



Tier II: Module 3 A

**CERCLA 128(a): Grants
Tribal Response Program**



How does the TRP Grant work and what is my role?



Can you put some Bones into the grant budget?



Overview of 128(a) Grants

NOTE: This is a general overview of the 128(a) Tribal Response Program Grant process and your role in that process, it is not a Grants Management Training Course.

{consult your Tribe & EPA Regional Office for specific guidelines or for grants management training}



128(a) Cooperative Agreement

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

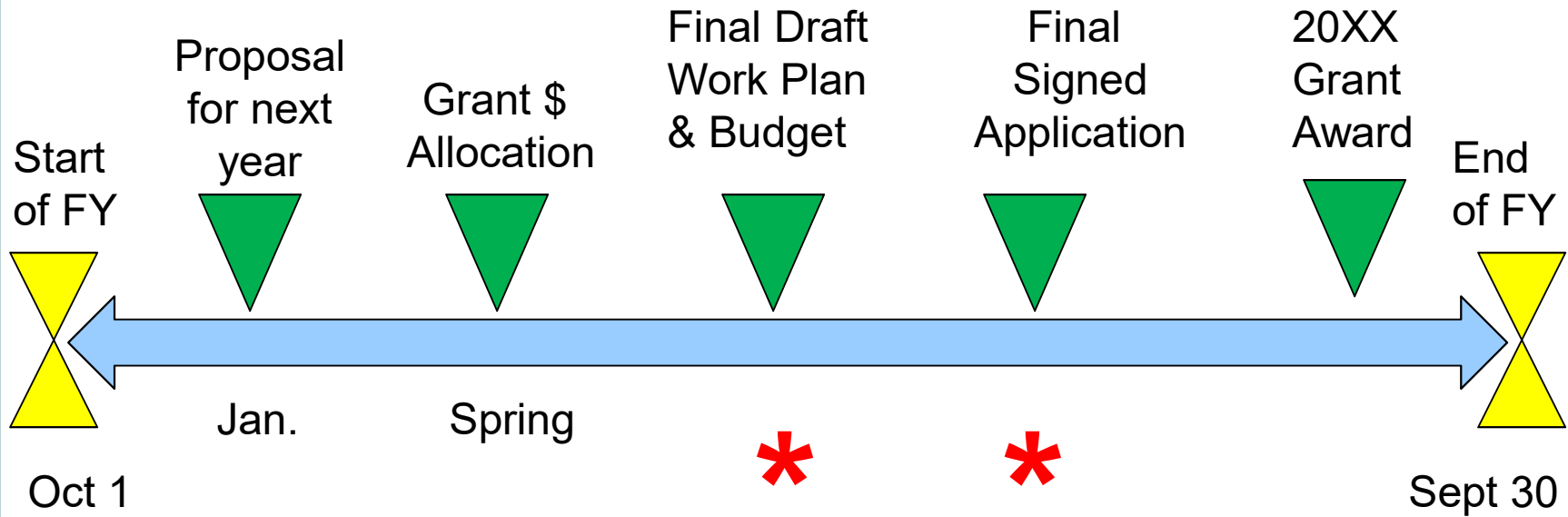
(therefore the grant is typically awarded to the tribe, not the environmental office or a specific person)

Annual Grant Cycle





TRP Grant Timeline



Consult your EPA P.O. for due dates



The 20XX Grant???

Do not get confused:

The Grant Award Year vs the Grant Year?

The “20XX Grant” may be:

- The year or FY the grant is awarded;
or
- The FY the grant is implemented
(Oct. 1 of 20XX to Sept.30 of 20YY)



Your Role

- Work with your Director & Tribal grants office and know your role(s):
- Work Plan (plan & implement tasks)
 - Budget (plan, modify & monitor)
 - Accomplish tasks
 - Meet goals & deadlines
 - Grant Progress Reports
 - Submit data & forms



Grant Reports

- Quarterly or Semi-annual Progress Reports
- End-of-Year Reports
- Property Profile Forms
- ACRES database

Failure to submit timely grant reports can affect all federal grants to your tribe!



Fundable Tasks

- Consult EPA HQ & Region Guidance
- When in doubt –ASK!
(get the question right)
- Ask in advance
- Know when you need written approval
(Site Specific Work)

Note: the guidance may change over time



Fundable Items: (examples)

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

Major 128(a) Grant Submissions

Jan 31

- Proposal with tasks & funding use budget*
- Other required information

Spring

- Draft Grant Workplan & Grant Budget*
- Site work requests ?

