



State and Tribal Response Program Overview and Funding Request Workshop

STRP Workshop – November 16, 2023

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Region 10 STRP Lead

Agenda

Region 10 Brownfields

STRP CERCLA 128(a) Overview

Element 1

Element 2

Element 3

Element 4

Site-Specific Work

Funding Request and Budget Development

EPA Region 10 Brownfields Team



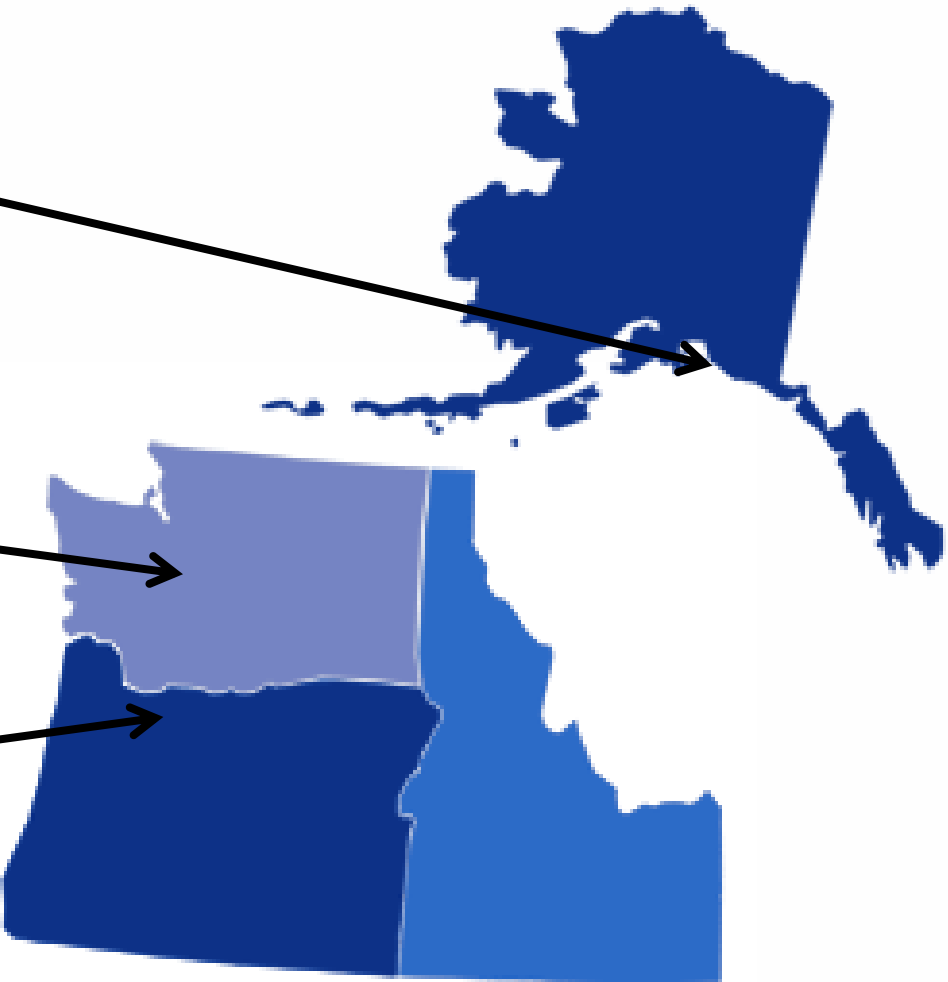
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Meredith Lightbody (MARC Co-Lead)
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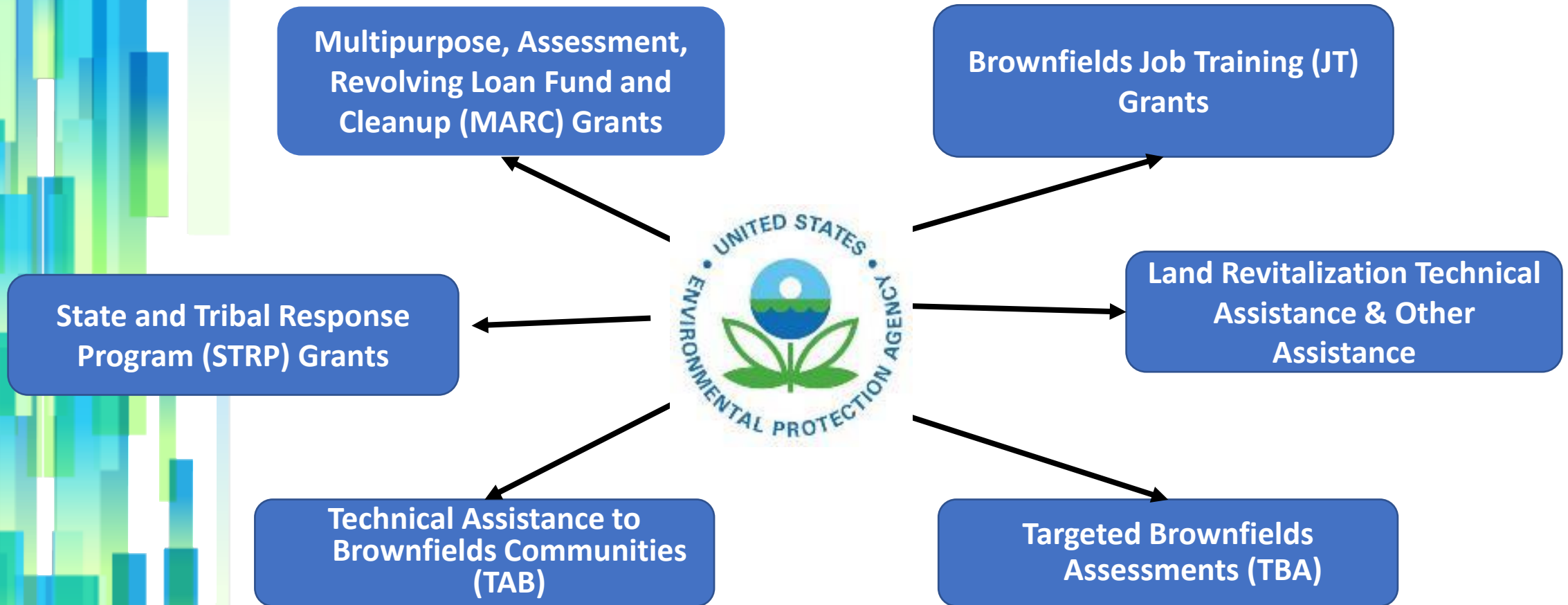
Molly Vaughan (TBA Coordinator)
Tim Mayers



