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**TRANSPORTATION COMMISSION
AGENDA**

**WEDNESDAY, JANUARY 24, 2018
6:00 PM**

**County of Imperial Administration Center
Board of Supervisors Chambers
940 W. Main Street, Second Floor
El Centro, CA 92243**

CHAIR: MARIA NAVA-FROELICH

VICE CHAIR: LUIS PLANCARTE

Individuals wishing accessibility accommodations at this meeting, under the Americans with Disabilities Act (ADA), may request such accommodations to aid hearing, visual, or mobility impairment by contacting ICTC offices at (760) 592-4494. Please note that 48 hours advance notice will be necessary to honor your request.

I. CALL TO ORDER AND ROLL CALL

II. EMERGENCY ITEMS

- A. Discussion/Action of emergency items, if necessary.

III. PUBLIC COMMENTS

Any member of the public may address the Commission for a period not to exceed three minutes on any item of interest not on the agenda within the jurisdiction of the Commission. The Commission will listen to all communication, but in compliance with the Brown Act, will not take any action on items that are not on the agenda.

IV. CONSENT CALENDAR

(Executive Director recommends approval of consent calendar items) Pages 4-18

- A. Approval and ratification of all actions on the Commission Draft Minutes: December 13, 2017
B. Receive and File:
1. ICTC Management Committee Draft Minutes: January 10, 2018

V. REPORTS (Up to 5 minutes per staff report)

- A. ICTC Executive Director
• See attached Executive Director Report on page 20
B. Southern California Association of Governments
• See attached report on page 26
C. California Department of Transportation – District 11
• See attached report on page 29
D. Commission Member Reports (if any)

**CITIES OF BRAWLEY, CALEXICO, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND,
IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL**

VI. INFORMATION CALENDAR

- A. 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) – Amendment 3
See attached summary letter on page 45
- B. Senate Bill 1 Trade Corridor Enhancement Program – Grant Applications
See attached summary letter on page 47
- C. Overview of the Brawley Transit Corridor Brownfield Assessment
- D. Overview of the Southern Border Broadband Consortium

VII. ACTION CALENDAR

- A. Rotation of Chair and Vice-Chair Positions Page 49

It is requested that the Commission take any appropriate action for the rotation and assignment of the Chair and Vice-Chair positions for 2018.

- B. Draft Regional Collaboration (RC) Budget, FY 2017-2018 Page 52

The ICTC Management Committee met on January 10, 2018 and forwards this item to the Commission for their review and approval after public comment, if any:

- 1. Approve the Draft Regional Collaboration Budget for FY 2017-2018

- C. SCAG – ICTC Memorandum of Understanding (MOU) Page 55

The ICTC Management Committee met on January 10, 2018 and forwards this item to the Commission for their review and approval after public comment, if any:

- 1. Authorize the Chairperson to sign the SCAG – ICTC Memorandum of Understanding (MOU) 2018.
- 2. Direct staff to forward the MOU to SCAG for further processing.

- D. Memorandum of Agreement (MOA) between the Imperial County Transportation Commission (ICTC) and Imperial Valley Economic Development Corporation (IVEDC) – Brownsfield Assessment Project Page 65

The ICTC Management Committee met on January 10, 2018 and forwards this item to the Commission for their review and approval after public comment, if any:

- 1. Authorize the Chairman to sign the Memorandum of Agreement between Imperial County Transportation Commission and Imperial Valley Economic Development Corporation (IVEDC) for the Brownsfield Assessment Project.

VIII. MEETING DATE AND PLACE

- A. The next meeting of the **Imperial County Transportation Commission** will be held on **Wednesday, February 28, 2018 at 6:00 p.m.**, at the **County of Imperial Board Chambers**, at 940 W. Main Street, El Centro, CA.

IX. ADJOURNMENT

- A. Motion to adjourn

IV. CONSENT CALENDAR

A. APPROVAL OF COMMISSION DRAFT MINUTES:

DECEMBER 13, 2017

B. RECEIVE AND FILE:

1. ICTC MANAGEMENT COMMITTEE DRAFT MINUTES:

JANUARY 10, 2018

A motion was made by [Nava](#) and seconded by [Plancarte](#) to approve consent items A through D, **Motion carried unanimously.**

V. REPORTS

- A. ICTC Executive Director
 - Mr. Baza and ICTC staff provided ICTC updates.
 - Executive Director Reports can be found on Page 26 of the agenda.
- B. Southern California Association of Governments (SCAG)
 - Mr. Salgado provided SCAG updates and distributed a report at the meeting.
- C. California Department of Transportation (Caltrans)
 - Mr. Peinado provided Caltrans updates.
 - A Caltrans report can be found on page 34 of the agenda.
- D. Commission Member Reports
 - There were various reports by Commission members of countywide issues and events happening in each of their respective cities/county.

VI. CLOSED SESSION

- A. Motion to Adjourn to Closed Session ([Cardenas/Plancarte](#)) **Motion carried.**
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code § 54956.8)
 - i. Property: 1503 N. Imperial Ave., Suite 104, El Centro, CA
 Assessor's Parcel Number: 044-261-019
 Use: Office Space
 Agency negotiator: Mark Baza
 Negotiating parties: PICO Group, LLC
 Instructions to negotiator will concern price, terms of payment
- C. Announcement of Closed Session Action(s): Mr. Havens stated the following: The Commission met in closed session regarding real property negotiators for the property at 1503 N. Imperial Ave. in El Centro, CA, direction was given but no final action was taken.

VII. INFORMATION CALENDAR

- A. Brief Update for Future Bonding Opportunities

Mr. Baza provided the commission a brief presentation regarding the possibility of future bonding opportunities. Mr. Baza reviewed the 2012 LTA Sales Tax Revenue Bond and participating agencies. He also stated that the majority of the proceeds have been spent. The potential future bond effort would be to look to issue bonds in the early months of 2018. They LTA would have a total of up to \$54.3 million of proceeds to distribute to participating agencies. Assuming debt service coverage of 130% and wrapping the 2018 bond debt service around that of the 2012 bonds, participants are able to capture proceeds for additional projects. City of Holtville and the City of El Centro could be new participants. Mr. Baza agreed to provide more information at the next meeting in January.

VIII. ACTION CALENDAR**A. Lease and Sublease Agreements**

ICTC staff forwards this item to the Commission for review and approval after public comment, if any:

1. Approved the lease and sublease with PICO Group, LLC and Southern California Association of Governments for the property located at 1503 N. Imperial Ave, El Centro, CA for an amended term of three (3) years plus two (2) one (1) year extension option periods and authorized the Executive Director to execute the agreements.

A motion was made by [Plancarte](#) and seconded by [Amparano](#), **Motion carried unanimously.**

B. Unmet Transit Needs Public Hearing for Fiscal Year 2018-19

ICTC Management Committee met on December 13th and forwarded this item to the Commission for review and approval after public comment, if any:

1. Appointed the Unmet Transit Needs Hearing Panel: two members from the County, three City representatives (Calipatria, El Centro, Imperial) with two City alternates (Brawley).
2. Selected a Public Hearing date of February 22, 2018 at 3 p.m. at the City of El Centro Council Chamber's.
3. Directed staff to conduct the administrative arrangements.
4. Adopted the definition of "Unmet Transit Needs" and "Reasonable to Meet" as published and utilized by the Executive Committee of the Southern California Association of Governments (SCAG) in 1981 and the Imperial Valley Association of Governments (IVAG) in 1992.
5. Authorized the Executive Director or his designee to sign the allocation disbursement instructions.
6. Authorized ICTC staff to process the TDA claims in accordance with regulations.

A motion was made by [Plancarte](#) and seconded by [Amparano](#) to approve items 1-4, **Motion carried unanimously.**

A motion was made by [Plancarte](#) and seconded by [Amparano](#) to approve item 5, **Motion carried unanimously.**

A motion was made by [Plancarte](#) and seconded by [Cardenas](#) to approve item 6, **Motion carried unanimously.**

C. Goals and Objectives for the FY 2017-18 Short Range Transit Plan (SRTP)

ICTC Management Committee met on December 13th and forwarded this item to the Commission for review and approval after public comment, if any:

1. Reaffirmed the Goals from the 2011 Short Range Transit Plan, as the guiding principles for the development of the 2017 Short Range Transit Plan.

A motion was made by [Cardenas](#) and seconded by [Plancarte](#), **Motion carried unanimously.**

- D. Short Range Transit Plan (SRTP) for the Imperial County Transportation Commission – FY 2017-18

ICTC Management Committee met on December 13th and forwarded this item to the Commission for review and approval after public comment, if any:

1. Approved the award of the Consultant Agreement for the FY 2017-18 Short Range Transit Plan for the Imperial County Transportation Commission, to AECOM for the fee of \$147,985.

A motion was made by [Nava](#) and seconded by [Cardenas](#), **Motion carried unanimously.**

IX. ADJOURNMENT / NEXT MEETING DATE AND PLACE

- A. The next meeting of the Imperial County Transportation Commission will be held on **Wednesday, January 24, 2018 at 6:00 p.m.**, at the County of Imperial Board Chambers, at 940 W. Main Street, El Centro, CA.

Meeting adjourned at 8:08 p.m. ([Cardenas/Nava](#)), Motion Carried.

**IMPERIAL COUNTY TRANSPORTATION COMMISSION
MANAGEMENT COMMITTEE**

DRAFT MINUTES OF January 10, 2018

10:00 a.m.

VOTING MEMBERS PRESENT:

City of Brawley	Rosanna Bayon Moore
City of Calexico	David Dale
City of Calipatria	Rom Medina (Chair)
City of El Centro	Marcela Piedra
City of Holtville	Nick Wells
City of Imperial	Stefan Chatwin
County of Imperial	Tony Rouhutas

STAFF PRESENT: Mark Baza, Kathi Williams, Virginia Mendoza, Cristi Lerma

OTHERS PRESENT: David Salgado: SCAG; Beth Landrum, Bing Luu: Caltrans; Liz Zarate, Abraham Campos, Leticia Salcido, Richard Romero: City of El Centro; Glenna Barrett, Luis Xavier Rivas: IVEDC; Andy Horne, Joe Picazo: County of Imperial; Carmen Vargas: Ramirez & Co., Inc.; Don Hunt and Russ Trice: Norton Rose and Fulbright on the phone

The following minutes are listed as they were acted upon by the Imperial County Transportation Commission Management Committee and as listed on the agenda for the meeting held Wednesday, January 10, 2018 together with staff reports and related documents attached thereto and incorporated therein by reference.

I. CALL TO ORDER AND ROLL CALL

Chair Medina called the Committee meeting to order at 10:38 a.m. Roll call was taken. Introductions were made.

II. EMERGENCY ITEMS

A. There were none.

III. PUBLIC COMMENTS

Congratulations were announced for Marcela Piedra for her appointment as the City of El Centro's City Manager.

IV. CONSENT ITEMS

A motion was made by Chatwin seconded by Wells to approve the consent calendar as presented, with an abstention from Bayon Moore (Brawley). However after review of the voting members present, the motion could not be carried. **Motion carried.** Items 4A and 4B were approved.

V. REPORTS

- A. ICTC Executive Director
 - A list of ICTC updates can be found on Page 29 of the agenda.
- B. Southern California Association of Governments (SCAG)
 - A list of SCAG updates can be found on Page 35 of the agenda.
- C. Caltrans Department of Transportation – District 11

- A full report is on page 38 of the agenda.

D. Committee Member Reports

- Mr. Dale provided a City of Calexico project update.

VI. INFORMATION / DISCUSSION CALENDAR

A. Full Analysis by Bond Counsel for Future Bonding Opportunities

This item was presented by Carmen Vargas from Ramirez & Co., Inc. with Don Hunt and Russ Trice from Norton Rose and Fulbright on the phone. The presentation is attached to the minutes.

B. 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) – Amendment 3

The Southern California Association of Governments (SCAG) has approved the regional 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) that has been accepted by the Air Resource Board. SCAG developed the RTP/SCS in collaboration with ICTC, other County Transportation Commissions, and local governments from the six county Southern California region through a bottoms-up, collaborative process. The RTP/SCS addresses many challenges including projected growth, changing demographics, climate change adaption, housing needs, and transportation demands.

SCAG has opened Amendment 3 of the 2016 RTP/SCS for any changes to existing projects or adding new projects. Projects listed in the RTP/SCS must be of regional significance and increase the road capacity. ICTC will be preparing to submit one project as part of Amendment 3: Expansion of the Calexico East Port of Entry – Phase 1: widen bridge over the All American Canal. Phase 2: increase the number of Commercial Vehicle lanes from existing 3 to 6 lanes; add 6 new northbound Privately Owned Vehicle (POV) lanes; pedestrian pathway improvements including shaded sidewalks and transit lot (pick-up and drop-off area).

This item was presented by Ms. Mendoza for information only and does not require any action.

C. Senate Bill 1 Trade Corridor Enhancement Program – Grant Applications

SB 1 provides an ongoing source of state funding dedicated to freight-related projects by establishing the new Trade Corridor Enhancement Program (TCEP). The objective of the TCEP is to fund infrastructure improvements on federally designated Trade Corridors of National and Regional Significance, on the Primary Freight Network, as identified in the California Freight Mobility Plan, and along other corridors that have a high volume be submitting the following two applications under the Trader Corridor Enhancement:

1. Expansion of the Calexico East Port of Entry – widen bridge over the All American Canal for Environmental & Design in the amount of \$3 Million
2. State Route 98 Widening Phase 1C between Ollie Avenue and Rockwood Avenue for Construction in the amount of \$7 Million

The projects submitted under this call of TCEP are part of Imperial County's freight network priority needs. If awarded, the projects would alleviate congestion, decrease cross border wait times, and enhance international trade and commerce for the Imperial Valley Region.

This item was presented by Ms. Mendoza for information only and does not require any action.

D. Overview of the Brawley Transit Corridor Brownfield Assessment

Mr. Baza presented this item. The presentation is attached to the minutes.

E. Overview of the Southern Border Broadband Consortium

Ms. Barret presented this item. The presentation is attached to the minutes.

VII. ACTION CALENDAR

A. Rotation of Chair and Vice-Chair Positions

It was requested that the Management Committee take any appropriate action for the rotation and assignment of the Chair and Vice-Chair positions for 2018.

The Chair nominee was David Dale, City of Calexico. The Vice-Chair nominee was Nick Wells, City of Holtville. A motion was made by [Bayon Moore](#) and seconded by [Chatwin](#), **Motion Carried unanimously.**

B. Draft Regional Collaboration (RC) Budget, FY 2017-2018

Ms. Williams stated that this budget request will be to establish the new unit for the Brownsfield Grant.

Following review and input, it was requested that the ICTC Management Committee recommend that the Draft Regional Collaboration Budget for FY 2017-2018 be presented to the Commission for review and approval after public comment, if any.

A motion was made by [Chatwin](#) seconded by [Bayon Moore](#), **Motion carried unanimously.**

C. SCAG – ICTC Memorandum of Understanding (MOU)

It was requested that the ICTC Management Committee forward this item to the Commission for their review and approval after public comment, if any:

1. Authorize the Chairperson to sign the SCAG – ICTC Memorandum of Understanding (MOU) 2018.
2. Direct staff to forward the MOU to SCAG for further processing.

A motion was made by [Wells](#) seconded by [Bayon Moore](#), **Motion carried unanimously.**

D. Memorandum of Agreement (MOA) between the Imperial County Transportation Commission (ICTC) and Imperial Valley Economic Development Corporation (IVEDC) – Brownsfield Assessment Project

It was requested that the ICTC Management Committee forward this item to the Commission for their review and approval after public comment, if any:

1. Authorize the Chairman to sign the Memorandum of Agreement between Imperial County Transportation Commission and Imperial Valley Economic Development Corporation (IVEDC) for the Brownsfield Assessment Project.

A motion was made by [Wells](#) seconded by [Chatwin](#), **Motion carried** unanimously.

VIII. NEXT MEETING DATE AND PLACE

The next meeting of the **Management Committee** will be held on **February 14, 2018** at the **City of Westmorland** or the **County of Imperial**.

IX. ADJOURNMENT

- A. Meeting adjourned at 12:13 p.m.

January 10, 2018



Imperial County Local Transportation Authority

Analysis on Additional Bonding Capacity



Our Clients' Success is Essential to Ours
Integrity Experience Teamwork Performance

2012 LTA Sales Tax Revenue Bonds (Limited Tax Bonds)

- Imperial County Local Transportation Authority (the "LTA") Issued \$53,975,000 of Sales Tax Revenue Bonds (Limited Tax Bonds) in 2012
- Participating Agencies included
 - ✓ City of Brawley - \$8.2 million bonds issued; \$7.7 million proceeds received
 - ✓ City of Calexico - \$15.4 million bonds issued; \$14.1 million proceeds received
 - ✓ City of Calipatria - \$2.3 million bonds issued; \$2.2 million proceeds received
 - ✓ City of Imperial - \$6.2 million bonds issued; \$5.8 million proceeds received
 - ✓ County of Imperial- \$21.9 million bonds issued; \$20 million proceeds received
- Majority of Proceeds have been spent

The Brawley Transit Corridor Brownfield Assessment

January 2018

Background

A \$300,000 grant was approved by U.S. Environmental Protection Agency (EPA) for the Brawley Transit Corridor Brownfield Assessment project

- The project will be focused along the 13 mile transit circulator route known as the IVT “Gold Line” and the Brawley Transit Center
- The target assessment area includes over 100 known commercial properties with some known or suspected historical gas stations or underground tanks

Goals and Objectives

In Phase I, the project will conduct the following:

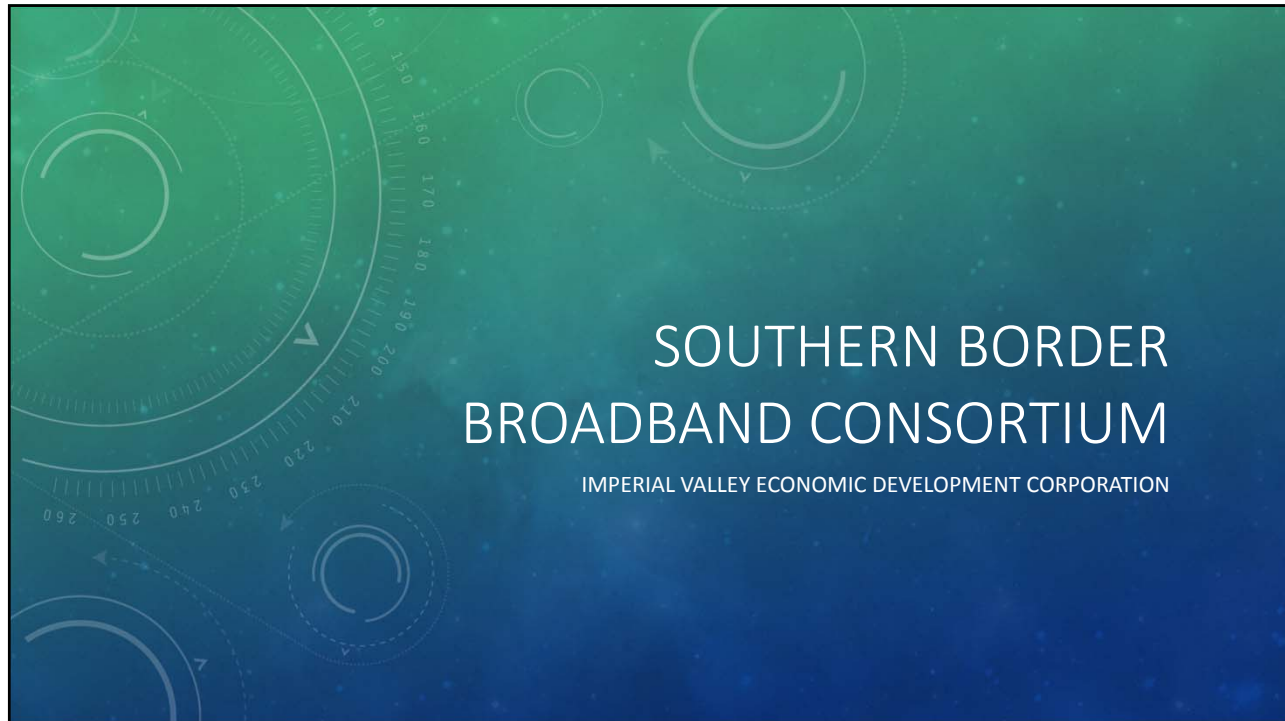
- Conduct bilingual community outreach
- Prepare a prioritized brownfield inventory
- Perform Phase I and II Environmental Site Assessments (ESAs); and,
- Develop cleanup plans that are consistent with State regulatory programs

Deliverables

- A Community Involvement Plan that clearly documents all of the meetings and activities undertaken to complete the ESAs
- A generic Quality Assurance Project Plan (QAPP) will be developed and reviewed and approved by EPA prior to undertaking Phase I and II Assessment activities
- A Draft and Final QAPP or Sampling Analysis Plan (SAP) will be completed documenting the rationale for the Phase I sites selected and the data analysis and project plans prepared for each of the Phase I sites and the selection of the Phase II Assessment sites
- With consent from EPA, the Phase II ESA Project Reports will be initiated and completed with property profile forms for each property with required Quarterly Progress Reports; Field Reports; and other technical reports required by EPA
 - Clean-up and remedial re-use plans will also be completed for all Phase II sites and project reports – The project reports and plans create an opportunity to pursue grant funds for eligible sites to carry out clean-up and remediation

Process to Date

- A Draft Memorandum of Agreement (MOA) between ICTC and IVEDC has been prepared with consensus to proceed for Board approvals
- ICTC and IVEDC have been working to develop a Scope of Work and Request For Proposals (RFP)
- The RFP is scheduled for release on January 12, 2018 with Notice to Proceed projected for late March/early April 2018
- Project is tentatively scheduled for completion in December 2018



- The Southern Border Broadband Consortium was formed to fulfill the goals of the Broadband Initiative to bridge the Digital Divide and awarded to the Imperial Valley Economic Development Corporation (IVEDC).
- The funds come from the California Advanced Services Fund (CASF) Rural and Regional Urban Consortia Account (Consortia Account) , which is funded by a portion of your cell phone bills.
- IVEDC was awarded \$450,000 to be spent over three years to further broadband deployment, access and/or adoption in the Southern region of California (Imperial and San Diego counties).

SBBC MEMBERS

- Imperial County Office of Education
- Imperial County Emergency Services
- Small Business Development Center
- Spectrum/ Charter
- San Diego Office of Education
- County of Imperial, Informational Technologies Dept.
- San Diego East County Economic Development Council
- Imperial Irrigation District
- Conveyor Group
- San Diego Office of Education
- Imperial Valley Community Foundation
- Imperial County Libraries
- San Diego State University
- Bombay Beach Community Services District Board
- Niland Chamber of Commerce
- Southern California Tribal Digital Village
- Imperial County Farm Bureau

SBBC'S GOALS

- The Southern Border Broadband Consortium (SBBC) was created to help improve the availability and adoption of broadband technology among "disconnected" citizens located in unserved and underserved areas of Imperial and San Diego counties.
- The SBBC's stakeholders are comprised of local business owners, non-profit organizations, financial institutions, hospitals, First Responders, as well as local and state government agencies.

GOALS FOR THE FIRST YEAR

- Work with local stakeholders to identify, prioritize and advance digital access projects
- Identify funding sources and funding gaps
- Facilitate and promote broadband education
- Research, compile and analyze data from surveys and maps
- Conduct community and business surveys
- Perform and promote ground truth speed testing
- Work with local agencies to facilitate applications for public housing grants and broadband infrastructure grants
- Attend Quarterly Consortia meetings
- Identify two disconnected areas where broadband is not available but needs to exist
- Identify low adoption areas where broadband is not available but needs to exist
- Research and surveys to identify the homework gap

SBBC will be hosting a Roundtable with CASF on February 9th from 9-12 in Imperial County. Please Save the Date and plan on attending to gain more knowledge of what is going on to close the Digital Divide in Imperial and San Diego Counties.

Who should attend? Public Works, Healthcare institutions, Information Technology Dept., City Managers, anyone who is interested in closing the Digital Divide!



