Comprehensive Environmental Response, Compensation and Liability Act/Section 128(a)/Technical Assistance Grant: ASTSWMO Analysis/State Poll

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The Association of State and Territorial Solid Waste Management Officials ("ASTSWMO") undertook an analysis of the use of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA or Superfund") Section 128(a) Technical Assistance Grant ("TAG").

ASTSWMO's Brownfields Focus Group polled its member states regarding barriers to apply for a TAG.

Section 128(a) State and Tribal Response Program Funding can be used to create new or to enhance existing environmental response programs. It has been authorized at $50 million per year and shared among states, tribes, and territories. The funding is awarded on an annual basis.

Such funding can also be used for:

- Limited site assessments
- Cleanups at Brownfield sites
- Other activities that increase the number of response actions conducted or overseeing action to capitalize revolving loan funds for cleanup
- To purchase environmental insurance
- To develop other insurance mechanisms for Brownfield cleanup activities

The ASTSWMO polling regarding Section 128(a) TAG received responses from 26 states regarding potential barriers. These are stated to fall into three main categories, which include:

- Lack of State Resources
- $20,000 is not enough money
- High administrative effort needed
- Lack of staffing/resources
- TAB already provides this service
- Challenges Identifying Communities and Projects
- Difficult to find communities and projects that fit parameters
- Timing of grant application is difficult
- Short timeline to complete grant
- Challenges Regarding TAG Guidance

- More guidance needed
- Too many restrictions how the grant can be utilized

The ASTSWMO Brownfields Focus Group noted the following suggested solutions regarding such barriers:

- Solutions Addressing State Resources
- Increase the current $20,000 funding amount in the statute
- Decrease administrative effort required to apply for TAG
- Provide more 128(a) funding for State staffing
- Solutions Addressing TAG Guidance
- Provide more guidance on how the TAG can be used
- Provide a longer timeline to complete the TAG
- Have the TAG application be due at a different time of year
- Advertise this opportunity more
- Allow States to apply for more than one TAG
- Expand use of funding to include assessment and/or cleanup

A copy of the ASTSWMO memorandum with the polling results can be downloaded here.