

CERCLA Section 128(a) State and Tribal Response Program

Fiscal Year 2023

Frequently Asked Questions



EPA provides these Frequently Asked Questions and Answers to assist [eligible States, Tribes, and Territories](#) prepare a request for FY23 Section 128(a) State and Tribal Response Program funds.

Carefully review and follow the [FY23 CERCLA Section 128\(a\) Funding Guidance](#) for comprehensive information and instructions to request FY23 Section 128(a) funding. If information in these FAQs differs from information in the statute, regulation, or the Funding Guidance, then the statute, regulation, or the Funding Guidance will govern.

Contents

Q.1. What is Section 128(a) State and Tribal Response Program funding?	2
Q.2. Who is eligible to request Section 128(a) funds?	2
Q.3. How is "State" defined in CERCLA?	3
Q.4. How is "Indian Tribe" defined in CERCLA?	3
Q.5. When can eligible entities submit funding requests for FY23 Section 128(a) funds?	3
Q.6. Where should funding requests be submitted?	3
Q.7. What is the maximum amount of funding EPA will consider for this FY23 request?	3
Q.8. What should funding requests include?	3
Q.9. When will FY23 funds be awarded?	4
Q.10. What is the project period for Section 128(a) funds?	4
Q.11. How will EPA prioritize funding allocations of FY23 Section 128(a) funding?	4
Q.12. What are the eligible uses of Section 128(a) funds for site-specific activities?	5
Q.13. Is there a cap on the amount of FY23 Section 128(a) funds that can be used for site-specific activities?	5
Q.14. How can the affected community get involved in Section 128(a) site-specific activities?	5
Q.15. How can site-specific activities be prioritized to focus on environmental justice and benefit underserved communities?	6
Q.16. Can Section 128(a) funding be used at petroleum brownfield sites?	7
Q.17. How does the addition of Infrastructure Investment and Jobs Act ("IIJA" or "Infrastructure Law") funding change the CERCLA Section 128(a) Program?	7
Q.18. Can Section 128(a) Annual Appropriation funds be combined with Section 128(a) IIJA funds?	7
Q.19. Can Section 128(a) IIJA funds be placed in a Performance Partnership Grant ("PPG")?	7
Q.20. Will EPA prioritize the Administration's Justice40 Initiative when allocating Section 128(a) funds?	8
Q.21. Will there be additional tracking and reporting requirements associated with IIJA funds?	8
Q.22. What are Section 128(a) Technical Assistance Grants (TAGs)?	8

Q.23. How much are Section 128(a) TAGs?	9
Q.24. Who can request Section 128(a) TAG, and who must benefit from the TAG?.....	9
Q.25. How do I request Section 128(a) TAG?.....	9
Q.26. How can I get more information about Section 128(a) TAGs?	9
Q.27. When will States and Tribes receive notification of their FY23 Section 128(a) allocation, and what happens next?.....	9
Q.28. What is the Unique Entity Identifier (“UEI”) Requirement?	10
Q.29. How do I find more information about the Section 128(a) State and Tribal Response Program funding?	10
SECTION 128(a) EPA REGIONAL STATE AND TRIBAL BROWNFIELDS CONTACTS	11

Q.1. What is Section 128(a) State and Tribal Response Program funding?

A. Section 128(a)¹ of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA”) authorizes a noncompetitive grant program to establish or enhance state² and tribal³ response programs. These CERCLA Section 128(a) response program grants (hereinafter referred to as “Section 128(a)”) are funded with Categorical State and Tribal Assistance Grant (“STAG”) appropriations and awarded in the form of a cooperative agreement, which is a type of assistance agreement that is used when there is substantial federal involvement with the recipient during the performance of an activity or project. Section 128(a) cooperative agreements are awarded and administered by EPA regional offices.

Check out the [EPA Brownfields website](#), [Section 128\(a\) Funding Guidance](#), and [Section 128\(a\) Fact Sheet](#) for more information.

Q.2. Who is eligible to request Section 128(a) funds?