V. REPORTS

- A. ICTC EXECUTIVE DIRECTOR REPORT
- B. SOUTHERN CALIFORNIA ASSOCIATION OF
GOVERNMENTS
- C. CALTRANS - DISTRICT 11



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Memorandum

Date: January 5, 2018
To: ICTC Commission Meeting
From: Mark Baza, Executive Director
Re: Executive Director's Report

The following is a summary of the Executive Director's Report for the Commission Meeting on January 24, 2018.

- 1) **Preparation of FTIP 2019:** The 2019 Federal Transportation Improvement Program (FTIP) Guidelines have been prepared to facilitate the work of the County Transportation Commissions (CTCs) (Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura Counties), transit operators, and the State of California Department of Transportation Caltrans) in development of county Transportation Improvement Programs (TIPs) for inclusion in the Southern California Association of Governments (SCAG) 2019 FTIP. These Guidelines assist in the development of the county TIPs that fulfill the legal, administrative and technical requirements prescribed by the law and which minimizes duplicate efforts by the CTCs, Caltrans, SCAG and/or other agencies. ICTC staff will reach out to cities and county staff to obtain project updates on all programmed 2019 FTIP projects. *During the month of November, ICTC staff received project updates from member agencies. ICTC staff will be updating the 2019 FTIP database for all Imperial County projects. A recommendation to approve the resolution will be on the Commission's agenda in February 2018.*
- 2) **Imperial Mexicali Binational Alliance Meeting:** The IMBA meeting was held on October 5, 2017 at the Carmen Durazo Cultural Arts Center in the City of Calexico. A presentation regarding the Calexico West/Mexicali I POE Expansion Project was conducted by the General Services Administration (GSA). An update was also presented by Caltrans regarding the State Route 98 Widening Project. In addition, Economic Development updates were presented. A strategic planning meeting was conducted on November 28, 2017, with IMBA MOU signees to review goals and projects for 2018. *The next regular IMBA meeting is scheduled for February 8, 2018 in Imperial County with location to be determined.*
- 3) **Calexico West Port of Entry Traffic Management Study:** Caltrans authorized a special planning grant to perform a traffic management study to assist the City of Calexico and the Imperial Valley region to analyze and propose traffic management strategies and alternatives to serve traffic flow for the Calexico West Port of Entry expansion. The expansion will have two access points: One, from current access at SR-111/Imperial Ave.; and, a Second at Cesar Chavez Blvd and 2nd St. SCAG, Caltrans and ICTC will lead study in partnership with the City of Calexico, Customs and Border Protection and General Services Administration. *The study is expected to proceed with a Request for Proposals in late January 2018.*
- 4) **Update to the 2011 Short Range Transit Plan (SRTP) Request for Proposals:** ICTC staff developed a Request for Proposals (RFP) that was released on September 1, 2017 to complete an update to the 2011 Short Range Transit Plan (SRTP). This is a planning document that identifies transit services and capital improvements over the next three to five year period, with expected available resources. The project unfolds

over an approximately 12 month period. The goal is to have an updated report with bilingual public participation. ICTC awarded the contract to the firm AECOM at the December 13, 2017 Commission meeting.

- 5) **State and Federal funding Obligations:** Beginning October 1, 2017, agencies are allowed to move forward with request for authorization (RFA) for Congestion Mitigation Air Quality (CMAQ), Regional Surface Transportation Program (RSTP) and Active Transportation Program (ATP) programmed in FY 2017/2018. A complete list of programmed projects will be provided as a separate attachment.

FY2017/2018 Project List						
Agency	Project Name	Funding Type	Phase	Federal Amount in FY2017/18	Local Match	Total Phase Cost
Calexico	De Las Flores Street paving and sidewalk installation	CMAQ	CON	\$403,000	\$52,000	\$455,000
Calipatria	N. Brown Street road and pedestrian improvements	CMAQ & RSTP	ROW	\$51,000	\$6,000	\$57,000
El Centro	Dogwood and Danenberg synchronization	CMAQ	CON	\$275,000	\$36,000	\$311,000
El Centro	Imperial Ave. extension south	RSTP	CON	\$2,023,000	\$2,090,000	\$4,113,000
El Centro	SR2S Program & bicycle improvements	ATP-MPO	CON	\$247,000	\$ -	\$247,000
Holtville	9th Street improvements from Palm Ave. to Olive Ave.	CMAQ & RSTP	CON	\$216,000	\$28,000	\$244,000
Imperial County	Rio Vista Sidewalk improvements from San Diego Ave. to Holt Ave.in Seeley	CMAQ	CON	\$792,000	\$103,000	\$895,000
Imperial County	Rio Vista Sidewalk improvements from Holt Ave. to Imperial Ave. in Seeley	ATP-MPO	ENG	\$193,000	\$26,000	\$219,000
Regional Total FY2017/2018						\$6,541,000

6) **Partnerships with IVEDC:**

- a) **Southern Border Broadband Consortium (SBBC):** ICTC in partnership with IVEDC received a California Advanced Services Regional Consortia Grant award of \$450,000 from their Rural and Regional Consortia program. The grant will cover a 3-year period. ICTC will be the fiscal agent and is working on developing an MOU which will define roles and responsibilities (Audits, Administration and Project Management) for ICTC and IVEDC. Since award, IVEDC staff has been meeting monthly with Consortia members and other webinars toward development of strategies for providing Broadband services for underserved communities. A SBBC stakeholder outreach event is scheduled for Thursday, February 9, 2018 at the Farm Credit Services, starting at 8:30AM.
- b) **The Brawley Transit Corridor Brownfield Assessment:** ICTC in partnership with IVEDC received a U.S. Environmental Protection Agency (EPA) Brownfields Communitywide Assessment Grant award of \$300,000 from the Environmental Protection Agency’s Brownfields Assessment Program. This assessment will be focused along the transit circulator route within the 13 mile Imperial Valley Transit’s (IVTs)

Brawley Gold Line Transit Route and the Brawley Transit Center that serves as the IVTs North Imperial County transfer terminal. The commercial corridors in the target assessment area include over 100 known commercial properties and suspected historical gas station sites with known or suspected underground tanks in the target area. ICTC will be the fiscal agent and is working on developing an MOU which will define roles and responsibilities (Audits, Administration and Project Management) for ICTC and IVEDC. *IVEDC staff recently attended an EPA conference that provided guidance for project implementation. ICTC and IVEDC coordinated to develop a Request for Proposals (RFP) for qualified firms to carry out the study analysis. The RFP was released on January 12, 2018.*

- 7) **State Route 86 (Northbound) Border Patrol Checkpoint:** In August 2017 following a year of coordination, Caltrans, the County of Imperial and ICTC met with CBP management and operations staff achieved consensus for a new conceptual alternative prepared by Caltrans. The LTA Board met on September 27, 2017, staff presented the Board with a fund request for \$1.3 million from the 5% Regional Highway Set-Aside from the Measure D allocations. The request was approved. *Staff met with Caltrans and CBP on December 20, 2017 at the ICTC to finalize agreements and discuss next steps.*
- 8) **I-8 / Imperial Avenue Interchange Reconstruction:** ICTC staff submitted the 2018 State Transportation Improvement Plan to the CTC on December 15, 2017. *Caltrans is working to complete the right-of-way acquisition, utility relocation and final design. As presented to the CTC, the current schedule to begin construction is in FY 2019/2020.*
- 9) **IVT RIDE:** ICTC and transit operator staff have started an evaluation and review process of the performance data for the first three years of operations. The review will focus primarily on the Brawley, Calexico, Imperial and Westshores areas, as the City of El Centro service did not begin until July 1, 2016. The Paratransit Coordinating Committee (PCC) met on March 13, 2017 to develop recommendations for service adjustments. Service adjustments are under development. Service adjustment recommendations were delivered to Management Committee and the Commission in October and service adjustments will be delivered beginning in January 2018.
- 10) **Heber Bus Stop & Pedestrian Access Improvements on State Route 86:** The community of Heber has had a need to improve pedestrian and bus stop access along State Route 86. The ICTC Commission granted the use of Regional Set-Aside Local Transportation Account (LTA) funds for the project. Caltrans has served as the project lead; the first phase was recently completed in November 2017. Phase 2 and 3 will begin in early 2018. Community outreach will be necessary prior to initiating construction in Phase 2 and 3 as road closures and detours will be necessary.
- 11) **California HERO Program:** The California Hero Program was launched in April 2014 in Imperial County with ICTC as the administering agency. A copy of the program activity report for December 2017 will be attached to next month's agenda.
- 12) **State Legislation for Transportation Funding – SB 1:** On August 24th ICTC staff hosted a TAC workgroup to discuss the upcoming expected actions to be undertaken by cities and county. The workshop discussed the Local Streets and Roads Program and the Local Partnership Program. Representatives from the cities and county were recommended to focus on the upcoming deadlines under the Local Streets and Roads Program. An estimate of Local Streets and Roads Program revenues were provided during the workshop. The estimates per agency included FY2017/2018 and FY2018/2019 Local Streets and Roads Program revenues. All cities and the county were responsible to submit a project list and an amended budget for FY2017/2018 to the California Transportation Commission (CTC) by October 16, 2017. ICTC staff has received confirmation that all agencies submitted a project list for FY 2017/2018 to CTC.

\$1.5 Billion annually will go to cities and counties for local road improvements. The following are projected annual revenues for the Cities and the County of Imperial for FY 2017/2018.

Agency	RMRA Amount FY 2017/2018
Brawley	\$150,100
Calexico	\$227,196
Calipatria	\$43,534
El Centro	\$255,215
Holtville	\$34,426
Imperial	\$102,634
Westmorland	\$12,747
County of Imperial	\$2,656,079
TOTAL	\$3,481,931*

*City estimate source is from [California League of Cities - FY 17-18 HUTA and RMRA Funding Estimates](#)

*County estimate source is from [California State Association of Counties -](#)

http://www.counties.org/sites/main/files/file-attachments/fy_2017-18_huta_and_sb_1_revenue_estimates_041317_0.pdf

Below are the projected annual revenues beyond FY 2017/2018.

Agency	RMRA Amount FY 2018-2019
Brawley	\$456,354
Calexico	\$690,750
Calipatria	\$132,357
El Centro	\$775,936
Holtville	\$104,666
Imperial	\$312,041
Westmorland	\$38,754
County of Imperial	\$7,490,000
TOTAL	\$10,000,858*

The **2018 Local Partnership Program** is comprised of formulaic program and competitive programs. In FY2017/2018 total amount available statewide is \$200M and distribution is 50/50 for both formulaic and competitive programs. The formulaic program share distributions for the Local Partnership Program were presented at the CTC meeting in December 6-7, 2017. During the meeting the CTC Commission took action and approved the distribution of funds for the formulaic portion, the funding share for Imperial County in FY2017/2018 and in FY2018/2019 is estimated at \$538,000. According to the program guidelines and CTC staff, there is one time opportunity to rollover funds to the following fiscal year in order to maximize opportunity to use funds. Project applications for formulaic program are due December 15, 2017 to CTC. *For FY2017/2018, no projects were submitted for the formulaic program and funds will be rolled over to FY2018/2019.* Applications for the competitive program are due January 30, 2018 to CTC. The following is the link to the 2018 Local Partnership Program guidelines:

http://www.catc.ca.gov/programs/SB_1/11617_Final_LPP_Guidelines.pdf

- 13) **Active Transportation Program (ATP) Augmentation Planning Grant Opportunity:** As a part of Senate Bill (SB) 1, the 2017 Active Transportation Program (ATP) Augmentation is funded from the approximately \$200 million allocated from the Road Maintenance and Rehabilitation Account to the ATP in fiscal years 2017-18 and 2018-19. The Road Maintenance and Rehabilitation Account funds are state funds. Therefore, projects funded in the 2017 ATP Augmentation do not need to be federal-aid eligible. The initial programming capacity for the 2017 ATP Augmentation program is in fiscal years 2017-18 and 2018-19. Some fiscal year 2019-20 and

2020-21 programming capacity may become available as previously programmed projects request advancement into fiscal years 2017-18 and 2018-19.

The County of Imperial was awarded an ATP Augmentation Grant for sidewalk improvements on Rio Vista in the Community of Seeley. The grant is \$369,000 with a local match of 1.2 million for a total project of \$1.5 million.

- 14) **SCAG’s Sustainability Grant Program – Imperial County Regional Climate Action Plan:** ICTC was awarded a SCAG Sustainable Planning Grant to develop a Regional Climate Action Plan. ICTC staff will work in collaboration with SCAG staff to develop and release a request for proposal to select a consultant that will develop the Regional Climate Action Plan. ICTC will serve as the day to day project manager and SCAG staff will serve as the administrative project manager. The goal of the project is to develop a regional framework for addressing Green House Gas (GHG) emissions for a Regional Climate Action Plan that allows each local agency to customize and fit into the context of the community each jurisdiction serves, that can be used at the local level in the development of jurisdiction – specific Climate Action Plans (CAPs). ICTC staff is currently finalizing the scope of work language in collaboration with SCAG staff and plans to release a request for proposal March 2018.

- 15) **Calexico East Commercial Vehicle Port of Entry Expansion Project:** ICTC submitted the Calexico East Commercial Vehicle Port of Entry Expansion Project under the California Sustainable Freight Action Plan: Pilot Project Ideas. The project is a proposed public-private partnership for the construction costs of the freight elements of the Calexico East Expansion that include: bridge expansion, commercial vehicle primary inspection booths and road construction totaling \$65 million. ICTC is pursuing discretionary freight program funding for the bridge expansion for an estimated total cost of \$28 million. Pending the possible funds for the bridge expansion, ICTC is pursuing a donation authority request to U.S. Customs and Border Protection. In October 2017, *ICTC staff submitted a TIGER Grant proposal for the bridge expansion. With no assurances of grant award staff is coordinating with Caltrans to submit for grant funding under the State’s Freight funding available under SB-1 and the State’s share of the 2015 federal transportation bill (FAST Act).*

- 16) **Westshores Transit Opportunities:** In Preparation for the Short Range Transit Plan, staff is exploring transit connection opportunities with Sunline Transit that serves the Coachella Valley region, and pursuing grant opportunities for interregional transit services to/from Westshores and Coachella. Together we will be pursuing available grant opportunities to provide service connections. Update - On Friday, May 19, 2017, ICTC and IVT RIDE staff held a 2nd transit service outreach at the Imperial Valley Food Bank’s distribution site in Westshores from 7:30 am – 9:30 am. ICTC staff met with SunLine staff in Palm Springs on June 2, 2017 to continue dialogue for potential opportunities.

- 17) **Critical Rural Freight Corridors (CRFC) and Critical Urban Freight Corridors (CUFC):** The Southern California Association of Government (SCAG) requested a CRFC and CUFC project nomination list from all Regional Transportation Planning Agency (RTPA). On January 10, 2017, ICTC reviewed the regional project list and submitted the following projects to SCAG:

Project Description	Designation & Cost
Widen bridge over the All American Canal at the Calexico East POE: Widen of bridge over the All American Canal to six lanes at the Calexico East Port of Entry	CRFC (\$30M)
Intelligent Transportation Systems (ITS) Implementation at Calexico East POE: Install border wait-time monitoring systems, radio frequency identification (RFID)/Bluetooth technology, and advanced traveler information systems	CRFC (\$3M)
SR-98 widening from VV Williams Avenue to Rockwood Avenue: Widen SR-98 from 4 to 6 lanes from VV Williams Avenue to Rockwood Avenue	CUFC (\$10M)
Forrester Road Corridor: Forrester Road bridge over the New River reconstruction, roadway realignment and operational improvements	CRFC (\$20M)

- 18) **Regional Mobility Hubs Strategy for Imperial and San Diego:** This project funded by Caltrans will develop a Regional Mobility Hubs Implementation Plan for San Diego County and Imperial Valley. This project is led by SANDAG in collaboration with ICTC. The focus of the plan will be to develop recommended improvements, conceptual designs, and implementation strategies for different mobility hub station place types for both regions. Mobility hubs can help maximize the capital investment in transit services and support the emphasis on smart growth and transit-oriented development.

The Consultant has completed draft Mobility Hub Concept Designs for the intermodal facilities in the City of Brawley, Imperial Valley College and the City of El Centro. The consultant team has completed the contract work and SANDAG project team will be submitting the final report to ICTC and Caltrans by June 30, 2017. SANDAG project team is refining document design and using non-grant funding to carry out professional copyediting services on all public-facing documents. *The final deliverables will be posted online in February 2018.* Virginia Mendoza, Project Manager

- 19) **Community of Niland Bus Stop Bench and Shelter Request:** The ICTC submitted a formal request to the California Department of Transportation (Caltrans) District 11 requesting their assistance in identifying a location for a bus stop bench and shelter in the Community of Niland along State Route 111 (SR-111). Caltrans and ICTC are finalizing a preferred location and any improvements necessary for installation of the bench and shelter. Project is in design phase. Construction will begin and completed in late 2017.

- 20) **Funding for Phase II of the Calexico West Port of Entry Project in the President’s FY17 Budget – Press Release (Summary):** *(February 9, 2016) – Rep. Juan Vargas (CA-51) announced the inclusion of \$248 million for the Calexico West Land Port of Entry (LPOE) reconfiguration and expansion project in the Fiscal Year (FY) 2017 budget released today. If approved, the funding would be sufficient to complete the project.”* As previously noted, Congress authorized \$98 million for Phase 1. The U.S. General Services Administration (GSA) began construction for Phase 1 in December 2015 with completion now scheduled for June 2018. Phase II funding is pending Congressional approval.

As part of the POE Expansion project, traffic will be rerouted from the existing roadways to SR-98 and Cesar Chavez Boulevard which are not designed to handle the high volumes of traffic associated with the border travel. *The City of Calexico has completed the right-of-way acquisition and an environmental amendment for widening Cesar Chavez Boulevard. Pending CTC approval of funding in late January 2018, the City is scheduled to begin construction in early summer 2018. Caltrans has initiated construction for widening SR-98 for more details on the project, refer to Caltrans report. Caltrans construction is in progress and is scheduled for completion in March 2018.*

- 21) **California-Baja California Binational Region:** A Fresh Look at Impacts of Border Delays: Building upon previous Caltrans, SANDAG, and ICTC studies, this project will refine the economic models developed to assess economic impacts of delays at the land ports of entry (POEs) between the San Diego and Imperial Counties region and Baja California, Mexico, on the border region economies. It will also estimate greenhouse gas (GHG) emissions of passenger and commercial vehicles due to northbound and southbound border delays at the six California POEs, and propose strategies to reduce GHG emissions at the border region. Lastly, extensive outreach to government agencies, local border communities, and private sector stakeholders will be conducted. Extensive data collection and modeling work has been conducted on these areas by ICTC, SANDAG and other agencies, this project will build upon that work. The consultant team is completing the development of the survey instrument that will be used in all 6 POEs.

22) **Meetings attended on behalf of ICTC:**

- January 8-9 and 16-17, 2018 – Supervisor’s Academy in San Diego, Ca. (attended by staff)
- January 10, 2018 – ICTC Management Committee meeting at the new ICTC Offices
- January 16, 2018 – California Council of Governments (CalCOG) CDAC Meeting in Sacramento, CA
- January 17, 2018 – Presentation to the American Public Works Association (APWA) in San Diego, CA



Memorandum

Date: January 24, 2018
To: ICTC Commission Meeting
From: David Salgado, Regional Affairs Officer (RAO)
Re: **Southern California Association of Government's Report**

The following is a summary of the SCAG Executive Director's Report and/or Federal and State Legislature Staff Report for the Imperial County Transportation Commission Meeting January 24, 2018.

- 1. SCAG RTP-SCS Local Input Process 1 on 1 Meetings:** From December 11th to December 13th each city in Imperial County and the County of Imperial met with SCAG Planning Staff at the City of El Centro RDA Conference Room in order to review the "Bottom-Up Local Input Process for the 2020 RTP-SCS and RHNA." This will allow for direct engagement with each jurisdiction in order to establish accurate data development for the plans. This will ensure the plans consistency with our member agencies programs and allow SCAG to create the most detailed plan possible. City managers and Planning Directors will be receiving data and survey packets for local review as well as a detailed work plan with instructions on how to provide input. Data will be accepted up to October of 2018. As a part of the Local Input Process SCAG is making interns available to help input data or complete any tasks related to the Local Data Input Process and 2020 RTP-SCS development. Please contact David Salgado with any questions.
- 2. SCAG Go Human Campaign:** SCAG is entering the 3rd year of the GO-Human Marketing and Advertising Safety and Encouragement Campaign implemented throughout the 6 county SCAG region. We've had great participation and engagement in Imperial County and would like to build upon the success. The new round of advertising will integrate Vision Zero and new messaging developed from gathered feedback. The campaign will run through the month of May to coincide with "National Bike Month" and during July and August to promote safe walking and biking during "back to school." If any agencies would like to participate and partner with SCAG to promote GO Human,



please reach out to SCAG Regional Affairs Officer (RAO) David Salgado or Assistant Regional Planner Julia Lippe-Klein (213) 236-1856.

3. **SCAG President and Executive Team Luncheon and Imperial Valley Tour:** SCAG President Margaret Finlay is committed to coming to Imperial County for a tour in the near future. We are finalizing details and dates and will provide information as it is made available. SCAG Executive Director Hasan Ikhata is also committed to providing a presentation to city managers, elected officials, and stakeholders while out in Imperial County covering some of SCAG's roles, responsibilities, and ongoing programs. The presentation will be provided during the SCAG hosted luncheon portion of their visit.
4. **2018 Regional Conference and General Assembly:** Please save the date for the 2018 Regional Conference and General Assembly. This year's conference will be held at the Renaissance Esmeralda Indian Wells Resort and Spa in Indian Wells on May 3rd and 4th, 2018. City clerks should have received notice to begin the formal process for selecting the 2018 GA delegate and alternate. For questions please contact Regional Affairs Officer (RAO) David Salgado.
5. **SCAG Downtown Los Angeles Relocation:** After 27 years at the current location SCAG relocated to the new Downtown Headquarters located at The Wilshire Grand Center. The new address is 900 Wilshire Boulevard, 17th Floor, Los Angeles, CA 90017. The building is a brand new LEED Certified Class A Building and provides for a more advanced space for SCAG to grow into. The new space will also have improved spaces for SCAG's regular public meetings and workshops.
6. **SCAG Regional Council and Policy Committees:** SCAG's Regional Council and Policy Committee meetings will take place Thursday February 1st, 2018 at SCAG's main offices in Los Angeles. **SCAG will be dark the month of January 2018.**
7. **SB 1 Road Repair and Accountability Act of 2017:** The bill passed by a vote of 27-11. The bill provides \$52.4 billion over 10 years for transportation by raising California's gas excise tax 12 cents to 30 cents a gallon, with annual adjustments for inflation. The diesel excise tax will also go up 20 cents to 36 cents a gallon. Funds will also be raised by fee increases on vehicle registrations which will be proportionate to the vehicle model year and will range from \$25 to \$175 a year annually. Zero emission vehicles will incur a \$100 annual fee. There will be a constitutional amendment put on the 2018 ballot to allow a vote to ensure the funds will be provided for road projects.



8. **SCAG 2017 Local Profiles:** 2017 Final Local Profiles are posted on the SCAG website and readily available. Hard copies may be provided upon request. Questions can be directed to Ping Chang or Mike Gainor at SCAG.

9. **2017 SCAG Presidents Strategic Plan (PSP) Update:** SCAG has convened a strategic planning committee composed of executive management, leadership, and staff in order to develop and update SCAG's Strategic Planning Document. The Strategic Plan has not been updated since 2009 and provides a framework for the agencies Work Plan and continued success. A Staff Strategic Planning (SSP) Committee has been composed to support the work of the PSP. Imperial County RAO David Salgado is participating on the PSP Committee.

10. **2016 RTP/SCS FINAL APPROVAL** – On April 7, 2016, SCAG's Regional Council adopted the 2016 RTP/SCS, a long range visioning plan that balances future mobility and housing needs with economic, environmental and public health goals. The Plan charts a course for closely integrating land use and transportation – so that the region can grow smartly and sustainably. It outlines more than \$556.5 billion in transportation system investments through 2040. The Plan was prepared through a collaborative, continuous, and comprehensive process with input from local governments, county transportation commissions, tribal governments, non-profit organizations, businesses and local stakeholders within the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura.

