



United States Environmental Protection Agency Region 4, Atlanta, Georgia

# Notice of Availability of Tribal Program Funding

*FY2024*

Indian General Assistance Program (GAP)

Tribal Response/Brownfields Section 128(a)

Clean Air Act Section 103/105 Project Funding

Clean Water Act Section 106 Program

Clean Water Act (NPS) Section 319(h)

Tribal Water Infrastructure Programs

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## IMPORTANT DATES FOR FY2024 AWARDS

Milestone	Program					
	<i>GAP</i>	<i>Brownfields</i>	<i>CWA 106</i>	<i>CAA 103 &amp; 105</i>	<i>Tribal Water Infrastructure</i>	<i>NPS</i>
Announcement distributed to Tribes	11/1/23	11/1/23	11/1/23	11/1/23	10/12/23	11/1/23
Proposed Work Plans due to EPA	4/1/24	12/15/23	4/1/24	4/1/24	(Proposal Due Only) 12/29/23	4/1/24
Funding Decision Notification to Tribes	5/10/24	5/10/24	5/10/24	5/10/24	4/12/24	5/10/24
Final Work Plan/Signed Applications to R4	6/14/24	6/14/24	6/14/24	6/14/24	6/12/24	6/14/24
Award Issued by	10/1/24	10/1/24	10/1/24	10/1/24	10/1/24	10/1/24

### INTRODUCTION

Federally-recognized Indian Tribes and intertribal consortia within EPA Region 4 are eligible to receive funds listed in this Notice of Funds Availability (NOFA). These funds are exempt from competition under EPA Grants Competition Policy (EPA Order 5700.5A1), Sections 6(b)(2) and 6(c)(6).

The purpose of this document is to provide information on available funding and requirements for receiving and using the funds available to Tribes and consortia. For competitive grant opportunities, please contact the appropriate individual in the list below. Additional information is also available for open announcements at [www.grants.gov](http://www.grants.gov) or EPA’s grant webpage at <https://www.epa.gov/grants>.

Performance Partnership Grants (PPG) may be beneficial for grantees, and Region 4 will accept requests for including funds from two or more eligible programs in a PPG (Attachment 1, PPG Eligible Grants). For more information, see the Best Practices Guide for Tribal PPGs at or contact appropriate Region 4 program staff. For Tribes submitting separate work plans, each work plan should be submitted to the appropriate program office for review and comment with a copy to the PPG Project Officer (PO). Tribes choosing to submit a consolidated PPG work plan should submit the work plan to the PPG PO.

The final initial application and work plan should be submitted via [www.grants.gov](http://www.grants.gov) for new grants, or via e-mail to the PO for continuations. See Attachment 2 for application submission instructions and Attachment 3 for indirect cost (IDC) eligibility. Pursuant to the EPA Office of Grants and Debarment Policy Notice PN-2018-G12, “Establishment of Requirement of Full Application with Initial Submission,” recipients must submit a full application with an initial application, as defined in Grants Policy Issuances, GPI-14-01, “Electronic Submission of Initial Grant Applications.” This includes submittal of all documents required

under OGD’s “Full Applications Guidance.” See Attachment 3 for a list of required assurances, which should also include a copy of the most recently approved IDC proposal (rate) and updated data competency documentation (when required).

Tribes may include additional projects or work in proposed work plans that could be completed in the grant project and budget period that may be in excess of current funding allocations. The reason for extra “wish list” projects/activities is to ensure timely award of all funding without increased tribal burden of submitting supplemental applications. Multi-year work plans for multi-year awards will also decrease the need for additional applications for future years. Region 4 encourages flexible grants management practices consistent with the [Tribal Grants Streamlining Policy](#), as updated.

TRIBAL PROGRAM/GRANT CONTACTS		
GAP/PPG	Leslie Grill	404-562-9648
Clean Water Act Section 106	Joel Hansel Jennifer Shadle	404-562-9274 or 404-562-9436
Clean Air Act Section 103 & 105	Kristine Johnson	404-562-9071
Tribal Water Infrastructure	Erskine Benjamin	404-562-9771
Brownfields (CERCLA 128(a))	Sara Janovitz	404-562-9870
NPS (CWA 319)	Sharon Brown	404-562-9269
UST/LUST	Mallory Miller	404-562-9483
PPG Project Officer	Leslie Grill	404-562-9648
Grant Specialist	Ronza Jordan	404-562-9721

## INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM (GAP)

New for FY24: EPA Region 4 will utilize the Nationwide GAP NOFA found here:

### Introduction

With this Notice of Funding Availability (NOFA), EPA invites proposals for Indian Environmental General Assistance Program (GAP) grants and assistance amendments from the Fiscal Year 2024 Congressional appropriation to fund work plans beginning on or after October 1, 2024.

### Program Description

EPA provides GAP financial and technical assistance to Tribal governments and intertribal consortia to assist Tribes in planning, developing, establishing, and maintaining the capacity to implement federal environmental programs administered by the EPA and to assist in implementation of Tribal solid and hazardous waste programs. EPA’s GAP Guidance provides a consistent national framework for building Tribal environmental program capacity under GAP and is designed to improve the management of GAP resources.

As described in the national program priorities below, GAP supports Tribal government efforts to develop core environmental program capacities, such as administrative, financial management, information management, environmental baseline needs assessment, public education/communication, legal, technical/analytical, and capacity needed to implement and/or meaningfully participate in federal environmental protection programs. Learn more about GAP on the EPA website at

<https://www.epa.gov/tribal/indian-environmental-general-assistance-program-gap- program-gap>.

The national program priorities for GAP underscore GAP’s role in fostering partnerships between EPA and federally recognized Indian Tribes.

### **Important Reference Documents for GAP**

The following statutes, guidance, policies, and plans govern EPA’s administration of GAP grants:

[Indian Environmental General Assistance Program Act of 1992](#)

[Indian Environmental General Assistance Program \(GAP\) Guidance on Financial Assistance](#)

[Agreements](#) (September 2022) and [GAP Capacity Indicators | US EPA](#)

[GAP Technical Assistance Handbook | US EPA](#)

Solid Waste Disposal Act, commonly known as the [Resource Conservation and Recovery Act](#) Federal Regulations, including [2 CFR Part 200](#), [2 CFR Part 1500](#), and [40 CFR Part 35, Subpart B](#)

[OITA’s FY23 – FY24 National Program Guidance](#) (August 2022)

[EPA Policy for the Administration of Environmental Programs on Indian Reservations](#) (1984)

[EPA’s FY22 – FY26 Strategic Plan](#)

The national program priorities for the administration of GAP are to:

1. Ensure Tribal governments have the opportunity to build the capacity to:
  - a. Implement federal environmental programs through EPA delegations, authorizations, and approvals, where applicable; and
  - b. Meaningfully participate in environmental protection activities that inform, support, or enhance direct implementation under federal environmental statutes administered by EPA.
2. Promote Tribal self-governance by working closely with Tribes to:
  - a. Accomplish Tribal environmental program goals in EPA-Tribal Environmental Plans (ETEPs) that reflect federal environmental program areas of need to protect human health and the environment;
  - b. Support Tribes’ development of strong core environmental program capacities for media-specific programs administered by EPA; and
  - c. Foster Tribes’ capacity to assume the authority to implement programs administered by EPA.
3. Promote intergovernmental collaboration and partnership among EPA, Tribes, states, and others, and focus GAP financial and technical assistance to protect human health and the environment.
4. Support implementation of established solid and hazardous waste regulatory programs in accordance with the purposes and requirements of applicable provisions of law, including the Solid Waste Disposal Act (commonly known as the Resource Conservation and Recovery Act).

5. Maintain strong national program management practices to produce compelling results that align with EPA's statutory authorities.

## **Award Information**

### **Types of Financial Assistance Agreements**

Successful applicants will receive assistance in the form of either a Grant Agreement or a Cooperative Agreement. Cooperative Agreements are awarded when substantial involvement from EPA is anticipated to achieve the work plan deliverables.

GAP is also one of several EPA grants eligible for combining into a Performance Partnership Grant (PPG). See Section 10 of this NOFA for additional information on PPGs.

### **Cost Match**

Applicants are not required to provide any matching share of GAP project costs.

### **Period of Performance**

GAP grant project periods may not exceed four years. At the end of a 4-year grant period, Tribes and intertribal consortia may apply for new GAP grants. When GAP funds are included in PPGs, the project period can be up to 5 years.

Current grantees are encouraged to submit multi-year funding requests if they are: (1) completing proposed activities as scheduled, (2) submitting progress reports on time, (3) fulfilling closeout requirements, (4) regularly drawing funds down, and (5) meeting all other grant requirements.

Applicants should discuss this option with their EPA Project Officer before submitting a multi-year proposal.

## **Eligible Recipients**

Indian Tribal governments (Tribes) and intertribal consortia are eligible to receive funds under this grant program<sup>1</sup>.

These terms are defined in [40 CFR 35.502](#) as follows:

An *Indian Tribal government (Tribe)*, except as otherwise defined in statute or applicable program specific regulation, is any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village, which is recognized as eligible by the U.S. Department of the Interior for the special services provided by the United States to Indians because of their status as Indians.

An *intertribal consortium* is a partnership between two or more Tribes authorized by the governing bodies of those Tribes to apply for and receive assistance under GAP.

### **Intertribal Consortium**

Under EPA's Tribal grant regulations, an intertribal consortium is eligible to receive GAP financial assistance when the consortium can adequately document compliance with the following requirements:<sup>2</sup>

A majority of its members are eligible to receive GAP grants.

1. All member Tribes that meet GAP eligibility requirements authorize the consortium to apply for and receive the award; and
2. Adequate accounting controls are in place to ensure that only members that meet the eligibility requirements will benefit directly from the award and the consortium agrees to an award condition to that effect.

With each new GAP grant application (meaning the first year of a multi-year grant), an intertribal consortium must include documentation of: (1) the existence of the partnership between eligible Tribal governments; and (2) the authorization of the consortium by all GAP-eligible member Tribes to apply

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<sup>1</sup> [40 CFR §35.543](#).

<sup>2</sup> [40 CFR §35.504](#).



for and receive the grant. See Section 3.5 of the 2022 GAP Guidance for details on acceptable forms of documentation.

The Tribe decides who their duly authorized representative is. Duly authorized representatives may include, for example, Tribal leadership, Tribal environmental directors, or Tribal administrators. If documentation includes consortium resolutions, the resolution must have unanimous support, meaning no abstentions and no majority approvals, from all board members.

Intertribal consortia may use GAP funds to provide training and technical assistance to support the environmental priorities of GAP-eligible member Tribes. Alternatively, Tribal governments may choose not to receive GAP funds directly but instead may request for a consortium to receive funding to conduct environmental activities for the benefit of the Tribe.