Margaret Olson
(Land Revitalization Coordinator)



Brownfields Funding and Technical Assistance Opportunities



EPA Region 10 Brownfields Program: <https://www.epa.gov/brownfields/r10>
EPA Region 10 TBA Program: <https://www.epa.gov/brownfields/targeted-brownfields-assessment-requests-region-10>
EPA Region 10 Brownfields Team contacts: <https://www.epa.gov/brownfields/epa-region-10-contact-list>

CERCLA 128(a) State and Tribal Response Programs

- EPA provides funding to State and Tribal Response Programs to oversee assessment and cleanup activities at brownfields sites across the country.
- The depth and breadth of these programs vary; but in enacting CERCLA Section 128(a), Congress recognized the value of state and Tribal response programs in cleaning up and reusing brownfield sites.



State and Tribal Response Program Funding Sources

CERCLA 128(a) as
amended by the BUILD
ACT

[42 U.S.C. 9628](#)

Authorizes a
noncompetitive \$50 million
grant program to establish
and enhance state and
Tribal response programs.

Bipartisan Infrastructure
Law

Authorizes \$300 million
(split equally between
FY22-FY26) to carry out
response programs

Main Components of the State and Tribal Response Program

Required

- Four Elements
 1. *Timely survey and inventory of sites*
 2. *Oversight and enforcement authorities or other mechanisms and resources*
 3. *Public participation*
 4. *Mechanism for cleanup planning and certification*
- Establish and maintain the public record



Optional

- Site-specific activities (assessment, cleanup, reuse planning, etc.)