The 2016 RTP/SCS is available for download by chapter or as one file. Please note that some files are large and may take longer to download depending on individual connection speeds. We strongly recommend that you first download it onto your computer before opening the file. All files are in Adobe Acrobat PDF format. The executive summary is available upon request.



Date: January 19, 2018
To: ICTC Commissioner's
From: Cory Binns, Caltrans District 11, Acting District Director
Re: **District Director's Report**

The following is the California Department of Transportation, District 11 report for the Imperial County Transportation Commission (ICTC) Commission meeting of January 24, 2018:

1. **Project Updates:**

Please see maps at end of report for project level detail.

2. **Construction:**

Interstate 8 (I-8) Continuously Reinforced Concrete Pavement Project

I-8 Continuously Reinforced Concrete Pavement Project is divided into the following five segments. Completion of the entire project is scheduled for 2019.

Interstate 8 (I-8) Continuously Reinforced Concrete Pavement Project:

- Segment 4: This segment is divided into two sections located near El Centro from west of I-8/SR-111 separation to just west of Anderholt Road overcrossing and from east of the East Highline Canal Bridge to west of the I-8/SR-98 separation. This segment began construction on July 10, 2017. The contractor continues working on I-8 near SR-111, with the traffic switch to Stage 3 Location 1 being completed in January. The contractor is also replacing the existing pavement on Evan Hewes Highway in preparation of establishing this road as a detour.
- Segment 5, is located near Winterhaven from west of Ogilby Road overcrossing to west of the I-8/SR-186 separation. This seven-mile segment began construction the week of June 12, 2017. Westbound traffic was switched onto new westbound lanes on

Construction (continued):

December 20, 2017. The eastbound traffic was switched onto new westbound lanes on January 8, 2018. This project is expected to be completed one year ahead of schedule.

I-8/Dogwood Road Landscape Project

The follow-up landscape project has been completed with plant establishment continuing.

SR-98 / Cesar Chavez Widening Project Chi checking with Sam

Contract approval was received in January 2017, with construction on the \$12.9 million project beginning in April 2017 and ending in spring 2018. Utility relocation work is complete. Construction on Stage 1 from Eady Avenue to VV Williams is complete. Stage 2 and 3 work from VV Williams to Cesar Chavez is complete.

Stage 4 (Final stage) is currently under construction. One lane is open in each direction, with sidewalks and all lanes scheduled for completion in February 2018.

SR-86/Heber Pedestrian Improvements

This project will construct sidewalks and a bus shelter. Construction on Phase 1 is complete. Design is complete for the remaining phases and should be in construction in early 2018. This project is a coordinated effort between Caltrans and ICTC.

SR-111/Main Street in Niland

This project will install a bus stop and shelter in an existing parking lot on the east side of SR-111. The project has been approved and the contractor expects the manufacturing of the shelter to take two months. Construction will begin after receiving the shelter.

Emergency Repair Project:

Caltrans scheduled a 24-hour closure on westbound I-8 from East 16th Street in Yuma, Arizona to Winterhaven Drive in California on Sunday, January 21, 2018 at 3:00 a.m., to complete repairs on the Colorado River Viaduct Bridge spanning Gateway Park in the City of Yuma. The Howard C Giss Parkway on-ramp to westbound I-8 will also be closed. Caltrans coordinated project work and closures with the City of Yuma and Arizona Department of Transportation. A News Release which was issued January 18, 2018 to Imperial County and Arizona media and stakeholders is attached at the end of this report

3. Traffic Operations:

SR-86/Customs & Border Protection Checkpoint Expansion

Caltrans recently provided a design alternative with cost estimate to ICTC. The design will allow for two lanes for use by the Border Patrol under a newly constructed canopy to be placed over SR-86, and two lanes of secondary inspection during peak periods, which

Traffic Operations (continued):

should reduce or eliminate queuing of traffic during these time periods. This was approved by the Commission late 2017.

Caltrans is working on developing a schedule with the assistance of ICTC and CBP.

SR-98/Birch Street

Caltrans Highway Operations is currently working on a Traffic Investigation Report (TIR) that will recommend to remove school zone related signs from the speed feedback posts. In addition, the speed feedback signs will be reset to a 24 hour schedule upon completion of the TIR.

Signage on Interstate 8 Directing Trucks to State Route 7:

The TIR to install signs to direct trucks to use SR-7 on I-8 and SR-111 was approved on November 27, 2017. Per the approved TIR, guide signs to direct trucks to use SR-7 will be installed on eastbound I-8 prior to SR-98 and SR-111. An additional guide sign will be installed on southbound SR-111 to direct trucks to use east I-8 to south SR-7, for a total of three guide signs. No additional guide signs will be installed on westbound I-8 as there are existing guide signs to direct trucks to use SR-7 for border crossing prior to the I-8/SR-7 connector. The proposed signs were sent to Operations Planning Support on November 30, 2017 to process the sign order.

All American Canal Bridge/SR-186

Caltrans will participate in a public meeting during the Imperial County Traffic Advisory Committee Meeting in El Centro on February 21, 2018 to take public comment about weight restrictions on the All American Canal Bridge on SR-186/Algodones Road. The United States Department of Interior-Bureau of Reclamation has determined that vehicles heavier than 20 tons cannot be accommodated through the All American Canal Bridge in order to maintain structural integrity of the bridge. The public meeting is required to install the new 20-ton weight limit signs.

4. Planning:

Senate Bill 1 – New Grant Opportunities:

Caltrans launched two new planning grant programs with funding from Senate Bill 1, the Road Repair & Accountability Act of 2017. The new planning grant funds include:

- \$25 million annually for Sustainable Communities Grants to encourage local and regional planning that further state goals, including, but not limited to, the goals and best practices cited in the regional transportation plan guidelines adopted by the California Transportation Commission.
- \$20 million over three years for Adaptation Planning Grants to local and regional agencies for climate change adaptation planning.

Planning (Continued):

Trade Corridor Enhancement Projects (TCEP):

Caltrans has been working diligently to develop a comprehensive suite of projects to benefit the U.S./Mexico border region, in the area of goods movement and cross-border traffic. To that end, District 11 has developed a multi-project application submittal that includes projects for both Imperial and San Diego counties. In Imperial, this includes the final phase of the SR-98 widening in Calexico as well as the expansion of the bridge over the All American Canal at the Calexico East POE. Final submittals are due on January 23, 2018; and project awards are expected to be announced by the CTC in May 2018.

Coordinated Efforts:

Caltrans has been awarded a grant from the Federal Highways Administration (FHWA) State Planning & Research funds, with an 80/20 in-kind match by the Imperial County Transportation Commission (ICTC) to fund a \$100,000 Traffic Circulation Plan (TCP) for access to the Calexico West Port of Entry (POE).

This effort will have a two-phase approach. Phase one will address access for opening day traffic conditions. Phase two will provide further analysis and recommendations for potential traffic shifts for the 60-90 day period beyond opening day conditions.

Caltrans is working with SCAG and ICTC to procure consultant services which is expected to be complete by the early spring 2018.

The Calexico West POE is scheduled to be complete in March 2018; with both northbound and southbound traffic flows becoming operational in Summer 2018. Opening of the POE will require the City of Calexico to make necessary improvements to Cesar Chavez Boulevard which will serve as future access to the POE. Caltrans and the City of Calexico will work cooperatively with other local and regional partners to identify other traffic improvements and changes which may be required by changing patterns. Additionally, while Mexico has completed their roadway improvements; their federal customs facility remains to be constructed.

The TCP will provide analysis for the above issues, as well as coordinated efforts for circulation, traffic control, emergency services, and impacts to transit routes. The analysis is expected to take ten months to complete.

The TCP will be fully vetted by all involved agencies and stakeholders. A final report and plan will be presented to the ICTC Management & Commission, as well as the City of Calexico. Significant involvement by federal, state and local agencies will be made to ensure consensus and approval.

Transportation Planning Grant Opportunities:

Caltrans District 11 will host two Transportation Planning Grant Workshops for the Fiscal Year 2018-2019 Grant Program. A total of \$40.8 million is available through the following Caltrans Planning Grants:

Planning (Continued):

- Sustainable Communities
- Adaptation Planning
- Strategic Partnerships
- Strategic Partnership—Transit

The grant workshops will provide potential applicants with an overview of the grants, an opportunity to pitch their ideas, and receive initial feedback.

For information, including list of eligible applicants, grant application guides, and required application templates, please review the new Grant Application Guides now available at: <http://www.dot.ca.gov/hq/tpp/grants.html>

Grant applications are due via email on Friday, February 23, 2018 at 5:00 p.m.

Workshop Date & Time – Imperial County

Thursday, January 25

1:00 p.m. – 3:00 p.m.

Imperial County Transportation Commission

1503 N. Imperial Ave., Suite 104

El Centro, CA 92243

If you would like to receive a printed version of the grant guides at the workshop, please contact Barby Valentine at (619) 688-6003 or Barby.Valentine@dot.ca.gov

Grants Underway:

A Fresh Look at Impacts of Border Delays at CA/BC POEs

In May 2016, the San Diego Association of Governments received two Caltrans grants for a total of \$670,000 to study the Effects of Border Wait Times on the Economy and Air Quality/Climate Change Emissions. This is a cooperative effort between SANDAG, ICTC and Caltrans under contract with HDR.

The Economic Impacts of Border Delays will update and enhance previous studies to estimate the effects of delays at the San Diego and Imperial Counties Ports of Entry (POEs) on the regional, statewide, and national economies of the United States and Mexico.

- a. The Air Quality and Climate effects of Border Wait Times will develop a methodology to estimate air quality pollution and greenhouse gas emissions due to vehicular delays to cross the San Diego and Imperial Counties POEs.
- b. The consultant will be modeling the economic delay for 2025 and the air quality for 2025 and 2035 respectively.

The consultants are working on the model development component of the grant at this point. The consultants developed a white paper on available technology that could

Planning (Continued):

provide on-going border wait times data collection. It would be up to the Federal Government to decide what technology may work best at these POEs.

c. New Accomplishments

The amended Project Implementation Order has been approved that will extend the Air Quality portion of the study to April 30, 2018.

The Consultants are working with CBP to give the collected data a “reasonableness check”.

Another cross border business interview has been completed.

The EPA Moves model will be used as the emissions model for Mexican cars, as Mexican car data is available in that format.

Imperial County Transportation Model Update

The Project Team held monthly coordination meetings on the project status, actions taken, and next steps. The last two meetings addressed issues from traffic analysis zones (TAZs) updates and refinement, centroid connector editing, highway network adjustment including extra node additions based on review and comments provided by Caltrans/D11, to traffic counts analysis following the field study which was completed by Traffic Research & Analysis, Inc. in early July. Next, SCAG will be working on the social, economic and demographic (SED) data forecasting in a zonal basis for future years, and the consultant is ready to move into base-year model calibration

Upcoming Grant Projects

Imperial County Active Transportation Plan

Caltrans Planning recently met with the County of Imperial Public Works Department and held a kick-off meeting for this \$200,000 Planning Grant. The plan will cover the unincorporated areas of Imperial County, specifically the Communities and Townsites; and areas near schools. The plan will be based on needs assessment through data gathering and analysis, public feedback, and consultation with local agencies.

The study will address issues such as safety and security, liability, environmental concerns, convenience, accessibility, usage, connections and linkages for bicycle users, as well as associated pedestrians and safe routes to school planning efforts.

Requests for Proposals (RFPs) have been received, reviewed and interviews held with consultant selection finalized. Final contract negotiations are underway and it is anticipated that project kickoff will be in early 2018, with the Plan being complete by early 2019.

5. **Local Assistance:**

Inactive Projects

Future Inactives should be billed within the specified and agreed upon timeframe to avoid a unilateral deobligation of funds.

Action is required by the following agencies: Imperial County, Cities of Imperial, Calexico, and El Centro. A complete list of inactive projects can be found at the link provided below.

<http://www.dot.ca.gov/hq/LocalPrograms/Inactiveprojects.htm>

Policy Update: New Process for Reviewing Indirect Cost Rates of A&E Firms Contracting with Local Agencies

Caltrans is implementing a new process for reviewing Indirect Cost Rates of Architectural and Engineering (A&E) firms that are contracting with local agencies. As part of the process, A&E firms will now be required to submit to local agencies certain financial documents to support their indirect cost rates. To view the full policy update, please see the following link:

<http://localassistanceblog.com/2018/01/16/policy-update-new-process-for-reviewing-indirect-cost-rates-of-ae-firms-contracting-with-local-agencies/>

Training on the new process will be posted to the Caltrans Audits and Investigations website at <http://dot.ca.gov/audits/>, by the end of January 2018.

For more information, please refer to the following documents:

Letter to Transportation Partners from Caltrans A&I
Exhibit 10-A, A&E Consultant Financial Document Review Request Letter and Checklist

ATP Cycle 4 Call-For Projects

Caltrans anticipates the CTC will announce the 2019 (Cycle 4) call-for-projects in or around March 2018.

The Cycle 4 Call for Projects is expected to include about \$440M in ATP funding made up of Federal funding and State SB1 and SHA funding. The funding/programming years are expected to include 19/20, 20/21, 21/22 and 22/23 funding years. Potential applicants are encouraged to check the Caltrans and CTC ATP websites for future updates.

CTC – ATP website: <http://www.catc.ca.gov/programs/ATP.htm>

For project specific and call for project questions, please contact Bryan Ott, District 11 ATP Coordinator at (619) 220-5310 or via email at bryan.ott@dot.ca.gov

Local Assistance (Continued):

Highway Safety Improvement Program (HSIP)

The next call for projects (HSIP Cycle 9) is expected to be announced around May 2018. Please visit this website periodically for updates:

http://www.dot.ca.gov/hq/LocalPrograms/HSIP/apply_now.htm

For questions, you may contact Bryan Ott, District 11 HSIP Coordinator at (619) 220-5310 or via email at bryan.ott@dot.ca.gov

Agency One-On-One Meeting with Caltrans Local Assistance – February and March 2018

Caltrans District 11 Local Assistance would like to meet with each agency and staff members who are involved with the administration and project management of the local federal-aid funded projects. It will be an open agenda meeting serving as a meet-and-greet and to generally discuss questions and issues the agency may have regarding the Local Assistance program and projects.

The one-on-one meetings are scheduled on two dates: Wednesday, February 21, 2018; and Tuesday, March 13, 2018 at one-hour intervals, and will be held in one of the ICTC Conference Rooms located at 1503 N. Imperial Avenue, Suite 104, El Centro, CA 92243

Wednesday, February 21, 2018

10:00 a.m. – 11:00 a.m.	County of Imperial
11:00 a.m. – 12:00 p.m.	Holtville
1:30 p.m. – 2:30 p.m.	Westmorland
2:30 p.m. – 3:30 p.m.	Imperial

Tuesday, March 13, 2018

10:00 a.m. – 11:00 a.m.	El Centro
11:00 a.m. – 12:00 p.m.	Calipatria
1:30 p.m. – 2:30 p.m.	Brawley
2:30 p.m. – 3:30 p.m.	OPEN

Architectural & Engineering (A&E) Consultant Contract Review *Office Bulletin #17-02*

A recording of the A&E Exhibit 10-C two-hour intensive training webinar is now available, along with a PDF of the presentation and all accompanying handouts. This webinar recording discusses the revised LAPM *Exhibit 10-C Consultant Contract Reviewers Checklist* and the new procedure in effect requiring all agencies to obtain acceptance of Exhibit 10-C prior to contract award.

If you or your staff were not able to attend one of the 24 in-person training classes or the live webinar we offered, please watch this webinar to learn how to avoid the risk of non-compliance. You may view the Webinar recording and handouts at:

<http://www.localassistanceblog.com/ae-training/>

Local Assistance (Continued):

Subsidized Classes for Local Agencies

The California Local Technical Assistance Program is a jointly funded effort between FHWA and Caltrans to provide local governments with training, information, technology and direct assistance to help improve transportation infrastructure. Upcoming courses are listed at this link:

registration.techtransfer.berkeley.edu/wconnect/ShowSchedule.awp?&Mode=GROUP&Group=:FULL&Title=Complete+Listing

April 9-13, 2018: Federal Aid Series

Location: Caltrans District 11, 4050 Taylor Street, Gallegos Room, San Diego 92110
Additional dates and sites are available statewide. *Registration is open.* Please check for updates through the online registration link below:

<http://www.californialtap.org/index.cfm?pid=1077>

For questions or to register for any training, please contact Alma Sanchez at (619) 278-3735 or via email at: Alma_Sanchez@dot.ca.gov

Reminder: Division of Local Assistance Listserver Email Subscription

Sign up for a Division of Local Assistance “*Listserver*” to receive significant updates or additions to Local Assistance webpages, including changes to the *Local Assistance Procedures Manual* (LAPM) and Local Assistance Program Guidelines (LAPG), new Office Bulletins and Local Programs Procedures, as well as Calls for Projects.

<http://lists.dot.ca.gov/mailman/listinfo/dla-website-updates-announce>

Reminder: Division of Local Assistance Blog (LAB)

The Caltrans Local Assistance Blog (LAB) provides clarity on issues and contributes to the successful delivery of transportation projects using federal resources. Categories covered by the LAB are: Subsidized Classes for Local Agencies, Policy/Procedures, Program Guidelines, Training, Environmental, and Right of Way.

<http://www.localassistanceblog.com>

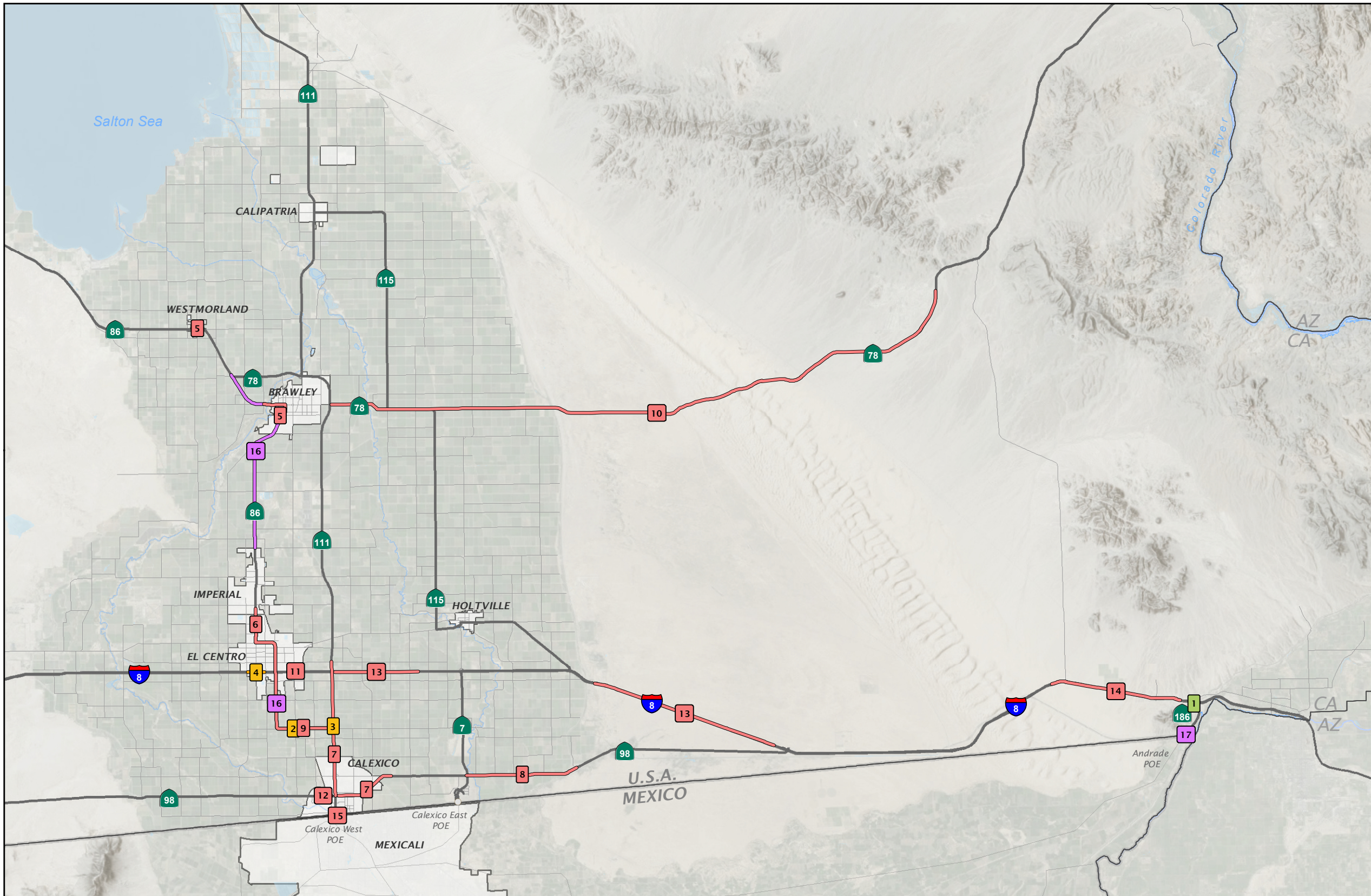
Local Assistance (Continued):

Reminder: Local Assistance Customer Service Survey

This pilot program supports a Caltrans Strategic Management Plan Goal: Organizational Excellence. An external survey ranked Local Assistance as the Division of Caltrans that external agencies interact with most on a regular basis. HQ-Division of Local Assistance and District Offices will recognize employees who go “above and beyond,” document best practices and identify needed training.

So, how did we do? Help us serve you better! The Caltrans Local Assistance Customer Service Survey can be found at the link provided below.