- A.** EPA will accept **one request** from each [eligible State or Tribe](#) (as defined by CERCLA – see Q.3. and Q.4. below) that:
1. demonstrates that it has a response program that includes, or is taking reasonable steps to include, the four elements of a response program enumerated in CERCLA Section 128(a)(2); **or** is a party to a voluntary response program Memorandum of Agreement (“VRP MOA”) with EPA; **AND**
 2. maintains, and makes available to the public, a record of sites at which response actions have been completed in the previous year and are planned to be addressed in the upcoming year (see CERCLA Section 128(b)(1)(C)).

All first-time requestors are strongly encouraged to contact their Regional EPA Brownfields contacts, listed on the last page of this FAQ, prior to submitting their funding request.

States and Tribes must define in their funding request the Section 128(a) response program(s) to which the funds will be applied and may designate a component of the state or Tribe that will be EPA’s primary point of contact. When EPA funds the Section 128(a) cooperative agreement, CARs may

¹ 42 USC 9628(a).

² The term “state” is defined in this document as defined in CERCLA §101(27).

³ The term “Indian tribe” is defined in this document as it is defined in CERCLA §101(36). Intertribal consortia, as defined in the Federal Register Notice at 67 FR 67181, Nov. 4, 2002, are also eligible for funding under CERCLA §128(a).

distribute these funds among the appropriate state and Tribal agencies that are part of the Section 128(a) response program. This distribution must be clearly outlined in their final work plan.

Q.3. How is “State” defined in CERCLA?

A. CERCLA Section 101(27) defines “State” to “include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction.”

Q.4. How is “Indian Tribe” defined in CERCLA?

A. CERCLA Section 101(36) defines “Indian Tribe” as “any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village but not including any Alaska Native regional or village corporation, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”

Intertribal consortia, as defined in the Federal Register Notice at 67 FR 67181, Nov. 4, 2002, are also eligible for funding under CERCLA §128(a).

Q.5. When can eligible entities submit funding requests for FY23 Section 128(a) funds?

A. Requests for funding will be accepted from **October 6 – December 16, 2022**. Requests that EPA receives after December 16, 2022, will not be considered for FY23 Section 128(a) funding.

Q.6. Where should funding requests be submitted?

A. Section 128(a) funding requests should be sent to the EPA Regional Office contact listed at the end of the [Funding Guidance](#) and this FAQ.

Q.7. What is the maximum amount of funding EPA will consider for this FY23 request?

A. EPA will consider funding requests up to a **maximum of \$1.8 Million** for FY23 Section 128(a) funding per CAR. *This maximum amount includes Annual Appropriation + IJA funds.*

Please note that demand for this program is high and not all requests will be fully awarded.

Q.8. What should funding requests include?

New in FY23: States and Tribes are not required to provide full draft workplans and budgets. Instead, information can be provided in a format similar to the sample request form in Appendix B and described in Section VIII.B. of the [Funding Guidance](#). Note that the sample form in Appendix B is provided for convenience, and CARs who do not use this form will not be penalized for providing the information in a different format. EPA Regions may alter this sample form and may request additional information if it is deemed appropriate to fully understand the funding request. EPA Regions and cooperative agreement recipients (“CARs”) should work together to be sure CARs are providing sufficient information for their funding request and may alter the sample form to memorialize those communications.

While CARs do not need to provide a full draft workplan, *there must be enough detail to inform EPA how the CAR proposes to spend the Section 128(a) funds*. Requests that lack sufficient detail may not be funded.

CARs should work, as early as possible, with their EPA regional brownfields contact to ensure that the funding amount(s) requested can be reasonably spent in one year and the funding request provides sufficient detail of the planned activities that correspond to the requested funding.

See Section VIII and Appendix B of the [Funding Guidance](#) for more guidance on the content and preparation of information that must be submitted with the funding request.

Q.9. When will FY23 funds be awarded?