Element 1

CERCLA 128(a)(2)

(A) Timely survey and inventory of brownfield sites in the State.

**What has your
program done for
Element 1?**

**How have you
enhanced your
inventory?**



**How do you
prioritize sites?**

**What resources or
tools have you
found helpful in
developing your
inventory?**

Element 1 Objective and Key Components

The goal for this element is to enable the state or Tribe to establish or enhance a system or process that will provide a reasonable estimate of the number, likely locations, and the general characteristics of brownfield sites in their state or Tribal lands.

Inventory should be established in the first year of your response program

Identify properties with real or perceived environmental issues

EPA provides the guidance, but it is the community that identifies a property as a ***Brownfield*** for the inventory

EPA does not “approve” sites added to the inventory and does not require a published list of brownfields sites

The Basics of an Inventory




Create a list of sites where contamination is a concern

Types of sites to consider:

- Abandoned properties, houses, mobile homes, gas stations
- Active but Underutilized properties
- Active but Underutilized Real State turnover complicated by real or perceived contamination
- Identify Suspected Areas (Former Industrial, former Dry Cleaners)
- Properties tied to other projects (Transportation, Disaster Recovery, Neighborhood Stabilization, Adjacent Communities)
- Tax Delinquent properties
- Former School properties & hospitals

Element 1 Potential Sources of Information

- Interviews of former workers and maintenance staff of potential brownfields buildings/sites to obtain historical and maintenance information
 - Information from community members (verbal, web site, report form)
 - Interviews with elders
 - State or Tribal GIS and mapping records
 - Old photos and maps
 - Information from files in Tribal/Bureau of Indian Affairs (BIA) realty offices; Tribal land offices
 - Field survey of Tribal lands
 - Interviews with federal agencies (BIA, USGS, BLM, etc.)
 - Output from a contractor hired to conduct the inventory
 - Review of existing inventories, reports, or databases such as:
 - [EPA Envirofacts database](#)
 - [EPA ACRES Database](#)
 - UST/LUST inventories (Tribal, BIA, [EPA](#) and State)
 - Open dump surveys (IHS, [EPA](#))
 - Abandoned Mine Inventory (States, [BLM](#), [EPA](#))
 - [Cleanups in my Community](#)
 - Insurance maps
 - Old topographic and soil survey maps and aerial photos
 - Resource Conservation and Recovery Act (RCRA) treatment, storage and disposal facility lists
 - [EPA CERCLA/Superfund preliminary assessment, site investigation, remedial investigation, and feasibility study reports](#)
 - Oil & gas well inventories ([States](#))
 - State or near-by county/community brownfield inventories
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Element 1 Example Tasks and Activities

1. Establish a process to determine locations and general characteristics of brownfield sites with the goal of redeveloping or reusing sites
2. Create and update a database to help prioritize future brownfield site actions
3. Integrate existing environmental program databases to improve coordination, can including UST/LUST, RCRA, Water, Air, Emergency Response, etc.
4. Identify open dumps including locations, size, type of hazardous waste and contaminants
5. Publicize maps, site fact sheets, reuse plans, website development and maintenance that support the availability of the database for public review at casinos, bingo halls, etc.
6. Update annually or as appropriate
7. Research ownership, history, type of contamination, past or proposed response actions for potential brownfield sites.
8. Use GIS/GPS to create a map of the sites identified
9. Gather information on potential sites including abandoned/run-down buildings that may harbor asbestos, lead paint or mold contamination, drums, dumps sites, maintenance facilities, service stations, industrial or agricultural operations
10. Consult with local residents/the Elders on the location of possible brownfields sites.



Element 2

CERCLA 128(a)(2)

(B) Oversight and enforcement authorities or other mechanisms, and resources, that are adequate to ensure that—

(i) a response action will—

(I) protect human health and the environment; and

(II) be conducted in accordance with applicable Federal and State law; and

(ii) if the person conducting the response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed.

