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

GENERAL INSTRUCTIONS

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2050-0192). Responses to this collection of information are mandatory (2 CFR 200.328, 2 CFR 200.333, 2 CFR 200.335, 40 CFR 30-31). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 4.66 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

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 6200-18) 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 Brownfields Project Officer if you have any questions when completing this form.

Compared to the Quarterly or Semiannual Reports, the PALs Form contains quantitative information on 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 mid-December.

To Whom to Submit:

CARs must submit PALs information directly into EPA's Assessment, Cleanup, and Redevelopment Exchange System (ACRES). Data entered online will be automatically delivered to the EPA Brownfields Project Officer.

How to Submit:

ACRES is available online and is the method for the CERCLA 128(a) State and Tribal cooperative agreement recipients to enter and submit the PALs Reporting Form.

CARs must submit PALs information directly into ACRES. Please contact your EPA Brownfields Project Officer if you have any questions on submitting the PALs form.

DETAILED INSTRUCTIONS FOR COMPLETING EACH ITEM ON FORM

PART I – COOPERATIVE AGREEMENT RECIPIENT INFORMATION

State or Tribe. Enter the state or tribe that received the CERCLA 128(a) cooperative agreement.

Cooperative Agreement Recipient Name. Enter the cooperative agreement recipient name. Use the official name provided in the cooperative agreement, unless otherwise directed by the EPA Brownfields Project Officer.

PART II – PROGRAM ACTIVITY INFORMATION

1. **Select one or more of the following environmental programs where CERCLA Section 128(a) funds were used to support programmatic capacity in the last federal fiscal year.** 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, VCP (Voluntary Cleanup Program, Independent Cleanup Program, etc.), and/or Other. See the definition of "programmatic capacity" in Part III below.

1a. **Total number of staff allocated to the response program and supported by CERCLA Section 128(a) funds.** Enter the total number of staff funded by CERCLA Section 128(a) grant funds and working as part of the response program at the end of the last federal fiscal year. This total can include all full-time equivalents (FTE) as well as staff working part-time on the program. A staff member who works half their time on the response program, with half their salary being funded through CERCLA Section 128(a) should be captured as "0.5" and added to the total number of FTE supporting the response program. See the definition of "response program" in Part III below.

2. **Number of properties (or sites) a response program added to an inventory during the last federal fiscal year**.Enter the number of properties added to the response program's inventory in the last federal fiscal year. See the definitions of "property" and "inventory" in Part III below.

3. **Number of properties (or sites) enrolled in a response program during the last federal fiscal year**. Enter the number of properties enrolled in the response program during the last federal fiscal year. See the definition of "enrolled" in Part III below.

4. **Date of the last update to the Public Record**. Enter the date of the last Public Record update for the response program. See the definition of "Public Record" in Part III below.

4a. **Number of properties (or sites) added to the public record during the last federal fiscal year**. Enter the number of sites added to the public record.

5. **Number of properties (or sites) where documentation indicates that cleanup work was completed during the last federal fiscal year. If required, this means all Institutional Controls ("ICs") or Engineering Controls ("ECs") are in place.** Enter the number of properties where documentation demonstrated that all cleanup work is completed. For sites where it is required, this means all required ICs / ECs are in place. See the definitions of "Institutional Controls Required" and "Engineering Controls Required" in Part III below.

5a. **Total number of acres associated with properties (or sites) identified in number 5 above**. Enter the corresponding total acreage of all properties/sites counted in 5 above.

6. **Number of oversight activities conducted, which may include the number of audits, inspections, reviews, or other types of monitoring that have been conducted, in the last federal fiscal year**. Enter the number of audits, inspections, reviews, or other types of monitoring conducted to ensure properties are protective of human health and the environment. Where required, this includes ensuring engineering and institutional controls are still in place and protective. See the definition of "oversight" in Part III below.

7. **OPTIONAL - Total number of properties (or sites) where technical assistance was provided, but the properties (or sites) were not enrolled in a response program**. Enter the total number of properties where technical assistance was provided but the property was not enrolled in a response program. See the definition of "technical assistance" in Part III below.

8. **Number of community outreach events and/or site visits conducted or attended in the last federal fiscal year.** Enter the total number of events or site visits conducted or attended. See the definition of "outreach" in Part III below.

9. **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 most recent year.