Summer

- Final signed grant application
- Site work requests ?

* Determine who needs to review what & when



Step 1: the Proposal

- Draft proposals in January
- Final due to Region by... (Jan. 31?)
- Need to justify requests for funding increases
- Use Template or format provided by EPA Regional office



Program Activity

- program activity level information: Summarize some of your program's accomplishments during the last grant year.
- Please contact your EPA project officer if you have questions about the activities to be included in your proposal.



Grant Proposal Budget Table

| Funding Use | FY(current) \$ Awarded | FY(next) \$ Requested | Summary of Intended Use |
|-----------------------------|---------------------------|--------------------------|----------------------------|
| 4 Elements | | | |
| Public Record | | | |
| Enhance the TRP | | | |
| Site Specific Activities | | | |
| Env. Insurance | | | |
| RLF | | | |
| Total Funding \$ | | | |



Remaining Grant Funds

- Your tribal office & EPA project officer can let you know how much funding remains from your past TRP grants
- This information needs to be provided in your proposal.
- This amount may affect the new funding you receive, so be sure to justify why these funds shouldn't count against your new funding, if possible.



Requesting Increased Funds?

For those tribes requesting amounts above their (last) allocation, a separate explanation must be provided using the provided format or the explanation can be made in a narrative form.

The request should:

- **clearly demonstrate the environmental benefits of the proposed activity/task; and**
- **how it directly supports the establishment and enhancement of the four elements of a response program.**

Requests for increases over the last FY funding amount will be considered only after allocations are made to cover basic core support to programs of all eligible requestors.



Increased Grant Funds Table:

| Explanation of Requests for Funding ABOVE (last) Award | \$ Amount | One Time Request or Recurring ? | Explanation / Anticipated Outcome |
|--|-----------|---------------------------------|-----------------------------------|
| 4 Elements | | | |
| Public Record | | | |
| Enhance the TRP | | | |
| Site Specific Activities | | | |
| Env. Insurance | | | |
| RLF | | | |
| Total Funding \$ | | | |



Step 2: The Allocation

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



Full Final Application

Full Grant Application with:

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

Std. Form 424A

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

| Application for Federal Assistance SF-424 | | Version 02 |
|--|---|---|
| * 1. Type of Submission: <input type="checkbox"/> Preapplication <input type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application | | * 2. Type of Application: * If Revision, select appropriate letter(s): <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision * Other (Specify) _____ |
| * 3. Date Received: Completed by Grants.gov upon submission | 4. Applicant Identifier: _____ | |
| 5a. Federal Entity Identifier: _____ | * 5b. Federal Award Identifier: _____ | |
| State Use Only: | | |
| 6. Date Received by State: _____ | 7. State Application Identifier: _____ | |
| 8. APPLICANT INFORMATION: | | |
| * a. Legal Name: _____ | | |
| * b. Employer/Taxpayer Identification Number (EIN/TIN): _____ | * c. Organizational DUNS: _____ | |
| d. Address: | | |
| * Street1: _____ | | |
| Street2: _____ | | |
| * City: _____ | | |
| County: _____ | | |
| * State: _____ | | |
| Province: _____ | | |
| * Country: _____ | | |
| * Zip / Postal Code: _____ | | |
| e. Organizational Unit: | | |
| Department Name: _____ | Division Name: _____ | |
| f. Name and contact information of person to be contacted on matters involving this application: | | |
| Prefix: _____ | * First Name: _____ | |
| Middle Name: _____ | | |
| * Last Name: _____ | | |
| Suffix: _____ | | |
| Title: _____ | | |
| Organizational Affiliation: _____ | | |
| * Telephone Number: _____ Fax Number: _____ | | |
| * Email: _____ | | |

See which version
of the Std. Form 424
your tribe is using.

Get a copy
(submitted & final)

Understand what
is in it



Grant Std. Form 424 info.

You should know:

- Award Date
- Award Amount
- Performance Period
- Terms & Conditions
- Signed by Tribe & EPA? (is it final?)

Grant Budget Categories

D. BUDGET BREAKOUT

Sample Budget Format

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

* EPA defines equipment as items that cost \$5,000 or more with a useful life of more than one year. Items costing less than \$5,000 are considered supplies.