**What has your
program done for
Element 2?**

**What type of SOPs do
you have in place for
oversight?**



**What types of sites
do you provide
oversight for?**

**What types of
trainings have you
done that have
helped your
oversight capacity?**

Element 2 Objective and Key Components

The goal for this element is to have state and Tribal response programs that include oversight and enforcement authorities or other mechanisms and resources to ensure that: a response action will protect human health and the environment and be conducted in accordance with applicable laws; and the state or Tribe will complete the necessary response activities if the person conducting the response action fails to complete them.

ADEC has legal oversight and enforcement authorities in statute that meet the requirements of this element, with the exception of the Metlakatla Tribe. Alaska Tribes can move towards oversight through tribal creation of codes and ordinances over Tribal members that meet or exceed the state of Alaska standards. In coordinating and collaborating with ADEC, a federally recognized tribe does not give up any of their sovereign rights.

There is no one size fits all model for Tribal authorities

Federal and State authorities can be a model for development of Tribal authorities



What is a response action?

- Oversight on Emergency Response Work
 - Spill response
 - Car accidents
 - Plane crashes
 - Abandoned materials
- Site specific work
 - Assessment
 - Abatements
 - Cleanup




The Benefits of Oversight and Enforcement


- Experience gained through conducting response and site-specific work
- Strengthens Tribal sovereignty by developing tribe-specific laws/codes
- Observing & assisting EPA or other federal actions
- Leveraging TRP funds for carrying out redevelopment
- Build capacity to refer response actions outside of jurisdiction
- Develop knowledge on how to review contractor deliverables



Element 2 Example Tasks and Activities

1. Review existing response actions to assure they will protect human health and the environment.
 2. Provide training for Response Program/Brownfield Coordinator to acquire certification to inspect and assess brownfield sites.
 3. Research existing environmental oversight and enforcement authorities.
 4. Develop site closure protocols or procedures.
 5. Establish an inspection protocol to include inspection reports, surveying new sites, mapping of sites, public input, safety issues and concerns of sites.
 6. Establish an operational plan to inspect sites, including random inspections and surprise visits.
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Element 2 Example Tasks and Activities (continued)

7. Ensure that the Tribe has an EPCRA-compliant emergency-response plan or that Tribal lands and resources are included in a regional plan.
 8. Work with Tribal and federal entities to assure enforcement capabilities are in compliance with federal regulations.
 9. Develop procedures to ensure response actions are conducted in a lawful manner and protect human health and the environment.
 10. Obtain a legal review of Tribal codes/ordinances pertaining to environmental programs for environmental response, solid waste management, etc.
 11. Develop laws, regulations, or policies regarding oversight and enforcement authorities.
- 



Element 3

CERCLA 128(a)(2)

(C) Mechanisms and resources to provide meaningful opportunities for public participation, including—

(i) public access to documents that the State, Indian tribe, or party conducting the cleanup is relying on or developing in making cleanup decisions or conducting site activities;

(ii) prior notice and opportunity for comment on proposed cleanup plans and site activities; and

(iii) a mechanism by which—

(I) a person that is or may be affected by a release or threatened release of a hazardous substance, pollutant, or contaminant at a brownfield site located in the community in which the person works or resides may request the conduct of a site assessment; and

(II) an appropriate State official shall consider and appropriately respond to a request under subclause (I).

**What has your
program done for
Element 3?**

**What type of events
do you attend to
conduct public
outreach?**



**Have you held
public meetings?**

**How do you get
people interested
in learning more
about your
program?**

Element 3 Objective and Key Components

The goal for this element is to give community members access to the information you are using to make decisions, prior notice and enough time to comment on site-specific activities. In addition, it creates a process for community members to comment on the prioritization of sites or issues and provide information to the TRP of environmental issues that may need to be addressed.

At a minimum, provide public access to documents and materials relied on for cleanup decisions to provide prior notice and opportunity for comment on cleanup plans and site activity, and provide a mechanism for a person to request a site assessment.

