

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)
TITLE: Solid Waste Infrastructure for Recycling (SWIFR) Grants for States and Territories
ACTION: Program Guidance – Questions and Answers

Updated on 5/25/23

SUMMARY: The following are formal Agency responses to questions/comments received regarding the Solid Waste Infrastructure for Recycling (SWIFR) Grants for States and Territories. This list of questions and answers will be updated as questions about the funding opportunity are received.

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Questions added from the 5/16/23 Program Guidance – Questions and Answers:

- 10, 15, 16, 17, 18, 22, 23

Q&As for the SWIFR Grants for States and Territories

General Questions

1. **Question:** Where can I find the slides, recording, and Q&As of the webinars?

Answer: These can be found at the following link: <https://www.epa.gov/infrastructure/grants-states-and-territories>. Recordings of the webinars are coming soon.

2. **Question:** Can two separate state agencies submit a notice of intent to participate in this funding opportunity?

Answer: Each state or territory should submit only one intent to participate. If another agency in the same state or territory wishes to apply, then those two agencies should discuss which agency will participate. While agencies may work together on a project, only one Notice of Intent to Participate is required.

As a reminder, the Notice of Intent to Participate was due on December 15th, 2022.

3. **Question:** How do I know if my state or territory submitted a Notice of Intent to Participate?


Answer: The EPA received a Notice of Intent to Participate from every eligible entity. This includes all 50 states, the District of Columbia, Puerto Rico, Guam, U.S. Virgin Islands, American Samoa, and the Commonwealth of Northern Mariana Islands. Therefore, your state has already submitted a Notice of Intent to Participate and the EPA has confirmed its receipt.

4. **Question:** Do the states and territories need a SAM.gov or Grants.gov account to submit the draft workplan? How do I know if my state or territory has an account or a UEI?

Answer: No. States and territories must email their draft workplans to SWIFR@epa.gov with their [EPA regional contact](#) cc'd. However, the final workplan must be submitted through Grants.gov, so if a state or territory does not yet have an active account, they should start that process as soon as possible because it could take up to a month to establish accounts in Sam.gov and Grants.gov. Any questions about verifying accounts on Sam.gov or Grants.gov should be directed to the appropriate website.

5. **Question:** If our state or territory submits a Notice of Intent to Participate, are we bound to submitting a draft workplan and requesting funding? Would a subsequent decision to not pursue a grant cause any major issues?

Answer: No, your state or territory is not required participate if they change their mind, and therefore, would not be required to submit a draft workplan. While the EPA would rather work



with the state or territory along the process, you may choose to withdraw if you ultimately decide you are no longer interested.

6. **Question:** What is the period of this first disbursement, and by when will the work need to be completed?

Answer: The EPA anticipates disbursing grant funds by October 1, 2023. Funds awarded under this grant program can have up to a three-year project period

7. **Question:** Can the grant money be used to cover a salary for up to three years of the project period?

Answer: Yes, as stated in the Program Guidance (*Section IX. Scope of Work*) the grants can be used for personnel costs for the grant period, which is up to three years.

8. **Question:** Once awarded, will the reimbursement period for the grant be back-dated to cover costs associated with the Notice of Intent to Participate, the draft workplan, and any additional work that facilitated the planning process for administering the grant?

Answer: This will depend on the timing of when your entity incurs the pre-award costs. If costs were incurred up to 90 days prior to the award, under 2 CFR § 1500.9, EPA may reimburse successful SWIFR applicants for eligible pre-award costs even if the applicant did not request prior approval to incur pre-award costs provided the costs are eligible and allowable. Costs incurred more than 90 days prior to award require specific approval of an EPA award official.

Please note that applicants incur pre-award at their own risk and that EPA is not obligated to reimburse applicants for pre-award costs that are not included in the workplan, and budget EPA approves.

9. **Question:** I'm having trouble applying for the grant on Grants.gov, where do I go to locate it?

Answer: Use this link to go to the grant: <https://www.grants.gov/web/grants/view-opportunity.html?oppId=344917> . The funding opportunity number is EPA-I-OLEM-ORCR-NC23-04.

The Grants.gov Support Center can also be a useful resource:

<https://www.grants.gov/web/grants/support.html>.

If you encounter additional difficulties, please contact us as SWIFRST@epa.gov and we can provide additional support.

10. **Question:** What level of detail is necessary for any travel I'd like to include in my project?