The recipient consortium, with input and agreement from the Tribe, will submit an ETEP to the Region outlining the long-term goals and activities they will conduct for the benefit of the Tribe. Refer to Section 3.5.1 of the GAP Guidance for further details.

### **Funding Amounts**

EPA funds applicants in the following order:

1. **Individual Tribes.** The primary purpose of GAP funding is to build Tribal capacity for developing and administering environmental protection programs. Therefore, providing GAP grants to individual Tribal governments is our highest priority. Work plan considerations for Tribes requesting a consortium to receive funding to conduct environmental activities for the benefit of the Tribe should be considered as “individual Tribes.”
2. **Intertribal consortia.** EPA considers funding for intertribal consortia after it has funded individual Tribes’ proposals. Consortia work plans should meet the capacity-building needs of their member Tribes as reflected in EPA-Tribal Environmental Plans (ETEPs) without duplicating members’ efforts.

Applicants may request funding within their Region’s funding parameters for FY24. Final awards must be between \$75,000, for initial awards, and no more than 10% of the total Congressional appropriation, and may be based on factors such as, but not limited to, activities proposed, prior awards to the applicant, existing balances, and reporting status. See Section 8 of this NOFA for more information. Final GAP funding amounts may also be impacted by the final annual appropriation EPA receives from Congress, newly applying Tribes, rescissions, or similar national or regional funding factors.

### **Application Information**

When submitting a *new* application (for the first year of the grant period), the full grant application must be received by electronic submission through [Grants.gov](https://www.grants.gov)<sup>3</sup> by the date for your Region shown in the Application Submittal Schedule (See Table 1, below). When submitting a supplemental application (that is, for any year other than the first), the application may be submitted via Grants.gov (add the grant number in the previous grant number section), or you can email the application to your EPA Project Officer. GAP applications submitted after the Region’s identified due date may not be considered for GAP funding (see Table 1, below). Please refer to Regional guidance for requesting an extension. Regional deadlines are included in the table below.

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<sup>3</sup> Applicants that have limited or no internet capacity should refer to [Exceptions to the Grants.gov Requirement](#) to learn about how to request an exception.

Table 1- Application Submittal Schedule

Region	Work Plan and Budget Due Date Stand-Alone GAP	Work Plan and Budget Due Date GAP in a PPG	Applications Due in Grants.Gov
1	N/A	June 3, 2024	July 1, 2024
2	Feb/March, 2024 <sup>4</sup>	Feb/March, 2024	Feb/March, 2024
3	May 31, 2024	N/A	May 31, 2024
4	April 1, 2024	April 1, 2024	June 14, 2024
5	60 days from date of allocation letter from EPA Project Officer	60 days from date of allocation letter from EPA Project Officer	Determined by EPA Project Officer
6	February 16, 2024	April 19, 2024	GAP stand-alone: February 16, 2024  GAP in PPGs: April 19, 2024
7	March 4, 2024	March 34, 2024	June 15, 2024
8	February 22, 2024	February 22 2024	June 4, 2024
9	Tribes & Intertribal Consortia: January 26, 2024 with application on Grants.gov & emailed to GAP PO.	Tribes & Intertribal Consortia: January 26, 2024 with application on Grants.gov & emailed to GAP PO.	GAP stand-alone: January 26, 2024  GAP in PPGs: Determined by EPA Project Officer
10	January 19, 2024	January 19, 2024	May 17, 2024

Regions may provide supplemental application guidance; see additional information regarding supplemental proposals below in Section 7. Contact information for each Regional Tribal Program Manager is on the EPA website, <https://www.epa.gov/tribal/epa-tribal-program-managers>.

**Grants.gov Assistance Listings:**

Funding Opportunity Number: [EPA-CEP-02](#)

Indian Environmental General Assistance Program (GAP) – 66.926

Funding Opportunity Number: [EPA-CEP-01](#)

Performance Partnership Grants (PPG) – 66.605

<sup>4</sup> EPA Region 2 will provide additional information on work plan and applicant deadlines applicable to R2 applicants.

A full grant application includes the following items (all forms are located at <https://www.epa.gov/grants/epa-grantee-forms>):

1. Work Plan
2. Budget Narrative
3. Application for Federal Assistance (SF-424)
4. Budget Information Non-Construction Programs (SF-424A)
5. Certification Regarding Lobbying (EPA Form 6600-06) - *For new grant applicants only*
6. Pre-award Compliance Review Report (4700-4)
7. Key Contacts Form (Form Approved OMB No: 2030-0020)
8. If the applicant's budget includes indirect costs, a copy of the Approved Indirect Cost Rate Agreement, or the latest proposal (whichever document is most recent)

**As of October 1, 2023, EPA has stopped using GAP Online (GO3). Please do not enter new work plans in GO3.**

A work plan and budget worksheet must be included that covers each year of funding requested.

### **Work Plan and Budget Requirements**

#### **Work Plan**

An approvable work plan must specify<sup>5</sup>:

- The work plan components to be funded under the grant.
- The estimated work years (i.e., FTE) and estimated funding amounts for each work plan component.
- The work plan commitments for each work plan component, and a time frame for their completion.
- A performance evaluation process and reporting schedule.
- The roles and responsibilities of the applicant and EPA in carrying out the work plan commitments (i.e., explain who will do what).

In addition, the work plan must include:

- A description of proposed eligible GAP activities and how they support the GAP national priorities identified in the 2022 GAP Guidance.
- The expected outcomes and environmental results associated with each work plan component.
- The expected outputs/deliverables that will be submitted to EPA for each commitment.
- For each component, a reference to the corresponding Tribal priority (or priorities) in the ETEP, or if new, the applicant's plan to develop an ETEP (See Section 9 of this NOFA for more information on ETEPs).
- A separate component for solid/hazardous waste service delivery activities (GAP Guidance Section 2.1.1 (2)).

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<sup>5</sup> See [40 CFR §35.507 \(b\)](#) for the first five elements.

## **Service Delivery Activities**

Recipients may use GAP funding to provide waste service delivery activities, such as the collection, transportation, backhaul, and disposal of solid waste and/or recovered resources. Tribes seeking GAP funding for these activities should include a work plan commitment to report on:

1. the amount of waste collected, transported, backhauled, and disposed,
2. the type of materials serviced,
3. where the serviced materials originated, and
4. the final disposition of the waste materials.

For more information about waste and recovered materials classifications, see:

<https://www.epa.gov/smm/advancing-sustainable-materials-management-facts-and-figures>.

EPA will provide supplemental guidance on service delivery reporting in early FY24.

## **Budget**

The budget must include sufficient detail for EPA to understand the applicant's planned expenditures, and all items in the budget must be reflected in the work plan.

Submitted budgets should:

- Include all applicable costs, which may include personnel, fringe, travel, equipment, supplies, contracts, consultants, other, and indirect costs.
- Include detailed break outs on cost estimates for equipment, supplies, contracts, and other.
- If the Tribe or intertribal consortium receives income from activities conducted through the grant, such as recycling, include an estimate of the income anticipated for the year (program income).

Regional Offices may not approve Tribal grants where it is anticipated that drawdown of a substantial portion of federal funds will be delayed until the end of the project period without the approval of the American Indian Environmental Office (AIEO). Before approving any such grant, AIEO will confer with the Office of Grants and Debarment and the Office of the Chief Financial Officer in a timely manner.

## **Additional Requirements**

All applicants must also have:

- Active/updated [UEI \(Unique Entity Identifier\)](#), [SAM.gov](#), and [Grants.gov](#) registrations;
- A single or program-specific audit in compliance with 2 CFR §200 if the applicant spends \$750,000 or more in federal funds annually; and
- Included all information requested in this NOFA in the proposal.

## **GAP Supplemental Projects**

Tribes are encouraged to submit project proposals for GAP Supplemental Projects as part of their regular GAP application. This way, if there are extra funds available, a Region will not have to request additional projects from the Tribes.

GAP Supplemental Project proposals are discreet projects and/or tasks that can be completed in addition to the GAP grant work plan described above, but similarly consist of a detailed budget and component/commitments that could be completed with additional funding. GAP Supplemental Projects may be funded after all the Region's initial GAP applications have been approved if additional funds are available. The scope of work for the Supplemental Projects should be appropriate for the amount of funding requested. Please be aware that supplemental projects may not be recommended for funding, or a portion(s) may be approved for award at a reduced amount. Tribes may submit more than one Supplemental Project proposal. If multiple supplemental proposals are submitted, please identify the order in which you would like them considered for funding.

## Application Review Criteria

Each Region should refer to Section 4.2 of the 2022 GAP Guidance when negotiating work plans and determining final award amounts, and should further consider:

- the amount of GAP funding the Region receives;
- the number of Tribes and intertribal consortia submitting applications;
- whether the application was received on time;
- the applicant's level of unexpended GAP funds;
  - *Current grant recipients must be making regular drawdowns per the terms and conditions of the grant agreement and not have a high balance of unexpended funds.*
- whether the work plan includes all the required elements, including components and commitments, long-term and intermediate outcomes, and outputs and deliverables;
- whether proposed activities are allowable and costs reasonable to achieve the project goals;
- whether proposed activities help the applicant to achieve priorities identified in the relevant ETEP(s);
  - *If the Tribe or intertribal consortium (where applicable) does not have a current ETEP, the work plan should include a commitment to complete one.*
- whether proposed activities meet the review factors, including past performance;
  - *Current grant recipients must be making satisfactory progress (meeting project goals and completing work plan commitments in a timely manner, and overseeing finances) and, if not, have a corrective action plan in place*
- whether the applicant is current on all reporting requirements.
  - *Current grant recipients must be up to date with all reporting requirements (progress reporting, closeout requirements for prior GAP grants, and annual Federal Financial Reports)*

Current grant recipients must also ensure that the proposed work plan is not identical to previous work plans and have a demonstrated history of being responsive to EPA requests for information and modifications.

### High Balances

Grantees that have a high balance of unspent GAP funding (referred to as unliquidated obligations (ULO)), either currently or with a history of high ULOs, will be evaluated by the EPA Project Officer to determine whether a no-cost extension or reduced award may be most appropriate. Learn more about EPA's ULO policy at <https://www.epa.gov/sites/default/files/2020-11/documents/gpi-11-01-managing-unliquidated-obligations.pdf>.

### ETEPs

In accordance with the GAP Guidance, EPA will work with each Tribe to develop and implement an ETEP, which sets the stage for stronger environmental and human health protection in Tribal communities. [Click here for the ETEP Fact Sheet.](#)

Tribes and EPA should jointly review the ETEP annually, or at a minimum every five years, and update it as needed. Tribes may include activities to update their ETEP in their work plan proposals. If an applicant has received a GAP grant in the last year but has not completed an ETEP, EPA may award new, incremental, or supplemental funding only for work plan activities related to finalizing the ETEP. For any Tribe seeking GAP funding that does not have an ETEP, including first time applications, the applicant should include developing an ETEP as a work plan commitment.

