

INSTRUCTIONS FOR COMPLETING CERCLA 128(a) STATE AND TRIBAL PROGRAM ACTIVITY LEVELS (PALs) FORM

GENERAL INSTRUCTIONS

Overview:

As specified in your cooperative agreement terms and conditions, all CERCLA 128(a) State and Tribal cooperative agreement recipients must report to EPA on a regular basis. This OMB and EPA approved reporting form (OMB No. 2050-0192, EPA Form 6200-04) supplements your Quarterly or Semiannual Reports with information about specific activities and accomplishments that EPA deems necessary to adequately monitor and evaluate progress toward goals defined in the cooperative agreements. Please contact your EPA Regional representative if you have any questions when completing this form.

Compared to the Quarterly or Semiannual Reports, the PALs Form contains quantitative information on eight specific measures of recipient performance. Reporting on these specific activities and accomplishments must be provided in the attached PALs Form rather than in the Quarterly or Semiannual Reports.

When to Submit:

Cooperative agreement recipients must submit a PALs form annually when the annual funding submission is due to EPA. Generally, this occurs December 15.

To Whom to Submit:

Cooperative agreement recipients must submit PALs Reporting Forms to their EPA Regional Representative identified in the terms and conditions or the cooperative agreement. If data is entered online it will automatically be delivered to the EPA Regional Representative.

How to Submit:

The Assessment, Cleanup, and Redevelopment Exchange System (ACRES) is available online and is the preferred method for the CERCLA 128(a) State and Tribal cooperative agreement recipients to enter and submit the PALs Reporting Form. Electronica reporting is optional. The PALs Reporting Form may also be submitted in hard copy via e-mail to the EPA Regional Representative.

DETAILED INSTRUCTIONS FOR COMPLETING EACH ITEM ON FORM

PART I – COOPERATIVE AGREEMENT RECIPIENT INFORMATION

1. **State or Tribe.** Enter the state or tribe that received the CERCLA 128(a) cooperative agreement.
2. **Cooperative Agreement Recipient Name.** Enter the cooperative agreement recipient name. Use the official name provides in the cooperative agreement, unless otherwise directed by the EPA Regional Representative.
3. **Cooperative Agreement Number.** Enter the cooperative agreement number. Use the number as provided in the cooperative agreement.

PART II – PROGRAM ACTIVITY INFORMATION

4. **Select one or more of the following environmental programs where CERCLA 128(a) funds are used to support capacity building (general program support, non-site-specific work.** Indicate, as appropriate, which environmental programs are supported by CERCLA 128(a) funds. The list of programs are Brownfields, Underground Storage Tanks/Leaking Underground Storage Tanks, Federal Facilities, Solid Waste, Superfund, Hazardous Waste Facilities, and/or VCP (Voluntary Cleanup Program, Independent Cleanup Program, etc.) Other.
5. **Number of properties (or sites) enrolled in a response program during the most recent fiscal year.** Enter the number of properties enrolled in the response program. Note: Please refer to the definition in Part IV for Enrolled and note that it should include both traditional enrollment programs and programs that track properties under other oversight activities.
6. **Number of properties (or sites) where documentation indicates that cleanup work is complete AND all required Institutional Controls (ICs) are in place or not required.** Enter the number of properties where documentation demonstrated that all cleanup work is completed and all required ICs are in place or not required.
7. **Total number of acres associated with properties (or sites) identified in question number 6 above.** Enter the total number of acres associated to the properties identified in question 6.
8. **Date of the last update to the Public Record.** Enter the date of the last Public Record for the Response Program.
9. **OPTIONAL – Total number of properties where assistance was provided, but the property was not enrolled in a response program.** Enter the total number of properties where assistance was provided but the property was not enrolled in a response program.
10. **Number of audits/inspections/reviews/other conducted to ensure engineering and institutional controls are still protective.** Enter the number of audits, inspections, reviews, or other conducted to ensure properties with engineering and institutional controls are still in place and protective of human health and the environment.
11. **Did you develop or revise legislation, regulations, codes, guidance documents or policies related to establishing or enhancing your Voluntary Cleanup Program/Response Program during the most recent fiscal year?** Enter whether your program has developed or revised legislation, regulations, codes, guidance documents or policies related to your program in the past year. If yes, please indicate the type and whether it was new or revised.

PART IV - DEFINITIONS

Properties: As defined in the Brownfields Program’s Property Profile Form (PPF) it is a “contiguous piece of land under unitary ownership.” A “site” for some programs may include more than one property. When information is available provide the number of properties for a site as part your total property count.

Enrolled: Enrolled for the purposes of this program activity level sheet, properties (or site) activities may include oversight, enforcement, assessment, cleanup, cleanup planning, implementation of institutional or engineering controls, and monitoring. For some programs there may be an official entrance procedure (registration and acceptance, i.e. VCPs, Response Programs) whereas, for other programs it may include properties identified for action(s) by Response Program officials. Properties where other technical assistance is provided should not be included, but instead captured under #9.

For example, if 128(a) program funding contributes to several programs under your response program

(i.e., VCP, Brownfields, and UST/LUST) and these programs oversaw cleanup plans, IC tracking, etc. for

100 properties (or sites) then this number of 100 would be included in response to #5.

Response Program: Any state or tribal land program benefiting from CERCLA 128(a) funding may include a response program that focuses on hazardous and/or solid waste contamination. A response program may include both broader capacity building activities (e.g., regulation development, database tracking enhancements; or staff training) and site-specific activities (e.g., brownfield assessment or cleanup, cleanup oversight, or public participation for cleanup planning).

Required institutional controls (or land use controls): As required by state/tribal/local law, regulation, or ordinance as necessary to protect the environment and/or public health. In place institutional controls (as defined in the Brownfield Program’s PPF) generally fall under four general categories

proprietary controls (e.g., easements, covenants);

governmental controls (e.g., ordinances, zoning, building codes, drilling permit requirements);

informational devices (e.g., state registries, deed notices,

advisories), and enforcement/permit tools (e.g., order, permits, consent decrees).

Assistance: Examples of assistance include: working with potential purchasers for properties not being addressed under the response program; supporting a brownfield grantee to identify next steps for a particular property where they have a concern for contamination; technical review of site assessment documents, quality assurance plans, CERCLA 104(k) grantee applications, etc. This section would not be for those reviews/technical assistance provided to properties (or sites) listed under #5.¹

Brownfields Inventory: EPA recognizes the varied scope of state and tribal response programs and will not require states and tribes to develop a “list” of brownfields sites. However, at a minimum, the state or tribe should provide a reasonable estimate of the total number of brownfield sites in their jurisdiction.¹

¹ For more information about the Brownfields Inventory, please review “Timely survey and inventory of brownfields sites in state or tribal land” on page 4 of the Funding Guidance for State and Tribal Response Programs, available here: <https://www.epa.gov/brownfields/state-and-tribal-response-program-grant-funding-guidance-resources>