

SECTION 128(A) TRIBAL RESPONSE PROGRAM (TRP) COOPERATIVE TERMS AND CONDITIONS



What Do They All Mean?



TRP Terms & Conditions

- Programmatic Conditions added to all TRP cooperative agreements
- Sets forth requirements of TRP grant program
- The first place to look for answers to your questions
- There are also Administrative Conditions added to all EPA cooperative agreements
- This presentation highlights the major items contained in the most current version of the TRP T&Cs – Please refer to your T&Cs for more details

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TRP Terms & Conditions

- Contain 14 sections:
 - I. Response Program Elements
 - II. Public Record System
 - III. Site-Specific Assessment and Cleanup Activities
 - IV. Property Specific Funding Determinations
 - V. Institutional Controls
 - VI. Grant Performance Reporting Requirements
 - VII. Sufficient Progress

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TRP Terms & Conditions Con't

- VIII. Quality Assurance
- IX. Green and Sustainable Site Assessment and Remediation Measures
- X. Competency of Organizations Generating Environmental Measurement Data
- XI. General Federal Requirements
- XII. Substantial Involvement
- XIII. Program Income
- XIV. Food and Refreshments

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TRP Terms & Conditions

- This presentation will just highlight a few of the terms and conditions.



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I. Response Program Elements

1. Timely survey and inventory of sites in tribal lands
2. Oversight and enforcement authorities or other mechanisms and resources
3. Mechanisms and resources to provide meaningful opportunities for public participation
4. Mechanisms for approval of a cleanup plan and verification and certification that cleanup is complete

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II. Public Record System

- CAR must establish a public record system
- Must be maintained and updated, at least annually
- List sites that were worked on in the previous year
- List sites that you are planning to be addressed in the next year.

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What is the difference between the inventory and the public record???

- Inventory is a list of ALL identified Brownfields sites
- Public record is just the sites that you worked on in the previous year and are planning on working on in the next year.



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III Site-Specific Assessment and Cleanup Activities

A. Brownfields Site Eligibility

1. CAR to provide site specific information before incurring costs including:
 - ✓ Meets definition of a Brownfields site
 - ✓ Identity of owner
 - ✓ Date of acquisition
2. CAR to provide information if eligible for a property specific determination
 - ✓ Protect human health and environment
 - ✓ Promote economic development
 - ✓ Enable creation, preservation, or addition to parks, greenways, ... or other non-profit purposes



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III Site-Specific Assessment and Cleanup Activities

A. Brownfields Site Eligibility (cont)

6. EPA must make petroleum determination for sites on tribal land so CAR must submit documentation to EPA PO
7. Site Specific Activity Funding Limit – The amount requested for site-specific assessments and cleanups may not exceed 50% of the total amount of funding. A grantee may request a waiver.



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TRP Terms & Conditions XII Substantial Involvement

1. Substantial EPA involvement includes:
 - a. Consultation and collaboration on technical and policy matters at the recipients request.
 - b. EPA may review terms of professional services contracts or sub-awards.
 - c. EPA approval prior to commencing assessment or cleanup on a site.
 - d. EPA review of the qualifications of key staff.
 - e. Monitoring of the recipient's performance under the agreement.



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TRP Terms & Conditions XII Substantial Involvement Con't

- B. Substantial Involvement (cont)
 2. Effects of substantial involvement includes:
 - a. EPA review does not negate CERCLA §128 (a) site determinations, CERCLA in general or any Federal statute
 - b. CAR responsible for ensuring cleanups are protective of human health and the environment, comply with applicable federal and state laws, and must consult with EPA if changes to cleanup are necessary
 - c. CAR responsible for ensuring costs are allowable under OMB circulars

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VI Grant Performance Reporting Requirements

D. Quarterly Progress Reports

1. CAR must submit quarterly progress reports to PO that contain information outlined in this T&C
2. CAR must maintain records on funds expended on specific properties CAR will inform EPA of any problems that will impair their ability to meet outputs/outcomes

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TRP Terms & Conditions

Final Requirements

1. Within 90 days of the expiration or termination of the grant, the CAR must submit all requirements
 - a. CAR must submit the following documentation:
 1. Final Report
 2. Final Federal Financial Report
 3. Final MBE/WBE Report
 - b. All property data in ACRES



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Questions?



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