When updating ETEPs, EPA should list EPA-regulated entities and identify any related planned direct

implementation activities. These activities are guides to illustrate the programs a Tribe may develop capacity to administer through program delegation, authorization, or approval. Steps to develop program capacity in these areas can be included in GAP work plans. EPA recommends that the Tribe work with their EPA Project Officer and program office staff to identify program development tasks and program approval processes. Tribes are encouraged to review the list of EPA-regulated entities to ensure it is accurate. Tribes may also identify regulated entities that are not within Indian country but that may impact the Tribe's environment.

For GAP awards made on or after October 1, 2022, capacity indicators should be incorporated into renewing ETEPs. Previously, applicants selected a capacity indicator for each work plan component; this is no longer required. Capacity indicators are measurable conditions that demonstrate environmental program capacity achieved with GAP funding; they are not the same as a list of eligible activities. The current list of GAP Capacity Indicators is available on EPA's website at [GAP Capacity Indicators](#). See Section 2.3 of the 2022 GAP Guidance for more information.

An intertribal consortium who is receiving GAP funding to conduct environmental activities on behalf a member Tribe or Tribes should also develop an ETEP. See Section 3.5.1 of the 2022 GAP Guidance for more information.

### **Performance Partnership Grants (PPG)**

PPGs allow eligible Tribes and intertribal consortia to combine funds from at least two eligible environmental grant programs, including GAP, into a single grant to improve environmental performance, increase programmatic flexibility, achieve administrative savings (such as elimination of cost share), and strengthen the partnerships between the Tribe and EPA.

Since multiple programs are involved, PPG proposals and applications may take longer to develop than single grant proposals. PPG deadlines may vary depending on the type of programs involved. Applicants should confirm due dates with their EPA Project Officer.

Tribes and intertribal consortia with PPGs should communicate regularly with their EPA Project Officer when applying for EPA program grants. Grantees may request additional grants be added to their PPG, including competitive grants. A complete list environmental program grants eligible for including in a PPG is available on EPA's website at <https://www.epa.gov/ocir/nepps-implementing-performance-partnerships>.

To learn more about PPGs, and specifically about including GAP in a PPG, see Section 3.4 of the 2022 GAP Guidance.

Effective October 1, 2021, cost match is no longer required for PPGs. See [RAIN-2022-G01, Class Exception to the Cost Share Requirements for Tribal and Intertribal Consortia Performance Partnership Grants \(PPGs\)](#) for more information.

### **Award Acceptance**

Recipients must demonstrate their commitment to carry out an award by either: 1) beginning to draw down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award mailing date.

### **Administrative And National Policy Requirements**

Regulations governing the award and the administration of environmental programs for Tribes and intertribal consortium can be found in Title 40 of the Code of Federal Regulations (CFR), Part 35, Subpart B ([40 CFR §35.500-35.518](#)) and [2 CFR §200](#) and [1500](#).

### **Reporting**

The following reports are required for all grantees. Contact your EPA Project Officer for details.

Report	Due Date (for awards starting October 1)	Due Date (for awards starting January 1)
Progress reports that document progress in performing the commitments listed in the work plan and, if applicable, describe any problems and a plan for resolving them	<p>Generally quarterly, biannually, or annually. Refer to the Grant Agreement for specific due dates.</p> <ul style="list-style-type: none"> <li>• Quarter 1: Progress reports due January 30.</li> <li>• Quarter 2: Progress reports due April 30.</li> <li>• Quarter 3: Progress reports due July 30.</li> <li>• Quarter 4: Progress reports due October 30</li> </ul>	<p>Generally quarterly, biannually, or annually. Refer to the Grant Agreement for specific due dates.</p> <ul style="list-style-type: none"> <li>• Quarter 1: Progress reports due April 30.</li> <li>• Quarter 2: Progress reports due July 30.</li> <li>• Quarter 3: Progress reports due October 30.</li> <li>• Quarter 4: Progress reports due January 30</li> </ul>
<a href="#">Annual Federal Financial Reports (FFRs) (SF-425)</a>	<ul style="list-style-type: none"> <li>• Within 90 days of the end of the project period (December 30)</li> </ul>	<ul style="list-style-type: none"> <li>• Within 90 days of the end of the project period (March 30)</li> </ul>
<a href="#">Final Federal Financial Report (FFR)(SF-425)</a>	<ul style="list-style-type: none"> <li>• Within 120 days of the end of the project period (January 28 for fiscal year grants)</li> </ul>	<ul style="list-style-type: none"> <li>• Within 120 days of the end of the project period (April 30 for calendar year grants)</li> </ul>
Final progress/performance report	<ul style="list-style-type: none"> <li>• Within 120 days of the end of the project period (January 28 for fiscal year grants).</li> </ul>	<ul style="list-style-type: none"> <li>• Within 120 days of the end of the project period (April 30 for calendar year grants).</li> </ul>



# **BROWNFIELDS REVITALIZATION AND ENVIRONMENTAL RESTORATION ACT of 2001**

## **CERCLA Section 128(a) Brownfields Response Program Development**

EPA HQ issues annual Funding Guidance for States and Tribes each year; the current guidance is available at [https://www.epa.gov/system/files/documents/2023-09/final-fy24-section-128a-funding-guidance\\_9-26-23.pdf](https://www.epa.gov/system/files/documents/2023-09/final-fy24-section-128a-funding-guidance_9-26-23.pdf). Funding requests and draft work plan must be submitted to the Region by December 15, 2023. All requests from states and Tribes are forwarded to EPA HQ to develop, with input from the Region, a proposed funding decision based on a more detailed understanding of needs and budgets. EPA HQ is expected to finalize funding allocations by Spring 2024. Region 4 anticipates notifying Tribes of approved funding and work plans based on the budget allocation decision by May 2024.

Section 128(a) of CERCLA, as amended by the Brownfields Law, authorizes funding of up to \$50 million annually to establish and enhance state and tribal response programs. In FY24, the EPA anticipates an appropriation of over \$45 million. The EPA anticipates additional 128(a) funding from the Infrastructure Investment and Jobs Act, for a combined total of over \$90 million in available funds in FY24. However, the 128(a) program receives more requests than funding available; hence the national allocation process.

Region 4 is providing the following guidelines for Tribes to supplement the national guidance. Read the national guidelines carefully. It will describe the four (4) elements a tribal response program must establish and maintain. This is not a project grant, so the funding may not be a good fit for single purpose needs. Instead, it is intended to create a program under tribal authority to respond to sites under the Tribe's jurisdiction, especially Brownfields, but also may include emergency responses to spills of petroleum and hazardous substances, and other properties impacted by hazardous waste.

Tribal response activities under this program may include, but are not limited to:

- Enacting ordinances,
- Adopting cleanup standards,
- Developing Standard Operating Procedures (SOPs) that embody tribal response requirements and/or data quality assurance standards,
- Providing training or conducting contingency planning to ensure that other tribal departments (e.g. fire, police) are prepared for hazardous waste emergency response, or
- Developing the ability to oversee and direct remediation either by other tribal departments or third parties.

Highways, railroads, and pipelines crossing tribal lands, former industrial use sites, and mine-scarred lands could be focal points in contemplating this program. Brownfield sites can include buildings uninhabitable due to mold or asbestos, leaking underground or above-ground storage tanks, meth labs, and a variety of other sites of concern. Additionally, if a Tribe is acquiring previously used land, those parcels may need to be screened for the presence of environmental contaminants.

A Tribe can choose to develop tribal staff skills to respond to environmental incidents or conduct environmental response actions, or they can direct their own environmental consultants or those of a third party. In contemplating the development of this program, remember that the goal is not to be the inspector for another program area, but to ensure that such inspectors or facility operators know the tribal standards, requirements or SOPs. Conducting an assessment and/or cleanup of sites may be an eligible activity but



would be considered a lower funding priority to building the program as discussed above. These activities would typically need to have an associated capacity building element, such as SOP development, as an intended purpose. Keep in mind that Tribes are also eligible to apply for competitive assessment, cleanup, revolving loan fund, and job training grants offered by EPA.

Drawing a line between a response program and a preventative program can be less clear. In general, the response program cannot fund preventative type activities. For example, EPA does not fund development of Spill Prevention Containment and Countermeasures (SPCC) plans, because that is a preventative activity as are the inspections of the facilities, but EPA funds materials for cleanup, clean up SOPs, and responders training. The Program can also fund working with the facility operators to ensure that they know the tribal response expectations. For other questions about activities and eligibility, please contact Sara Janovitz, Region 4 Brownfields and Redevelopment Section Manager.

Once Region 4 approves work plans, Tribes will submit Brownfields or PPG applications. This should occur by late May or early June. *See* Attachment 3 for requirements and procedures for submitting applications through grants.gov.

### **Small Community Technical Assistance Grants**

Section 128(a)(1)(B)(ii)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, authorizes a noncompetitive \$1.5 million technical assistance grant (Section 128(a) TAG) program to assist small communities, Indian Tribes, rural areas, or disadvantaged areas to carryout CERCLA section 104(k)(7) (by providing training, research, and technical assistance to individuals and organizations, as appropriate, to facilitate the inventory of brownfields sites, site assessments, remediation of brownfield sites, community involvement, or site preparation).

These funds may not be placed in Performance Partnership Grants. There are statutory definitions of communities eligible to receive funding on behalf of a state or Tribe. A recipient can define community as a census tract:

- Disadvantaged Area – The term “disadvantaged area” means 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, and/or
- Small Community – the term “small community” means a community with a population of not more than 15,000 individuals, as determined by the President based on the latest available decennial census.

States and Tribes with active CERCLA 128(a) grants requesting funds in FY2024 are eligible to submit up to three Section 128(a) TAGs of \$20,000 each to assist a small community, Tribe, or disadvantaged areas. If more than one Section 128(a) TAG is requested, each \$20,000 grant should be used to assist a different eligible beneficiary or different project. The funding will be awarded as part of the FY24 CERCLA 128(a) funding grant. Requests will be considered based on the following:

- readiness of the recipient and community to complete the project within a year of award,
- the recipient is in good standing with their current CERCLA 128(a) grant,
- has documented support from the community benefiting from this grant, and
- adequately responds to the criteria listed below.