A. For planning purposes, EPA anticipates that the funds allocated pursuant to the FY23 Funding Guidance will be awarded in the third or fourth quarter of the federal fiscal year 2023 (April-September 2023). Section 128(a) cooperative agreements are awarded and administered by EPA regional offices; please contact your regional EPA Project Officer for more specific information on your region's cooperative agreement award timing.

Q.10. What is the project period for Section 128(a) funds?

A. EPA regional offices will determine the project period for each cooperative agreement. Depending on the EPA regional office's cooperative agreement policies, cooperative agreements may be for multiple years. CARs are encouraged to discuss this potential option with their regional EPA Project Officer.

Notwithstanding this potential overall structure, *each cooperative agreement must still have an annual budget period tied to an annual work plan, because CARs must still submit annual funding requests to receive additional funds added to the agreement. Section 128(a) funding amounts cannot be guaranteed from year to year.*

Q.11. How will EPA prioritize funding allocations of FY23 Section 128(a) funding?

A. There is very high demand for Section 128(a) funds, and not all requests can be fully awarded. As expressly stated in the Assistance Listing for 66.817, funding will be prioritized as follows:

- (1) Funding for program development activities to establish or enhance the four elements of a state or Tribal response program (see Sections VI.B. and VI.C. in the [Funding Guidance](#)) and to enable states and Tribes to comply with the public record requirement in Section 128(b)(1)(C), including activities related to institutional controls;
- (2) Funding for program development activities to enhance the response program or the cleanup capacity of a state or Tribal response program;
- (3) Funding for site-specific activities at eligible Brownfields sites, as defined in CERCLA Section 101(39)⁴ (see Section VI.D. in the [Funding Guidance](#));
- (4) Funding for environmental insurance mechanisms;
- (5) Funding to capitalize brownfields cleanup RLFs.⁵

One of EPA's top priorities is uplifting underserved communities, Tribal Nations, and communities across the country that have endured deeply-rooted public health and environmental challenges. EPA expects that Section 128(a) funding awarded to cooperative agreement recipients will advance the Administration's Justice40 priorities. EPA will award this funding in accordance with the Biden

⁴ In addition to the requirement under Section 128(a)(2)(C)(ii) to provide for public comment on cleanup plans and site activities, EPA strongly encourages states and Tribes to seek public input regarding the priority of sites to be addressed—especially from local communities with health risks related to exposure to hazardous waste or other public health concerns, those in economically disadvantaged or remote areas, and those with limited experience working with government agencies.

⁵ Capitalizing a revolving loan fund ("RLF") for brownfields cleanup as authorized under CERCLA section 104(k)(3). These RLFs are subject to the same statutory requirements and cooperative agreement terms and conditions applicable to RLFs awarded under CERCLA section 104(k)(3), with one exception: although non-competitive supplemental funding for RLFs established under CERCLA 128(a) is authorized, the source of the funding would be the CERCLA 128(a) appropriation rather than the CERCLA 104(k) appropriation. Requirements include a 20 percent cost share (in the form of money, labor, material, or services from a non-federal source in compliance with 2 CFR 200.306) on the amount of Section 128(a) funds used for the RLF, the 5% limitation on eligible administrative costs, and a prohibition on using RLF loans or subgrants for response costs at a site for which the recipient may be potentially liable under section 107 of CERCLA. Other prohibitions relevant to CERCLA Section 104(k)(4) also apply.

Administration's [Justice40 Initiative](#), which promises to deliver at least 40 percent of the overall benefits from key federal investments to disadvantaged communities.

See Section VI. of the [Funding Guidance](#) for more information on eligible activities.

Q.12. What are the eligible uses of Section 128(a) funds for site-specific activities?