<https://www.surveymonkey.com/r/CTLocalAssistanceFeedback>



ENVIRONMENTAL

1. SR-186/I-8 Interchange Improvements

DESIGN

2. SR-86/Dogwood Road Intersection Improvements*
Design Complete Fall 2018
3. SR-86/SR-111 Intersection Improvements*
Design Complete Fall 2018
4. I-8/Imperial Ave Interchange Improvements
Design Complete Spring 2019

CONSTRUCTION

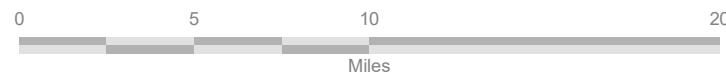
5. SR-86 Pavement Rehabilitation
Construction Start Spring 2018
6. SR-86 Pavement Rehabilitation
Construction Start Summer 2018
7. SR-111/SR-98 Pavement Rehabilitation
Construction Start Summer 2018
8. SR-98 Pavement Rehabilitation
Construction Start Spring 2018
9. SR-86/"Heber Ave" Sidewalk, Transit,
& ADA Improvements Phases 2 & 3*
Construction Start Spring 2018
10. SR-78 Pavement Rehabilitation
Construction Complete Spring 2018
11. Dogwood Road Landscape
Plant Establishment Fall 2018
12. SR-98 West Widening Phase 1 B
Eady Ave to Ollie Ave
Construction Complete Spring 2018
13. I-8 Pavement Rehabilitation at Various Locations
Construction Start Summer 2017
14. I-8 Pavement Rehabilitation at Ogilby Rd to SR-186
Construction Complete Summer 2018
15. SR-111 Calexico West - GSA POE Reconfiguration*
Construction Complete Summer 2018

RELINQUISHMENT

16. SR-86 Relinquishment From SR-78 to SR-111
Senate Bill 788 Approved Fall 2013
17. SR-186 Relinquishment 500 Feet
from Border to GSA*
Complete Summer 2018



- █ Environmental
- █ Design
- █ Construction
- █ Relinquishment



Abbreviations:
GSA: General Services Administration

POE: Port of Entry

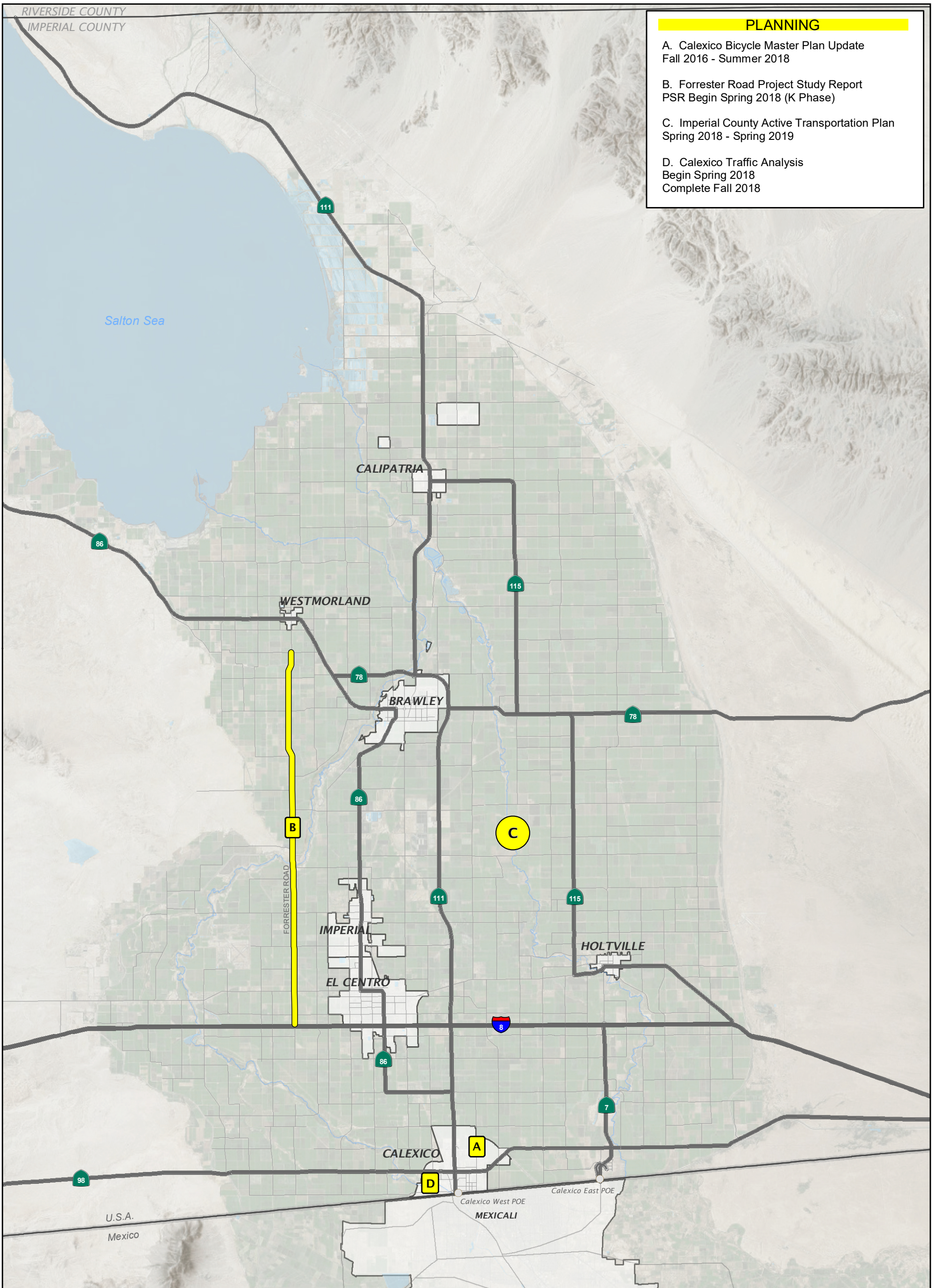
Portions of this map contain geographic information copyrighted by the Imperial County GIS program. All rights reserved. The data provided is "as is" without warranty of any kind.

Date: 01/09/2018

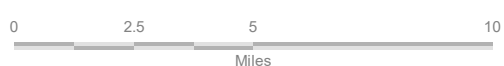
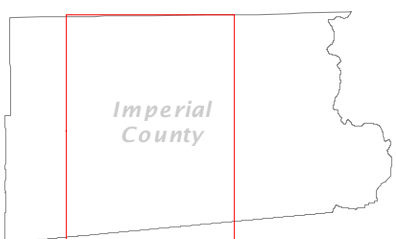


* The California Department of Transportation (Caltrans) is a partner in this study/projects, although not the lead agency.

IMPERIAL COUNTY STATUS OF TRANSPORTATION STUDIES AND REPORTS



- PLANNING**
- A. Calexico Bicycle Master Plan Update
Fall 2016 - Summer 2018
 - B. Forrester Road Project Study Report
PSR Begin Spring 2018 (K Phase)
 - C. Imperial County Active Transportation Plan
Spring 2018 - Spring 2019
 - D. Calexico Traffic Analysis
Begin Spring 2018
Complete Fall 2018



Portions of this map contain geographic information copyrighted by the Imperial County GIS program. All rights reserved. The data provided is "as is" without warranty of any kind.

Date: 01/23/2018

Date: January 18, 2018
District: District 11 – San Diego and Imperial Counties
Contact: Cathryne.Bruce-Johnson@dot.ca.gov
Phone: (619) 688-6723

FOR IMMEDIATE RELEASE

**Westbound I-8 at Colorado River Viaduct Bridge
Closed 24 Hours Beginning Sunday**

EL CENTRO, Calif. — Crews will close westbound Interstate 8 (I-8) from East 16th Street in Yuma, Arizona to Winterhaven Drive in California for 24 hours beginning Sunday at 3 a.m., according to Caltrans. The Howard C Giss Parkway on-ramp to westbound I-8 will also be closed as crews complete repairs on the Colorado River Viaduct Bridge spanning Gateway Park in the City of Yuma.

Signs will be placed directing Yuma traffic on westbound I-8 to exit at East 16th Street/US 95 and travel west to northbound 4th Avenue/Business 8. Motorists will continue across the Colorado River to merge onto westbound I-8 on the California side.

Traffic on Harold C Giss Parkway may use northbound 4th Avenue/Business 8 to merge onto westbound I-8.

Moderate construction noise is expected. Access will remain open to Gateway Park.

Signs will be placed in advance of the closure. Although traffic delays are not anticipated, motorists are advised to allow additional travel time.

Realtime traffic information can be found at <http://quickmap.dot.ca.gov/> - California, or <http://www.az511.gov/traffic/> - Arizona.

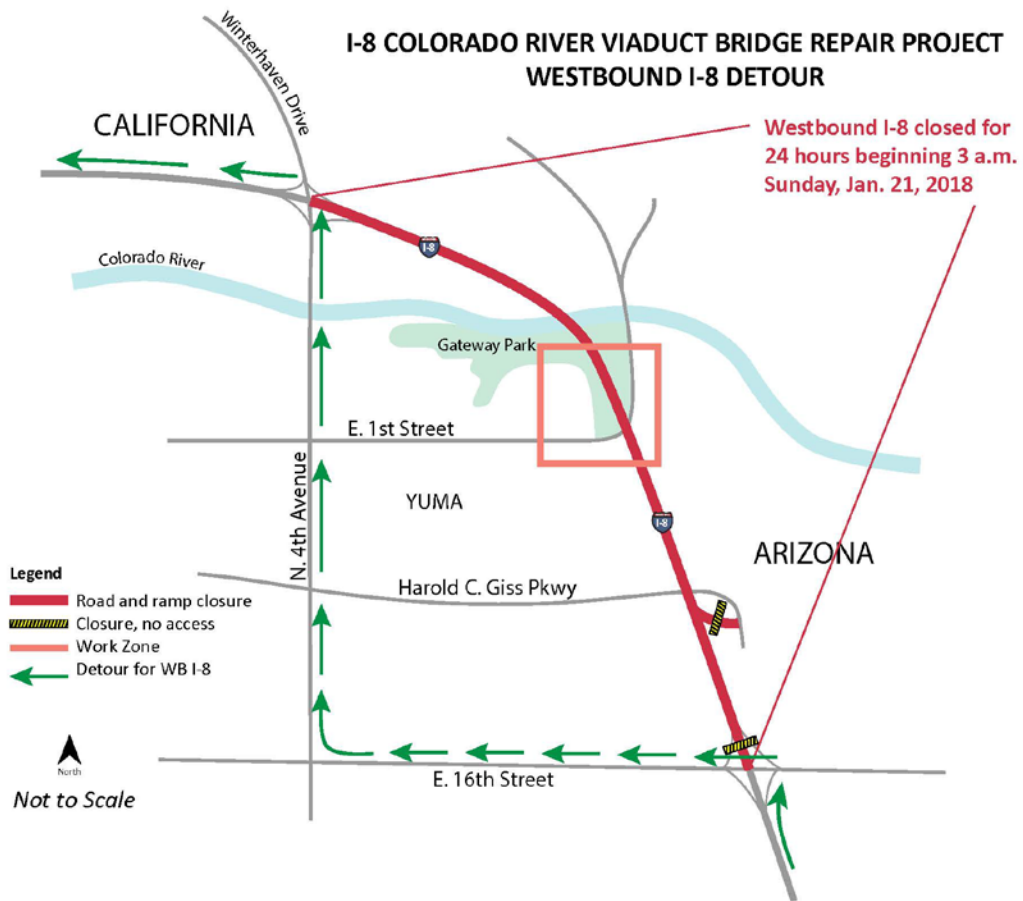
Caltrans reminds motorists to slow down when driving through highway work zones. Motorists are reminded to watch for highway workers and moving construction equipment in the project area.

Californians can expect more roadway improvement projects like this made possible by the recently passed Road Repair and Accountability Act of 2017, Senate Bill 1 (SB1). Caltrans is committed to conducting its business in a fully transparent manner and detailing its progress to the public. For complete details on SB1, visit <http://www.rebuildingca.ca.gov/>.

-MORE-

2-2-2-2

Follow @SDCaltrans on Twitter at www.twitter.com/SDCaltrans and visit Caltrans District 11 on Facebook at www.facebook.com/CaltransDistrict11 for current transportation information, construction, closures, and major traffic incidents on state highways in San Diego and Imperial counties.



###



TRANSPORTATION PLANNING GRANT WORKSHOPS

The California Department of Transportation (Caltrans) District 11 will host two Transportation Planning Grant Workshops for the Fiscal Year 2018-2019 Grant Program. A total of \$40.8 million is available through the following Caltrans Planning Grants:

- Sustainable Communities
- Adaptation Planning
- Strategic Partnerships
- Strategic Partnership—Transit



The grant workshops will provide potential applicants with an overview of the grants, an opportunity to pitch their ideas, and receive initial feedback.

For information, including list of eligible applicants, grant application guides, and required application templates, please review the new Grant Application Guides now available at: <http://www.dot.ca.gov/hq/tpp/grants.html>

Grant applications are due via email on Friday, February 23, 2018 at 5:00 p.m.

Workshop Dates & Times

Imperial County

Thursday, January 25

1:00 p.m. – 3:00 p.m.

Imperial County Transportation Commission
1503 N. Imperial Ave., Suite 104
El Centro, CA 92243

San Diego County

Monday, January 29

1:00 p.m. – 3:00 p.m.

Caltrans District 11 Office
4050 Taylor St., Garcia Room
San Diego, CA 92110

If you would like to receive a printed version of the grant guides at the workshop, please contact Barby Valentine at (619) 688-6003 or Barby.Valentine@dot.ca.gov

VI. INFORMATION / DISCUSSION CALENDAR

- A. 2016 REGIONAL TRANSPORTATION PLAN / SUSTAIN-
ABLE COMMUNITIES STRATEGY (RTP/SCS) -
AMENDMENT 3



1503 N IMPERIAL AVE SUITE 104
EL CENTRO, CA 92243-2875
PHONE: (760) 592-4494
FAX: (760) 592-4410

January 19, 2018

Maria Nava-Froelich, Chair
Imperial County Transportation Commission
1503 N. Imperial Ave, Suite 104
El Centro, CA 92243

SUBJECT: 2016 Regional Transportation Plan/Sustainable Communities Strategy – Amendment 3

Dear Commission Members:

The Southern California Association of Governments (SCAG) has approved the regional 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) that has been accepted by the Air Resource Board. SCAG developed the RTP/SCS in collaboration with ICTC, other County Transportation Commissions, and local governments from the six county Southern California region through a bottoms-up, collaborative process. The RTP/SCS addresses many challenges including projected growth, changing demographics, climate change adaptation, housing needs, and transportation demands.

SCAG has opened Amendment 3 of the 2016 RTP/SCS for any changes to existing projects or adding new projects. Projects listed in the RTP/SCS must be of regional significance and increase the road capacity. ICTC will be preparing to submit one project as part of Amendment 3.

Lead Agency	Project Description	Project Type
ICTC	Expansion of the Calexico East Port of Entry – Phase 1: widen bridge over the All American Canal. Phase 2: increase the number of Commercial Vehicle lanes from existing 3 to 6 lanes; add 6 new northbound Privately Owned Vehicle (POV) lanes; pedestrian pathway improvements including shaded sidewalks and transit lot (pick-up and drop-off area).	Existing project – amending project description

This is an information item only and does not require any action.

Sincerely,

A handwritten signature in blue ink that reads 'Mark Baza'.

MARK BAZA
Executive Director

**CITIES OF BRAWLEY, CALEXICO, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND,
IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL**

VI. INFORMATION / DISCUSSION CALENDAR

B. SENATE BILL 1 TRADE CORRIDOR ENHANCEMENT PROGRAM—GRANT APPLICATIONS



1503 N IMPERIAL AVE SUITE 104
EL CENTRO, CA 92243-2875
PHONE: (760) 592-4494
FAX: (760) 592-4410

January 19, 2018

Maria Nava-Froelich, Chair
Imperial County Transportation Commission
1503 N. Imperial Ave, Suite 104
El Centro, CA 92243

SUBJECT: Senate Bill 1 Trade Corridor Enhancement Program – Grant Applications

Dear Commission Members:

Senate Bill 1 (SB 1) provides an ongoing source of state funding dedicated to freight-related projects by establishing the new Trade Corridor Enhancement Program (TCEP). The objective of the TCEP is to fund infrastructure improvements on federally designated Trade Corridors of National and Regional Significance, on the Primary Freight Network, as identified in the California Freight Mobility Plan, and along other corridors that have a high volume of freight movement as determined by the California Transportation Commission.

Caltrans District 11 in partnership with the Imperial County Transportation Commission (ICTC) will be submitting the following two applications under the Trade Corridor Enhancement Program:

Project Description	Work Phase	Funding Amount
Expansion of the Calexico East Port of Entry – widen bridge over the All American Canal	Environmental & Design	\$3 Million
State Route 98 Widening Phase 1C between Ollie Avenue and Rockwood Avenue	Construction	\$7 Million

The projects submitted under this call of TCEP are part of Imperial County's freight network priority needs. If awarded, the projects would alleviate congestion, decrease cross border wait times, and enhance international trade and commerce for the Imperial Valley Region.

This is an information item only and does not require any action.

Sincerely,

A handwritten signature in blue ink that reads 'Mark Baza'.

MARK BAZA
Executive Director

CITIES OF BRAWLEY, CALEXICO, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND,
IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL

VII. ACTION CALENDAR

VII. ACTION CALENDAR

A. Rotation of Chair and Vice-Chair Positions



IMPERIAL COUNTY
TRANSPORTATION COMMISSION

1503 N. IMPERIAL AVE., SUITE 104
EL CENTRO, CA 92243-2875
PHONE: (760) 592-4494
FAX: (760) 592-4410

January 19, 2018

Maria Nava-Froelich, Chair
Imperial County Transportation Commission
1503 N. Imperial Ave Suite 104
El Centro, CA 92243

SUBJECT: Rotation of Chair and Vice-Chair Positions

Dear Commission Members:

The ICTC Commission has historically rotated the Chair and Vice Chair positions from amongst the member agencies. Both of these positions serve for a period of approximately one year. Attached is a review of Chair positions since 2004.

It is requested that the Commission take any appropriate action in the consideration of the rotation and assignment of the two positions.

Sincerely,

MARK BAZA
Executive Director

**CITIES OF BRAWLEY, CALEXICO, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND,
IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL**

IVAG / ICTC CHAIR AND VICE CHAIRS

	CHAIR	VICE CHAIR
calendar year		
2017	Calipatria	County
2016	Holtville	Imperial
2015	IID	Holtville
2014	Westmorland	IID
2013	County	Westmorland
2012	El Centro	County
2011	Holtville	El Centro
2010	Brawley	Calipatria
2009	Imperial	Holtville
2008	Calexico	Imperial
2007	Calipatria	Calexico
2006	Brawley	Calipatria
2005	Westmorland	Brawley
2004	Imperial	Westmorland

Previous number of appointments from 2004 to the present

Brawley	2	Brawley	1
Calipatria	2	Calipatria	1
Calexico	1	Calexico	1
El Centro	1	El Centro	1
Holtville	2	Holtville	2
Imperial	2	Imperial	2
Westmorland	2	Westmorland	2
County	1	County	2
IID	1	IID	1

VII. ACTION CALENDAR

VII. ACTION CALENDAR

B. Draft Regional Collaboration (RC) Budget, FY 2017-2018



1503 N. IMPERIAL AVE., SUITE 104
EL CENTRO, CA 92243-2875
PHONE: (760) 592-4494
FAX: (760) 592-4410

January 19, 2018

Maria Nava-Froelich, Chair
Imperial County Transportation Commission
1503 N. Imperial Avenue, Suite 104
El Centro, CA 92243

SUBJECT: Draft Regional Collaboration (RC) Budget, FY 2017-2018

Dear Commission Members:

ICTC, in partnership with the Imperial Valley Economic Development Corp. (IVEDC) submitted a grant to the U.S. Environmental Protection Agency (EPA) and was awarded a grant for \$300,000 under the *Brownfields Assessment* program.

The identification and future cleanup of brownfields sites plays a key role in maximizing redevelopment opportunities to encourage private investment and transform blighted, vacant, and/or underutilized areas into thriving communities. ICTC and IVEDC's redevelopment strategy focuses on infill, mixed-use, and transit-oriented development designed to attract patrons to the City of Brawley's downtown corridor, while providing access to more retail and service oriented establishments.

The activities covered under this EPA grant include consultant conducted environmental site assessments which will help identify the presence or potential presence of hazardous substances and petroleum within the identified target area.

A Request for Proposal from qualified environmental engineering firms is also under development. A recommendation for contract award is scheduled to be brought to the Commission for award in March 2018.

A new budget unit entitled "Regional Collaboration" (7557001) has tentatively been created to track the grant revenues and expenditures. This budget unit is separate from other ICTC transit and transportation related projects.

CITIES OF BRAWLEY, CALEXICO, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND, IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL

This budget proposes expenditures for contract administration, grant reporting and related staffing expense, as well as, funding for consultant and other office related expenses.

The Draft Regional Collaboration Budget is hereby presented for your review and recommendation prior to finalization for approval to our ICTC Board. The RC Budget is balanced and provides for development and implementation of this specific project. It is anticipated that future non transit or non-transportation related projects would also use this budget unit with amendments in the future.

The ICTC Management Committee met on January 10, 2018 and forwards this item to the Commission for review and approval after public comment, if any:

1. Approve the Draft Regional Collaboration Budget for FY 2017-2018

Sincerely,



MARK BAZA
Executive Director

MB/ksw/cl

Attachments

VII. ACTION CALENDAR

VII. ACTION CALENDAR

C. SCAG – ICTC Memorandum of Understanding (MOU)



IMPERIAL COUNTY
TRANSPORTATION COMMISSION

1503 N. IMPERIAL AVE., SUITE 104

EL CENTRO, CA 92243-2875

PHONE: (760) 592-4494

FAX: (760) 592-4410

January 19, 2018

Maria Nava-Froelich, Chair
Imperial County Transportation Commission
1503 N. Imperial Ave., Suite 104
El Centro, CA 92243

SUBJECT: SCAG – ICTC Memorandum of Understanding (MOU)

Dear Commission Members:

SCAG seeks to enter into a Memorandum of Understanding (MOU) with ICTC to cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning and programming processes, in accordance with 23 CFR 450.314

This MOU reflects the most recent metropolitan transportation planning regulations as set forth under 23 CFR Section 450.314, which requires that SCAG, the State and providers of public transportation to cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process, including specific provisions including but not limited to the development of financial plans that support the Regional Transportation Plan, Federal Transportation Improvement Program (FTIP), and the development of the annual listing of obligated projects.

An MOU between SCAG and the other subregions has been in effect for several years. This is the first opportunity for ICTC to enter into the same type of MOU.

The ICTC Management Committee met on January 10, 2018 and forwards this item to the Commission for review and approval after public comment, if any:

1. Authorize the Chairperson to sign the SCAG – ICTC Memorandum of Understanding (MOU) 2018.
2. Direct staff to forward the MOU to SCAG for further processing.

Sincerely,

MARK BAZA
Executive Director

MB/ksw/cl

**CITIES OF BRAWLEY, CALEXICO, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND,
IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL**

Memorandum of Understanding (MOU)
By and Between the Southern California Association of Governments (SCAG) and
Imperial County Transportation Commission (ICTC)

This Memorandum of Understanding (MOU), is entered into and effective this _____ day of _____, 2018, by and between the Southern California Association of Governments (SCAG) and Imperial County Transportation Commission (ICTC), to cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning and programming processes, in accordance with 23 CFR 450.314. ICTC and SCAG are collectively referred to herein as the "Parties."

RECITALS

WHEREAS, SCAG is a Joint Powers Agency formed pursuant to Section 6502 of the California Government Code;

WHEREAS, SCAG is the designated Metropolitan Planning Organization (MPO) for the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura, pursuant to Title 23, United States Code Section 134(d);

WHEREAS, SCAG is responsible for maintaining a continuing, cooperative, and comprehensive transportation planning process which involves preparation, adoption and update of a Regional Transportation Plan (RTP), pursuant to Title 23, United States Code Section 134 *et seq.*, Title 49, United States Code Section 5303 *et seq.*, and Title 23, Code of Federal Regulations (CFR) Section 450 *et seq.*;

WHEREAS, SCAG is the multicounty designated transportation planning agency pursuant to Public Utilities Code Section 130004 and California Government Code Section 29532 and is responsible for preparation, adoption and update of the RTP every four years, pursuant to California Government Code Section 65080 *et seq.*;

WHEREAS, pursuant to Senate Bill (SB) 375 (Steinberg, 2008) as codified in Government Code Section 65080(b) *et seq.*, SCAG is also required to prepare a Sustainable Communities Strategy (SCS) for incorporation into the RTP that demonstrates how the region will meet its greenhouse gas (GHG) reduction targets as set forth by the California Air Resources Board (ARB);

WHEREAS, the SCAG Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) sets forth the long-range regional plans and strategies for transportation improvements and regional growth throughout the SCAG region;

WHEREAS, the RTP/SCS consists of a financially constrained plan and strategic plan. The constrained plan includes projects that have committed, available or reasonably available revenue sources, and are thus probable for implementation. The strategic plan is for information purposes only and identifies potential projects that require additional study,

consensus building, and identification of funding sources before making the decision as to whether to include these projects in a future RTP/SCS constrained plan;

WHEREAS, SCAG is further responsible for preparing and adopting the Federal Transportation Improvement Program (FTIP) (known as the regional transportation improvement program under state law) every two years pursuant to Government Code Sections 14527 and 65082, and Public Utilities Code Section 130301 *et seq.*;

WHEREAS, in non-attainment and maintenance areas for transportation-related criteria pollutants, the MPO, as well as the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), must make a conformity determination on any updated or amended RTP in accordance with the federal Clean Air Act to ensure that federally supported highway and transit project activities conform to the purpose of the State Implementation Plan (SIP);

WHEREAS, pursuant to Government Code Section 65080 (b)(2)(F) and federal public participation requirements including 23 CFR Section 450.316(b)(1)(iv), SCAG must prepare the RTP/SCS by providing adequate public notice of public involvement activities and time for public review. The SCAG Public Participation Plan, as amended and adopted on April 3, 2014, serves as a guide for SCAG's public involvement process, including the public involvement process to be used for the RTP/SCS and an enhanced outreach program that incorporates the public participation requirements under SB 375 and adds strategies to better serve the underrepresented segments of the region;

WHEREAS, in 2007, to coordinate metropolitan transportation planning in accordance with federal law, SCAG entered into Memoranda of Understanding with providers of public transportation in five other counties in the region, including County Transportation Commissions (CTCs) and transit operators;

WHEREAS, in 2009, the Imperial County Transportation Commission (ICTC) was established pursuant to Senate Bill 607 (Ducheny) and amended by Senate Bill 1318 (Lowenthal);

WHEREAS, SCAG now seeks to enter into a Memorandum of Understanding with ICTC to reflect most recent metropolitan transportation planning regulations as set forth under 23 CFR Section 450.314, which requires SCAG, the State and providers of public transportation to cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process, including specific provisions for the development of financial plans that support the RTP and FTIP, and development of the annual listing of obligated projects;

WHEREAS, SCAG has entered into a separate Memorandum of Understanding with the State of California Department of Transportation, updated and effective July 7, 2017, in accordance with 23 CFR Section 450.314;

WHEREAS, ICTC is a County Transportation Commission created pursuant to Public Utilities Code Section 132800 and is charged pursuant thereto for approval of all projects in Imperial County utilizing federal and state highway and transit funds and is responsible for transportation programming and long and short range transportation planning in Imperial County;

WHEREAS, ICTC, branded as Imperial Valley Transit, provides transit service within Imperial County; and

WHEREAS, the Parties desire to utilize this MOU to specify cooperative procedures for carrying out the metropolitan transportation planning process as required by 23 CFR 450.314 and any successors thereto, and as may be subject to any final rule-making.