Requests should be no more than three pages in length. Information to include in the request:

- the amount of funding requested,
- a description of the target community and how they meet the statutory definition of disadvantaged area or small community,

- a description of the proposed project, including a description of key activities, and how it will further brownfields reuse,
- the expected outcomes and timeline to complete the project,
- how/who will be conducting the activities (e.g., state, Tribe, contractor)
- if additional resources are necessary to complete the project, please explain how you will secure them,
- an explanation of why existing state and tribal funding is inadequate to complete the proposed project,
- and demonstrate that the community supports the state or Tribe receiving the grant.

# CLEAN WATER ACT SECTION 106

## General Funding and Award Information

EPA Region 4 is requesting the submission of FY2024 Clean Water Act (CWA) Section 106 work plans and final applications by the dates in the chart on pg. 1. EPA expects the 106 work plans to clearly state tasks to be accomplished under the grant award and to include expected outputs and outcomes in accordance with EPA Order 5700.7, Environmental Results under EPA Assistance Agreements, effective January 1, 2005.

In addition, the tasks in the work plan must support goals outlined in EPA's Strategic Plan 2022-2026 (Plan), which defines specific environmental and public health improvements to be accomplished. Clean Water Act goals are found under Goal 5 of the Plan which can be located at the link on the following page on the EPA website: <https://www.epa.gov/planandbudget/strategicplan>. The [Final Office of Water's National Water Program Guidance](#) and Final FY23- FY24 [Section 106 Supplemental Grant Guidance to States, Interstate Agencies, and Tribes](#) (supplement to the Section 106 Grant Guidance) are available for your reference in developing work plan tasks.

FY2024 work plans should focus on the development of long-term strategy for developing and implementing water quality programs. The work plan tasks should emphasize monitoring as a high priority and place special emphasis on finalizing or implementing the tribal monitoring strategy. The strategy should include: (1) goals and objectives, (2) a sampling plan, (3) quality assurance/quality control measures (QA/QC), and (4) data management/assessment. Please review EPA's guidance on monitoring and assessing water quality located at <https://www.epa.gov/water-pollution-control-section-106-grants> and Final Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act for 2007 and beyond at <https://www.epa.gov/sites/production/files/2014-09/documents/final-tribal-guidance.pdf>.

Region 4 will utilize the Final R4 Tribal Funding and Project Selection Guidelines, which was approved through tribal consultation in 2016 and 2019, to determine tribal allocations. If you need a copy of the current Guidelines, please contact either Joel Hansel or Jennifer Shadle. The FY2024 Region 4 allotment is unknown at this time, but the Region is presently assuming that the funding level will be comparable to previous annual tribal allocations. For funds to be awarded prior to September 30, 2024, tribal submittals must comply with the dates on the chart at the bottom of pg. 1 of this Notice. Tribes are required to provide matching funds or expenditures of a minimum of 5% of the total 106 funds (federal and Tribal contributions) if not in a PPG.

Example Calculating 5% match:

$\$80,000$  (federal programs amount for match requirement)/.95 =  $\$84,211$  -  $\$80,000$  =  $\$4,211$  (contribution for grantee program match requirement).

## Work Plan Proposal and Application Submission Information

The Catalog of Federal Domestic Assistance (CFDA) Number for CWA 106 is 66.419 (66.605 for PPG). Tribes should use the same work plan format as submitted for the FY2023 approved work plans. A draft work plan and application may be submitted for review to Joel Hansel and Jennifer Shadle.

Pursuant to the EPA Office of Grants and Debarment Policy Notice PN-2018-G12, "Establishment of Requirement of Full Application with Initial Submission," recipients must submit a full application with an initial application, as defined in Grants Policy Issuances, GPI-14-01, "Electronic Submission of Initial Grant Applications." This includes submittal of all documents required under OGD's ["Full Applications Guidance"](#). EPA Region 4 recommends including the recently approved IDC proposal (rate) and updated

data competency documentation (when required). Additionally, the updating or creation of a Quality Assurance Project Plan (QAPP) is required as a part of the work plan since environmentally related measurements are taken as part of these grants. All QAPPs are required to be updated every 5 years at a minimum. *See* Attachment 2 for grants.gov submittal instructions for new grants or annual supplemental funding requests.

## **Administration Information**

Regulations governing the award and administration of environmental program grants for Tribes, including 40 C.F.R. Part 35, Subpart B found at <https://www.law.cornell.edu/cfr/text/40/part-35/subpart-B>.

Final Financial Reports (FFRs) and the final report must be submitted within 120 days after budget/project period expires.

Progress Reports must be submitted within 30 days of the end of the reporting period.

Dispute procedures can be found at 2 C.F.R. §§ 200.341 and 1500.12-19 (Subpart E).

# CLEAN AIR ACT SECTIONS 103 AND 105

## Funding Opportunity Description

The U.S. Environmental Protection Agency's responsibility to Tribes includes support in developing infrastructure, administrative and technical capacity to manage environmental programs in Indian Country. §105 of the Clean Air Act (CAA) authorizes assistance to air pollution control agencies (as defined in section 302(b) of the Act) to administer programs for the prevention and control of air pollution or implementation of national air quality standards. A match of up to 40% is required for a CAA §105 grant. Tribes that have established eligibility to be treated in the same manner as a state (TAS) qualify for a reduced match of 5% to 10%. Tribes with CAA §105 grants in a Performance Partnership Grant do not require a match. Reference the Catalog of Federal Domestic Assistance 66.001 for further guidance on this grant authority. Associated program regulations are found in 40 C.F.R. parts 35, 50, 51, 52, 58, 60, 61, 62 and 81.

Section 103 of the CAA authorizes assistance to air pollution control agencies (as defined in section 302(b) of the Act) for limited duration projects (no more than seven years) to conduct "research, investigations, experiments, demonstrations, surveys and studies relating to the causes, effects (including health and welfare effects), extent prevention, and control of air pollution." There is no match requirement for CAA §103 grants and these grants are not eligible for inclusion in a PPG according to 40 C.F.R. Part 35.501. Reference the Catalog of Federal Domestic Assistance 66.038 for further guidance on this grant authority.

The CAA §103 and §105 grants are non-competitive grant programs and are exempt from the EPA Grants Competition Policy (the EPA Order 5700.5A1). Successful applicants will receive assistance in either the form of a Cooperative Agreement or a Grant Agreement. All applicants must demonstrate sound financial, administrative, and programmatic management capability. For current or previous recipients, this includes: (1) timeliness and completeness of reports; (2) sufficient progress under the current work plan; (3) absence of unnecessary duplicative activities in proposed work plan and budget; (4) maintaining an acceptable account balance and minimizing unliquidated obligations (ULOs); (5) timely notification of problems, delays, or adverse conditions that may impact the completion of workplan objectives; and (6) responsiveness to Project Officer inquiries or requests for information.

To ease the administrative burden for Tribes and the EPA, applicants are encouraged to submit proposals with a multiyear grant project and budget period and work plan for up to three years. By negotiating a multi-year grant with EPA, additional funding can be awarded for the subsequent year or years within the approved grant project and budget period without requiring the recipient to submit another grant application. For Tribes that elect to submit a multi-year proposal and intend to include CAA §105 funds in a PPG, EPA asks that all of the other funding sources also include a multi-year project and budget period. Please note that certifications and IDC rate documentation are still required annually. The federal grant regulations, also known as the Uniform Grant Guidance, is located at 2 C.F.R. Part 200, along with EPA's rule at 2 C.F.R. Part 1500. For more information on the grant regulations, go to: <https://www.eC.F.R.gov/>.

(EPA) Region 4 is requesting the submission of FY2024 Clean Air Act (CAA) Section 103 and 105 final applications and work plans by the dates in the chart on pg. 1. EPA expects the work plans to clearly state tasks to be accomplished under the grant award and to include expected outputs and outcomes in accordance with EPA Order 5700.7, Environmental Results under EPA Assistance Agreements, effective January 1, 2005.

In addition, the tasks in the work plan must support goals outlined in EPA's Strategic Plan 2022-2026 (Plan), which defines specific environmental and public health improvements to be accomplished. Clean Air Act goals are found under Goal 4 of the FY2022-2026 Strategic Plan which can be located using the

following link on the EPA website: <https://www.epa.gov/planandbudget/strategicplan>. The final Office of Air and Radiation National Program Manager Guidance are available for your reference in developing work plan tasks. OAR's NPM Guidance is available using the following link: <https://www.epa.gov/planandbudget/national-program-guidances-npgs#fy20232024>

## Eligible Program Activities

Examples of activities eligible for funding under the CAA §103 include but are not limited to:

- (1) Conducting an ambient air quality assessment or emissions inventory;
- (2) Monitoring ambient air quality;
- (3) Conducting community education and outreach activities on air pollution issues;
- (4) Participating in local, regional and national air quality initiatives;
- (5) Creating a tribal air ordinance; and
- (6) Establishing a permitting program, etc.

Examples of activities eligible for funding under the CAA Section 105 include but are not limited to:

- (1) Implementing<sup>6</sup> programs for the prevention and control of air pollution; and
- (2) Implementing<sup>7</sup> programs for the national primary and secondary ambient air quality standards.

Examples of activities not eligible for funding include:

- (1) Activities not related to air pollution, its prevention and control;
- (2) Remediation activities related to indoor air quality problems; and
- (3) Data collection **without** an EPA-approved Quality Assurance Project Plan.

## Draft Workplan Proposal Submission

The work plan proposal package should be submitted based on the schedule on pg. 1 of this document and consist of the following elements:

### 1. *Work Plan*

- a. Header: project title, project manager name, total project cost (including EPA funds and other sources), type of grant application: 1) Section 103 or 105; and 2) new application or continuation (e.g., extension of the grant project and budget period).
- b. Problem Statement/Background Information: Provide a well-supported statement or needs assessment of the problem to be addressed which demonstrates the reason your Tribe should receive funding support.
- c. Objectives: Objectives should be specific, measurable, and clearly describe how they are related to and lead to the project goals and expected environmental outcomes (e.g., environmental results). Objectives should also be linked to the environmental outcomes (e.g., "public" benefits to be obtained).
- d. Commitments: Outline in detail the necessary tasks and activities that will be conducted to achieve an output (*i.e.*, tangible work product) or an outcome (*i.e.*, environmental impact). Describe why you have chosen these activities to obtain the desired

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<sup>6</sup> Note that the term "implementing" means any activity related to the planning, developing, establishing, carrying out, improving, or maintaining of such programs.

<sup>7</sup> See note 6, *supra*.

environmental results. The tasks and activities should be realistic and achievable within the budget and project period of the grant.