A. Site-specific assessment and cleanup activities must establish or enhance the response program and be tied to the four elements. Site-specific assessments and cleanups can be both eligible and allowable if the activity is included in the work plan negotiated between the EPA regional office and the CAR, but activities must comply with all applicable laws and are subject to the following restrictions:

- Section 128(a) funds can only be used for assessments or cleanups **at sites that meet the definition of a Brownfields site at CERCLA Section 101(39).**
- As provided in the Terms and Conditions of CERCLA 128(a) cooperative agreements, absent EPA Project Officer approval, no more than \$250,000 per site assessment can be funded with Section 128(a) funds, and no more than \$250,000 per site cleanup can be funded with Section 128(a) funds. *States and tribes should work towards securing additional funding for site-specific activities by leveraging resources from other sources such as businesses, non-profit organizations, education and training providers, and/or federal, state, tribal, and local governments.*
- As provided in the Terms and Conditions of CERCLA 128(a) cooperative agreements, absent EPA Project Officer approval, the state/Tribe may not use funds awarded under this agreement to assess and/or cleanup sites owned or operated by the recipient or (in the case of Tribes) held in trust by the United States Government for the recipient.
- Assessments and cleanups cannot be conducted at sites where the state is a potentially responsible party ("PRP") pursuant to CERCLA Section 107, except when the state acquired the property before January 11, 2002, and has not caused or contributed to a release or threatened release of a hazardous substance at the property.

Q.13. Is there a cap on the amount of FY23 Section 128(a) funds that can be used for site-specific activities?

A. States and Tribes may use Section 128(a) funding for site-specific activities that improve state or Tribal capacity. However, the terms and conditions of the CERCLA 128(a) cooperative agreement will provide that the amount recipients may utilize for site-specific assessments and cleanups **may not exceed 75% of the total amount of FY23 Section 128(a) funding**, absent an approved waiver request. This 75% cap includes FY23 Annual Appropriation + IIJA funds.

States and tribes should work towards securing additional funding for site-specific activities by leveraging resources from other sources such as businesses, non-profit organizations, education and training providers, and/or federal, state, tribal, and local governments.

Note: Oversight of assessment and cleanup activities performed by responsible parties (other than the state or tribe) does not count toward the 75% limit. The 75% cap also does not include personnel or supplies/equipment purchased in support of site-specific work.

Q.14. How can the affected community get involved in Section 128(a) site-specific activities?

A. States and Tribes that perform site-specific activities should plan to directly engage with and involve affected communities. For example, a Community Involvement Plan ("CIP") could be developed to provide reasonable notice about a planned cleanup, as well as opportunities for the public to comment on the cleanup.

These community involvement activities are directly linked to the third element described in CERCLA Section 128(a)(2)(C), which stipulates that state and tribal response programs should include, or should

be taking reasonable steps to include: “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).”

See Section IV of the [Funding Guidance](#) for more information on the Section 128(a)(2) elements.

Q.15. How can site-specific activities be prioritized to focus on environmental justice and benefit underserved communities?

A. One of EPA’s top priorities is uplifting underserved communities, Tribal Nations, and communities across the country that have endured deeply-rooted public health and environmental challenges. EPA expects that Section 128(a) funding awarded to cooperative agreement recipients will advance the Administration’s Justice40 priorities. EPA will award this funding in accordance with the Biden Administration’s [Justice40 Initiative](#), which promises to deliver at least 40 percent of the overall benefits from key federal investments to disadvantaged communities.

EPA encourages states and Tribes to use site-specific funding to perform assessment (e.g. phase I, phase II, supplemental assessments and cleanup planning) and cleanup activities that will expedite the reuse and redevelopment of sites, and prioritize sites based on need. An example of prioritizing sites based on need can be focusing on environmental justice. EPA defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across the nation. Environmental justice will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work. For more information, please visit <https://www.epa.gov/environmentaljustice>.

While cooperative agreement recipients are not required to utilize it, EPA’s [EJSCREEN](#) is a helpful environmental justice mapping and screening tool that provides a nationally consistent dataset and approach for combining environmental and demographic indicators.⁶ CARs may also consider using the beta version of the White House Council on Environmental Quality’s [Climate and Economic Justice Screening Tool](#) (“CEJST”) as an optional and complementary tool to help identify potential pollution-overburdened and underserved communities. Data from other EJ-focused geospatial mapping tools or other sources (e.g. studies, census, etc.) could also be included to provide information on impacted communities and populations.