Public participation during site prioritization is particularly important when sensitive populations are at risk of exposure and economically disadvantaged or remote areas may benefit from redevelopment

When in doubt, ask yourself (or your PM) *“Is this meaningful public participation?”*

Benefits of Public Participation


- Address concerns before they become problems
- Get community buy-in for response actions
- Learn about previously unknown issues
- Satisfy public notification requirements



Element 3 Example Tasks and Activities

1. Develop outreach materials that contain a brownfields message such as coloring books, brochures, posters, signs, etc.
2. Incorporation of brownfields into public outreach activities including public and youth education, quarterly public meetings in each district, local media, regional news outlets and publications, radio stations, multi-media center
3. Provide public access and ability to comment on environmental issues through a website, via e-mail, public meetings, and newsletters
4. Establish procedure for prior notice and opportunity for public comment as well as a mechanism by which an affected person may request a site assessment be conducted
5. Develop and implement a process that outlines how various tribal programs will coordinate to address and respond to public comments.
6. Meet regularly with the other Tribal environmental programs to get input and share information.
7. Promulgate or refine public involvement section of Tribal environmental review code to meet the statutory criteria of 128(a)(2)(C).
8. Develop and implement a youth education program that focuses on understanding contaminated sites and the impact to the community and subsistence and traditional ways
9. Hire a translator to communicate environmental information in native language

Element 3 Example Tasks and Activities (continued)

10. Develop and implement a community involvement plan. Be sure the plan identifies who is responsible for taking the lead in keeping the community informed during and after a response action.
 11. Hold meetings with community, council, districts, churches, elders, schools, other tribal departments, and Brownfields or response program staff to educate and coordinate activities.
 12. Give interviews on the radio about the brownfields program.
 13. Create success flyers and presentations that summarize assessments and cleanups and other activities under the response program.
 14. Participate in the Tribal or community college job fair and set up a booth to distribute Brownfields information and potential environmental jobs with types of training needed.
 15. Establish or upgrade tribal website to provide information about Brownfields program activities.
 16. Coordinate an environmental education event, such as a summer camp or summer program for kids that will help inform them about Brownfields-related issues and solutions.
 17. Host or participate in Native American Day, Earth Day, Annual Cleanup Day, and powwows distributing response program information.
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Element 4

CERCLA 128(a)(2)

(D) Mechanisms for approval of a cleanup plan, and a requirement for verification by and certification or similar documentation from the State, an Indian tribe, or a licensed site professional to the person conducting a response action indicating that the response is complete.