- e. Specific Outputs for Environmental Results: Outputs mean the specific deliverables of an environmental activity, effort, and/or associated work products related to an environmental goal or objective that will be developed over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period.
- f. Desirable Environmental Outcomes: This means the result, effect or consequence that will occur from carrying out an environmental activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, must be quantitative, and may not necessarily be achievable within an assistance agreement funding period.
- g. Target Dates & Milestones: Include an estimated timeline or schedule of expected target dates and milestones to achieve specific tasks and accomplishments during the budget and project period. Time frames need to be for a calendar date.
- h. Performance Measures: Provide some detailed explanation/criteria of how the progress and results of the project shall be evaluated (through quantitative means, if possible). Evaluation should occur during as well as after the project activities are conducted to make sure appropriate adjustments can be made along the way, if necessary.

The Section 103 or Section 105 draft workplan proposal and budget justification sheet should be submitted by email to [R4TribalAir@epa.gov](mailto:R4TribalAir@epa.gov). If additional time is needed to adhere to the schedule on pg. 1, please inform EPA using the aforementioned email address.

## **Budget Requirements**

Budget planning requires preparation of a Budget Justification Worksheet. The Budget Justification Worksheet must be included along with your work plan proposal. A copy of this form is located at the end of this document as Attachment 6.

## **Application Submission and Review Procedures**

After work plan negotiations are complete, Tribal applicants are encouraged to work on finalizing their work plan and budget justification documents in response to EPA comments prior to submitting the grant application package through Grants.gov. While the proposed awards schedule on pg. 1 of this document provides timeframes to meet, circumstances may arise where additional time is needed to complete the work plan negotiation process. During such times, EPA will work with the Tribe to ensure a mutual process in facilitating the timely award of the grant.

Grant Application Submission Instructions: Application packages for a new grant must be submitted to Grants.gov at <http://www.grants.gov/web/grants/applicants/download-application-package.html>. In grants.gov, please enter the Funding Opportunity Number: EPA-CEP-01 to access the grant packages. For the CAA Section 103 grant application package, select CFDA 66.038, and for the CAA Section 105, select CFDA 66.001. For application packages that request an extension of the grant project and budget period and additional funding, submit your package by email to [R4TribalAir@epa.gov](mailto:R4TribalAir@epa.gov). See Attachment 3 for information on required assurances and administrative forms needed in your application package.

EPA Review Criteria: The following will be considered in determining the amount of funds to award each applicant:

1. Completeness of proposal;
2. Timeliness of the submission of the proposal documents;
3. Relevance to the goals of the Clean Air Act;
4. Reasonableness of proposed costs;
5. Past performance (timeliness and completeness) in reporting and evaluation if applicable;
6. Amount of unliquidated obligations (e.g., carryover funds) expected on the current grant, as applicable;
7. Final budget allocation received by Region 4 under the CAA grant authority; and
8. Adherence to requirements for closing out previous grants and submitting required financial reports.

## **Post Award Administration**

Award Notice: Funded Tribes will receive a grant award signed by the EPA Region 4 Award Official. The Tribe has three calendar weeks from the EPA grant award (or amendment) mailing date to accept the award by either: (1) drawing down funds within the 21 days; or (2) not filing a notice of disagreement with the terms and conditions specified in the award within 21 days. The grant award will specify the budget and project period dates which represents the allowable time period for performing the activities under the award.

Reporting and Evaluation Requirements: For Tribes who are building capacity to establish a tribal air program, EPA requires the submittal of quarterly progress reports. As the grantee demonstrates programmatic and administrative capability to implement the air program over time, a semi-annual or annual reporting schedule may be negotiated with EPA. Quarterly progress reports are due 30 days after the end of the quarter. Reports must document the progress in performing the commitments listed in the work plan and the reports must describe any problems with completing the commitments and the recipient's plan for resolving the problems. The reports must comply with the regulations listed in 2 C.F.R. § 200.328 for CAA 103 grants and 40 C.F.R. § 35.515 for CAA 105 grants.

Reports must include the following information:

1. A comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan;
2. The reasons for slippage if established outputs/outcomes were not met; and
3. Additional pertinent information, including, when appropriate, analysis and information of cost overruns or high unit costs.

The assigned Tribal Program Officer will continue to have informal discussions with you about the progress made under your CAA grant. It is essential that complete progress reports be submitted in a timely manner and include the required information.

Federal Financial Reports (FFRs): FFRs (SF-425) are required and must be submitted within 90 days of the end of the project period. However, some grantees may be required or may negotiate to submit FFRs more frequently. To obtain a copy of the form, see EPA website: <http://www2.epa.gov/financial/forms>.

Quality Assurance: If the proposed project/program involves environmentally related measurements or data generation, the updating or creation of a Quality Assurance Project Plan (QAPP) is required as a part of the work plan.



Data Submission: After having an approved QAPP, collected data must be submitted to EPA's Air Quality System (AQS) within 30 days after the end of the quarter in which the data was collected.

Other: Please note that award terms and conditions can be specific to each award and may contain more requirements than listed in this document. Please read the administrative and programmatic award conditions carefully and contact your project officer if you have questions regarding the requirements in your grant award.

# TRIBAL WATER INFRASTRUCTURE PROGRAMS

## Overview

In this section, the Water Division outlines available tribal water infrastructure funding that will tentatively be awarded in Fiscal Year 2024, new infrastructure programs and how they will be implemented, and addresses the requirements for submitting a timely and complete proposal to the Drinking Water Section for funding consideration. It is organized into three major sections: Bipartisan Infrastructure Law programs, annually appropriated water infrastructure programs, and proposal submission and regional contact information.

## Bipartisan Infrastructure Law Programs

In Fiscal Year 2022, the Infrastructure Investment and Jobs Act of 2021, also known as the “Bipartisan Infrastructure Law” (BIL), was signed into law authorizing the EPA to fund water infrastructure projects under existing and new programs. Region 4 BIL allocations to tribal communities will be administered through two of the Agency’s existing water infrastructure programs as appropriate: Drinking Water Infrastructure Grant – Tribal Set-Aside (DWIG-TSA) and Clean Water Indian Set Aside (CWISA). The information in this section is organized as follows:

### **Section 1: Bipartisan Infrastructure Law – Drinking Water Projects**

*Section 1A: Region 4 Tribal Allocations & Statutory Authorities*

- *Drinking Water Infrastructure Grant Tribal Set-Aside Supplemental Program*
- *Drinking Water Infrastructure Grant Tribal Set-Aside Emerging Contaminants Program*
- *Drinking Water Infrastructure Grant Tribal Set-Aside Lead Service Line Replacement Program*
- *Emerging Contaminants in Small & Disadvantaged Communities Tribal Drinking Water Grant*

*Section 1B: Program Implementation & Applicable Guidance/Policies*

*Section 1C: Build America, Buy America Act Requirements*

*Section 1D: Key Priorities/Other Helpful Considerations*

### **Section 2: Bipartisan Infrastructure Law – Wastewater Projects**

*Section 2A: Region 4 Tribal Allocations & Statutory Authorities*

- *Clean Water Indian Set-Aside Supplemental Program*
- *Clean Water Indian Set-Aside Emerging Contaminants Program*

*Section 2B: Program Implementation & Applicable Guidance/Policies*

*Section 2C: Build America, Buy America Act Requirements*

*Section 2D: Key Priorities/Other Helpful Considerations*

## Annually Appropriated Water Infrastructure Programs

The EPA has two tribal water infrastructure programs for which Congress provides annual funding: DWIG-TSA and CWISA. The information in this section will be organized into two sections:

### **Section 3: Annually Appropriated Drinking Water Infrastructure Programs**

*Section 3A: Region 4 Tribal Allocations & Statutory Authorities*

- *Water Infrastructure Improvements for the Nation (WIIN) Act, Section 2104 – Small & Disadvantaged Communities Tribal Drinking Water Grant*
- *Drinking Water Infrastructure Grant Tribal Set-Aside Program*

*Section 3B: Implementation of the Drinking Water Infrastructure Grant Tribal Set-Aside Program*

*Section 3C: Tribal Priority Points*

*Section 3D: Threshold Requirements*

*Section 3E: Project Categories*

**Section 4: Annually Appropriated Wastewater Infrastructure Program**

*Section 4A: Implementation of the Clean Water Indian Set-Aside Program*

*Section 4B: Tribal Allocation & Statutory Authorities*

*Section 4C: Indian Health Service's Sanitation Deficiency System Timeline*

**Proposal Submissions & Regional Contact Information**

**Section 5: Proposal Submission Requirements**

*Section 5A: Proposal Submission Components*

*Section 5B: Proposal Submission Process, Regional Contact Information & Proposal Timeline*

*Section 5C: Agency Milestones & Expectations*

*Section 5D: Grant Review & Interagency Agreement Policies*

*Section 5E: Proposal Submission Template*

# Section 1: Bipartisan Infrastructure Law – Drinking Water Projects

## Section 1A: Region 4 Tribal Allocations & Statutory Authorities

### Tribal Allocations

Table 1 provides Region 4 tribal allocations for **BIL-only** drinking water infrastructure programs:

<b>BIL Program</b>	<b>FY22-23</b>	<b>FY24 (Estimated)</b>	<b>Total Available BIL DW Program Funding</b>
DWIG-TSA – Supplemental	\$577,000 <sup>a</sup>	\$577,000	\$577,000
DWIG-TSA Program – Emerging Contaminants	\$414,000 <sup>γ</sup> \$387,000	\$387,000	\$1,188,000
DWIG-TSA Lead Service Line (LSL) Replacement	\$1,550,000 <sup>γ</sup> \$2,176,000	\$2,176,000	\$5,902,000
Emerging Contaminants in Small & Disadvantaged Communities Tribal Drinking Water Grant Program	\$466,000 <sup>γ</sup> \$466,000	\$466,000	\$1,398,000
<b>Total</b>	<b>\$5,459,000</b>	<b>\$3,606,000</b>	<b>\$9,065,000</b>

Table 2: Region 4 allocations for drinking water programs authorized under the Bipartisan Infrastructure Law (BIL) for FY2023 and estimated allocations for FY2024.

<sup>a</sup>Funding has been awarded and is no longer available.

<sup>γ</sup>FY22 allocations remain available for award.

The Region expects to make awards utilizing total available BIL-only drinking water funds including any estimated FY24 funds for the above programs by October 1, 2024. Any unawarded FY2022 and FY2023 funds will remain available for award until further notice.