⁶ Visit <https://www.epa.gov/ejscreen> to access EPA’s EJSCREEN Tool and for additional information on EJSCREEN, general guidance on how to use the tool, understanding results, technical information, and more resources. CARs can also contact their EPA [Technical Assistance to Brownfields Communities \(TAB\) Provider](#) for guidance on using EJSCREEN.

Q.16. Can Section 128(a) funding be used at petroleum brownfield sites?

A. States and Tribes may use Section 128(a) funds for activities that establish or enhance response programs addressing petroleum brownfield sites. Subject to the restrictions listed in Section VI.D.1 of the [Funding Guidance](#) for all site-specific activities, the costs of site-specific assessment and cleanup activities at petroleum brownfield sites, as defined in CERCLA section 101(39)(D)(ii)(II), are both eligible and allowable if the activity is included in the work plan negotiated between the EPA regional office and the state or Tribe.

States and Tribes are encouraged to reach out to their EPA regional brownfields contacts with questions on petroleum brownfield site eligibility and where to get additional information. Also check out resources on EPA's Brownfields website, such as [Community Visions for Abandoned Gas Stations](#) and [EPA's Petroleum Contact List for Tribes](#). Additional information about petroleum brownfields can be found on EPA's Office of Underground Storage Tank's ("OUST's") [Petroleum Brownfields webpage](#).

Q.17. How does the addition of Infrastructure Investment and Jobs Act ("IIJA" or "Infrastructure Law") funding change the CERCLA Section 128(a) Program?

A. The passage of the Infrastructure Investment and Jobs Act ("IIJA" or "Infrastructure Law") in November 2021, did not alter the underlying statutory authority for the CERCLA Section 128(a) Program at all; it simply provided additional funds to support it.

Q.18. Can Section 128(a) Annual Appropriation funds be combined with Section 128(a) IIJA funds?

A. No. Section 128(a) IIJA funds may not be comingled with other sources of funding. Due to the budget accounting, tracking, and reporting requirements for the Infrastructure Law, Section 128(a) cooperative agreements funded with Infrastructure Law money must be awarded separately from Section 128(a) cooperative agreements funded with annual appropriated funds.

If a CAR's FY23 allocation includes both funding sources, and therefore two awards are necessary, each award's final workplans must clearly delineate what activities will be funded by Annual Appropriation funds versus Infrastructure Law funds. CARs should work closely with their EPA Regional contacts to ensure that FY23 final cooperative agreement workplans clearly delineate what activities will be funded by annual appropriation funds versus Infrastructure Law funds, so that there is no overlap or duplication of work funded by the two funding sources. If it is helpful to do so, CARs may reference activities outlined in one FY23 workplan to demonstrate satisfaction of Section 128(a) requirements to eliminate overlap or redundancy in their second FY23 workplan, for example: demonstration that its response program includes, or is taking reasonable steps to include, the four elements of a response program enumerated in CERCLA Section 128(a)(2), or satisfaction of the public record requirement in CERCLA Section 128(b)(1)(C).

Q.19. Can Section 128(a) IIJA funds be placed in a Performance Partnership Grant ("PPG")?

A. No. Section 128(a) IIJA funds are not eligible to be included in State and Tribal Performance Partnership Grants ("PPGs") under 40 CFR Part 35 Subparts A and B. This restriction is intended to ensure that Section 128 recipients will be able to effectively track, account for, and report on the use of Infrastructure Law funding.

However, Section 128(a) funding from EPA's FY23 annual appropriation may be included in a PPG with the exception of funding to (1) provide CERCLA 128(a) TAG assistance under section 128(a)(1)(B)(ii)(III),

(2) capitalize a revolving loan fund for brownfields remediation under section 104(k)(3), or (3) purchase insurance or develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a state or tribal response program.