**What has your
program done for
Element 4?**

**What type of training
has been helpful to
understand cleanups?**



**Has your program
reviewed and/or
approved a
cleanup plan?**

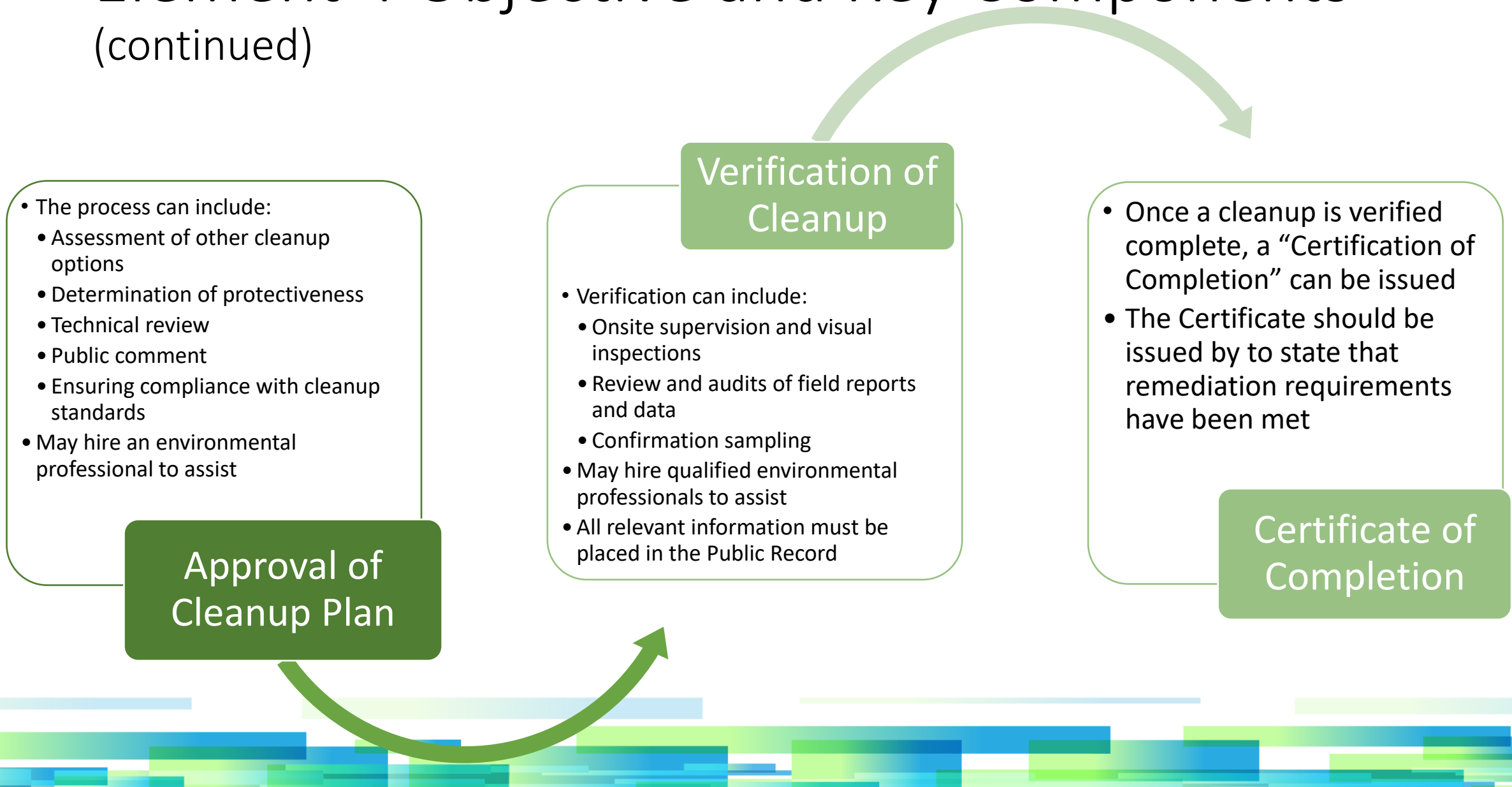
Element 4 Objective and Key Components

The goal for this element is to have state and Tribal response programs that include oversight and enforcement authorities or other mechanisms and resources to ensure that: a response action will protect human health and the environment and be conducted in accordance with applicable laws; and the state or Tribe will complete the necessary response activities if the person conducting the response action fails to complete them.

In Alaska, ADEC has the capacity and statutory authority to approve cleanup plans and verify that cleanup efforts fulfill a responsible party's obligations. The TRP will work directly with the State of Alaska to ensure all site-activity in the community is verified and certified. As an example, the TRP coordinates and collaborates with the ADEC in the approval of the cleanup plans and throughout the cleanup planning process. In coordinating and collaborating with the ADEC, a federally recognized tribe does not give up any of their sovereign rights."

Element 4 Objective and Key Components

(continued)



Element 4 Examples Tasks and Activities

1. Develop and implement a process for certifying that cleanup is complete.
2. Coordinate with ADEC Brownfields program on cleanups.
3. Identify training needs and develop a training plan.
4. Research and evaluate new findings on exposure pathways, vapor intrusion, sustainable remediation.
5. Research existing cleanup plans and verification procedures. Create a draft Tribal cleanup and verification plan and implement a review process.
6. Establish a system to store information allowing for transparency and access.
7. Obtain a Tribal Council Resolution on process for approval of cleanup plans.