### Statutory Authorities

The BIL authorizes the EPA to fund drinking water infrastructure projects for tribal communities throughout Region 4 using four **new** programs:

- **DWIG-TSA Supplemental Program**
- **DWIG-TSA Emerging Contaminants Program**
- **DWIG-TSA Lead Service Line (LSL) Replacement Program**
- **Emerging Contaminants in Small & Disadvantaged Communities Tribal Drinking Water Grant**

The statutory authorities governing the above programs are shown below:

- **Safe Drinking Water Act: Sec. 1452 & Infrastructure Investment and Jobs Act (IIJA) (PL 117-58)**
  - Section 1452 of the Safe Drinking Water Act (SDWA) authorizes the EPA to award capitalization grants to states to establish a Drinking Water State Revolving Loan Fund (DWSRF). These funds are used to make low-interest loans and offer other types of assistance to eligible water systems. Section 1452(i) of the SDWA also authorizes EPA to set aside a portion of each year’s DWSRF appropriation and use it to make direct grants (not loans) for capital improvements to public water systems that serve Tribes. The DWIG-TSA

program allocates funds to be used only “for public water system expenditures referred to in subsection (a)(2),” and to “address the most significant threats to public health.”

- Public Law (PL) 117-58 authorizes a variety of programs within the EPA that support drinking water infrastructure. Specifically, the PL reauthorizes through FY2026 and revises the DWSRF program, which provides financial assistance to states and water systems for infrastructure projects. In addition, it reauthorizes through FY2026 existing programs and establishes new programs to support drinking water infrastructure, including programs that:
  - address emergencies (e.g., cybersecurity events) affecting drinking water systems;
  - protect sources of water (e.g., rivers, lakes, and groundwater);
  - assist the public water systems of small and disadvantaged communities;
  - assist low-income households located in rural areas to maintain access to drinking water and wastewater treatment;
  - reduce lead contamination in drinking water; and
  - support drinking water and sanitation projects on Indian reservations.
- **Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018, of the Bipartisan Budget Act of 2018, (PL 115-123)**
  - At this time, the above public law does not provide any relevant information to this NOFA for Region 4 tribal communities.

## **Drinking Water Infrastructure Grant Tribal Set-Aside – Supplemental Program**

The DWIG-TSA Supplemental Program will provide additional funding for projects that are eligible under the DWIG-TSA Program. For FY2024, approximately \$577,000 is tentatively available under this supplemental program for planning, design, and/or construction of drinking water projects. For more information on eligible activities and project categories under the DWIG-TSA, please see **Section 3 – Annually Appropriated Drinking Water Infrastructure Programs.**

## **Drinking Water Infrastructure Grant Tribal Set-Aside Emerging Contaminants Program**

The DWIG-TSA Emerging Contaminants program will provide funding for emerging contaminants projects. For FY2024, \$387,000 is estimated to be tentatively available for planning, design, and/or construction of drinking water projects that address one or more emerging contaminants. In addition, FY2022 and FY2023 funds totaling \$801,000 will remain available for award until further notice. Emerging contaminants are defined as, “newly identified or reemerging manufactured or naturally occurring physical, chemical, biological, radiological, or nuclear materials that may cause adverse effects to human health or the environment and do not currently have a national primary drinking water regulation.”<sup>8</sup> Region 4 will prioritize funding under this program for eligible projects that address per- and poly-fluoroalkyl substances (PFAS) concerns followed by other emerging contaminants that are listed on any of the EPA’s [Contaminant Candidate Lists](#). Eligible activities include monitoring for PFAS and/or other emerging contaminants, identification/selection of appropriate treatment technologies, pilot testing, installation of drinking water infrastructure to reduce or eliminate PFAS and/or other emerging contaminants, etc.

## **Drinking Water Infrastructure Grant Tribal Set-Aside Lead Service Line Replacement Program**

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<sup>8</sup> Update to the Plan for Addressing Critical Research Gaps Related to Emerging Contaminants in Drinking Water. **Interagency Working Group on Emerging Contaminants of the National Science and Technology Council.** January 2022

The DWIG-TSA LSL Replacement Program will provide funding for the identification and/or replacement of LSLs for eligible tribal public water systems. For FY2024, \$2,176,000 is estimated to be tentatively available for planning, design, and/or construction of drinking water projects that address LSLs, which includes identification of LSLs and the development of a service line inventory. In addition, FY2022 and FY2023 funds totaling \$3,726,000 will remain available until further notice. The Lead and Copper Rule Revisions (LCRR) require that all community water systems (CWSs) and non-transient, non-community water systems (NTNCWSs) submit an initial service line inventory on or before **October 16, 2024**. **Table 2** illustrates the list of systems in Region 4’s public water system inventory that must comply with this requirement as of August 2022. **(Please note: The absence of a water system from Table 2 does not remove the requirement for a qualifying system to conduct and submit an initial service line inventory to Region 4 by October 16, 2024.)** Any public water system that fails to submit an inventory to Region 4 will incur a treatment technique violation. To assist tribal water systems in meeting this first requirement under the new rule, the DWIG-TSA LSL Replacement Program will provide funding to conduct eligible activities associated with developing a service line inventory including activities to determine service line material such as video-lining or closed-circuit television, water sampling (except for compliance), excavation, etc., mapping of lead service lines, and the collection and/or review of documentation to support the service line inventory.

Owner of PWS	Name of Qualifying PWS	PWS Type
Eastern Band of Cherokee Indians	3200 Acre Water System	CWS
Eastern Band of Cherokee Indians	Cherokee Water System	CWS
Eastern Band of Cherokee Indians	Rough Branch Water System	CWS
Eastern Band of Cherokee Indians	Snowbird/Cornsilk Community Water System	CWS
Eastern Band of Cherokee Indians	Snowbird Youth Center Water System	NTNCWS
Miccosukee Tribe of Indians of Florida	Miccosukee Reservation Water System	CWS
Miccosukee Tribe of Indians of Florida	Miccosukee Service Plaza Water System	NTNCWS
Mississippi Band of Choctaw Indians	Choctaw Bogue Chitto Water System	CWS
Mississippi Band of Choctaw Indians	Choctaw Conehatta Water System	CWS
Mississippi Band of Choctaw Indians	Choctaw Pearl River Water System	CWS
Mississippi Band of Choctaw Indians	Choctaw Tucker Water System	CWS
Poarch Band of Creek Indians	Poarch Creek Utilities West Water System	CWS
Seminole Tribe of Florida	Seminole Big Cypress Water System	CWS
Seminole Tribe of Florida	Seminole Brighton Water System	CWS
Seminole Tribe of Florida	Seminole Hollywood Water System	CWS
Seminole Tribe of Florida	Seminole Immokalee Water System	CWS

**Table 3: Region 4 Qualifying List of Public Water Systems that must submit an initial service line inventory by October 16, 2024.**

Beyond the service line inventory, broader activities *directly related to the full replacement of lead service lines* **and** *eligible under the DWIG-TSA program* that may be funded include but are not limited to the following:

- planning activities such as environmental assessments, preliminary engineering reports, certain permits, etc.,
- design activities such as the development of project plans and budgets, and/or,
- construction activities such as mobilization and demobilization of contracted or tribal force account forces and equipment, installation of full replacement service lines, other installation work (e.g., curb stops, curb stop boxes, other service line appurtenances), removal work (e.g., lead service lines, lead or galvanized goosenecks, pigtails, connectors, curb stops, curb stop boxes, other service line appurtenances, etc.), and other eligible activities.

## **Emerging Contaminants in Small & Disadvantaged Communities Tribal Drinking**

## Water Grant Program

The Emerging Contaminants in Small & Disadvantaged Communities Tribal Drinking Water Grant Program is designed to reduce PFAS contamination of drinking water supplies in communities facing disproportionate impacts. For FY2024, \$466,000 is estimated to be available for planning, testing, and remediation of PFAS and other emerging contaminants in drinking and source water for small or disadvantaged communities. In addition, FY2022 and FY2023 funds totaling \$932,000 will remain available for award until further notice. Tribes in Region 4 that are seeking to utilize these funds must direct activities related to PFAS and/or emerging contaminant identification and reduction to address small and disadvantaged communities as defined below:

“(c)(2)(B) with a population of less than 10,000 individuals that the Administrator determines does not have the capacity to incur debt sufficient to finance a project or activity under subsection (b).”<sup>9</sup>

With respect to public water systems, program funds may be used to address PFAS and/or other emerging contaminants in communities served by tribally owned public water systems or non-tribally owned public water systems that serve residents belonging to a federally recognized Tribe. Moreover, program funds may also be used to support communities that are not currently served by any public water system. Under no circumstances may funds be used to support federally-owned or for-profit public water systems.

As for eligible activities, the program may fund monitoring (not related to compliance), planning for the identification/selection of appropriate treatment technologies, installation of eligible drinking water infrastructure to reduce or eliminate PFAS and/or emerging contaminants, etc.

### Section 1B: Program Implementation & Applicable Guidance/Policies

These four new BIL drinking water programs will be implemented through Region 4’s existing DWIG-TSA program, which is a set-aside of the DWSRF program. The above statutory authorities intend for the EPA to augment eligible funding activities under the DWIG-TSA and, as further amended, through the Water Infrastructure Improvements for the Nation (WIIN) Act of 2017. This means that both the FY2022 and *tentative* FY2023 funds will be made available to fund planning, design, and/or construction of:

- Eligible drinking water infrastructure projects,
- Eligible drinking water infrastructure projects that **solely or jointly** address emerging contaminants such as PFAS, and/or
- Eligible drinking water infrastructure projects that **solely or jointly** address LSL identification and/or replacements.

To clarify, the phrase “**solely or jointly**” means that a project may be submitted for consideration that requests a need for funding to solely address a concern or to jointly address multiple concerns. For example, a project may solely address drinking water infrastructure needs such as a water meter replacement or storage tank rehabilitation. Or a project may jointly address multiple drinking water infrastructure needs such as a water meter replacement project that will also identify LSLs in the distribution to complete an LSL inventory.

Once funds have been awarded to tribal communities through an assistance agreement under one or more programs, the following guidance and/or policies will be applied to its oversight by Project Officers, Technical Officers, and other EPA staff:

- **Drinking Water Infrastructure Grants Tribal Set-Aside Program | Revised National Guidelines | December 2013**

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<sup>9</sup> SDWA §1459A(c)(2) (42 U.S.C. 300j-19a).

- **Region 4 Drinking Water Infrastructure Grants Tribal Set-Aside Program Guidance| Draft September 2014**
- **Amendment to the Drinking Water Infrastructure Grants Tribal Set-Aside Program | Memorandum | April 2017**
- **Other guidance and/or policies as deemed necessary and appropriate**

**Section 1C: Build America, Buy America Act Requirements**

The Build America, Buy America (BABA) Act requires that infrastructure projects include a term and condition that applies the Buy America preference under the following conditions:

- All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- All manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- All construction materials are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.<sup>10</sup>

BABA further defines infrastructure as follows: the term “infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property.<sup>11</sup> Moreover, Region 4 will consider structures, facilities, and equipment that generate, transport, and distribute energy – including electric vehicle (EV) charging – as infrastructure.