Grant Budget: Std. Form 424

OMB Approval No. 0348-0044

BUDGET INFORMATION - Non-Construction Programs

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

Authorized for Local Reproduction

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

Previous Edition Usable



Terms & Conditions

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

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



Grant Close Out

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



Be Aware!

- Understand the Grant cycle & process
- Understand who does what
- Understand your role in that process
- Submit timely and thorough reports
- Submit timely & accurate information and data
- Monitor & manage your work plan and budget, seek modifications if needed



Be Aware!

- Federal Grant Forms and application requirements can change @ year!
- Consult your US EPA Region 10 contact to be sure you have the most recent grants guidance and formats.

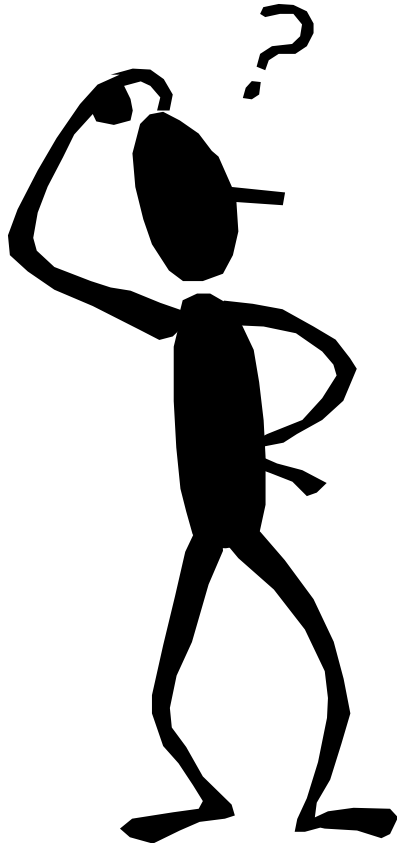


Tier II: Module 3-B

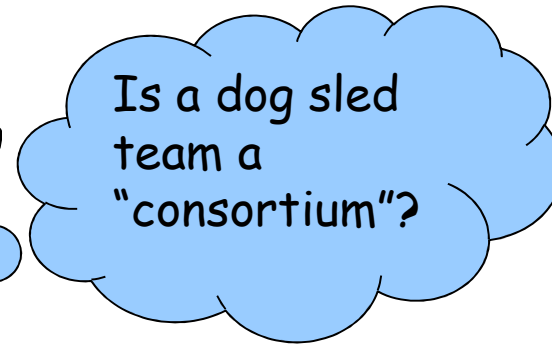
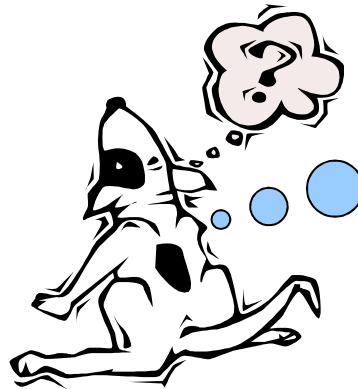
**CERCLA 128(a): Grants
Tribal Response Program
Consortiums**



What is a “Consortium”?



Why would our tribe
consider being part of
a “consortium”?



Consortiums





Intertribal Consortium

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



TRP Intertribal Consortia

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

(there are currently 8 128(a) tribal consortia in Alaska)



The “Law”

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



Who is Eligible?

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



EPA Tribal Policy

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



Alaska Tribes

Neither the eligibility provisions of section 128(a)(1)(A) of CERCLA nor the legislative history of section 128, indicate that Congress intended for Indian tribes in Alaska to be ineligible for grants to establish or enhance tribal response programs. EPA will, therefore, consider intertribal consortia comprised of Indian tribes in Alaska to be eligible for funding under section 128(a) of CERCLA.