Answer: Please refer to pages 17-18 and 44 of the [applicant development budget guidance](#) for developing your travel budget narrative. Recipients must provide a narrative description of the


types/purposes of travel, estimated number of trips, planned destinations, estimated number of travelers, and estimated per trip costs for travel to training, meetings and conferences, if known. Note: Ongoing routine travel for site visits/inspections and similar activities as well as local travel may be combined into a single amount. If you do not have this level of detail at this time, please use your best estimate for this part of the budget.

Workplans and Allocation Factors

11. Question: What information is required in the draft workplan?

Answer: The draft workplan must include detailed descriptions and responses to the five programmatic factors outlined in Section VII of the Program Guidance. These descriptions and responses are the only information required in the draft workplan. Entities should focus their responses on current activities and operations only, not those that may be implemented using the SWIFR grant funds. Please use the following guidance when providing information on your entity's programmatic factors:

1. Legislation in place mandating a solid waste management plan or waste characterization report.
 - Does your entity have any legislation in place that mandates a solid waste management plan or waste characterization report? Please cite the legislation with a web link, if possible.
 - Is your state or territorial legislature currently in session with a relevant bill on the floor? What types of discussions, if any, are taking place about passing legislation?
 - If your entity has relevant legislation in place, what does it entail?
2. Depth and breadth of a state or territory's data collection efforts.
 - Does your entity currently collect recycling or other solid waste management data? If so, what data do you collect and from whom? How frequently do you collect this data, and for what purposes have you used that data?
 - If your entity does not currently collect recycling or other solid waste management data, have there been plans to begin collecting such data? Why or why not?
 - What barriers or challenges has your state or territory encountered in their data collection efforts?
3. When the state or territory's most recent waste management plan or report was last updated.
 - Does your entity have a solid waste management plan or a waste characterization report available? If so, what information does it include? Please cite it with a web link, if possible.
 - If your entity does not currently have a waste management plan or waste characterization report, then why not? Are there any plans to begin working on these items?

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4. Available (existing) resources for implementing a solid waste management plan (e.g., budget and personnel).
 - If possible, please focus this response on recycling, sustainable materials management, circular economy, or waste minimization activities only. If this is not possible, then please note that and provide information on your state or territory’s general solid waste management program.
 - How many staff members do you currently have to implement a recycling or solid waste management program, if any?
 - What is the budget (in dollars) of your recycling or solid waste management program? You may also describe how your programs are funded and if the budget is generally consistent or if there are any fluctuations from year to year.
 - If your state or territory has received any grants for waste reduction, recycling, or solid waste management, please include the details of those grants under this factor.

 5. Additional (existing) programmatic factors such as the level of environmental justice incorporated into a program, extent of focus on source reduction efforts, climate considerations, or the existence of other grant programs.
 - Describe the extent to which your entity’s recycling or solid waste management program has incorporated environmental justice and/or climate change goals, actions, and requirements, as well as any results from those programs. Please be as specific as possible.
 - How has your entity approached source reduction policies or actions, if at all?
 - Does your entity sponsor any recycling, sustainable materials management, circular economy, or waste minimization grants? Do not include information about grants received by the state or territory here.


12. Question: Is there a page limit or minimum for the draft workplan?

Answer: No, but states and territories are encouraged to provide a concise response of no more than 10 pages.

13. Question: Can I use state FTE to cover the cooperative agreement oversight, administration, and oversight so that more grant funds can be used for tasks in my project?

Answer: Yes, there is no required cost-share for the SWIFR Grants for States & Territories so there is no need to include them in the budget table. Please indicate in the budget description that you will be using your own personnel funds for these tasks.

14. Question: Would it be ok to contract with a firm that would perform waste diversion planning services for a limited number of municipalities, like a “grant of services” which would **not** include equipment/capital improvements?



Answer: Yes, under **Category 3: Support the state-led implementation of Plans** in *Section V. Eligible Activities/Use of Funding* of the SWIFR Program Guidance, you could perform state-led implementation of plans through various diversion planning services for some municipalities. States can use their own procurement procedures to hire those firms without regard to the Federal competition requirements in 2 CFR Part 200.

15. Question: We have two possible ideas for projects for our workplans. Can we provide two alternative projects, a data system and a waste characterization study, then once we get more information on final cost narrow it down?

Answer: Yes, for the May 31 submission you can include two alternative projects if you'd like. We will ask you to settle on your final project and workplan by the time EPA needs to input the funding recommendation into the system, or we will have to conditionally award your grant so that only approved activities may be taken until EPA approves your final workplan.