As for applicable activities, BABA applies to infrastructure projects that include construction, alteration, maintenance or repair of infrastructure within the United States. The BABA term and condition will apply regardless of whether infrastructure is the primary purpose of the assistance agreement.

**Section 1D: Key Priorities/Other Helpful Considerations**

In considering projects for BIL-only drinking water programs, please note that proposals will be reviewed, scored, and ranked based on the information provided to Region 4 by the submission deadline. It is important to review the priorities for each section, as applicable, to ensure that you understand those priorities and have taken them into consideration in proposing funding needs for Region 4 consideration. Reviewers will be instructed to award the highest points possible to proposals that address each program’s **primary priorities** for all eligible projects. **Table 3** provides each of the four BIL-only drinking water programs and corresponding priorities as set forth by the EPA.

<b>BIL-Only Drinking Water Programs</b>	<b>Primary Priorities</b>	<b>Other Priorities</b>
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<sup>10</sup> IIJA, § 70923(a) & (b)(1)

<sup>11</sup> IIJA, § 70912(5)



Drinking Water Infrastructure Grant Tribal Set-Aside Supplemental	Health-based and/or treatment technique violations, maximum contaminant level violations, action level exceedances; water system deficiencies as part of a National Primary Drinking Water Regulation exemption; drinking water outage; risk of failure to major treatment/distribution infrastructure; first-time drinking water service (exceptions apply); operational efficiencies and operator training/certification for compliance	Water system security; water loss studies; water system administration facility improvements; interconnections; other considerations
Drinking Water Infrastructure Grant Tribal Set-Aside Emerging Contaminants	PFAS	Other emerging contaminants on any of EPA’s five CCLs
Drinking Water Infrastructure Grant Tribal Set-Aside LSL Replacement	Service line inventories, identification of LSLs, and full replacements of <b>known</b> residential LSLs	Planning to address replacements of <b>known</b> commercial LSLs
Emerging Contaminants in Small & Disadvantaged Communities Tribal Drinking Water Grant	PFAS <b>and</b> small/disadvantaged tribal communities	Other emerging contaminants on any of EPA’s five CCLs <b>and</b> small/disadvantaged tribal communities

*Table 4: Primary priorities for BIL-Only Drinking Water Programs.*

Another important consideration is that there is no cost share requirement for any drinking water project that is funded under this section. A cost share, or matching funds, is an amount of eligible funds that a recipient must contribute to satisfy statutory requirements as part of an assistance agreement. Although programs under this section do not require a statutory cost share, the program does enforce cost sharing when one or more projects provide beneficial use to commercial populations or otherwise meet commercial interests. If your project will not wholly serve tribal residents, please provide the appropriate water use data from all populations in the affected project area to Region 4 for the appropriate cost share determination.

As for applicable provisions resulting from BIL, Tribes should consider how proposals will be impacted if construction or other activities will invoke BABA requirements or any other applicable rules. In particular, BABA provisions apply to the entire project, even if project funds will be leveraged by other sources.<sup>12</sup>

<sup>12</sup>Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure. OMB, 2022. <https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf>

## Section 2: Bipartisan Infrastructure Law Section – Wastewater Projects

### Section 2A: Region 4 Tribal Allocations & Statutory Authorities

#### Tribal Allocations

Table 4 provides Region 4 tribal allocations for BIL-only wastewater infrastructure programs:

BIL Program	FY22-23	FY24 (Estimated)	Total Available BIL CW Program Funding
Clean Water Indian Set-Aside – Supplemental	\$110,000 <sup>γ</sup> \$151,000 <sup>α</sup>	\$151,000 <sup>α</sup>	\$110,000
Clean Water Indian Set-Aside – Emerging Contaminants	Tentative	Tentative	Tentative
<b>Total</b>	<b>Tentative</b>		<b>\$110,000+</b>

Table 5: Region 4 tribal allocations for wastewater infrastructure programs.

<sup>γ</sup>FY22 allocations remain available for award.

<sup>α</sup>Allotment is assigned to Nashville Indian Health Service until Regions 1, 2, 3, 4, and 6 agree on distribution of funds.

#### Statutory Authorities

The BIL authorizes the EPA to fund wastewater infrastructure projects for tribal communities throughout Region 4 using two **new** programs:

- **Clean Water Indian Set-Aside (CWISA) Supplemental Program**
- **CWISA Emerging Contaminants Program**

The statutory authorities governing the above programs are shown below:

- **Clean Water Act: Title VI & Infrastructure Investment and Jobs Act (IIJA) (PL 117-58)**
  - The 1987 amendments to the Clean Water Act (CWA) established the CWISA program, which is a set aside from the Clean Water State Revolving Fund (CWSRF). It is governed by Section 518 of the CWA, as amended by the 2014 Water Resources Reform & Development Act (Appendix A), which allows EPA to provide funding for the planning, design, and construction of wastewater treatment plant facilities that serve federally recognized Indian Tribes, Alaska Native Villages (ANV), and certain Tribes in Oklahoma (referred to herein as “Tribes”).<sup>13</sup> Since 1995, EPA has administered the CWISA Program in cooperation with the Indian Health Service (IHS) Sanitation Facilities Construction Program. EPA regions use the IHS Sanitation Deficiency System (SDS) database to identify projects for CWISA program funds.
  - Public Law (PL) 117-58 authorizes a variety of programs within the EPA that support wastewater infrastructure. Specifically, the PL reauthorizes through FY2026 and revises (1) the Water Infrastructure Finance and Innovation Act of 2014, and (2) the CWSRF program, which provides financial assistance to states and communities for sewage and wastewater infrastructure projects. In addition, it reauthorizes through FY2026 existing programs and establishes new programs that support water infrastructure, including programs that:
    - assist publicly owned treatment works (i.e., sewage and wastewater treatment plants commonly known as POTWs) convert waste in water to energy;

<sup>13</sup> Clean Water Indian Set Aside Guidance, 2015. EPA

- plan and construct POTWs to address municipal combined sewer overflows, sanitary sewer overflows, or stormwater;
  - increase the resilience of POTWs to natural hazards or cybersecurity vulnerabilities;
  - assist small and medium POTWs;
  - construct, repair, or replace decentralized wastewater systems for households with low or moderate incomes;
  - assist qualified households with low or moderate incomes to connect to POTWs;
  - provide alternative sources of water to meet critical water supply needs; or
  - develop and construct public water systems and wastewater systems for rural and Native villages in Alaska.
- **Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018, of the Bipartisan Budget Act of 2018, (PL 115-123)**
    - At this time, the above public law does not provide any relevant information to this NOFA for Region 4 tribal communities.

### **Clean Water Indian Set-Aside Supplemental Program**

The CWISA Supplemental program will provide additional funding for projects that are eligible under the CWISA Program. The CWISA program does not accept proposals directly from Tribes; therefore, the CWISA Supplemental program will also not accept proposals in this manner. As a reminder, CWISA funds are allocated to each IHS area office. Each IHS area office is comprised of EPA regions that are within each IHS area jurisdiction. Region 4 is located within IHS’s Nashville Area and is comprised of four other regions: Region 1, Region 2, Region 3, and Region 6. Therefore, wastewater funds received for CWISA must be negotiated with other regions for projects that are **solely** on Nashville’s IHS SDS lists (included or excluded). The Region is generally notified of the wastewater allocation for Nashville’s Area in the early to late spring of each year. For more information on the SDS submission process and eligible projects under the CWISA, please see **Section 4 – Annually Appropriated Wastewater Infrastructure Program.**

### **Clean Water Indian Set-Aside Emerging Contaminants Program**

The CWISA Emerging Contaminants program will provide funding for emerging contaminants projects related to wastewater projects selected from Nashville IHS’s SDS Lists. According to the EPA, a CWSRF emerging contaminant is defined as follows: “substance or microorganism, including manufactured or naturally occurring physical, chemical, biological, radiological, or nuclear material, which is known or anticipated in the environment, which may pose newly identified or re-emerging risks to human health, aquatic life, or to the environment.” For FY2022 and FY2023, the allocation is tentative until further notice. Region 4 will provide Tribes whose SDS projects have been selected with an opportunity to identify additional needs related to one or other emerging contaminants. Region 4 will prioritize funding under this program for eligible projects that address PFAS concerns followed by other emerging contaminants that are listed on any of the EPA’s [Contaminant Candidate Lists](#).

As for eligible activities, these may include monitoring such as the purchase of monitoring or laboratory analysis equipment, monitoring to characterize stormwater or wastewater to inform an engineering report and the identification/selection of the appropriate treatment technology, monitoring of wastewater influent/effluent/sludge to determine the fate of emerging contaminants or to inform the identification/selection of the appropriate treatment technology, etc.

### **Section 2B: Program Implementation & Applicable Guidance/Policies**

The two new BIL wastewater programs will be implemented through Region 4’s existing CWISA program, which is a set-aside of the CWSRF program. Unlike the DWIG-TSA Program, which funds projects through a submission process, the CWISA program does not accept projects directly from the Tribe. The Tribe must submit projects to the Nashville Area IHS on or before June of each year to be considered for funding in the following fiscal year. This means that projects eligible for funding consideration using FY2024 funds must have been submitted to Nashville IHS’s SDS by June 2023 **and** subsequently accepted. Region 4 will review any projects that were accepted by Nashville IHS and determine if those projects will be funded in consultation with Region 1, Region 2, Region 3, and Region 6, as all four regions share annual funding allocations with Region 4. The above statutory authorities intend for the EPA to augment eligible funding activities under the CWISA. This means that estimated FY2024 funds will be made available to fund the planning, design, and/or construction of:

- Eligible wastewater infrastructure projects that appear on Nashville IHS’s SDS **Included List**,
- Eligible wastewater infrastructure projects that appear on Nashville IHS’s SDS **Excluded List**, and/or,
- Eligible wastewater infrastructure projects that appear on Nashville IHS’s SDS Included or Excluded Lists that **solely or jointly** address emerging contaminants such as PFAS.

To clarify, the phrase “**solely or jointly**” means that an SDS project may be considered for funding that solely addresses a concern or jointly addresses multiple concerns. For example, a project may solely address wastewater infrastructure needs such as a lift station replacement, rehabilitation of a sewage pump station, or a septic tank and drainfield replacement. Or a project may jointly address multiple wastewater infrastructure needs such as the replacement of media filters and PFAS sampling/analysis to provide a baseline for the wastewater system.