EPA: Intertribal Consortia

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



Eligibility Requirements

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

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



Submission Requirements

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

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



Tribal Accomplishments

Presently there are 8 Alaska Tribal Consortia:

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

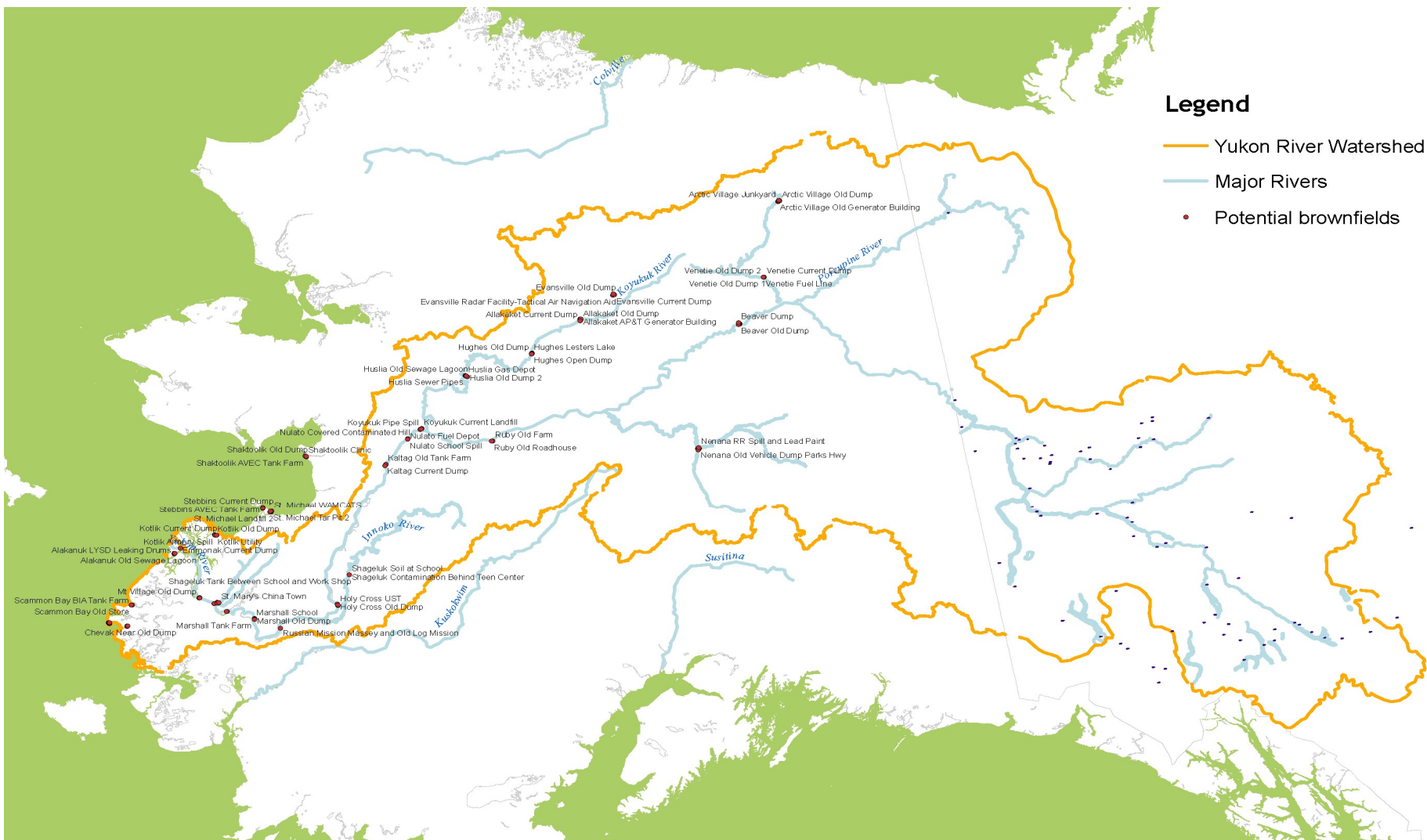


Kuskokwim River Basin

ONE PEOPLE ~ ONE RIVER



Yukon River Inter-Tribal Watershed Council





Consortia Challenges

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



Further Tribal Implementation

- Additional Alaska Tribes and/or native villages may consider forming or joining a consortia to implement the Tribal Response Program.
- Tribes with limited resources and/or staff in other parts of the country may consider forming TRP consortia.



TRP Grant: Options 3-C

- ❖ **Revolving Loan Fund**
- ❖ **Liability Insurance**



The “Law” : the RLF

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



Why a RLF?

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



Why a RLF?

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

For further information on the RLF contact your EPA Regional Office



The RLF

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

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



The RLF

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

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

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



Liability Insurance

“The Law”

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



Liability Insurance

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

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

For further information contact your EPA Regional Office



PPG eligible?

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



The End