Release Notes](#)
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Learn More about ACRES on [EPA.gov/ACRES](#)

<https://cfext.epa.gov/acres>



Training Schedule

- Training is offered the second Tuesday of every month at 2:00 PM EST
- Next “Getting Started” Training on October 9th
- Full training schedule available here:

<https://www.epa.gov/brownfields/brownfields-online-acres-training>

Thank You!

Barbara Alfano

404-217-0286

alfano.Barbara@epa.gov

Questions?

Kelly Gorini

202-566-7021

Gorini.Kelly@epa.gov

Steve Smith

404-562-8501

smith.steved@epa.gov