NOW, THEREFORE IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS PROVIDED FOR HEREIN, THE PARTIES HEREBY AGREE AS FOLLOWS:

Section I

PLANNING AND COORDINATION PROCESS

- 1.1 **SCAG's Role:** SCAG is the agency with the overall responsibility for continuous, comprehensive and coordinated regional transportation planning in the six county SCAG region. In accordance with applicable federal and state laws these responsibilities primarily include but are not limited to preparation and adoption of the RTP/SCS and FTIP.
- 1.2 **ICTC's County Transportation Commission Role:** ICTC is responsible for continuous, comprehensive and coordinated transportation and transit planning, and project implementation within Imperial County. These responsibilities include but are not limited to the development and adoption of the County Transportation Improvement Program (TIP) for Imperial County, development of corridor and sub-regional studies, short and long range transit planning and allocation of transit funds in Imperial County. ICTC is also responsible for ensuring that the Imperial County transit projects, plans and programs identified in ICTC's Congestion Management Program (CMP) and through other activities and the County TIPs for Imperial County are recommended to SCAG for inclusion in the RTP, FTIP, and regional transportation studies.
- 1.3 **Certification and Assurances:** In carrying out their respective responsibilities under this MOU, each party shall comply with the requirements and any successors thereto, referenced in SCAG's annual Certifications and Assurances (FHWA and FTA "Metropolitan Transportation Planning Process Certification") submitted as part of SCAG's Overall Work Program, including but not limited to:

- a. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21 and related federal guidelines including but not limited to FTA Circular 4702.1;
- b. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- c. Section 1101(b) of the FAST Act (Pub. L. 114-94) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- d. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- e. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
- f. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- g. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- h. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

1.4 Coordination Process: SCAG shall engage in a consultative process with ICTC, in accordance with applicable federal and state laws and regulations, and successors thereto, pertaining to the roles and responsibilities of the Parties in metropolitan transportation planning.

- a. SCAG shall provide timely notice of the opportunity to comment on its Draft RTP and Draft FTIP to the parties and the opportunity to participate in Overall Work Program development.
- b. SCAG shall continue maintaining the Regional Transit Technical Advisory Committee or a successor group, to provide a forum for ICTC, other CTCs, and Transit Operators, to participate in the metropolitan transportation planning process.
- c. ICTC agrees to participate in SCAG's Technical Working Group or any successor group established to serve the same function which shall also serve as a forum to ensure that local transportation projects, plans and programs are effectively integrated into the RTP and FTIP updates.
- d. The Executive Officers of SCAG and the CTCs shall continue to meet regularly to ensure executive coordination of regional/county/local transportation issues, including issues regarding transit coordination.
- e. The Parties shall cooperatively develop an annual listing of projects for which funds under 23 U.S.C. or 49 U.S.C. Chapter 53 were obligated in the preceding program year, in accordance with 23 CFR 450.334.
- f. The Parties shall cooperatively develop estimates of funds that will be available to support RTP/SCS implementation, and reasonable financial principles and

- information that support revenue and cost estimates, to be used in the RTP and FTIP financial plan, in accordance with 23 CFR 450.324(f)(11).
- g. The Parties agree to collaborate to implement federal performance reporting and performance-based planning provisions in accordance with 23 CFR 450.306(d)(2)(iii), and subject to applicable final rulemaking. The Parties further agree to coordinate to the maximum extent practicable in the selection of performance targets, and will cooperatively develop and share information related to transportation performance data, the selection of performance targets, the reporting of performance targets, and the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the SCAG region, in accordance with 23 CFR 450.314(h)(1).
 - h. To aid in the planning process, ICTC shall make available to SCAG their Transit Asset Management Plan and any supporting records or documents, performance targets, investment strategies, and annual condition assessment report, upon request of SCAG and in accordance with the RTP/SCS development schedule, in order to fulfill requirements of 49 CFR 625.53.
 - i. SCAG shall integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in the Transit Asset Management Plans and Public Transportation Agency Safety Plans developed by providers of public transportation, in accordance with 23 CFR 450.306(d)(4).
 - j. ICTC may choose to rely on SCAG's public participation process associated with the FTIP development to satisfy the requirement for public participation in developing the FTA Section 5307 program of projects (POP). SCAG agrees to incorporate in the FTIP document(s) an explicit statements reflecting that public notice of public involvement activities and time established for public review and comment on the FTIP will satisfy the POP requirements of the Section 5307 Program.

Section 2

General Provisions

- 2.1 **Drafting:** This MOU has been prepared by all parties and has been reviewed and endorsed by each.
- 2.2 **Amendments:** This MOU may be amended only by the execution by all parties of a written amendment.
- 2.3 **Indemnity:** Each of the parties to this MOU is a public entity. Pursuant to Government Code Section 895.4, each party shall indemnify, defend and hold each of the other parties, and their respective officers, agents and employees harmless from and against any liability and expenses, including defense costs, any costs or liability on account of bodily injury, death or personal injury of any person or for damage to or loss of property,

any legal fees and any claims for damages attributable only to performance of the responsibilities as set forth in Section 1 (Planning and Coordination Process) of this MOU by the indemnifying party (Indemnitor) or its officers, agents employees, contractors and subcontractors under this MOU, except to the extent caused by the negligence or willful misconduct of an indemnified party (Indemnitee).

- 2.4 Termination:** Any party may terminate this MOU upon ninety (90) days written notice to each party, providing that the notice of termination set forth the effective date of termination and the reason for termination. Additionally, the notice of termination shall provide that the parties during the period prior to the effective date of termination shall meet to try to resolve any dispute. In the event that the termination is for cause, the termination shall not be effective if the party cures the default in its performance within the ninety day period.
- 2.5 Jurisdiction and Venue:** This MOU shall be deemed an Agreement under the laws of the State of California and for all purposes shall be interpreted in accordance with such laws. All parties hereby agree and consent to the exclusive jurisdiction of the courts of the State of California and that the venue of any action brought hereunder shall be in Los Angeles County, California.
- 2.6 Non-assignment:** No party may assign this MOU, or any part thereof, without the written consent of each party to this MOU.
- 2.7 Notice:** Any notice or notices required or permitted to be given pursuant to this MOU may be personally served on the other party by the party giving such notice, or may be served by certified mail, return receipt requested, to the following addresses:

Executive Director
Southern California Association of Governments
818 West 7th Street, 12th Floor
Los Angeles, California 90017-3435

Executive Director
Imperial County Transportation Commission
1503 N. Imperial Ave., Suite 104
El Centro, CA 92243

Each undersigned party agrees to notify the other party of any changes to the address for receipt of Notices.

- 2.8 Effective Date:** This MOU shall be effective on the date (meaning the last date indicated below) all parties have fully executed this MOU.
- 2.9 Execution of Agreement or Amendments:** This MOU, or any amendment related

thereto (Amendment), may be executed in multiple counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same agreement. The signature page of this MOU or any Amendment may be executed by way of a manual or authorized digital signature. Delivery of an executed counterpart of a signature page to this MOU or an Amendment by electronic transmission scanned pages shall be deemed effective as a delivery of a manually or digitally executed counterpart to this MOU or any Amendment.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed by their duly authorized representatives on the dates set forth below.

The Southern California Association of Governments (“SCAG”)

By: _____ Date: _____
Hasan Ikhata
Executive Director

Approved as to Form:

_____ Date: _____
Joanna Africa
Chief Counsel/Director of Legal Services

Imperial County Transportation Commission (“ICTC”)

By: _____ Date: _____
Mark Baza
Executive Director

Approved as to Form:

_____ Date: _____
Eric Havens, Deputy County Counsel

VII. ACTION CALENDAR

- D. Memorandum of Agreement (MOA) between the Imperial County Transportation Commission (ICTC) and Imperial Valley Economic Development Corporation (IVEDC) – Brownsfield Assessment Project



1503 N. IMPERIAL AVE., SUITE 104
EL CENTRO, CA 92243-2875
PHONE: (760) 592-4494
FAX: (760) 592-4410

January 19, 2018

Maria Nava-Froelich, Chair
Imperial County Transportation Commission
1503 N. Imperial Ave Suite 104
El Centro, CA 92243

SUBJECT: Memorandum of Agreement (MOA) between the Imperial County Transportation Commission (ICTC) and Imperial Valley Economic Development Corporation (IVEDC) – Brownsfield Assessment Project

Dear Commission Members:

The Imperial County Transportation Commission (ICTC) was awarded a grant from the U.S. Environmental Protection Agency (EPA) to conduct Community Brownsfield Assessment focused on the City of Brawley's downtown area and transit corridor. The grant award identifies IVEDC as a co-lead and project partner. ICTC will serve as the administrative agency handling the procurement of the project and IVEDC will work with the selected consultant to carry out the day to day work in cooperation with ICTC. The attached memorandum of agreement establishes the roles and responsibilities between ICTC and IVEDC required for administration and completion of the project. The funding summary for the project is as follows:

Grant Funds:	\$ 300,000
Consultant Services:	\$ 257,980
ICTC/IVEDC Staff Support & Travel:	\$ 42,020
Total Project Cost	\$ 300,000

The project will have additional in-kind contributions from ICTC, IVEDC and other coalition partners. The proposed Brownsfield Assessment project will identify site specific opportunities to assess and develop a plan for remediation. The assessment will provide grant opportunities to implement remediation and subsequent opportunities for redevelopment.

**CITIES OF BRAWLEY, CALEXICO, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND,
IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL**

Maria Nava-Froelich, Chair (2)
Imperial County Transportation Commission

January 19, 2018

The ICTC Management Committee met on January 10, 2018 and forwards this item to the Commission for review and approval after public comment, if any:

1. Authorize the Chairman to sign the Memorandum of Agreement between Imperial County Transportation Commission and Imperial Valley Economic Development Corporation (IVEDC) for the Brownsfield Assessment Project.

Sincerely,



MARK BAZA
Executive Director

MB/cl

Attachments

1 **MEMORANDUM OF AGREEMENT**

2 THIS MEMORANDUM OF AGREEMENT (“MOA”), entered into this _____ day of
3 _____, 2018, is by and between the IMPERIAL COUNTY TRANSPORTATION
4 COMMISSION (“ICTC”), and the IMPERIAL VALLEY ECONOMIC DEVELOPMENT
5 CORPORATION, a California corporation (“IVEDC”), (individually, “Party;” collectively, “Parties”).

6 **RECITALS**

7 **WHEREAS** the U.S. Environmental Protection Agency’s (“EPA”) Brownfields Program
8 (“Program”) provides funds to empower states, communities, tribes, and nonprofits to prevent,
9 inventory, assess, clean up, and reuse brownfields sites; and

10 **WHEREAS** a “brownfields site” is defined by the EPA as “real property, the expansion,
11 redevelopment, or reuse of which may be complicated by the presence or potential presence of
12 hazardous substances, pollutants, contaminants, controlled substances, petroleum or petroleum
13 products, or is mine-scarred land”; and

14 **WHEREAS** ICTC has been selected to receive a Brownfields Assessment Grant award of three
15 hundred thousand dollars (\$300,000) for three (3) years which will be used to identify, assess, and
16 redevelop brownfields sites in Brawley, California; and

17 **WHEREAS** ICTC will be the Lead Coalition Member and IVEDC will be a Coalition Partner.

18 **NOW THEREFORE**, for and in consideration of the mutual promises set out herein, ICTC and
19 IVEDC have and hereby agree as follows:

20 1. On _____, EPA awarded the Brownfields Assessment Grant to ICTC,
21 the Lead Coalition Member. This MOA shall commence on _____ and shall
22 remain in effect through _____.

23 2. ICTC is responsible to EPA for management of the Cooperative Agreement and
24 compliance with the statutes, regulations, and terms and conditions of the award, and ensuring that all
25 members of the coalition are in compliance with the terms and conditions.

26 3. It is the responsibility of ICTC and IVEDC to provide timely information to the other
27 Coalition Members regarding the management of the Cooperative Agreement and any changes that may
28 be made to the Cooperative Agreement over the period of performance.

1 4. Activities funded through the Cooperative Agreement may include inventory preparation, site
2 selection criteria development, assessments, planning (including cleanup planning) relating to brownfields sites,
3 and outreach materials and implementation, and other eligible activities. ICTC may retain consultant(s) and
4 contractors under 40 CFR 30.36 to undertake various activities funded through the cooperative agreement and
5 may award subgrants to other coalition members under 40 CFR 31.37 for assessment projects in their geographic
6 areas. Subgrantees are accountable to ICTC for proper expenditure of funds.

7 5. ICTC will procure the consultant(s) in compliance with 40 CFR 31.36 requirements. ICTC
8 will issue the Request for Proposals or Request for Qualifications and will be the entity responsible for
9 receipt of the submitted proposals and selection and award of contracts. ICTC will consult with IVEDC
10 and other coalition members in making selections of consultants and contractors and negotiating the terms
11 of agreements.

12 6. ICTC, in consultation with IVEDC and the Coalition Partners, will work to develop a site
13 selection process based on agreed upon factors and will ensure that a minimum of five sites are assessed
14 over the life of the cooperative agreement. Selected sites will be submitted to EPA for prior approval to
15 ensure eligibility.

16 7. Upon designation of the specific sites, it will be the responsibility of ICTC and IVEDC to
17 work with the appropriate coalition member in whose geographic area the site is located to finalize the
18 scope of work for the consultant or contractor. It will be the responsibility of this member and consultant or
19 contractor to obtain all required permits, easements, and/or access agreements as may be necessary to
20 undertake assessments at the selected site(s). If this member does not have the capacity to perform these
21 activities, then ICTC, IVEDC, or consultant may assist in securing necessary site access agreements and
22 permits with support from the consultant or contractor team.

23 8. ICTC and IVEDC are responsible for ensuring that other activities as negotiated in the
24 workplan, such as community outreach and involvement, are implemented in accordance with a schedule
25 agreed upon by ICTC, IVEDC, and the coalition member in whose geographic area the site to be assessed is
26 located.

27 9. Anything to the contrary herein notwithstanding, IVEDC understands and agrees that all
28 EPA-mandated terms shall be deemed to control in the event of a conflict with other provisions

1 contained in this MOA. IVEDC shall not perform any act, fail to perform any act, or refuse to comply
2 with any ICTC requests which would cause ICTC to be in violation of EPA's terms and conditions.

3 10. Parties agree to comply with all guidelines, requirements, and conditions associated with
4 the grant of EPA funds as specified in the FY17 Guidelines for Brownfields Assessment Grants
5 (attached hereto as **Exhibit "A"** and incorporated herein by this reference). Parties also understand and
6 agree to comply with all Federal, State, and Local rules and regulations with respect to their roles in the
7 Program.

8 11. Parties agree that they are entering into this MOA with the understanding that funding
9 for the Program will be provided by the EPA's Brownfields Program. Should circumstances change
10 such that funding is not provided, then this MOA shall become null and void.

11 12. Parties, on their own behalf and the behalf of its agents and employees, agree that each
12 is acting in an independent capacity and not as an agent, officer, or employee of either of the other
13 Parties.

14 13. IVEDC shall allow ICTC or its designated agent(s) to audit its books and records
15 relating to its use of the grant funds, provided ICTC gives IVEDC ten (10) working days notice of its
16 intent to conduct such an audit. IVEDC shall also direct a Certified Public Accountant to prepare
17 audits both annually and when the Program is completed for submission to ICTC at IVEDC's expense.

18 14. Parties represent and warrant that the people executing this MOA on their respective
19 behalf have the authority to sign this MOA and bind all Parties to the performance of all duties and
20 obligations assumed herein.

21 15. It is understood and agreed that IVEDC and ICTC maintain insurance policies or
22 self-insurance programs to fund their respective liabilities. Parties agree that such respective programs
23 or policy coverage for Workers' Compensation shall contain a waiver of subrogation as to the other
24 Party and each of its members, board members, officers, officials, employees and agents. Evidence of
25 Insurance, e.g., Certificates of Insurance or other similar documentation, shall not be required of either
26 Party under this MOA.

27 16. IVEDC shall indemnify, hold harmless and defend ICTC and each of its members, board
28 members, officers, officials, employees and agents from any and all loss, liability, fines, penalties,

1 forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to
2 personal injury, death at any time and property damage) incurred by IVEDC, ICTC or any other person,
3 and from any and all claims, demands and actions in law or equity (including attorney's fees and
4 litigation expenses), arising or alleged to have arisen directly or indirectly from the negligent or
5 intentional acts or omissions, or willful misconduct of IVEDC or any of its members, board members,
6 officers, officials, employees or agents in the performance of this MOA.

7 ICTC shall indemnify, hold harmless and defend IVEDC and each of its members, board
8 members, officers, officials, employees and agents from any and all loss, liability, fines, penalties,
9 forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to
10 personal injury, death at any time and property damage) incurred by ICTC, IVEDC or any other person,
11 and from any and all claims, demands and actions in law or equity (including attorney's fees and
12 litigation expenses), arising or alleged to have arisen directly or indirectly from the negligent or
13 intentional acts or omissions, or willful misconduct of ICTC or any of its members, board members,
14 officers, officials, employees or agents in the performance of this MOA.

15 In the event of concurrent negligence on the part of IVEDC and any of its members, board
16 members, officers, officials, employees and agents, and ICTC or any of its members, board members,
17 officers, officials, employees and agents, the liability for any and all such claims, demands and actions
18 in law or equity for such losses, fines, penalties, forfeitures, costs and damages shall be apportioned
19 under the State of California's theory of comparative negligence as presently established or as may be
20 modified hereafter.

21 This section shall survive termination or expiration of this MOA.

22 17. Both Parties retain the right to terminate this MOA with or without cause by notifying
23 the other Party in writing thirty (30) days prior to termination.

24 18. Nothing herein contained shall be construed to create, and the Parties hereto expressly
25 disclaim any intent to create, any form of agency relationship, joint venture, or partnership.

26 19. If any term or provision of this MOA, or the application of such provision to a particular
27 situation, is held by a court of competent jurisdiction to be void, invalid or otherwise unenforceable, the
28 remaining terms and provisions shall continue in full force and effect.

1 **IN WITNESS WHEREOF**, the Parties have executed this MOA on the day and year first
2 above written.

3 **IMPERIAL COUNTY**
4 **TRANSPORTATION COMMISSION:**

IMPERIAL VALLEY ECONOMIC
DEVELOPMENT CORPORATION:

5
6 By: _____

7
8 Chairman

By: _____

Timothy Kelley
Chief Executive Officer

9 **ATTEST:**

10
11
12 By: _____

13 CRISTI LERMA
14 Secretary to the Commission

15 **APPROVED AS TO FORM:**

16
17 KATHERINE TURNER
18 County Counsel

19
20 By: _____

21 SARAH SAUER
22 Deputy County Counsel

EXHIBIT A

OVERVIEW

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

TITLE: FY17 Guidelines for Brownfields Assessment Grants

ACTION: Request for Proposals (RFP)

RFP NO: EPA-OLEM-OBLR-16-08

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

DATES: The closing date and time for receipt of proposals is December 22, 2016, 11:59 p.m. Eastern Time (ET). Proposals must be submitted through www.grants.gov. Proposals received after 11:59 ET on December 22, 2016 will not be considered. Please refer to Section IV.B., *Due Date and Submission 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 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.

Under these guidelines, EPA is seeking proposals for **Assessment Grants only**. If you are interested in requesting funding for Cleanup Grants, please refer to announcement EPA-OLEM-OBLR-16-09 (Cleanup Grant Guidelines) posted separately on www.grants.gov and www.epa.gov/brownfields/apply-brownfields-grant-funding.

Note: A solicitation for new Revolving Loan Fund (RLF) Grants will not be issued in FY17. EPA expects to solicit requests from existing, high-performing RLF grantees for supplemental funding through a Federal Register notice in early 2017.

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 cooperative agreements awarded under these guidelines.

EPA urges applicants to review the Frequently Asked Questions, which can be found at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf.

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

FUNDING/AWARDS: The total funding available under the national competitions for Assessment and Cleanup Grants is estimated at \$54 million subject to the availability of funds and other applicable considerations. EPA may expend up to 25 percent of the amount

appropriated for Brownfields Grants on sites contaminated with petroleum. EPA anticipates awarding an estimated 294 grants among assessment and cleanup grant types. Under this competitive opportunity, EPA anticipates awarding an estimated 234 Assessment Grants for an estimated \$42 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 revolving loan funds.

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.

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.

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 target communities; a vision for the reuse and redevelopment of brownfield sites and the capability to achieve that vision; reasonable and eligible tasks and use of grant funding; incorporation of equitable and sustainable approaches; community engagement, partnerships and leveraged resources to complete the project; and economic, environmental, health, and social benefits associated with the reuse and redevelopment of brownfield sites.

I.A. Description of Grant

Assessment Grants provide funding for developing inventories of brownfields, prioritizing sites, conducting community involvement activities, 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. Refer to Section VI. for a list of certain grant and programmatic requirements.

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.

Assessment Grant Option Summary

1. Community-Wide	2. Site-Specific	3. Coalition
<p>NEW: Up to \$200,000 for hazardous substances OR \$200,000 for petroleum</p> <p>Up to \$300,000 for hazardous substances AND petroleum; where the amount of hazardous substances or petroleum does not exceed \$200,000 for any individual type of grant funding</p>	<p>Up to \$200,000 for hazardous substances, or petroleum, or combination of both types of funding</p>	<p>Up to \$600,000 for hazardous substances, or petroleum, or combination of both types of funding</p>
<p>No waiver of funding limit</p>	<p>May request a waiver for up to \$350,000</p>	<p>No waiver of funding limit</p>
<p>Maximum amount for hazardous substances OR petroleum: \$200,000</p> <p>Maximum amount for hazardous substances AND petroleum: \$300,000; not exceed \$200,000 for any individual type of grant funding</p>	<p>Maximum amount: \$350,000</p>	<p>Maximum amount: \$600,000</p>
<p>May also apply for a Site-specific Grant; may not apply as a member of a coalition</p>	<p>May also apply for a Community-wide Grant; may not apply as a member of a coalition</p>	<p>May not apply for an individual Community-wide or Site-specific Grant or as part of another coalition</p>

1. Community-Wide Assessment Grants

For Community-wide proposals, applicants may request hazardous substances funding¹ for sites with potential contamination of hazardous substances, pollutants, or contaminants and petroleum funding² for sites with potential petroleum contamination. Applicants may apply for up to \$200,000 in hazardous substances funding **or** up to \$200,000 in petroleum funding.

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 substances funding, please refer to the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_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.

Applicants applying for both hazardous substances funding **and** petroleum funding may request a combined total up to \$300,000; however, the request for hazardous substances funding or petroleum funding cannot exceed \$200,000 for any one individual type of grant funding. For example, an applicant may apply for \$200,000 in hazardous substances funding and \$100,000 in petroleum funding. Applicants may either combine requests for hazardous substances funding and petroleum funding into one proposal for up to \$300,000 or applicants may submit separate proposals for a combined total up to \$300,000. 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.

