




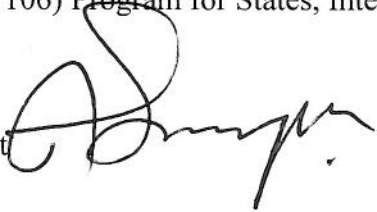
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OCT 31 2013

OFFICE OF  
WATER

**MEMORANDUM**

**SUBJECT:** Final Guidance on the use of Associated Program Support Costs (APSC) by the Pollution Control (Clean Water Act Section 106) Program for States, Interstates and Tribes

**FROM:**  Andrew D. Sawyers, PhD  
Director, Office of Wastewater Management 

**TO:** Water Division Directors  
Regions I - X

The Office of Wastewater Management has developed Clean Water Act Section 106 Program guidance for Regions that sets out a nationally consistent process for supporting states, interstates and tribes when using associated program support costs. Since FY 1999, Congress has included language in the State and Tribal Assistance Grant (STAG) account for “multi-media and single media pollution prevention, control and abatement, and related activities,” authorizing EPA to use a portion of the funds available for those programs as *Associated Program Support Costs* to fund activities that benefit all or a portion of the state, interstate or tribal grant recipients through the award of interagency agreements, contracts, or grants. The authority is used to promote cost savings or administrative efficiencies at the request of either EPA or the grantees.

The guidance is effective November 1, 2013. The guidance and frequently asked question are available at: [http://water.epa.gov/grants\\_funding/cwf/pollutioncontrol.cfm](http://water.epa.gov/grants_funding/cwf/pollutioncontrol.cfm).

If you have any questions please contact me, or have your staff contact Robyn Delehanty ([delehanty.robyn@epa.gov](mailto:delehanty.robyn@epa.gov)) at (202) 564-3880.

cc: Section 106 Regional Coordinators  
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Attachment

**Guidance on the use of Associated Program Support Costs by the Pollution Control (Section 106) Program for States, Interstates and Tribes**

**Office of Water**

**I. Purpose**

Since FY 1999, Congress has authorized EPA to use a portion of the funds available for state and tribal pollution prevention assistance agreements to fund activities that benefit all or a portion of the eligible state and tribal assistance recipients. This authorization is known as the associated program support costs authority<sup>1</sup>.

The purpose of this guidance is to provide the National and Regional Section 106 Program Managers with direction and procedures for the appropriate use of Section 106 grant funding for associated program support.

**II. Effective Date**

This policy is effective for all new Section 106 associated program support requests made on or after November 1, 2013.

**III. Background**

Section 106 of the Clean Water Act authorizes the EPA to provide federal assistance to states (including territories and the District of Columbia), tribes qualified under Clean Water Act Section 518(e), and interstate agencies to establish and maintain adequate measures for the prevention and control of surface and groundwater pollution from point and nonpoint sources. Prevention and control activities supported through these grants include providing National Pollutant Discharge Elimination System (NPDES) permits, ambient water quality monitoring and assessment, monitoring strategy enhancement, National Aquatic Resources Surveys, water quality standards development, Total Maximum Daily Load (TMDL) development, surveillance and enforcement, water quality planning, advice and assistance to local agencies, training, and public information.

**IV. Section 106 Assistance Authorities**

EPA's environmental programs are carried out pursuant to authorizing legislation enacted by Congress. The Section 106 authority is found in the Clean Water Act (CWA), 33 U.S.C. § 1256.

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<sup>1</sup> See Public Law 105-276

## **V. Eligible Entities**

The following entities are eligible for Section 106 funds: states, territories, District of Columbia, interstate agencies and federally recognized tribal governments and intertribal consortia as defined in CWA Section 518(e).

## **VI. Associated Program Support Costs**

### **A. EPA Provision of Associated Program Support**

1. For EPA to use STAG resources as associated program support, the activity must: (a) be the inherent responsibility of a state, interstate or tribal pollution control agency (b) be eligible for funding under the respective statute, and c) be of primary benefit to the affected assistance recipients and not EPA. For the purpose of this guidance, the affected assistance recipients are those states/interstates/tribal governments and intertribal consortia that will participate in the specific Section 106 funded activity. EPA must get the prior approval of the affected assistance recipients before such funding can be reserved for associated program support activities.
2. Generally, the associated program support costs authority is used to support activities that promote the common goals of the requesting affected assistance recipient and promote administrative efficiency and cost savings to the recipients. Associated program support can be provided by EPA through a grant, contract, or interagency agreement.
3. Associated program support funding may be reserved either at the national or regional level before EPA issues its final allotment of STAG funds (i.e., pre-allotment). The funds may be taken from the national or regional allotment depending on the purpose of the associated program support activity. For example, funds to support a regional initiative would be taken from the allotment available to the affected region. Associated program support costs identified in advance are not reflected in the budget included in the grant agreements of the affected assistance recipients.

### **B. Associated Program Support in the Section 106 Program**

1. In the Section 106 program, the associated program support costs authority supports the implementation of pollution control programs on a national, regional, state or tribal scale. At the request of, or upon approval by the affected assistance recipients, EPA takes a portion of the funds available to those entities and enters into a contract, grant, or interagency agreement for the benefit of the affected assistance recipients.



Associated program support must be for an activity that is the inherent responsibility of a state, interstate or tribal water pollution control agency, and must be of primary benefit to them. EPA must receive prior approval from the affected assistance recipients. The following method is to be used to gain prior approval:

**Affected assistance recipients must provide written documentation requesting the specified associated program support activities. The statement should include the amount of funding to be withheld, as applicable, and acknowledgment that EPA will be directing the funding for the specified purpose.**

2. For Section 106 funding to be approved for associated program support on the national level, the set aside must occur prior to allocating funds to the regions. Allocation occurs when OWM, as National Program Manager for Section 106, announces the final allocation of Section 106 funds to the regions.
3. Headquarters or Regions must obtain written agreement from the Section 106 National Program Manager of all regional-level associated program support activity.
4. Funds made available during the fiscal year in the form of re-programmed, unobligated funding from previous fiscal years, or de-obligated funds from existing assistance agreements, are considered to be pre-allotment funding and are therefore subject to this guidance if used for associated program support.

#### **CONTACT INFORMATION**

For more information on this document, the correct use of Section 106 funds for Associated Program Support Costs, please contact Robyn Delehanty, Section 106 Coordinator at (202) 564-3880 or [delehanty.robyn@epa.gov](mailto:delehanty.robyn@epa.gov).