16. Question: Subscription Services. Under Category 2 of activities (reproduced below), could states use the funds for a subscription service to a database and/or an online subscription service that they can use to organize their state-data?

Develop, strengthen, and/or implement comprehensive data collection efforts that demonstrate progress towards the National Recycling Goal and Food Loss and Waste Reduction Goal. Data collection and measurement efforts should be designed to improve the state's ability to track progress towards national and state recycling and/or circular economy goals. Data collection efforts could include state-wide or other targeted waste characterization studies. Fundamental items to consider when developing, strengthening, and/or implementing comprehensive data collection efforts include, but are not limited to:

- Clearly defining the waste streams being measured;
- Identifying specific materials being measured and appropriate units;
- Detailed data and methodology citations; and
- Developing information to understand the contamination of recyclable material streams.

Answer: Costs for acquiring data and data management services are allowable under the SWIFR program. As provided in 2 CFR 200.420 when the allowability of costs is not covered by a specific provision of the Selected Items of Cost, EPA looks to similar or related items of cost that are addressed in the Cost Principles. Costs for subscriptions of technical periodicals are allowable under 2 CFR 200.454. The data subscription services you describe above are sufficiently analogous to subscriptions that provide technical information to be allowable.

Please note that under 2 CFR Part 200.315(d), the Federal Government has the right to “The Federal Government has the right to: (1) Obtain, reproduce, publish, or otherwise use the data produced under a Federal award; and (2) Authorize others to receive, reproduce, publish, or

otherwise use such data for Federal purposes.” EPA implements this requirement in our *Copyrighted Material and Data* General Term and Condition.

If the vendor for the data services described above is unwilling to allow your state to provide data acquired with EPA funding to EPA or others we designate in order to comply with that term and condition, then EPA may find that the costs for the data services contract are unallowable as provided in 2 CFR 200.339.

17. Question: As part of a market development project, or outreach and information sharing with key stakeholders, would participant support costs be eligible for these grants? For instance, we want to give incentives/stipends/gift cards for attendees of trainings.

Answer: Yes, reasonable participant support costs would be eligible for your project. Please refer to [EPA’s Guidance on Participant Support Costs](#) for additional information.

18. Question: Would **renting/leasing** a piece of equipment for a demonstration project be allowable as part of the state-led implementation of their plans?

Answer: Yes, as long as the costs for the demonstration project are a relatively small portion of the overall budget for the cooperative agreement and the state communicates the results of the demonstration project to recycling stakeholders within the state. EPA does not intend for SWIFR funding for states to be used primarily for renting/leasing equipment. The allowability of costs for renting equipment (including vehicles), office, laboratory or conference/meeting space is governed by [2 CFR 200.465](#). These would go in the “other” cost category of your budget. For additional information please refer to pages 33-34 of the [applicant development budget guidance](#).

Procurement and Subawards

19. Question: Can a state or a territory use the funds received to pass on to their local governments, a non-profit, or other entities?

Answer: This depends on the scope of work. Subawards are eligible under certain situations where activities undertaken would fall under the scope of work. Once the state or territory receives funds, they may work with other entities as an expense as long as those activities fall within the scope of work. If an activity is not eligible under the scope of work, then a subaward would not be allowed.

20. Question: Can we develop and implement a grant program in an effort to kick-start market development for food loss reduction and food waste management? We anticipate that grant applicants will include restaurants, schools and other organizations that provide food service, as well as solid waste agencies. Potential funding for grant project awards may be for but not be limited to back-of-the-house composting/digestion equipment, consumer-sized composting units, software for

reducing commercial food waste, and/or refrigerators, freezers and shelving for storing rescued food.

Answer: You cannot use SWIFR State/Territory funding for any of the ineligible activities stated in *Section VI. Ineligible Uses of Grant Funding* of the SWIFR Program Guidance either directly or through subgrants or participant support costs such as rebates and subsidies. The Ineligible Uses of Grant Funding include:

- Except for territories, the purchase of equipment or construction costs (please note, items in the “supplies” category are eligible costs).
 - Equipment is defined, from the Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance, as tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit, although applicants may establish a lower dollar threshold or different definition of equipment through their own written property management policies as long as the thresholds and definitions are consistent with 2 CFR Part 200.33 and 2 CFR Part 200.94. The applicant’s lower threshold or different definition is binding.
- The purchase of land by recipients other than territories.
- The operations and maintenance costs of post-consumer materials management facilities (e.g., maintenance of a material recovery facility, operations of a composting site).
- Any prohibited or restricted activities as part of the EPA General Terms and Conditions (e.g., interest on borrowed funds, lobbying or litigation).