9a. **If yes, please indicate the type and whether it was new or revised.** If yes, enter text to indicate the type of legislation, regulations, codes, guidance documents or policies and indicate 'new' or 'revised.'

PART III - DEFINITIONS

Engineering Controls Required: As required by state/tribal/local law, regulation, or ordinance as necessary to protect the environment and/or public health. Although the definitions of engineering controls may vary across localities and states, there are four general categories: Cover Technologies (capping); Engineered Barriers (i.e., slurry walls, sheet, piling, synthetic membranes); Immobilization Processes (i.e., in-situ solidification, in-situ stabilization, encapsulation); Security (guard, fences, public notices), and Other (please enter any other engineering control not previously covered).

Enrolled: EPA recognizes the varied scope of state and Tribal response programs' enrollment process. For the purposes of the PALs form, enrolled means an official entrance procedure, which may require registration and acceptance, that will result in properties (or sites) being subject to a State or Tribal Voluntary Response Program, or other applicable oversight programs. Other programs may include Local Certified Unified Program Agency (CUPA), County or local Health Departments, Fire Departments and/or certification from professional engineer.

Properties where other technical assistance is provided should not be included, but instead captured under #7.

Institutional Controls Required: 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., zoning, building codes, land use restrictions); Informational Devices (e.g., state registries, deed notices, advisories); and Enforcement/Permit Tools (e.g., orders, permits, consent decrees).

Inventory: Refers to identifying brownfield sites regardless of planned or completed actions. An inventory is 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.

EPA recognizes the varied scope of state and Tribal response programs and will not require states and Tribes to develop a "list" of brownfield sites. However, at a minimum, the state or Tribe must develop and/or maintain a system or process that can provide a reasonable estimate of the number, likely location, and general characteristics of brownfield sites within their state or Tribal lands. Inventories may evolve to a prioritization of sites based on community needs, planning priorities, and protection of human health and the environment. Inventories should be developed in direct coordination with communities, and particular attention should focus on communities with limited capacity to compete for and manage a competitive brownfield assessment, revolving loan, or cleanup cooperative agreement.

Outreach: Communication and engagement with local communities to increase awareness about brownfields, building a sustainable brownfields program, federal brownfields technical assistance (e.g., holding workshops to assist communities in applying for federal Brownfields Grant funding, attending health fairs and cleanup days to inform individuals how to identify hazards in their own living areas, abandoned buildings and among dumping areas), and knowledge regarding the importance of monitoring engineering and institutional controls.

Oversight:
Activities carried out by the CAR to ensure a response action will protect human health and the environment; and be conducted in accordance with applicable federal and state laws; and 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 will be completed. If ICs/ECs were required on properties (or sites), oversight may include ensuring ICs/ECs are maintained and fully effective.

Programmatic Capacity: A state or Tribe's ability to establish/enhance the four required elements of a response program, including timely survey and inventory of brownfield sites; oversight and enforcement authorities or other mechanisms and resources to ensure 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; mechanisms and resources to provide meaningful opportunities for public participation; and mechanisms for approval of cleanup plans and verification and certification that cleanup is complete.

Property: A contiguous piece of land under unitary ownership unless otherwise discussed with EPA. A property may contain several smaller components, parcels, or areas. Work with your EPA Brownfields Project Officer if you have questions about entering the property as one entity or separate entities based on parcels. May also be referred to as a "site."

Public Record: A record that is maintained and updated, at least annually, to include the name and location of sites at which response actions have been completed during the previous year and are planned to be addressed under the response program in the upcoming year. A public record must identify whether or not the site, upon completion of the response action, will be suitable for unrestricted use. If not, the public record must identify the institutional controls relied on in the remedy and include relevant information concerning the entity responsible for oversight, monitoring, and/or maintenance of the institutional and engineering controls; and how the responsible entity is implementing those activities

The public record addresses sites at which response actions have been completed in the previous year or are planned in the upcoming year. In contrast, an inventory refers to identifying brownfield sites regardless of planned or completed actions.

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).

Technical Assistance: Under a response program, technical assistance may include working with potential purchasers for properties not being addressed under the response program; supporting a CERCLA 104(k) brownfields cooperative agreement recipients to identify next steps for a particular property where they have a concern for contamination; technical review of site assessment documents, quality assurance project plans, CERCLA 104(k) grantee applications, etc. For the purposes of #7 on the PALs form, the total number of properties where assistance was provided excludes any reviews/technical assistance provided to properties (or sites) listed under #3.