2. Site-Specific Assessment Grants

For Site-specific proposals, applicants may request up to \$200,000 to address hazardous substances¹ or petroleum contamination² 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. appropriate to the contamination at the site.

If the site is co-mingled with both hazardous substances and petroleum contamination and the hazardous substances and petroleum-contaminated areas of the site are distinguishable, the proposal must 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 Brownfields Contact 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 (FAQs) at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf

3. Assessment Coalition Grants

Assessment Coalition 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, requesting funding up to \$600,000, 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. All Assessment Coalition 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. 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 on 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 may not be members of other coalitions or apply for their own assessment funding. A coalition member wishing to apply as part of a different coalition or as a separate applicant must withdraw from the coalition to be eligible for individual assessment funds.

For more information on a range of brownfields topics, please refer to the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf. If you do not have access to the Internet, you can contact your Regional Brownfields Contact 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 Circular 2 CFR 200 Subpart E.

2. A local government (as defined in 2 CFR 200.64, *Local Government*, and summarized in Section III.A. of these guidelines) 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; and

- b. monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance, pollutant, or contaminant from a brownfield site.
3. A portion of the brownfields grant may be used to purchase environmental insurance.

See the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf for additional information on purchasing environmental insurance.

Grant funds cannot be used for the payment of:

1. proposal preparation costs;
2. a penalty or fine;
3. a federal cost-share requirement (for example, a cost share required by other federal funds);
4. administrative costs, such as indirect costs of grant administration with the exception of financial and performance reporting costs;
5. a response cost at a brownfield site for which the recipient of the grant or loan is potentially liable under CERCLA §107;
6. a cost of compliance with any federal law, excluding the cost of compliance with laws applicable to the cleanup; or
7. unallowable costs (e.g., lobbying and fundraising) under OMB Circulars A-21, A-87, or A-122, as applicable.

See the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf for additional information on ineligible grant activities and ineligible costs.

I.C. EPA Strategic Plan Linkage

EPA's 2014-2018 Strategic Plan defines goals, objectives and sub-objectives for protecting human health and the environment. Brownfields Assessment Grants 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 at <http://www.epa.gov/planandbudget/strategicplan>.

I.D. 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. View EPA’s Order 5700.7A1 at

<https://www.epa.gov/sites/production/files/documents/common-elem-ref.pdf>.

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 (Sections IV.C.3.2., *Project Description and Feasibility of Success* and IV.C.3.4., *Project Benefits*). Outputs and outcomes 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 qualitative or quantitative; and may not necessarily be achievable during the project period. Expected outcomes of Brownfields Grants include the number of jobs created and 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 and other contamination.

I.E. Linking to HUD-DOT-EPA Partnership for Sustainable Communities, Sustainable and Equitable Development Outcomes, and Supporting Environmental Justice

Under the Project Benefits ranking criterion in Section IV.C.3.4., applicants will be evaluated on how their proposed Brownfield Assessment project will advance and incorporate sustainable practices such as the HUD-DOT-EPA Livability Principles discussed below. In addition, the proposal will be evaluated on the extent to which it will lead to sustainable and equitable development outcomes and will address environmental justice challenges as discussed below. EPA encourages applicants to provide specific examples of how the proposed Brownfield Assessment projects will work to remove economic, environmental and social barriers to make sustainable and equitable brownfields reuse of the highest priority.

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

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

Linking Brownfield Assessment Approaches to Sustainable and Equitable Development Outcomes

Applicants should incorporate sustainable and equitable reuse approaches into their proposed Brownfield Assessment projects. 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 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 also 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.

Linking Brownfield Assessment Approaches to Environmental Justice

Environmental justice can be supported through sustainable and equitable development approaches. EPA defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across the nation. Environmental justice will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.³

I.F. Regional Priorities

In the narrative proposal, applicants must include information on how their proposed Brownfields Assessment project will advance the regional priorities identified in the list below that apply to the region where the project will be performed. This information may be considered by the Selection Official as an “other factor,” as described in Sections V.B. and V.C. of the guidelines, during the selection process. If more than one priority is listed for a region then the applicant may include information on one or both of the priorities; although addressing both does not necessarily mean it will benefit them more than if they only address one. The information provided should clearly indicate how the project addresses the applicable priority for the region in which the project is located. For example, if applying to perform a project in US EPA Region 1, then describe how the project will address a regional priority listed for Region 1. Please see Section VII. to identify the region where your project is located.

Proposed projects must be for activities which inventory, characterize, assess and conduct planning relating to one or more brownfields sites.

Region	Regional Priority(ies)
1	<ul style="list-style-type: none"> <li data-bbox="354 1602 1365 1764">▪ Assistance to Communities That Have Limited In-House Capacity to Manage Brownfields Projects – This regional priority includes proposed projects that provide support to communities that have limited capacity or administrative infrastructure to effectively manage brownfields programs. Proposals that include partnerships among governmental entities having shared

³ For more information please visit www.epa.gov/environmentaljustice.

	<p>jurisdiction over the target sites (e.g. state, regional authorities, local governments) relate to this priority.</p> <p><u>OR</u></p> <ul style="list-style-type: none"> ▪ Coordinated Public Funding for Brownfields – This regional priority includes proposed projects that complement other brownfield efforts receiving federal, state or local funding or where the community is working with federal, state, or local governments to address their brownfields. EPA Region 1 is particularly interested in projects where the applicant has already been working with federal, state, or local agencies, or where funding has been received and the EPA grant would “fill the gaps” to establish a comprehensive approach to Brownfields site characterization, assessment, cleanup and redevelopment.
2	<ul style="list-style-type: none"> ▪ Assistance to Communities That Have Limited In-House Capacity to Manage Brownfields Projects – This regional priority includes proposed projects that provide support to communities that have limited capacity or administrative infrastructure to effectively manage brownfields programs. Proposals that include partnerships among governmental entities having shared jurisdiction over the target sites (e.g. state, regional authorities, local governments) relate to this priority. <p><u>OR</u></p> <ul style="list-style-type: none"> ▪ Climate Change Resiliency – This regional priority includes proposed projects which will advance or contribute to community climate change resiliency through the “green” use or reuse of existing infrastructure, protection of greenfields, or similar activities to address flooding due to sea level rise, stormwater runoff, or an extreme weather event.
3	<ul style="list-style-type: none"> ▪ Climate Change Resiliency – This regional priority includes proposed projects which will advance or contribute to community climate change resiliency through the “green” use or reuse of existing infrastructure, protection of greenfields, or similar activities to address flooding due to sea level rise, stormwater runoff, or an extreme weather event. <p><u>OR</u></p> <ul style="list-style-type: none"> ▪ Coordinated Public Funding for Brownfields – This regional priority includes proposed projects that complement other brownfield efforts receiving federal, state or local funding or where the community is working with federal, state, or local governments to address their brownfields. EPA Region 3 is particularly interested in projects where the applicant has already been working with federal, state, or local agencies, or where funding has been received and the EPA grant would “fill the gaps” to establish a comprehensive approach to Brownfields site characterization, assessment, cleanup and redevelopment.
4	<ul style="list-style-type: none"> ▪ Assistance to Communities That Have Limited In-House Capacity to Manage Brownfields Projects – This regional priority includes proposed projects that provide support to communities that have limited capacity or

	<p>administrative infrastructure to effectively manage brownfields programs. Proposals that include partnerships among governmental entities having shared jurisdiction over the target sites (e.g. state, regional authorities, local governments) relate to this priority.</p>
5	<ul style="list-style-type: none"> ▪ Coordinated Public Funding for Brownfields – This regional priority includes proposed projects that complement other efforts receiving federal, state or local funding or assistance. EPA Region 5 is particularly interested in projects that supplement publicly funded site characterization and remediation projects in Great Lakes Areas of Concern, projects that serve areas where there are already coordinated federal agency partnerships investing in brownfields, or similar sources of public funding that can be leveraged for brownfields purposes, or where funding has been received and the EPA grant would “fill the gaps” to establish a comprehensive approach to Brownfields site characterization, assessment, cleanup and redevelopment.
6	<ul style="list-style-type: none"> ▪ Assistance to Communities That Have Limited In-House Capacity to Manage Brownfields Projects – This regional priority includes proposed projects that provide support to communities that have limited capacity or administrative infrastructure to effectively manage brownfields programs. Proposals that include partnerships among governmental entities having shared jurisdiction over the target sites (e.g. state, regional authorities, local governments) relate to this priority. <p><u>OR</u></p> <ul style="list-style-type: none"> ▪ Improving Air Quality – This regional priority includes proposed projects which will reduce threats to human health (e.g. asthma and cancer) and the environment including assessment activities that support efforts to improve air quality in non-attainment areas affected by pollutants and contaminants such as ozone, particulate matter, sulfur-dioxide, oxides of nitrogen, lead, and carbon monoxide.
7	<ul style="list-style-type: none"> ▪ Assistance to Communities That Have Limited In-House Capacity to Manage Brownfields Projects – This regional priority includes proposed projects that provide support to communities that have limited capacity or administrative infrastructure to effectively manage brownfields programs. Proposals that include partnerships among governmental entities having shared jurisdiction over the target sites (e.g. state, regional authorities, local governments) relate to this priority. <p><u>OR</u></p> <ul style="list-style-type: none"> ▪ Coordinated Public Funding for Brownfields – This regional priority includes proposed projects that complement other brownfield efforts receiving federal, state or local funding or where the community is working with federal, state, or local governments to address their brownfields. EPA Region 7 is particularly interested in projects where the applicant has already been working with federal, state, or local agencies, or where funding has been received and

	<p>the EPA grant would “fill the gaps” to establish a comprehensive approach to Brownfields site characterization, assessment, cleanup and redevelopment.</p>
8	<ul style="list-style-type: none"> ▪ Protect/Enhance Water – This regional priority includes proposed projects which will reduce threats to human health and the environment from the release of hazardous substances, pollutants or contaminants, by supporting efforts to protect or enhance water supplies, including surface water, ground water and/or storm water infrastructure. EPA Region 8 is particularly interested in projects that improve or protect the quality of water associated with brownfield sites or whereby addressing the brownfield site it will reduce threats to nearby residents. <p><u>OR</u></p> <ul style="list-style-type: none"> ▪ Assistance to Small and Underserved Communities – This regional priority includes proposed projects that target the majority of the work at brownfield sites in small, rural and/or low-income communities unable to draw on other public or private sources of funds for environmental remediation. EPA Region 8 is particularly interested in projects that serve the needs of communities with populations of less than 50,000.
9	<ul style="list-style-type: none"> ▪ Leveraging New/Expanded Transit Investments to Reduce Air Pollution – This regional priority includes proposed projects that will reduce threats to human health (e.g. asthma and cancer) and the environment and support efforts to improve air quality through transit investments (e.g., site assessments that assist efforts to clear the right of way for transit infrastructure and transit-oriented redevelopment of Brownfield sites). Note: Examples of transit investments include, light rail, high-speed rail, bus rapid transit, new bus service, and bicycle infrastructure. EPA Region 9 is particularly interested in projects that reduce air pollution through the use of new or expanded transportation investments to use or reuse existing infrastructure or otherwise reduce vehicle miles traveled, and create walkable communities. <p><u>OR</u></p> <ul style="list-style-type: none"> ▪ Climate Change - Drought-Stricken Communities – This regional priority includes proposed projects which address climate change impacts caused by drought. EPA Region 9 is particularly interested in projects where the brownfield assessment, cleanup and reuse activities will reduce, prevent, or address climate change issues related to drought in order to reduce the threats to the health and welfare of vulnerable populations and lessen environmental impacts to communities.
10	<ul style="list-style-type: none"> ▪ Protect/Enhance Water – This regional priority includes proposed projects which will reduce threats to human health and the environment from the release of hazardous substances, pollutants or contaminants, by supporting efforts to protect or enhance water supplies, including surface water, ground water and/or

	<p>storm water infrastructure. EPA Region 10 is particularly interested in projects that improve or protect the quality of water associated with brownfield sites or whereby addressing the brownfield site it will reduce threats to nearby residents.</p> <p><u>OR</u></p> <ul style="list-style-type: none"> ▪ Threatened and Endangered Species – This regional priority includes proposed projects which facilitate the creation, addition or preservation of the habitats (e.g. state, tribal or local parks, greenways, recreational or undeveloped property dedicated to nonprofit use) of federal and state listed threatened and endangered species.
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SECTION II. - AWARD INFORMATION

II.A. What is the Amount of Available Funding?

The total estimated funding available under the national competition for Assessment and Cleanup Grants is estimated at \$54 million subject to the availability of funds, quality of proposals, and other applicable considerations. A separate announcement is posted for the Cleanup Grant competition. EPA may expend up to 25 percent of the amount appropriated for Brownfields Grants on sites contaminated with petroleum. EPA anticipates awarding an estimated 294 grants among assessment and cleanup grant types. Under this announcement, EPA anticipates awarding an estimated 234 Assessment Grants for a total amount of approximately \$42 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.

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 the 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); and
- reviewing sites to verify they meet applicable site eligibility criteria.

SECTION III. – ELIGIBILITY INFORMATION and THRESHOLD CRITERIA

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 unless the entity is included as a “General Purpose Unit of Local Government” as defined below.

- General Purpose Unit of Local Government. (For purposes of the EPA Brownfields Grant Program, a “local government” is defined as stated under 2 CFR 200.64.: Local government means a county, municipality, city, town, township, local public authority (including any public and Indian housing agency under the United States Housing Act of 1937), school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under state law), any other regional or interstate government entity, or any agency or instrumentality of a local government.)
- 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 Contact 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 www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf.)

III.B. 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 and include certain requests for information identified below. 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 IV.C.3. 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.

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.

Your responses to these items are required and must be included as an attachment to the Narrative Proposal you submit to EPA. Section IV.C. for a complete list of required documents that must be submitted.

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.

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 Cover Letter and Narrative Proposal, and attachments not specifically required, will not be reviewed.

In addition, initial proposals must be submitted through www.grants.gov as stated in Section IV. of this announcement (except in the limited circumstances where another mode of submission is specifically allowed for as explained in Appendix 2) on or before the proposal submission deadline. Applicants are responsible for following the submission instructions in Section IV. of this announcement to ensure that their proposal is submitted in a timely manner.

Proposals received after the submission deadline will be considered late and deemed ineligible without further consideration unless the applicant can clearly demonstrate that it was late due to EPA mishandling or because of technical problems associated with www.grants.gov or relevant www.sam.gov system issues. An applicant's failure to timely submit their proposal through

www.grants.gov because they did not timely or properly register in www.sam.gov or www.grants.gov will not be considered an acceptable reason to consider a late submission.

EPA will verify the Data Universal Number System (DUNS) number listed on the application is the correct DUNS number for the applicant's organization. If the correct DUNS number is not included on the application, the application may be deemed ineligible.

1. **Applicant Eligibility**

Describe how you are an eligible entity for an Assessment Grant as specified 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.).

Assessment Coalitions 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. **Community Involvement**

Describe how you intend to inform and involve the community and other stakeholders during the planning, implementation and other brownfield assessment activities described in your proposal.

III.C. Additional Threshold Criteria for Site-Specific Proposals Only

The following items provide important information related to determining if a proposed brownfield site is eligible for funding.

1. **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.

2. **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.

3. **Brownfields Site Definition**

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.)

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.

4. **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.

5. **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. and the information below 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 FAQs, www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf. **If not required, affirm that the site does not need a Property-Specific Determination.**

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 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 toward the 15-page limit for Narrative Proposals. (See Appendix 1 for more information or contact your Regional Brownfields Contact listed in Section VII. if you think your site requires a Property-Specific Determination.)

6. Site Eligibility and Property Ownership Eligibility

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. If the site is a hazardous substance site, **please respond to all the items under (a).**

If the site is a petroleum site, **please respond to all the items under (b),** including the requirement to provide a petroleum determination letter.

If the site is co-mingled with hazardous substances and petroleum contaminants, determine whether the predominant contaminant is hazardous substances or petroleum, and respond to the corresponding items (as noted above).

If applying for hazardous substances and petroleum funding at the same site, and the hazardous substances and petroleum contaminated areas of the site are distinguishable, the proposal **must respond to all the items under (a) and (b),** including the requirement to provide a petroleum determination letter.

(a) Property Ownership Eligibility – Hazardous Substance Sites

For sites contaminated by hazardous substances, persons, including government entities, who may be found liable for the contamination under CERCLA (the Superfund Law) §107 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, bona fide prospective purchaser, or contiguous property owner, 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,” at <http://www.epa.gov/sites/production/files/2014-08/documents/aaifs.pdf> and the March 6, 2003 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”) at <http://www.epa.gov/sites/production/files/documents/common-elem-guide.pdf>. Applicants may also call the Regional Brownfields Contact 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 listed below. For further information, please see FAQs on All Appropriate Inquiries for more information at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf.

- 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 E1527-13 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) at www.epa.gov/brownfields/brownfields-all-appropriate-inquiries.
- 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.

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, based on your responses, EPA may need to obtain additional information to make this determination.

(1) 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.C.6.) **and explain why.**

(2) Information on Liability and Defense Protections

Applicant Does NOT Own the Site

If you, the applicant, do not own the site to be assessed, please:

- 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;
- describe your relationship with the owner and the owner's role in the work to be performed; and
- indicate how you will gain access to the site.

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:

- 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:
 - 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));
 - the date you acquired or will acquire the property;
 - the name and identity of the party from whom you acquired or will acquire ownership (i.e., the transferor); and

- iv) 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).
- b. 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.
- c. 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 the items below in your description.
 - i) The types of site assessments performed (e.g., ASTM E1527-13 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 E1527-13 (or ASTM E2247-08) was conducted prior to property acquisition.
 - ii) Who performed the AAI investigation or Phase I environmental site assessments and identify his/her qualifications to perform such work.
 - iii) If the 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.
- d. 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.

- e. Continuing Obligations³ Describe in detail the specific appropriate care that you exercised (or if you have yet to acquire the property, that you will exercise upon acquiring the property) with respect to hazardous substances found at the site by taking **reasonable steps**⁴ to:
- i) stop any continuing releases;
 - ii) prevent any threatened future release; and
 - iii) prevent or limit exposure to any previously released hazardous substance.

Please confirm your commitment to:

- i) comply with all land-use restrictions and institutional controls;
- ii) assist and cooperate with those performing the assessment and provide access to the property;
- iii) comply with all information requests and administrative subpoenas that have or may be issued in connection with the property; and
- iv) provide all legally required notices.

(b) Property Ownership Eligibility - Petroleum Sites
(Disregard this item if you do not have a petroleum site.)

The Brownfields Law outlines specific criteria by which petroleum sites may be eligible for Brownfields Grant funding. In addition to the basic brownfields eligibility criteria, eligibility for petroleum sites is determined by applying the criteria established by Congress: 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.

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

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 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 <https://www.epa.gov/sites/production/files/documents/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.

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 provides 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.

(1) Information Required for a Petroleum Site Eligibility Determination

- a. 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.
- b. Acquisition of Site Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).
- c. No Responsible Party for the Site Identify whether the current and immediate past owner (which includes, if applicable, the applicant): (i) dispensed or disposed of petroleum or petroleum product contamination, or exacerbated the existing petroleum contamination at the site; and (ii) owned the site when any dispensing or disposal of petroleum (by others) took place; and (iii) took reasonable steps with regard to the contamination at the site.
- d. 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.
- e. Relatively Low Risk Identify whether the site is "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.
- f. Judgments, Orders, or Third Party Suits Provide information that no responsible party (including the applicant) is identified for the site through, either:
 - i) 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
 - ii) 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

- iii) 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.
- g. Subject to RCRA Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act.
- h. 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 c) or f) 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 IV. - PROPOSAL SUBMISSION INFORMATION

IV.A. How to Obtain a Proposal Package

Electronic copies of these guidelines can be obtained from the EPA Brownfields Program website at www.epa.gov/brownfields/apply-brownfields-grant-funding or through www.grants.gov.

IV.B. Due Date and Submission Instructions

Your organization's Authorized Organization Representative (AOR) must submit your complete application package electronically to EPA through www.grants.gov. Proposals must be received no later than 11:59 p.m. ET on December 22, 2016. Please allow enough time to successfully submit your application package and allow for unexpected errors that may require you to resubmit.

Proposals received after 11:59 p.m. ET December 22, 2016, will not be considered for funding.

In order to submit a proposal⁴ through www.grants.gov, you must:

1. Have an active DUNS number,
2. Have an active System for Award Management (SAM) account in www.sam.gov,
3. Be registered in www.grants.gov, and
4. Be designated as your organization's AOR.

⁴ Note that the terms "proposal" and "application" mean the same thing for the purposes of this competition. The files that you submit through www.grants.gov as your Brownfields proposal is what is known as an application package in www.grants.gov.

The registration process for all of the above items **may take a month or more to complete.** Occasionally, technical and other issues arise when using www.grants.gov.

The electronic submission of your application must be made by the official representative (AOR) of your institution who is registered with www.grants.gov and is authorized to sign applications for federal assistance. Refer to Appendix 2 for specific instructions on the use of www.grants.gov.

After signing and successfully submitting the application package, within 24 to 48 hours the AOR should receive notification emails from www.grants.gov with the following subject lines:

1. GRANT##### Grants.gov Submission Receipt
2. GRANT##### Grants.gov Submission Validation Receipt for Application

If the AOR did not receive either notification emails listed above, contact the www.grants.gov Help Desk at 1-800-518-4726. The Help Desk is open 24/7 (except federal holidays).

After the application package is retrieved out of the www.grants.gov system by EPA, the AOR should receive the following notification emails from www.grants.gov:

3. GRANT##### Grants.gov Grantor Agency Retrieval Receipt for Application
4. GRANT##### Grants.gov Agency Tracking Number Assignment for Application

In the event that you experience difficulties transmitting the proposal through www.grants.gov, please refer to the procedures in Appendix 2.

If you do not have the technical capability to apply electronically through www.grants.gov because of limited or no Internet access which prevents you from being able to upload the required application materials to www.grants.gov, please refer to the procedures in Appendix 2.

IV.C. Content and Form of Proposal

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 the type of grant submitted and must not reference responses to criteria in another proposal.

All proposal materials must be in English. The Cover Letter and Narrative Proposal must be typed, on letter-sized (8.5 x 11-inch) paper, and **use standard Times New Roman, Arial, or Calibri fonts with a 12-point font size and 1-inch margins.** While these guidelines establish the font and minimum type size requirements, applicants are advised that readability is very important.

The following checklist reflects the documents required for proposals. All proposals must contain a completed and signed SF-424; a Cover Letter; a Narrative Proposal, limited to 15 typed pages; and required attachments, as listed below. Extraneous materials will not be considered.

<input checked="" type="checkbox"/> Standard Form 424, Application for Federal Assistance, with original signature (no page limit (see Section IV.C.1.)	
<input checked="" type="checkbox"/> Cover Letter (2-page limit) (see Section IV.C.2.)	
<input checked="" type="checkbox"/> Cover Letter Attachments: <ul style="list-style-type: none"> ○ Regional Priorities Form (located in Appendix 3), if applicable (see Section IV.C.2.g.) ○ Other Factors Checklist (located in Appendix 3), if applicable (see Section IV.C.2.g.) ○ Letter from the state or tribal environmental authority (see Section IV.C.2.h.) 	
<input checked="" type="checkbox"/> The Narrative Proposal, which includes the responses to ranking criteria (15-page limit) (see Section IV.C.3.)	
<input checked="" type="checkbox"/> Narrative Proposal Attachments: <ul style="list-style-type: none"> ○ Documentation indicating committed firm leveraged resources, if applicable (see Section IV.C.3.2.c.) ○ Letters of commitment from all community organizations identified in the <i>Partnerships with Community Organizations</i> ranking criterion (see Section IV.C.3.3.c.ii.) 	
<input checked="" type="checkbox"/> Documentation of all applicable threshold criteria (see Section III.B.) <ul style="list-style-type: none"> ○ Documentation of applicant eligibility if other than city, county, state, or tribe (see Section III.B.1.) ○ Letters of commitment from assessment coalition members, if applicable (see Section III.B.1.) ○ Property-Specific Determination request, if applicable (see Section III.C.5.) ○ Petroleum eligibility determination information, if applicable (see Section III.C.6.(b)) ○ Justification for requested waiver of the \$200,000 limit for a Site-specific Assessment, if applicable (see Section 1.A.2.) 	