Element 4 Examples Tasks and Activities

8. Implementation of approval process of cleanup activities.
9. Coordinate with potential land users to obtain clearance through the Environmental Programs Division and/or Tribe's Land Division to ensure activities are in compliance and protective of human health and the environment.
10. Develop an administrative closure plan for open dumps.
11. Create regulations for risk-based cleanup standards.
12. Research and improve institutional controls (ICs).
13. Establish system and procedures for implementing ICs where, after completion of response, site is not suitable for unrestricted use.





Public Record

CERCLA 128(a)(2)

(C)Public record

The limitations on the authority of the President under subparagraph (A) apply only at sites in States that maintain, update not less than annually, and make available to the public a record of sites, by name and location, at which response actions have been completed in the previous year and are planned to be addressed under the State program that specifically governs response actions for the protection of public health and the environment in the upcoming year. The public record shall identify whether or not the site, on completion of the response action, will be suitable for unrestricted use and, if not, shall identify the institutional controls relied on in the remedy. Each State and tribe receiving financial assistance under subsection (a) shall maintain and make available to the public a record of sites as provided in this paragraph.

**What has your
program done for
your Public Record?**



**How do you make
your public record
publicly available?**

**What resources have
you found useful
when developing your
Public Record?**

**Has anyone ever
reached out
regarding the
information on
your Public
Record?**

Public Record Objective and Key Components

States and Tribes must establish and maintain a public record system, to enable meaningful public participation

The Public Record must be updated annually, or more often as appropriate

The Public Record must include the names and location of sites at which response actions have been completed during the previous year and response actions that are planned in the coming year

The development and operation of systems that ensure long-term maintenance of the public record can be included in work plans

The Public Record must identify if the site will be suitable for unrestricted use or if there are institutional controls and include relevant information concerning the entity responsible for oversight, monitoring, and/or maintenance of the institutional controls

States and Tribes should ensure that there is appropriate access to the public record by making it available on-line, in-print at libraries, or at other community gathering places.

Inventory ≠ Public Record

Inventory




The "timely survey and inventory" element refers to identifying brownfield sites regardless of planned or completed actions.

Public Record



The public record addresses sites at which response actions have been completed in the previous year or are planned in the upcoming year.

Public Record Example Tasks and Activities

1. Update annually, or more often if appropriate.
 2. Review state, Federal or Tribal databases to track sites on public record and ensure information is up to date.
 3. Develop a process to track institutional controls after response actions have been completed.
 4. Post notices to inform community members of sites. Notices can be flyers, newspaper ads, newsletters, presentations to Tribal Council and radio/TV/internet announcements, and any other efforts to make the public record accessible, etc.
 5. Establish publicly available files of site information in environmental agency office.
 6. Publish Public Record on website.
 7. Use Geographic Information System (GIS)/Global Position System (GPS) to create a map of the sites on the Public Record.
 8. Develop processes that ensures long-term maintenance of information on Institutional Controls (ICs)/Engineering Controls (ECs).
- 

Have you done site-specific work or plan on doing it in the coming year?

How did you select a site for assessment or cleanup?



What has been a barrier to completing site specific work?

What resources or training have been useful for navigating site-specific work?

The Basics of Site-Specific Work

- Allowable under TRP, but not required
- Site specific work must be completed at an eligible brownfields site
- Funding is limited
 - Cannot exceed 75% of your award (waivers available)
 - Generally, not allowed in the first year of funding
- Work needs to be approved by PM before you begin
- Will need to do a QAPP and SAP prior to TRP-funded sampling
- Site-specific work should be budgeted separately under Task 2

Eligible Site-Specific Activities

- Assessments
- Cleanup plans
- Reuse plans
- Abatement/Cleanup

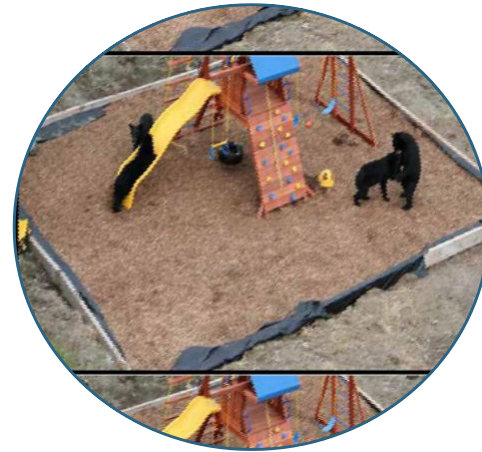


A **brownfield** is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

Reuse can be economic, cultural, ecologic, spiritual purposes

- Housing
- School
- Health Center/Clinic
- Community Center
- Manufacturing
- Transportation
- Open Space/Agriculture
- Ceremonial