Q.20. Will EPA prioritize the Administration’s [Justice40 Initiative](#) when allocating Section 128(a) funds?

A. EPA expects that funding awarded to cooperative agreement recipients (“CARs”) will advance the Agency’s Justice40 priorities. EPA will award this funding in accordance with the Biden Administration’s Justice40 Initiative, which promises to deliver at least 40 percent of the overall benefits from key federal investments to disadvantaged communities.⁷

CARs should describe in their requests whether, and if so, how, site-specific work will address environmental justice (“EJ”) concerns in underserved communities and/or climate change impacts.

While CARs are not required to utilize it, EPA’s [EJSCREEN](#) is a helpful environmental justice mapping and screening tool that provides a nationally consistent dataset and approach for combining environmental and demographic indicators.⁸ CARs may also consider using the beta version of the White House Council on Environmental Quality’s [Climate and Economic Justice Screening Tool](#) (“CEJST”) as an optional and complementary tool to help identify potential pollution-overburdened and underserved communities. Data from other EJ-focused geospatial mapping tools or other sources (e.g. studies, census, etc.) could also be included to provide information on impacted communities and populations.

Q.21. Will there be additional tracking and reporting requirements associated with IIJA funds?

A. Due to the additional budget accounting, tracking, and reporting associated with Infrastructure Law funds, CARs should anticipate additional reporting requirements associated with cooperative agreements funded with Infrastructure Law funds. EPA encourages CARs to work with their regional EPA Project Officer to stay informed on the latest information and potential additional terms and conditions for their cooperative agreements.

See Section IX of the [Funding Guidance](#) for additional Terms and Reporting information for Section 128(a) cooperative agreements.

Q.22. What are Section 128(a) Technical Assistance Grants (TAGs)?

A. Section 128(a)(1)(B)(ii)(III) of CERCLA authorizes a noncompetitive \$1.5 million technical assistance grant (“Section 128(a) TAG”) program **to assist small communities,⁹ Indian tribes,¹⁰ rural areas, or disadvantaged areas¹¹ to carry out activities outlined in CERCLA Section 104(k)(7)** (e.g. providing training, research, and technical assistance to individuals and organizations to facilitate the inventory of

⁷ Justice40 Initiative information can be found at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/27/fact-sheet-president-biden-takes-executive-actions-to-tackle-the-climate-crisis-at-home-and-abroad-create-jobs-and-restore-scientific-integrity-across-federal-government/>. For more information on Environmental Justice, see <https://www.epa.gov/environmentaljustice>.

⁸ Visit <https://www.epa.gov/ejscreen> to access EPA’s EJSCREEN Tool and for additional information on EJSCREEN, general guidance on how to use the tool, understanding results, technical information, and more resources. CARs can also contact their EPA [Technical Assistance to Brownfields Communities \(TAB\) Provider](#) for guidance on using EJSCREEN.

⁹ CERCLA Section 128(a)(1)(B)(iv)(II) defines Small Community as a community with a population of not more than 15,000 individuals, as determined by the President based on the latest available decennial census.

¹⁰ CERCLA Section 101(36) defines Indian Tribe.

¹¹ CERCLA Section 128(a)(1)(B)(iv)(I) defines Disadvantaged Area as a community with an annual median household income that is less than 80 percent of the statewide annual median household income, as determined by the President based on the latest available decennial census.

brownfields sites, site assessments, remediation of brownfield sites, community involvement, or site preparation).

These funds may not be used to augment an existing CERCLA 128(a) State and Tribal Program and may not be placed in Performance Partnership Grants (“PPGs”). Section 128(a) TAGs are funded by annual appropriations, not IJIA funds.

Q.23. How much are Section 128(a) TAGs?

A. Per the statute, the **maximum amount of funding allowed *per grant* is \$20,000.**

Q.24. Who can request Section 128(a) TAG, and who must benefit from the TAG?