1. **Standard Form (SF) - 424, Application for Federal Assistance** (with original signature) www.grants.gov will automatically prompt applicants to submit the SF-424 form.

2. **Cover Letter**

The cover letter shall identify the applicant and a contact for communication with EPA. The cover 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 cover letter must be 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 cover letters for each proposal they submit. EPA does not consider information in cover letters to be responses to the ranking criteria. Each cover letter should be addressed to the Regional Brownfields Contact listed in Section VII. and include the items listed below.

- 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. Funding Requested
- i) Grant Type Indicate “Assessment.”
 - ii) Assessment Grant Type Indicate “Community-wide,” “Site-specific” or “Coalition.”
 - iii) Federal Funds Requested \$_____ and whether you are requesting a waiver for a Site-specific proposal (please refer to funding limitations for each grant type).
 - iv) Contamination Indicate “Hazardous Substances,” “Petroleum” or both.
Note: If both, provide a breakdown of the amount of funding you are requesting by contaminant type (e.g., \$150,000 hazardous substances and \$150,000 petroleum).
- c. 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 Coalition Grants, list all jurisdictions covered under the proposal.
- d. Property Information for Site-Specific Proposals Please provide the property name and complete site address, including zip code.
- e. Contacts
- i) Project Director Provide name, phone number, 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 number, 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.
- f. Population
- i) Provide the general population of your jurisdiction and the jurisdictions of any coalition partners, if applicable.
 - ii) If you are not a municipal form of government, provide the population of the municipality of the identified target area(s). Tribes must provide the number of tribal/non-tribal members affected. Your jurisdiction’s population can be found at www.census.gov/.
 - iii) Affirm whether or not your jurisdiction is located within, or includes, a county experiencing “persistent poverty” where 20% or more of its population has lived in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates.

- g. Regional Priorities Form/Other Factors Checklist Attach the Regional Priority Form/Other Factors Checklist in Appendix 3 to the Cover Letter identifying which, if any, of the items are applicable to your proposal. The Regional Priority Form/Other Factors Checklist does not count towards the two-page limit for this section.
- h. 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. Letters regarding proposals from prior years are not acceptable.

If you are applying for multiple types of grants, 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. Coordinate early with your state or tribal environmental authority in order to allow adequate time for you to obtain the acknowledgment letter and attach it to your proposal.

The letter from the state or tribal authority does not count towards the two-page limit for this section.

3. **The Narrative Proposal/Ranking Criteria**

The narrative proposal (including citations) shall not exceed 15 single-spaced pages. Any pages submitted over the page limit will not be evaluated.

The narrative proposal must include clear, concise, and factual responses to all ranking criteria and sub-criteria and address, if applicable, the Regional Priority(ies) (see Section I.F.) for the region in which the project is located. Proposals must provide sufficient detail to allow for an evaluation of the merits of the proposal. **Any criterion left unanswered may result in zero points given for that criterion.** Responses to the criteria should include the criteria number and title but need not restate the entire text of the criteria.

1. **COMMUNITY NEED**

This section of your proposal provides the context for your project. The needs defined in this section should provide the foundation for your later discussion of the brownfields project, planned community engagement and partnerships, and the ways the project will ultimately benefit your community.

a. **Target Area and Brownfields**

i. Community and Target Area Descriptions

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 larger geographic area, identify and describe a specific area where you plan to perform assessment activities; such as a neighborhood, district, corridor, census tract, or other locality. Depending on the scope and design of your project, one or more target areas may be presented.

ii. Demographic Information and Indicators of Need

Provide and compare census-based demographic data as requested in the table below. Use additional rows or text, as needed, to include other data or information, which provide a compelling explanation for why you selected the target area. Responses should clearly identify sources of information used.

Sample Format for Demographic Information (supplement as appropriate)

	Target Area (e.g., Census Tract)	City/Town or County	Statewide	National
Population:				314,107,084 ¹
Unemployment:				5.0% ²
Poverty Rate:				15.6 % ³
Percent Minority:				37.2% ¹
Median Household Income:				\$53,482 ³
Other: <i>Include other relevant data as needed in additional rows</i>				
¹ Data are from the 2014 American Community Survey data profile and are available on American FactFinder at http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP05&src=pt ² Data are from the Bureau of Labor Statistics (The Employment Situation – March 2016) and are available at http://www.bls.gov/news.release/pdf/empst.pdf ³ Data are from the 2014 American Community Survey data profile and are available on American FactFinder at http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP03&src=pt				

For resources to gather demographic information, please go the FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf.

iii. Brownfields and Their Impacts

Describe the actual brownfields sites in your target area(s) and highlight sites that are a priority. Include information on the:

- brownfields’ proximity to residents in the target area;
- nature and extent of your brownfields (such as past land uses and site activities, potentially related environmental issues or contaminants, and current conditions); and
- real or perceived negative environmental impacts associated with the brownfields.

b. Welfare, Environmental, and Public Health Impacts

Please provide information on the welfare impacts in your target area(s).

i. Welfare Impacts

Discuss the welfare issues experienced by the target area. (For example: blight, safety

concerns, lack of access to community services, lack of transportation services, etc.)

Please provide information on the environmental and public health impacts in your community(ies).

ii. Cumulative Environmental Issues

In addition to the presence of brownfield sites discussed earlier, provide a summary (using available information) 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 (such as overburdening from existing sources of pollution) which may be present.

iii. Cumulative Public Health Impacts

- Discuss the public health impacts from cumulative sources and brownfield sites discussed earlier.
- Provide information describing the threats to sensitive populations who are potentially subject to environmental exposures, including from brownfields. (Please refer to FAQs for information on sensitive populations at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf.)

c. Financial Need

i. Economic Conditions

Describe why you, as the applicant, need this funding and are unable to draw on other sources of funding. Explain how a small population, low income or other factors of the target area prevent you from funding this work.

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

Describe the key economic effects of the brownfields discussed earlier on the target area (e.g. reduced tax base, lost business opportunities, depressed property values, 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

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.

Refer to Section VI.D., *Brownfields Programmatic Requirements*, to read EPA expectations of projects funded with Brownfields Assessment Grants.

a. Project Description, Timing and Implementation

i. Project Description and Alignment with Revitalization Plans

Describe the project that will be funded by this grant, how it aligns with the target area's land use and revitalization plans, and how you will incorporate equitable development practices or sustainable practices, such as the HUD-DOT-EPA Livability Principles as described in Section I.E. of these guidelines.

Describe the redevelopment strategy, or projected redevelopment, for the property(ies) that will be assessed under this grant and how you will make use of existing infrastructure (water, sewer, transportation, etc.).

ii. Timing and Implementation

Describe the timing and implementation of the key activities listed below to ensure that all grant funding will be expended within three years, and describe who will be responsible for implementing and completing the activities.

(a) Contractor procurement (including the internal steps that must be taken within your organization and approvals from departments or elected officials).

(b) For *Community-wide proposals* and *Assessment Coalition proposals*, discuss the development of site inventory or site identification process, and site prioritization and selection process.

For *Assessment Coalition proposals*, describe the proposed governance structure among your coalition partners which will be implemented to prioritize and select sites to assess.

For *Site-specific proposals*, describe existing conditions of the property you plan to assess with this funding.

(c) Obtaining and securing site access.

b. Task Descriptions and Budget Table

i. Task Descriptions

List the tasks required to implement the proposed project, distinguishing between the work you and your contractors will be performing, under each grant-funded task. If any additional work or services are necessary to carry out the project that will be funded by sources other than this grant, such as in-kind staff hours, please discuss how those tasks will be funded.

Describe and enumerate specific outputs from the project, which may include, but are not limited to, site inventories, Phase I environmental site assessments, Phase II environmental site assessments, site cleanup plans, area-wide plans or community meetings. (Refer to Section I.D.1. for an explanation of outputs.)

Provide a cost estimate for each **grant-funded** task. Describe the basis for how each line item cost estimate was developed under each budget category shown in the table below. Applicants requesting hazardous substances and petroleum funding in the same proposal must distinguish hazardous substances related tasks from petroleum related tasks. Where appropriate, present unit costs and quantify work products (e.g., Contractual Costs: Conduct Phase I 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 FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf for additional examples of ineligible uses of funds. For questions not covered by the FAQs, contact your Regional Brownfields Contact listed in Section VII.

ii. Budget Table

The table format below can be used to present the allocation of EPA grant funds to the specific tasks described above. Specify the costs by budget category. **INCLUDE ONLY EPA GRANT FUNDS IN THIS TABLE.** Activities not supported by the grant (i.e. in-kind contributions) **should not** be included in the budget table.

Applicants requesting hazardous substances 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 substances funds from petroleum funds.

Note: EPA encourages the use of the table format below and replacing the task number outlined in the table with the actual title of the task.

Sample Format for Budget

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

Total Budget					
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. Reminder: Administrative costs, such as indirect costs, of grant administration with the exception of financial and performance reporting costs are ineligible grant activities.					

c. Ability to Leverage

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) you expect to utilize to achieve the assessment, cleanup, and/or redevelopment needs of the brownfields sites. Attach copies of any letters or documentation that substantiate firm commitments of leveraged funding.

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). See the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf for more information on how to demonstrate leveraging commitments.

3. COMMUNITY ENGAGEMENT AND PARTNERSHIPS

This section of your proposal explains how your proposed community engagement plan will meet the needs of the community in the target area identified in the Community Need (Section IV.C.3.1.) portion of your proposal and identifies the stakeholders and partners necessary to achieve the benefits discussed in the Project Benefits section (Section IV.C.3.4.).

a. Engaging the Community

i. Community Involvement Plan

Discuss your plan for involving the community in the target area and other stakeholders (such as neighborhood organizations, citizen 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).

ii. Communicating Progress

Describe your plans for communicating the progress of your project to community members. Also, describe how the identified communication plans are appropriate and effective for the community(ies) in the target area(s).

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 community in the target area in meaningful ways to ensure the success of the proposed project.

b. Partnerships with Government Agencies

i. Local/State/Tribal Environmental Authority

Identify and provide information on the agency which runs the relevant brownfields, voluntary cleanup or another similar program at the local/state/tribal level (i.e., the environmental agency and/or health agency), and describe the role they may play to ensure your brownfields project is successful.

ii. Other Governmental Partnerships

Identify and provide information on other relevant federal, state, and/or local governmental agencies with which you will partner during your assessment project (e.g., DOT, HUD, a health agency), and describe the role they may play to ensure your brownfields project is successful.

c. Partnerships with Community Organizations

i. Community Organization Description & Role

Include a description of each community organization involved in your project, as well as their role in and commitments to the planning and implementation of the project.

If there are no community organizations in your community, then state this and discuss how the community is engaged and will continue to be involved in your project.

Note: 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 FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf for more information about community organizations.

Note: The numbers of partners is not as important as the contributions and the relevance of their organization.

Note: EPA may conduct reference checks to ensure that organizations identified are supportive and involved with the brownfields project.

ii. Letters of Commitment

Attach to the proposal current letters from all of the community organizations you have discussed. These letters should discuss their support for the project, and describe

and affirm their roles and commitments to the planning and implementation of the project.

If there are no community organizations in your community, then provide documentation to demonstrate that the community is engaged and will continue to be involved in your project. This can be done by attaching support or commitment 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.

Note: Letters of commitment and supporting documentation must be addressed to the applicant and be included with the applicant's proposal package. Letters should not be sent directly to EPA.

d. Partnerships with Workforce Development Programs

Describe 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 cfpub.epa.gov/bf_factsheets/#_ga=1.179644452.1468935873.1432832844.

4. PROJECT BENEFITS

This section of your proposal describes the anticipated outcomes and benefits expected from your project in the context of the needs you discussed in the Community Need section (Section IV.C.3.1.).

a. Welfare, Environmental, and Public Health Benefits

Describe the future welfare, environmental, and public health benefits anticipated from this grant (or broader project), and how these benefits will address the challenges and sensitive populations discussed in the Community Need section of your narrative (Section IV.C.3.1.).

b. Economic and Community Benefits

Relative to challenges identified in the Community Need section and your project proposed in the Project Description section, discuss potential outcomes and the economic benefits, non-economic benefits, and other community benefits (be specific and provide quantitative estimates when possible), which may be achieved through the redevelopment of sites assessed under this grant, and how these benefits align with community revitalization plans.

Economic benefits may include: increased employment and expanded tax base. Non-economic and community benefits may include: areas redeveloped for uses such as

parks, recreation areas, greenways, environmental buffers and other not-for-profit, governmental or charitable organization spaces.

5. PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE

This section of your proposal demonstrates that your organization (“the applicant”/lead coalition member) has programmatic capability (experience, knowledge and resources, or ability to obtain them) and a reasonable approach 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 these guidelines.

a. Audit Findings

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 may result in zero points for this factor.)*

b. Programmatic Capability

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. regarding contractors and subawards.

c. Measuring Environmental Results: Anticipated Outputs/Outcomes

Discuss how you plan to track, measure and evaluate your progress in achieving project outcomes, outputs and project results. (Refer to Section I.D.1. for an explanation of outputs.)

d. Past Performance and Accomplishments

If you have ever received an EPA Brownfields Grant (including Assessment, Cleanup, Revolving Loan Fund, and 128(a) grants; but excluding Targeted Brownfields Assessments, Area-Wide Planning grants, Environmental Workforce Development & Job Training grants, and subawards from another Brownfields grantee), please respond to **item i.** below.

If you have never received an EPA Brownfields Grant, but have received other federal or non-federal assistance agreements (such as a grant or cooperative agreement), please respond to **item ii.** below.

If you have never received any type of federal or non-federal assistance agreements, please indicate this in response to **item iii.** below.

i. Currently or Has Ever Received an EPA Brownfields Grant

Identify and provide information regarding each of your current and most recent EPA 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 items listed below.

1. Accomplishments

Describe the accomplishments (including specific outputs and outcomes) of your grant funded program, including at minimum, the number of sites assessed and/or cleaned up. Discuss whether these outputs and outcomes were accurately reflected in the Assessment, Cleanup and Redevelopment Exchange System (ACRES) at the time of this proposal submission, and if not, please explain why.

2. Compliance with Grant Requirements

Discuss your compliance with the work plan, schedule and terms and conditions. Include whether you have made, or are making, progress towards achieving the expected results of the grant in a timely manner. If not, discuss what corrective measures you took, or are taking, and how the corrective measures were effective, documented and communicated.

Discuss your history of timely and acceptable quarterly performance and grant deliverables, as well as, ongoing ACRES reporting.

Please explain your need for additional funding. Additionally, for all open EPA Brownfields grant(s) indicate the grant period (start and end date), if there are funds remaining, and the plan to expend funds 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.

– OR –

ii. Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements

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 the following information.

1. Purpose and Accomplishments

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

Discuss the accomplishments (including specific 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

Describe your compliance with the work plan, schedule and terms and conditions. Include whether you made, or are making, progress towards achieving the expected results of the grant in a timely manner. If not, discuss what corrective measures you took, or are taking, and how the corrective measures effective, were documented and communicated.

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 assistance agreement (grant). (*Failure to indicate anything in response may result in zero points for this factor.*)

IV.D. Intergovernmental Review

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

IV.E. Voluntary Cost Share/Leveraging

Matching funds are not required under this competition. Although cost sharing or matching is not required as a condition of eligibility under this competition, under Section V.A.2.c. of this announcement, EPA will evaluate proposals' responses to the *Ability to Leveraging* criterion. Leveraging is generally when an applicant proposes to provide its own additional funds/resources or those from third-party sources to support or complement the project they are awarded under the competition which are above and beyond the EPA grant funds awarded. Any leveraged funds/resources, and their source, must be identified in the proposal. Leveraged funds and resources may take various forms as noted below.

Voluntary cost share is a form of leveraging. Voluntary cost sharing is when an applicant voluntarily proposes to legally commit to provide costs or contributions to support the project when a cost share is not required. Applicants who propose to use a voluntary cost share must

include the costs or contributions for the voluntary cost share in the project budget on the SF-424. If an applicant proposes a voluntary cost share, the following apply:

- A voluntary cost share is subject to the match provisions in the grant regulations (2 CFR 200.306, as applicable).
- A voluntary cost share may only be met with eligible and allowable costs.
- The recipient may not use other sources of federal funds to meet a voluntary cost share unless the statute authorizing the other federal funding provides that the federal funds may be used to meet a cost share requirement on a federal grant.
- The recipient is legally obligated to meet any proposed voluntary cost share that is included in the approved project budget. If the proposed voluntary cost share does not materialize during grant performance, then EPA may reconsider the legitimacy of the award and/or take other appropriate action as authorized by 2 CFR 200.338.

Other leveraged funding/resources that are not identified as a voluntary cost share. This form of leveraging may be met by funding from another federal grant, from an applicant's own resources, or resources from other third party sources. This form of leveraging should not be included in the budget and the costs need not be eligible and allowable project costs under the EPA assistance agreement. While this form of leveraging should not be included in the budget, the grant work plan should include a statement indicating that the applicant is expected to produce the proposed leveraging consistent with the terms of the announcement and the applicant's proposal. If applicants propose to provide this form of leveraging, EPA expects them to make the effort to secure the leveraged resources described in their proposals. If the proposed leveraging does not materialize during grant performance, then EPA may reconsider the legitimacy of the award and/or take other appropriate action as authorized by 2 CFR Parts 200 or 1500.

IV.F. Additional Provisions for Applicants Incorporated Into the Solicitation

Additional provisions that apply to this solicitation and/or awards made under this solicitation, including but not limited to those related to confidential business information, contracts and subawards under grants, and proposal assistance and communications, can be found at [EPA Solicitation Clauses](#). These, and the other provisions that can be found at the website link, are important, and applicants must review them when preparing proposals for this solicitation. If you are unable to access these provisions electronically at the website above, please communicate with the EPA contact listed in this solicitation to obtain the provisions.

SECTION V. - PROPOSAL REVIEW INFORMATION

V.A. Evaluation Criteria

If your proposal passes the threshold eligibility review (see Section III.B.), your responses and the information you provide in response to the ranking criteria below will be evaluated and scored by a national evaluation panel. Your proposal may be assigned up to 200 points.

Criteria (Maximum Points per Criterion)

1. COMMUNITY NEED (45 Points)

Your proposal will be evaluated on the quality and extent to which it:

- demonstrates a compelling picture of need in the community, and specifically, the identified target area; and
- makes a connection between the public health, welfare, environmental, and/or economic challenges faced by the community and/or target area and the presence of brownfield sites and other cumulative environmental issues.

EPA anticipates selecting proposals from communities experiencing significant socio-economic challenges (e.g., high percent low-income, high percent poverty, increased health disparities).

Assessment Coalition proposals should demonstrate how the grant 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.

Specifically, this criterion will evaluate the quality and extent to which you clearly, concisely and realistically address the following in the proposal:

1.a. Target Area and Brownfields (15 points)

1.a.i. Community and Target Area Descriptions (5 points)

The depth and degree of brownfield challenges confronting your city/town/geographic area and the specific area where you plan to perform assessment activities.

1.a.ii. Demographic Information and Indicators of Need (5 points)

How well the information provided supports and demonstrates the compelling need of the community based on demographic information on your target area(s) as compared to larger geographic areas (e.g. city, county, state, and national), and the validity of source(s) of information used.

1.a.iii. Brownfields and Their Impacts (5 points)

The impact of actual brownfields sites in your target area(s), identification of prioritized sites, and how well you connected the impact of the brownfield sites' proximity to residents in the target area, the nature and extent of the brownfields, and real or perceived negative environmental impacts associated with the brownfields to the community.

1.b. Welfare, Environmental, and Public Health Impacts (15 points)

1.b.i. Welfare Impacts (5 points)

The amount or impact of welfare issues experienced by the target area.

1.b.ii. Cumulative Environmental Issues (5 points)

The amount or impact of other various cumulative environmental issues or other environmental justice concerns which may be present.

1.b.iii. Cumulative Public Health Impacts (5 points)

The amount or effect of public health impacts from cumulative sources, including brownfield sites including threats to sensitive populations who are potentially subject to environmental exposures, including those from brownfields.

1.c. Financial Need (15 points)

1.c.i. Economic Conditions (5 points)

The demonstrated need of the applicant for this funding and their inability to draw on other sources of funding and how the local economic conditions may have been made worse due to significant economic disruptions.

1.c.ii. Economic Effects of Brownfields (10 points)

The demonstrated economic effects of the brownfields on the target area and the identification/validity of data sources used.

2. PROJECT DESCRIPTION AND FEASIBILITY OF SUCCESS (55 Points)

Your proposal will be evaluated, as further described below, on the quality and extent to which it demonstrates:

- how your project will further the target community's land use and revitalization plans or vision;
- how your project will incorporate equitable or sustainable practices;
- a reasonable approach and methodology to achieve project goals, and expend funds in a timely and effective manner;
- a realistic basis for project costs; and
- the availability of, and access to, sufficient resources to bring the site(s) assessed under this grant to reuse.

Specifically, this criterion will evaluate the quality and extent to which you clearly, concisely and realistically address the following in the proposal:

2.a. Project Description, Project Timing and Site Selection (30 points)

2.a.i. Project Description and Alignment with Revitalization Plans (17 points)

The merits of the project that will be funded under this grant, how well it aligns with the target area's land use and revitalization plans, and how well it incorporates equitable development practices or sustainable practices in a meaningful way.

The redevelopment strategy, or projected redevelopment, for the property(ies) that will be assessed under this grant and how you will make use of existing infrastructure.

2.a.ii. Timing and Implementation (13 points)

The quality and reasonableness of your plan for the timely implementation of the key activities listed below to ensure that all grant funding will be expended within three years, and who will be responsible for implementing and completing the activities.

(a) Contractor procurement (including the internal steps that must be taken within your organization and approvals from departments or elected officials). (3 points)

(b) For *Community-wide proposals* and *Assessment Coalition proposals*, the development of site inventory or site identification process, and site prioritization and selection process. (5 points)

For *Assessment Coalition proposals*, a clear governance structure among your coalition partners which will be implemented to prioritize and select sites to assess. (5 points)

For *Site-specific proposals*, the existing conditions of the property you plan to assess with this funding. (5 points)

(c) Obtaining and securing site access. (5 points)

2.b. Task Descriptions and Budget Table (20 points)

2.b.i. Task Descriptions (15 points)

All proposals will be evaluated on the extent to which the majority of grant funds are allocated for tasks directly associated with environmental site assessments.

Site-specific proposals will be evaluated on whether the amount of funding requested is needed for the proposed site.

Assessment Coalition proposals will be evaluated to the extent the grant funds will address a minimum of five sites as well as sites located in each coalition member's jurisdiction.

How clearly you demonstrate the activities and tasks support the overall narrative proposal and are eligible under EPA's Assessment Grant Program, are a reasonable approach to implementing the proposed project, and clearly explain and distinguish between the work you and your contractors will be performing under each grant-funded task. If any additional work or services are necessary to carry out the project that will be funded by sources other than this grant, how clearly you identify and discuss how those tasks will be funded.

The quality of the specific project outputs, how closely the outputs correlate with the described project, and how likely the outputs will be achieved.

How good your budget is and how efficiently you plan to use the grant funds. To the extent you present a realistic cost estimate for each **grant-funded** task, include a clear and reasonable basis for how each line item cost estimate was developed under each budget category shown in the budget table, clearly distinguish between hazardous substances and petroleum funding when requested in the same proposal (where appropriate), present unit costs and quantify work products, and explain any costs that appear to be atypical.

2.b.ii. Budget Table (5 points)

The budget table only includes eligible and allowable EPA Assessment Grant funds, clearly distinguishes any hazardous substances funds from petroleum funds (when appropriate), totals add up correctly, and correlates with work discussed in the Task Descriptions section.

2.c. Ability to Leverage (5 points)

The amount and relevancy to the assessment project of any leveraged funding. (Note, firm leveraged funding that is very relevant to the assessment project will be evaluated more favorably than potential leveraged funding or leveraged funding less relevant to the assessment project.)