The eligible activities in your proposed grant program (or rebate/subsidy program) could **not** include support for equipment purchases or facility construction. However, under **Category 3: Support the state-led implementation of Plans** in *Section V. Eligible Activities/Use of Funding* of the SWIFR Program Guidance, you could propose a grant program that implements your plan, such as market development activities. Note that as provided in [Appendix A of the EPA Subaward Policy](#) it may not be appropriate use SWIFR funds for subgrants to for profit businesses such as marketing or consulting firms. States can use their own procurement procedures to hire those firms without regard to the Federal competition requirements in 2 CFR Part 200.

21. Question: Could we under Category 3 to do an activity that is leading workshops for ambassadors (and provide materials for them) so that they can go into communities to do the implementation of plans?

Answer: Yes, this would fall under the “Outreach and information sharing with key stakeholders” item under **Category 3: Support the state-led implementation of Plans** in *Section V. Eligible Activities/Use of Funding* of the Program Guidance. States may use SWIFR funding to purchase materials for the ambassadors as either supplies or participant support costs depending on who purchases the materials. If the state itself purchases the materials the costs would be categorized as supplies for budgeting purposes although the legal basis for allowability

would be participant support costs. States could also provide the ambassadors with a reasonable stipend to purchase materials themselves. Those would be participant support costs for budget characterization purposes.

22. Question: If a couple of states wanted to pool some of their money together to partner with other states on a joint project or report, how would that work? One example is a multi-state, or EPA regional hub-and-spoke report as part of a regional market development effort for recyclables.

Answer: It depends. If cooperative agreement funding is to be used to provide a subaward to the partner organization, the recipient must comply with applicable requirements for subawards including those contained in 2 CFR 200.332 and EPA's Subaward Policy. One or multiple states could give a subaward(s) to a state who would hire a contractor and/or use the subaward funds for state personnel to carry out the project as well as indirect costs. Alternatively, states could use the authorization in 2 CFR 200.318(e) to enter into inter-entity agreements with a single state to procure common services from a consulting firm or other vendor for support necessary to carry out the project. States would transfer the funds to the procuring state agency under applicable state laws and procedures. Under this approach, the Federal requirements associated with a subaward would not be applicable.

23. Question: Would a state be able to partner with a university to do a study? We have identified it as very important because of the desire to increase composting in our state.

Answer: Yes, if this is part of the implementation of your state's plan this would be allowable. This project would also address the [National Recycling Strategy](#), Objective B3. "Continue to fund research, development, demonstration and deployment of new technologies and processes for recycling." As indicated in Appendix A to EPA's Subaward Policy, states may provide non-competitive subawards to institutions of higher education to support research projects.

Build America, Buy America (BABA) Act

24. Question: What is the Build America, Buy America (BABA) Act?

Answer: The BABA Act requires that on or after May 14, 2022, the head of each covered Federal agency (EPA being a covered Federal agency) shall ensure that "none of the funds made available for a federal financial assistance program for infrastructure... may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States."

25. Question: How does BABA impact these grants?

Answer: For all 50 states, the BABA preference would not apply because infrastructure projects are not eligible as part of the SWIFR grants for states. However, the territories and DC are eligible for infrastructure construction and equipment; therefore, the BABA preference would apply only if the territories or DC propose to implement infrastructure projects. For more information about BABA, please see the [Frequently Asked Questions Document](#) prepared by EPA.

Davis-Bacon Act

16. Question: Do Davis-Bacon Related Act prevailing wage requirements apply to SWIFR cooperative agreements?

Answer: Yes. As provided in 33 U.S.C. 4282(e) EPA must ensure that “. . . all laborers and mechanics employed on projects funded directly, or assisted in whole or in part, by a [SWIFR grant] be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with [the Davis-Bacon Act]”. The Davis-Bacon Act applies to contractors and subcontractors performing work on federally funded or assisted **construction** contracts in excess of \$2,000.

17. Question: How can we determine if Davis-Bacon prevailing wage requirements apply to a **construction** project that is partially funded with SWIFR grant funds?