A. Cooperative agreement recipients (“CARs”) with active CERCLA Section 128(a) grants who are requesting funds in FY23 are eligible to submit requests for up to three TAGs of \$20,000 each *to assist a small community, Indian tribe, rural area, or disadvantaged area.*

Multiple eligible communities may be assisted by one Section 128(a) TAG.

EPA’s goal is that these TAGs benefit as many underserved communities as possible, therefore, if a CAR requests more than one Section 128(a) TAG, each \$20,000 grant should be to assist a different eligible beneficiary or different project. CARs should work with their EPA regional contact to discuss eligible beneficiaries and activities for these TAGs.

Q.25. How do I request Section 128(a) TAG?

A. Go to [Appendix A of the Funding Guidance](#) for information regarding what to include in a Section 128(a) TAG request and the factors EPA will consider when reviewing all requests.

Just like the Section 128(a) requests, Section 128(a) TAG requests will be accepted from **October 6 – December 16, 2022**, and should be sent to the EPA Regional Office contact listed at the end of the [Funding Guidance](#) and this FAQ, along with their Section 128(a) Funding Request.

Q.26. How can I get more information about Section 128(a) TAGs?

A. For additional information on Section 128(a) TAG, including examples of uses for the funds, see the [Section 128\(a\) TAG fact sheet](#) on the [Brownfields website](#), and the [ASTSWMO Section 128\(a\) TAG StoryMap](#).

Q.27. When will States and Tribes receive notification of their FY23 Section 128(a) allocation, and what happens next?

A. EPA anticipates that the Regional EPA POs will notify CARs in March 2023, if Section 128(a) funding and Section 128(a) TAG has been allocated to them. The CAR and EPA Region will then negotiate a final work plan based on the specific allocation of funds, which will be provided through a cooperative agreement award. All cooperative agreement applications for non-competitive assistance agreement awards must be submitted using Grants.gov.

NOTE: Recipients should submit their final work plan(s) via Grants.gov *only after the allocation process is complete and the EPA Regional Project Officer has informed the CAR that it is time to do so (this will be in the Spring or Summer of 2023).* This is different from the initial funding request information that is due on December 16, 2022, to your Regional EPA PO.

When the EPA Regional Project Officer has informed the CAR that it is time to do so, the CAR will submit their State and Tribal Response Program Grant applications via grants.gov using the following information:

Assistance Listing Number (formerly known as CDFA): 66.817

Funding Opportunity Number (“FON”): EPA-CEP-02

Q.28. What is the Unique Entity Identifier (“UEI”) Requirement?

A. As explained in the U.S. General Services Administration’s (“GSA”) [Unique Entity Identifier Update](#), beginning April 2022 [DUNS numbers](#) will no longer be used as a Unique Entity ID (“UEI”) and only the SAM.gov-created UEI will be accepted.

States and tribes requesting funds are required to provide a free SAM.gov-issued UEI, not their DUNS number. Please see the [RAIN-2021-G01](#) for information about EPA's implementation of the upcoming Government-wide transition from DUNS to UEI.

Q.29. How do I find more information about the Section 128(a) State and Tribal Response Program funding?

A. For additional information, please contact the appropriate [EPA regional Section 128\(a\) contact](#) (listed below), or check out:

- [EPA Brownfields Website](#)
- [Section 128\(a\) State and Tribal Response Program Grants](#)
- [CERCLA Section 128\(a\) Fact Sheet](#)
- [Highlights about State and Tribal Brownfields Response Programs](#)
- [Section 128\(a\) Technical Assistance Grant \(TAG\) Fact Sheet](#)