3. COMMUNITY ENGAGEMENT AND PARTNERSHIPS (35 Points)

Your proposal will be evaluated on the quality and extent to which it:

- demonstrates actions or plans to effectively involve and inform the target community and relevant stakeholders;
- identifies the relevancy of the local/state/tribal environmental authority to the project;
- identifies roles of other relevant governmental partnerships; and
- identifies the relevant roles of community organizations and affirms their involvement in the project through commitment letters.

This criterion will evaluate the quality and extent to which you clearly, concisely and realistically address the following in the proposal:

3.a. Engaging the Community (15 points)

3.a.i. Community Involvement Plan (10 points)

Community-wide proposals should demonstrate how the community in the target area has provided input from the project inception and will be engaged throughout the project.

Site-specific proposals should discuss and demonstrate meaningful efforts to involve and inform community groups or representatives directly affected by the site, in addition to the broader community.

Assessment Coalition proposals should demonstrate how all communities addressed through this project have provided input from the beginning of the project, and will be engaged and

informed throughout the project. Assessment Coalition proposals should demonstrate that the grant recipient will ensure that community engagement is tailored specifically to the needs of each target community and coalition member.

The quality of your plan for involving the community and other stakeholders in the target area in the planning and implementation of your project and how effective it will be in achieving meaningful community engagement.

3.a.ii. Communicating Progress (5 points)

The effectiveness and appropriateness of your plan and outreach methods in ensuring the community(ies) in the target area are aware and involved in the progress of the project.

3.b. Partnerships with Government Agencies (9 points)

3.b.i. Local/State/Tribal Environmental Authority (5 points)

Whether or not you are engaging and partnering with the agency which runs the relevant brownfields, voluntary cleanup or another similar program at the local/state/tribal level, what that engagement looks like including their role and how the partnership will contribute to the success of your brownfields project.

3.b.ii. Other Governmental Partnerships (4 points)

Whether or not you are engaging and partnering with federal, state, and/or local governmental agencies that may be relevant to your assessment project, what that engagement looks like, including their roles, and how these partnerships will contribute to the success of your brownfields project.

3.c. Partnerships with Community Organizations (9 points)

3.c.i. Community Organization Description & Role (5 points)

Whether or not you are engaging with community organizations that are relevant to the proposed project, how varied and specific their roles in and commitments to the planning and implementation of the project, and how these partnerships will contribute to the success of your brownfields project.

If there are no community organizations in your community, whether or not the community is engaged and will continue to be involved in your project in a meaningful way.

3.c.ii. Letters of Commitment (4 points)

Whether or not you attach current letters from all of the relevant community organizations, which discuss the organization's support and affirm their roles in and commitments to the planning and implementation of the project.

If there are no community organizations in your community, whether or not you clearly demonstrate how the community is engaged and will continue to be involved in your project by attaching documentation such as 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. that clearly indicate their participation/engagement.

3.d. Partnerships with Workforce Development Programs (2 points)

Whether or not you have a meaningful plan 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.

4. PROJECT BENEFITS (25 Points)

Your proposal will be evaluated on the quality and extent to which it:

- demonstrates the potential of the project, or the development plan for the project area, to realize significant outcomes and benefits to the public health, welfare and environment of the community;
- contributes to the community plan for the revitalization of brownfields sites; and
- stimulates economic or non-economic benefits.

Specifically, this criterion will evaluate the quality and extent to which you clearly, concisely and realistically address the following in the proposal:

4.a. Welfare, Environmental, and Public Health Benefits (13 points)

The quality and extent of future welfare, environmental, and public health benefits anticipated from this grant (or broader project), including how the benefits address challenges and sensitive populations you discussed in the Community Need section of your narrative.

4.b. Economic and Community Benefits (12 points)

The quality of the specific project outcomes, whether they include quantitative and qualitative measures, how well they address the challenges identified in the Community Need section, how closely the outcomes correlate with the described project, and how likely the outcomes identified will be achieved through the redevelopment of sites assessed under this grant.

5. PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE (40 Points)

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.

Your proposal will be evaluated on the quality and extent to which it demonstrates:

- resolution of any audit findings;

- the ability of your organization (as the applicant/lead coalition member) to successfully manage and complete the project, considering your programmatic and administrative capacity;
- a reasonable plan to track and measure project progress; and
- successful performance under past and/or current federally and/or non-federally funded assistance agreements.

Specifically, this criterion will evaluate the quality and extent to which you clearly, concisely and realistically address the following in the proposal:

5.a. Audit Findings (2 points)

Whether the applicant has any adverse audit findings and how they have corrected, or are correcting, the problems.

5.b. Programmatic Capability (23 points)

How efficient and effective the organizational structure is you will utilize to ensure the timely and successful expenditure of funds, your ability to complete all technical, administrative and financial requirements of the project and grant and the roles, expertise, qualifications, and experience of key staff.

How good and efficient is the system(s) you have in place to appropriately acquire any additional expertise and resources (e.g. contractors or sub-awardees) required to successfully complete the project.

5.c. Measuring Environmental Results: Anticipated Outputs and Outcomes (5 points)

Whether you have a reasonable plan to track, measure and evaluate your progress in achieving project outcomes, outputs and project results.

5.d. Past Performance and Accomplishments (10 points)

5.d.i. Currently or Has Ever Received an EPA Brownfields Grant (10 points)

Demonstrated ability to successfully manage past EPA Brownfield Grant(s) and the successful performance of all phases of work under each grant.

5.d.i.1. Accomplishments (5 points)

The quality of the accomplishments (including specific outputs and outcomes) of your grant funded program, including at minimum, the number of sites assessed and/or cleaned up, and whether these outputs and outcomes were accurately reflected in the Assessment, Cleanup and Redevelopment Exchange System (ACRES) at the time of this proposal submission, and if not, why.

5.d.i.2. Compliance with Grant Requirements (5 points)

Your compliance with the work plan, schedule and terms and conditions, and whether you have made, or are making, progress towards achieving the expected results of the grant in a timely manner. If you did not achieve expected results, whether or not your explanation was reasonable and appropriate corrective measures were taken to correct the situation.

Demonstrated history of timely and acceptable quarterly performance and grant deliverables, as well as, ongoing ACRES reporting.

Demonstrated need for additional funding and a reasonable plan to expend any existing EPA Brownfield grant funds by the end of the grant period.

For all closed EPA Brownfields grant(s), how accurately you indicate if there were funds remaining at the time of closure, the amount of remaining funds and whether or not you provided a reasonable explanation of why the funds were not expended.

– OR –

5.d.ii. Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements (10 points)

Demonstrated ability to successfully manage federal or non-federal grant(s), and the performance of all phases of work under each grant.

5.d.ii.1. Purpose and Accomplishments (5 points)

How similar in size, scope and relevance the past federal or non-federal grants identified are and whether sufficient information was provided to make that determination.

The quality of the accomplishments (including specific 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.

5.d.ii.2. Compliance with Grant Requirements (5 points)

Your compliance with the work plan, schedule and terms and conditions, and whether you have made, or are making, progress towards achieving the expected results of the grant in a timely manner. If you did not achieve expected results, whether or not your explanation was reasonable and appropriate corrective measures were taken to correct the situation.

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

– OR –

5.d.iii. Has Never Received Any Type of Federal or Non-Federal Assistance Agreements (5 points)

Whether you affirm that your organization has never received any type of federal or non-federal assistance agreement (grant).

V.B. Considerations and Other Factors

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

- the proposed assessment project advances the applicable region's regional priority(ies);
- 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;
- the distribution of funds among EPA's ten Regions and among the states and territories;
- compliance with the 25 percent statutory petroleum funding allocation;
- whether the applicant is a federally-recognized Indian tribe or United States territory or whether the project is assisting a tribe or territory;
- whether target brownfield sites are impacted by mine-scarred land;
- 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 that tie directly to the project;
- whether a natural disaster(s) (2012 or later) occurred within the community, causing significant community economic and environmental distress;
- recent (2008 or later) significant economic disruption has occurred within the community, resulting in a significant percentage loss of community jobs and tax base;
- whether the applicant is one of the 24 recipients or a core partner/implementation strategy party of a "manufacturing community" designation provided by the Economic Development Administration (EDA) under the Investing in Manufacturing Communities Partnership. Applicants must clearly demonstrate there is a nexus between their IMCP designation and the proposed Brownfields activities;
- whether the applicant is a recipient or a core partner of HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant funding or technical assistance that is directly tied to the proposed Brownfields project, and can demonstrate that funding from a PSC grant/technical assistance has or will benefit the project area; and/or
- whether the applicant is a recipient of an EPA Brownfields Area-Wide Planning grant.

V.C. Review and Selection Process

Timely submitted proposals will initially be reviewed by the appropriate EPA Regional Office to determine compliance with the applicable threshold criteria for Assessment Grants (Section III.B.). All proposals that pass the threshold criteria review will 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 described in Section V.A. and ranking lists of applicants will be developed. For 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” for brownfield agreements defined as:

- applicants who have never received an EPA Brownfields Grant, or
- applicants who were awarded a Brownfields Grant that closed in 2008 or earlier.

A second list will be comprised of “existing and recent recipients” defined as:

- applicants who have a current Brownfields Grant, or
- applicants who were awarded a Brownfields Grant that closed in 2009 or later.

The Agency expects to select approximately 234 of the highest ranked proposals for award. Of these selections, the Agency expects to select at least two high ranking proposals from each region that address the Regional Priorities identified by the region in Section I.F. If among the highest approximately 234 ranked proposals that are selected there are not at least two grants from each region that address the regional priorities identified by the Region in Section I.F., then the Agency intends to make additional awards until this requirement is satisfied, depending on the number of proposals received, funding availability, the quality of proposals, and other applicable considerations. In addition, 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.

The Office of Brownfields and Land Revitalization (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 based on their evaluated point scores, the regional priority issue described above, the availability of funds, and, if and as appropriate, the other factors described in Section V.B.

V.D. Additional Provisions For Applicants Incorporated Into the Solicitation

Additional provisions that apply to this solicitation and/or awards made under this solicitation including the clause on Reporting and Use of Information Concerning Recipient Integrity and Performance can be found in the EPA Solicitation Clauses at <http://www.epa.gov/grants/epa-solicitation-clauses>. These, and the other provisions that can be found at the website link, are important, and applicants must review them when preparing proposals for this solicitation. If you are unable to access these provisions electronically at the website above, please communicate with the EPA contact listed in this solicitation to obtain the provisions.

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 2017. 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. The official notification of an award will be made by Regional Grants Management Official for regional awards. Applicants are cautioned that only a grants officer is authorized to bind the Government to the expenditure of funds; selection does not guarantee an award will be made. For example, statutory authorization, funding or other issues discovered during the award process may affect the ability of EPA to make an award to an applicant. The award notice, signed by an EPA grants officer, is the authorizing document and will be provided through electronic or postal mail. The successful applicant may need to prepare and submit additional documents and forms (e.g., work plan), which must be approved by EPA, before the grant can officially be awarded. 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 2 CFR 200.328.

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 identified in the terms and conditions of the cooperative agreement. These reports 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. Site-specific accomplishments are reported on Property Profile Forms and can be submitted electronically to EPA's ACRES reporting system. Information provided in the quarterly reports and submitted in ACRES helps EPA monitor the community's progress with implementing their project and also directly supports the continuation of the Brownfields Program by highlighting measurable site-specific accomplishments to the public and Congress.

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. 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 requirements below.

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/brownfields-all-appropriate-inquiries. They must include the information below.

- 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 statements below 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 1527-13). 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 2 CFR 200.338 (b). If a recipient willfully fails to correct the deficiencies, the Agency may consider other available remedies under 2 CFR 200.338 – 2 CFR 200.342 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 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 target 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.E. 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 workplan in a timely manner. The assistance agreement will include terms and conditions implementing this requirement.

VI.F. 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 in the EPA Solicitation Clauses at www.epa.gov/grants/epa-solicitation-clauses#Disputes. Copies of these procedures may also be requested by contacting the person listed in Section VII. of the announcement.

VI.G. Additional Provisions for Applicants Incorporated Into the Solicitation

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

SECTION VII. – AGENCY CONTACTS – Regional Brownfields Contacts

REGIONAL CONTACTS & STATES		ADDRESS
EPA Region 1 Frank Gardner gardner.frank@epa.gov Phone (617) 918-1278	CT, ME, MA, NH, RI, VT	5 Post Office Square Suite 100, Mail code: OSRR7-2 Boston, MA 02109-3912
EPA Region 2 Lya Theodoratos theodoratos.lya@epa.gov Phone (212) 637-3260	NJ, NY, PR, VI	290 Broadway; 18th Floor New York, NY 10007
EPA Region 3 Tom Stolle stolle.tom@epa.gov Phone (215) 814-3129	DE, DC, MD, PA, VA, WV	1650 Arch Street Mail Code 3HS51 Philadelphia, PA 19103
EPA Region 4 Barbara Alfano alfano.barbara@epa.gov Phone (404) 562-8923	AL, FL, GA, KY, MS, NC, SC, TN	Atlanta Federal Center 61 Forsyth Street, S.W. 10th FL Atlanta, GA 30303-8960
EPA Region 5 Matthew Didier didier.matthew@epa.gov Phone (312) 353-2112	IL, IN, MI, MN, OH, WI	77 West Jackson Boulevard Mail Code SE-7J Chicago, IL 60604-3507
EPA Region 6 Paul Johnson johnson.paul@epa.gov Phone (214) 665-2246	AR, LA, NM, OK, TX	1445 Ross Avenue Suite 1200 (6SF-VB) Dallas, TX 75202-2733
EPA Region 7 Susan Klein klein.susan@epa.gov Phone (913) 551-7786	IA, KS, MO, NE	11201 Renner Blvd Lenexa, KS 66219
EPA Region 8 Christina Wilson wilson.christina@epa.gov Phone (303) 312-6706	CO, MT, ND, SD, UT, WY	1595 Wynkoop Street (EPR-B) Denver, CO 80202-1129
EPA Region 9 Noemi Emeric-Ford emerick-ford.noemi@epa.gov Phone (213) 244-1821	AZ, CA, HI, NV, Pacific Island Territories	75 Hawthorne Street, SFD6-1 San Francisco, CA 94105
EPA Region 10 Susan Morales morales.susan@epa.gov Phone (206) 553-7299	AK, ID, OR, WA	1200 Sixth Avenue, Suite 900 Mailstop: ECL-112 Seattle, WA 98101 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 “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 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 not 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.

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.¹

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

¹ 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 (e.g. 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 they meet the requests below.

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.

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

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

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

- 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; and
- 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" and determines they are eligible for funding. These include:

- 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; and
- 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 toward the 15-page limit. See the Brownfields FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_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 FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_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 FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_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); and

- 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; and
- 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; or
- 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 FAQs at www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf).

Examples of sites receiving LUST Trust Fund monies that EPA would consider to be good candidates to receive Brownfields Grants or loans include:

- 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; and

- 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 www.grants.gov Proposal Submission Instructions

A. Requirement to Submit Through www.grants.gov and Limited Exception Procedures

Applicants, except as noted below, must apply electronically through www.grants.gov under this funding opportunity based on the www.grants.gov instructions in this announcement. If an applicant does not have the technical capability to apply electronically through www.grants.gov because of limited or no Internet access which prevents them from being able to upload the required application materials to www.grants.gov, the applicant must contact OGDWaivers@epa.gov or the address listed below in writing (e.g., by hard copy, email) at *least 15 calendar days prior to the submission deadline under this announcement* to request approval to submit their application materials through an alternate method.

Mailing Address:

OGD Waivers
c/o Barbara Perkins
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Ave., N.W.
Mail Code: 3903R
Washington, DC 20460

Courier Address:

OGD Waivers
c/o Barbara Perkins
Ronald Reagan Building
1300 Pennsylvania Ave., N.W.
Rm # 51267
Washington, DC 20004

In the request, the applicant must include the following information:

- Funding Opportunity Number (FON)
- Organization Name and DUNS
- Organization's Contact Information (email address and phone number)
- Explanation of how they lack the technical capability to apply electronically through www.grants.gov because of 1) limited Internet access or 2) no Internet access which prevents them from being able to upload the required application materials through www.grants.gov.

EPA will only consider alternate submission exception requests based on the two reasons stated above and will timely respond to the request -- all other requests will be denied. If an alternate submission method is approved, the applicant will receive documentation of this approval and further instructions on how to apply under this announcement. Applicants will be required to submit the documentation of approval with any initial application submitted under the alternative method. In addition, any submittal through an alternative method must comply with all applicable requirements and deadlines in the announcement including the submission deadline and requirements regarding proposal content and page limits (although the documentation of approval of an alternate submission method will not count against any page limits).

If an exception is granted, it is valid for submissions to EPA for the remainder of the entire calendar year in which the exception was approved and can be used to justify alternative submission methods for application submissions made through December 31st of the calendar

year in which the exception was approved (e.g., if the exception was approved on March 1, 2016, it is valid for any competitive or non-competitive application submission to EPA through December 31, 2016). Applicants need only request an exception once in a calendar year and all exceptions will expire on December 31st of that calendar year. Applicants must request a new exception from required electronic submission through www.grants.gov for submissions for any succeeding calendar year. For example, if there is a competitive opportunity issued on December 1, 2016, with a submission deadline of January 15, 2017, the applicant would need a new exception to submit through alternative methods beginning January 1, 2017.

Please note that the process described in this section is only for requesting alternate submission methods. All other inquiries about this announcement must be directed to the Regional Brownfields Contact listed in Section VII. Queries or requests submitted to the email address identified above for any reason other than to request an alternate submission method will not be acknowledged or answered.

B. Submission Instructions

The electronic submission of your application must be made by the Authorized Organization Representative (AOR) of your institution who is registered with www.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 www.grants.gov, go to 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 www.grants.gov, please encourage your office to designate an 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 www.grants.gov and should ensure that all such requirements have been met well in advance of the submission deadline. Registration on www.grants.gov, www.sam.gov, and DUNS number assignment is FREE.

Applicants need to ensure that the AOR who submits the application through www.grants.gov and whose DUNS number is listed on the application is an AOR for the applicant listed on the application. Additionally, the DUNS number listed on the application must be registered to the applicant organization’s SAM account. If not, the application may be deemed ineligible.

To begin the application process under this grant announcement, go to 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: apply through www.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 www.grants.gov. Go to www.grants.gov and then click on “Search Grants” at the top of the page and enter the Funding Opportunity Number, **EPA-OLEM-OBLR-16-08**, 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 www.grants.gov. To find the synopsis page, go to 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 successfully submit your complete application package electronically to EPA through www.grants.gov **no later than December 22, 2016, 11:59 p.m. ET**. 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 www.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.

Applications submitted through www.grants.gov will be time and date stamped electronically. If you have not received a confirmation of receipt from EPA (not from www.grants.gov) within 30 days of the proposal deadline, please contact Jerry Minor-Gordon at minor-gordon.jerry@epa.gov. Failure to do so may result in your proposal not being reviewed.

Application Materials

The following forms and documents are mandatory under this announcement.

1. Application for Federal Assistance (Standard Form 424)
2. Cover Letter and Narrative Proposal. See Section IV.C. for details on the content of the Cover Letter and Narrative Proposal, and the associated page limits.
3. Required Attachments. See Section IV.C. of this announcement.

C. Technical Issues with Submission

1. Once the application package has been completed, the “Submit” button should be enabled. If the “Submit” button is not active, please call www.grants.gov for assistance at 1-800-518-4726. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a www.grants.gov representative by calling 606-545-5035. Applicants should save the completed application package with two different file names before providing it to the AOR to avoid having to re-create the package should submission problems be experienced or a revised application needs to be submitted.
2. Submitting the application. The application package must be transferred to www.grants.gov by an AOR. The AOR should close all other software before attempting to submit the application package. Click the “submit” button of the application package. Your Internet

browser will launch and a sign-in page will appear. **Note: Minor problems are not uncommon with transfers to www.grants.gov. It is essential to allow sufficient time to ensure that your application is submitted to www.grants.gov BEFORE the due date identified in Section IV. of this solicitation.** The www.grants.gov support desk operates 24 hours a day, seven days a week, except federal holidays.

A successful transfer will end with an on-screen acknowledgment. For documentation purposes, print or screen capture this acknowledgment. If a submission problem occurs, reboot the computer – turning the power off may be necessary – and re-attempt the submission.

Note: www.grants.gov issues a “case number” upon a request for assistance.

3. Transmission difficulties. If transmission difficulties that result in a late transmission, no transmission, or rejection of the transmitted application are experienced, and following the above instructions do not resolve the problem so that the application is submitted to www.grants.gov by the deadline date and time, follow the guidance below. The Agency will make a decision concerning acceptance of each late submission on a case-by-case basis. All emails, as described below, are to be sent to Jerry Minor-Gordon (minor-gordon.jerry@epa.gov) with the FON in the subject line. If you are unable to email, contact Jerry Minor-Gordon (202-566-1817). Be aware that EPA will only consider accepting applications that were unable to transmit due to www.grants.gov or relevant www.sam.gov system issues or for unforeseen exigent circumstances, such as extreme weather interfering with Internet access. Failure of an applicant to submit timely because they did not properly or timely register in www.sam.gov or www.grants.gov is not an acceptable reason to justify acceptance of a late submittal.
 - (a) If you are experiencing problems resulting in an inability to upload the application to www.grants.gov, it is essential to call www.grants.gov for assistance at 1-800-518-4726 before the application deadline. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a www.grants.gov representative by calling 606-545-5035. Be *sure* to obtain a case number from www.grants.gov. If the problems stem from unforeseen exigent circumstances unrelated to www.grants.gov, such as extreme weather interfering with Internet access, contact Jerry Minor-Gordon (202-566-1817).
 - (b) Unsuccessful transfer of the application package: If a successful transfer of the application cannot be accomplished even with assistance from www.grants.gov due to electronic submission system issues or unforeseen exigent circumstances, send an email message to minor-gordon.jerry@epa.gov prior to the application deadline. The email message must document the problem and include the www.grants.gov case number as well as the entire application in PDF format as an attachment.
 - (c) www.grants.gov rejection of the application package: If a notification is received from www.grants.gov stating that the application has been rejected for reasons other than late submittal promptly send an email to Jerry Minor-Gordon (minor-gordon.jerry@epa.gov)

with the FON in the subject line within one business day of the closing date of this solicitation. The email should include any materials provided by www.grants.gov and attach the entire application in PDF format.

Appendix 3 - Regional Priorities Form/Other Factors Checklist

Name of Applicant: _____

Regional Priorities Other Factor

If your proposed Brownfields Assessment project will advance the regional priority(ies) identified in Section I.F., please indicate the regional priority(ies) and the page number(s) for where the information can be found within your 15-page narrative. Only address the priority(ies) for the region in which your project is located. 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, it will not be considered during the selection process.

Regional Priority Title(s):

Page Number(s): _____

Assessment Other Factors Checklist

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 #
<i>None of the Other Factors are applicable.</i>	
Community population is 10,000 or less.	
Applicant is, or will assist, a federally recognized Indian tribe or United States territory.	
Target brownfield sites are impacted by mine-scarred land.	
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.	
Recent natural disaster(s) (2012 or later) occurred within community, causing significant community economic and environmental distress.	
Recent (2008 or later) significant economic disruption has occurred within community, resulting in a significant percentage loss of community jobs and tax base.	

<p>Applicant is one of the 24 recipients, or a core partner/implementation strategy party, of a “manufacturing community” designation provided by the Economic Development Administration (EDA) under the Investing in Manufacturing Communities Partnership (IMCP). To be considered, applicants must clearly demonstrate in the proposal the nexus between their IMCP designation and the Brownfield activities. Additionally, applicants must attach documentation which demonstrate either designation as one of the 24 recipients, or relevant pages from a recipient’s IMCP proposal which lists/describes the core partners and implementation strategy parties.</p>	
<p>Applicant is a recipient or a core partner of HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant funding or technical assistance that is directly tied to the proposed Brownfields project, and can demonstrate that funding from a PSC grant/technical assistance has or will benefit the project area. Examples of PSC grant or technical assistance include a HUD Regional Planning or Challenge grant, DOT Transportation Investment Generating Economic Recovery (TIGER), or EPA Smart Growth Implementation or Building Blocks Assistance, etc. To be considered, applicant must attach documentation.</p>	
<p>Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant.</p>	