Answer: As provided in 33 U.S.C. 4282(e) EPA must ensure that “. . . all laborers and mechanics employed on projects funded directly, **or assisted in whole or in part**, by a [SWIFR grant] be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with [the Davis Bacon Act]”. Emphasis added. EPA will follow the Department of Labor’s (DOL) “purpose, time and place” test for determining whether Davis Bacon compliance is required for construction projects that are funded “in part” by a SWIFR grant. Below is an excerpt from DOL guidance for the American Recovery and Reinvestment Act of 2009 (ARRA) which contained prevailing wage language virtually identical to 33 U.S.C. 4282(e)

. . .the Department’s longstanding view [is] that a project consists of all construction necessary to complete the building or work regardless of the number of contracts involved so long as all contracts awarded are closely related in purpose, time and place. The use of the phrase “projects funded directly by or assisted in whole or in part” in the ARRA labor standard provision precludes the intentional splitting of ARRA projects into separate and smaller contracts to avoid Davis-Bacon coverage on some portion of a larger project, particularly where the activities are integrally and proximately related to the whole. However, that does not suggest that Davis-Bacon coverage of an ARRA project lasts in perpetuity. There are many situations in which major construction activities are clearly undertaken in segregable phases that are distinct in purpose, time, or place. While the Federal agency must examine every situation independently, the general guidelines that define

“project” for Davis-Bacon coverage purposes as contracts that are related in purpose, time, and place should govern in most instances.

18. Question: Does this mean that if the Davis-Bacon Act applies to my construction project, and I’m using the SWIFR grants for part of that project, that the prevailing wage requirements would now apply to **the entire project**?

Answer: That depends on the outcome of the Department of Labor’s “purpose, time and place” test as mentioned in Question 24 (above). It could mean that the prevailing wage requirements do apply to the entire project. However, as noted above, the federal agency [EPA] must examine every situation independently.

Paperwork Reduction Act (PRA)

19. Question: When does the Paperwork Reduction Act apply?

Answer: If you are requesting the same information from ten or more people or entities within a 12-month period, you need Paperwork Reduction Act clearance. Source: <https://pra.digital.gov/do-i-need-clearance/>

20. Question: Does the Paperwork Reduction Act apply if the collection is voluntary?

Answer: Whether your collection is voluntary (i.e., the public is not required by law to provide information) or mandatory, the Paperwork Reduction Act treats the collection the same. Source: <https://pra.digital.gov/do-i-need-clearance/>

21. Question: What type of activities would trigger the Paperwork Reduction Act?

Answer: The Paperwork Reduction Act would apply to any of the following actions:

- Research studies and focus groups with a set of the same questions or tasks.
- Surveys, such as those collecting data, customer satisfaction surveys, or behavioral surveys.
- Forms, such as the IRS 1040.
- Recordkeeping requirements, such as small businesses keeping all tax-related documents for three years.
- Third-party or public disclosures, such as nutrition labeling requirements for food.

Source: <https://pra.digital.gov/do-i-need-clearance/>

22. Question: What type of activities would **not** trigger the Paperwork Reduction Act?

Answer: The Paperwork Reduction Act would not apply to any of the following actions:

- Direct observation, such as watching how long it takes someone to complete a transaction, or how someone uses a new website to find answers.

- General requests for public input and comments, such as a “Tell Us About Your Experience” sheet with open-ended space for someone to respond.
 - Information for voluntary commercial transactions, like payment and delivery details.
 - Information asked for or received in connection with a public hearing or meeting.
- Source: <https://pra.digital.gov/do-i-need-clearance/>

23. Question: Does the Paperwork Reduction Act apply to online collections?

Answer: Yes, the Paperwork Reduction Act would apply to all surveys both physical and electronic. Source: <https://pra.digital.gov/do-i-need-clearance/>

24. Question: Where can I learn more about the prohibition on the “design or to administer the collection of identical information from 10 or more parties” that is mentioned on page 11 of the Program Guidance?

Answer: For additional information on activities that would be prohibited because they fall under the Paperwork Reduction Act’s scope, refer to <https://pra.digital.gov/do-i-need-clearance/>.

25. Question: Can you be more specific about SWIFR funding for a survey platform and what I can or can’t use SWIFR funds for relating to information collection?

Answer: EPA funds can be used to analyze independently collected information, publish the results of collected information, or procure an online survey platform. EPA funds cannot be used for the design, administering, or performing of the collection of identical information from 10 or more parties. The funding recipient would need to use their own funds for the design, administering, or performing of the collection of information portion of their project.