SECTION 128(a) EPA REGIONAL STATE AND TRIBAL BROWNFIELDS CONTACTS

REGION	STATE CONTACT	TRIBAL CONTACT
1 CT, ME, MA, NH, RI, VT	AmyJean McKeown 5 Post Office Square, Suite 100 (OSRR07-2) Boston, MA 02109-3912 Phone (617) 918-1248 Fax (617) 918-1294 mckeown.amyjean@epa.gov	AmyJean McKeown 5 Post Office Square, Suite 100 (OSRR07-2) Boston, MA 02109-3912 Phone (617) 918-1248 Fax (617) 918-1294 mckeown.amyjean@epa.gov
2 NJ, NY, PR, VI	Terry Wesley 290 Broadway, 25th Floor New York, NY 10007-1866 Phone (212) 637-5027 wesley.terry@epa.gov	Terry Wesley 290 Broadway, 25th Floor New York, NY 10007-1866 Phone (212) 637-5027 wesley.terry@epa.gov
3 DE, DC, MD, PA, VA, WV	Mike Taurino 1650 Arch Street (3HS51) Philadelphia, PA 19103 Phone (215) 814-3371 Fax (215) 814-3274 taurino.michael@epa.gov	Mike Taurino 1650 Arch Street (3HS51) Philadelphia, PA 19103 Phone (215) 814-3371 Fax (215) 814-3274 taurino.michael@epa.gov
4 AL, FL, GA, KY, MS, NC, SC, TN	Cindy Nolan 61 Forsyth Street, S.W, 10TH FL (9T25) Atlanta, GA 30303-8960 Phone (404) 562-8425 Fax (404) 562-8788 nolan.cindyj@epa.gov	Cindy Nolan 61 Forsyth Street, S.W, 10TH FL (9T25) Atlanta, GA 30303-8909 Phone (404) 562-8425 Fax (404) 562-8788 nolan.cindyj@epa.gov
5 IL, IN, MI, MN, OH, WI	Keary Cragan 77 West Jackson Boulevard (SB-5J) Chicago, IL 60604-3507 Phone (312) 353-5669 Fax (312) 692-2161 cragan.keary@epa.gov	Rosita Clarke 77 West Jackson Boulevard (SB-5J) Chicago, IL 60604-3507 Phone (312) 886-7251 Fax (312) 697-2075 clarke.rosita@epa.gov
6 AR, LA, NM, OK, TX	Ana Esquivel 1201 Elm Street, Suite 500 Dallas, Texas 75270-2102 Phone (214) 665-3163 Fax (214) 665-6660 esquivel.ana@epa.gov	Elizabeth Reyes 1201 Elm Street, Suite 500 Dallas, Texas 75270-2102 Phone (214) 665-2194 Fax (214) 665-6660 reyes.elizabeth@epa.gov
7 IA, KS, MO, NE	Susan Klein 11201 Renner Boulevard (LCRD/BSPR) Lenexa KS 66219 Phone (913) 551-7786 klein.susan@epa.gov	Jennifer Morris 11201 Renner Boulevard ((LCRD/BSPR) Lenexa KS 66219 Phone (913) 551-7341 morris.jennifer@epa.gov
8 CO, MT, ND, SD, UT, WY	Melisa Devincenzi 1595 Wynkoop Street (LCRD-BR) Denver, CO 80202-1129 Phone (303) 312-6377 devincenzi.melisa@epa.gov	Ted Lanzano 1595 Wynkoop Street (LCRD-BR) Denver, CO 80202-1129 Phone (303) 312-6596 lanzano.ted@epa.gov
9 AZ, CA, HI, NV, AS, GU, MP	Noemi Emeric-Ford 600 Wilshire Blvd, Suite 940 Los Angeles, CA 90017 Phone (213) 244-1821 meric-ford.noemi@epa.gov	Michelle Baker 75 Hawthorne Street San Francisco, CA 94105 Phone (415) 972-3206 baker.michelle@epa.gov
10 AK, ID, OR, WA	Madison Sanders-Curry 1200 Sixth Ave, Suite 155 (mail code 15-H04) Seattle, WA 98101 Phone (206) 553-1889 Fax (206) 553-8581 sanders-curry.madison@epa.gov	Madison Sanders-Curry 1200 Sixth Ave, Suite 155 (mail code 15-H04) Seattle, WA 98101 Phone (206) 553-1889 Fax (206) 553-8581 sanders-curry.madison@epa.gov