*Must benefit the community/tribe overall



Trainings to support Site- Specific Work


ASTM Phase I &
Phase II

Quality
Assurance
Project Plan
(QAPP) Writing

Assessment,
Cleanup and
Redevelopment
Exchange
System (ACRES)
Training

Qualified
Environmental
Sampler

Site Specific Work Example Tasks and Activities

1. Submitting Site Eligibility sheet to your EPA PM for review.
 2. Entering assessment and cleanup information (conducted with EPA TRP funding) into EPA's ACRES database.
 3. Conducting a Phase I environmental site assessment.
 4. Developing and/or reviewing QAPPs and SAPs.
 5. Developing and issuing Requests for Proposals (RFPs) and writing scopes of work (SOWs) to hire contractors to conduct assessments and cleanups.
 6. Conducting or reviewing Endangered Species Act and National Historic Preservation Act consultations
 7. Preparing an ABCA to evaluate cleanup options.
 8. Developing a Cleanup Plan for the site.
 9. Auditing site cleanups to verify the completion of the cleanup.
 10. Developing or reviewing Phase I/II/Cleanup Reports
 11. Developing a reuse/redevelopment plan for the site taking into consideration the contamination issues.
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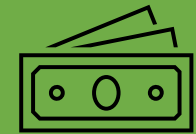
Funding Request and Budget Development

Funding Request Development



- Be as specific as possible
- Determine if you are at the “Establishing” or “Enhancing” phase
- Show evolution in program every year
- Work plan activities will reflect TRP priorities for fiscal year
- Must carry out activities listed on the work plan (deliverables), unless amended

Budget Development



- Should reflect priority and needs of your TRP
- Most of funding *usually* goes into FTE and fringe
- Start with Region 10 template
- Make realistic requests for supplies and equipment





CENTER FOR CREATIVE LAND RECYCLING

RECLAIM . CONNECT . TRANSFORM .



Who We Are



CENTER FOR CREATIVE
LAND RECYCLING
RECLAIM.CONNECT.TRANSFORM.



Joy Britt, MPH
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Environmental Scientist
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And many others! Check out our [team](#) page.



Center for Creative Land Recycling (CCLR or “see clear”)

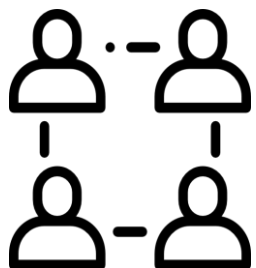
- Our mission is to promote the sustainable, equitable, and responsible reuse of underutilized and environmentally impacted properties.
- We assist, advocate, and convene stakeholders to revitalize communities through land recycling.
- CCLR is U.S. EPA’s Technical Assistance to Brownfields Provider (TAB) for EPA Regions 9 and 10.



Center for Creative Land Recycling (CCLR or “see clear”)

What we do

- One-on-one technical assistance
- National and regional webinars
- Workshops and conferences
- Newsletters and online resources



How we can help you

CCLR works with communities in response to their brownfields needs. We can help you through the entire process!

Getting you started

Assistance applying for a grant (EPA MARC grants and STRP proposals), planning next steps, etc.

Helping you stay on track

Understanding requirements of the grant, completing the work plan, procurement, and other grant administration tasks.

Getting the job done

Providing examples of documents and introducing you to peers, experts, and other resources.



Learn More and Stay Connected!

- ★ Watch CCLR's [About Us video](#)
- ★ [Subscribe to our newsletter](#)
- ★ Explore our [online resource library](#)
- ★ Ask us about the Northwest Brownfields Peer Learning Group