Once funds have been awarded to tribal communities through an assistance agreement under one or more programs, the following guidance and/or policies will be applied to its oversight by Project Officers, Technical Officers, and other EPA staff:

- **Clean Water Indian Set-Aside Program | National Guidelines | October 2015**
- **Other guidance and/or policies as deemed necessary and appropriate**

### **Section 2C: Build America, Buy America Requirements**

The BABA Act will also apply to any wastewater projects that are selected for Region 4 Tribes and for which the assistance agreement is a direct grant, cooperative agreement, or contract. The requirement will be added to the assistance agreement mentioned above as a term and condition, regardless of a qualifying infrastructure activity included within the project. For projects that are funded through an interagency agreement (IA), the Nashville IHS will be responsible for complying with BABA requirements for all projects included in the IA. Tribes working with Nashville IHS should have a discussion with IHS about how they intend to comply with BABA for one or more projects included in the IA.

### **Section 2D: Key Priorities/Other Helpful Considerations**

In considering projects for BIL-only wastewater programs, please note that additional projects may only focus on the incorporation of emerging contaminants into selected SDS projects. Region 4 Tribes will not be given an opportunity to develop new wastewater projects for funding consideration after an existing SDS wastewater project has been selected. It is important to review the priorities for each wastewater program, as applicable, to ensure that you understand those priorities and have taken them into consideration in proposing funding needs to Nashville Area IHS on an annual basis. **Table 5** provides BIL-only wastewater programs and corresponding priorities as set forth by the EPA in coordination with IHS.

<b>BIL-Only Drinking Water Programs</b>	<b>Primary Priorities</b>	<b>Other Priorities</b>
Clean Water Indian Set-Aside Supplemental	<p>An Indian Tribe or community that lacks a safe water supply and a sewage disposal system.</p> <p>An Indian Tribe or community with a sanitation system that lacks either a safe water supply system or a sewage disposal system.</p> <p>An Indian Tribe or community with a sanitation system that has an inadequate or partial water supply and a sewage disposal facility that does not comply with applicable water supply and pollution control laws or has no solid waste disposal facility.</p>	The reporting of a disease or other adverse human health effect that is directly attributable to water, sewer, or solid waste, or water, sewer, or solid waste condition that could adversely impact human health but has not affected it at that time.
Clean Water Indian Set-Aside Emerging Contaminants	PFAS	Other emerging contaminants on any of EPA’s five CCLs.

*Table 6: Primary priorities for BIL-only wastewater infrastructure programs.*

## Section 3: Annually Appropriated Drinking Water Infrastructure Programs

### Section 3A: Region 4 Tribal Allocations & Statutory Authorities

#### Tribal Allocations

**Table 6** provides the Region 4 funding allocations for annually appropriated drinking water infrastructure programs:

<b>Annually Appropriated Drinking Water Infrastructure Program</b>	<b>FY21</b>	<b>FY22-23</b>	<b>FY24 (Estimated)</b>	<b>Total Annually Appropriated DW Program Funding</b>
WIIN Act, Section 2104 – Small & Disadvantaged Communities Tribal Drinking Water Grant	\$69,000	\$35,000 <sup>y</sup> \$39,000	\$39,000	<b>\$182,000</b>
Drinking Water Infrastructure Grant Tribal Set-Aside	Awarded	Awarded	\$135,000	<b>\$135,000</b>
<b>Total</b>	<b>\$69,000</b>	<b>\$74,000</b>	<b>\$174,000</b>	<b>\$317,000</b>

*Table 7: Region 4 Tribal Allocations for annually appropriated drinking water infrastructure programs. <sup>y</sup>FY22 allocations remain available for award.*

In FY2023, \$823,000 is available for award under this section. This amount includes tentative funding of \$69,000 in FY2021 funds for the Small & Disadvantaged Communities Tribal Drinking Water Grant Program and tentative funding of \$754,000 for FY2022 and FY2023 to support the DWIG-TSA Program.

#### Statutory Authorities

The statutory authority governing the WIIN Act, Section 2104 Program is Section 1459A of the SDWA, as amended by the 2016 WIIN Act and the 2018 America’s Water Infrastructure Act (AWIA). The SDWA Section 1459A states:

“(b) ESTABLISHMENT. –

(1) IN GENERAL. – The Administrator shall establish a program under which grants are provided to eligible entities for use in carrying out projects and activities the primary purposes of which are to assist public water systems in meeting the requirements of this title.

(2) INCLUSIONS. – The term ‘underserved community’ includes a political subdivision of a [Tribe] that either, as determined by the Administrator

(A) does not have household drinking water or wastewater services; or

(B) is served by a public water system that violates, or exceeds, as applicable, a requirement of a national primary drinking water regulation issued under Section 1412, including—

- (i) a maximum contaminant level;
- (ii) a treatment technique; and
- (iii) an action level.”

As for the DWIG-TSA program, the statutory authority governing the DWIG-TSA program is the SDWA Section 1452.

## **Water Infrastructure Improvements for the Nation Act, Section 2104 – Small & Disadvantaged Communities Tribal Drinking Water Grant Program**

The Water Infrastructure Improvements for the Nation (WIIN) Act, Section 2104 – Small & Disadvantaged Communities Tribal Drinking Water Grant Program is designed to assist small and disadvantaged communities in Indian Country to meet SDWA requirements. For FY2024, the Region may make one or more awards totaling an estimated \$182,000 using FY2021-2024 funds. Tribes in Region 4 that are seeking to utilize these funds must direct water infrastructure activities to communities as defined below:

“(c)(2)(B) with a population of less than 10,000 individuals that the Administrator determines does not have the capacity to incur debt sufficient to finance a project or activity under subsection (b).”<sup>14</sup>

Also, program funds may be used to address PFAS and/or other emerging contaminants in communities served by tribally owned public water systems or non-tribally owned public water systems that serve residents belonging to a federally recognized Tribe. Moreover, program funds may also be used to support communities that are not currently served by any public water system. Funds may not be used to support federally owned or for-profit public water systems.

Eligible activities under this program include, but are not limited to, the following:

- technical assistance to increase technical, managerial, and financial (TMF) capacity,
  - training for system staff and board members on the importance of TMF capacity and how to achieve compliance,
  - on-site visits to systems experiencing compliance challenges
  - water or energy audits
  - completion of an engineering feasibility study to highlight operational areas of improvement,
  - operator certification training,
  - completion of environmental reviews,
  - preparation of consumer confidence reports,
  - developing cost estimates for project planning,
  - rate evaluations and project development
  - drafting source water protection ordinances
  - financial assistance for planning and design of infrastructure improvements
- treatment,
- transmission and distribution,
- storage,
- water system consolidation, and/or
- household water quality testing (including unregulated contaminants), etc.

## **Drinking Water Infrastructure Grant Tribal Set-Aside Program**

The Drinking Water Infrastructure Grant Tribal Set-Aside Program is designed to fund the planning, design, and/or construction of eligible drinking water infrastructure activities in Indian Country. For Fiscal Year 2024, Region 4 will tentatively make one or more awards totaling \$135,000. Tribal priority points will only apply for this program. For more information on this priority, please see **Section 3C: Tribal Priority Points**. Moreover, eligible activities include planning, design, and/or construction of eligible drinking water infrastructure including feasibility studies, pilot testing, development of a preliminary engineering report, development of project plans and budgets, construction of drinking water treatment plants, treatment systems such as reverse osmosis, distribution such as water supply lines, storage such as ground or elevated

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<sup>14</sup> SDWA §1459A(c)(2) (42 U.S.C. 300j-19a).

finished water storage tanks, water meter installation/replacement, booster pump stations, certain source water projects such as installation of a new well, equipment purchases such as pumps and generators, and other projects.

### Section 3B: Implementation of the Drinking Water Infrastructure Grant Tribal Set-Aside Program

The Reauthorization of the Safe Drinking Water Act (SDWA) in 1996 created a State Revolving Fund (SRF) loan program, whereby funding could be made available for infrastructure improvements. Through this authority, the EPA established the DWIG- TSA Program. Community water systems and non-profit, non-community water systems that serve a tribal population are eligible to have projects funded, in whole or in part, with DWIG-TSA funds.

In December 2016, the Water Infrastructure Improvements for the Nation (WIIN) Act expanded the use of DWIG-TSA funds to include training and operator certification for operators of public water systems (PWSs) serving Indian Tribes. Section 2112(b)(2) of the WIIN Act amends Section 1452(i) of the SDWA to add the following provision: "...the Administrator may use funds made available under this subsection and section 1442(e)(7) to make grants to intertribal consortia or tribal organizations for the purpose of providing operations and maintenance training and operator certification services to Indian Tribes to achieve and maintain compliance with applicable national primary drinking water regulations."

Under this program, the EPA Regional offices developed guidelines, within a framework of national guidance, for the selection and prioritization of projects to be funded, in consultation with the Tribes within that Region. A copy of the Region 4 Drinking Water Infrastructure Grants – Tribal Set-Aside Guidelines (Regional Guidelines) can be requested from the contact listed under **Section 5** of this notice of funding availability. For additional information on the DWIG-TSA, the national guidance can be found at: <https://www.epa.gov/tribaldrinkingwater/drinking-water-infrastructure-grants-tribal-set-aside-program>.

### Section 3C: Tribal Priority Points

Historically, this funding has been rotated among the six eligible Tribes in Region 4. This desire was formally expressed in a letter to the Drinking Water Section dated October 2000 and further expressed in Resolution 1001.029 from the United South and Eastern Tribes’ (USET) Incorporated Board of Governors and as executed on February 1, 2001. In 2015, a new system was established in consultation with Tribes to rank all proposed projects with priority placed on maintaining the historic rotation process and addressing the most significant health-based needs. Included in the ranking are Tribal Priority Points assigned to the length of time since the last award was made to each Tribe. The prioritization process is intended to ensure all Tribes are supported by this grant program. **Table 7** provides the Tribal Prioritization Schedule to establish the assignment of priority points to proposals submitted by a given Tribe during their Fiscal Year of Priority:

<b>Tribe</b>	<b>Fiscal Year of Priority</b>
Eastern Band of Cherokee Indians	2024
Miccosukee Tribe of Indians of Florida	2025
Mississippi Band of Choctaw Indians	2026
Poarch Band of Creek Indians	2027
Seminole Tribe of Florida	2028
Catawba Indian Nation	2029

*Table 8: Region 4 Tribal Prioritization Schedule from 2024 – 2029.*

Due to the establishment of new drinking water and wastewater infrastructure programs under BIL, the Region 4 Tribal Prioritization Schedule will apply points only to those proposals submitted for funding



requests under the Annually Appropriated Infrastructure Programs. Given that Region 4 does not accept proposals for wastewater needs (excluding emerging contaminant wastewater projects), this means that priority points will only be applied to projects submitted for funding consideration under the DWIG-TSA program. Priority points **will not** be applied to proposals submitted under any other programs.

### **Section 3D: Threshold Requirements**

To assist in the project selection process, the national DWIG-TSA guidelines established three threshold requirements that must be met by a water system serving a Tribe prior to award:

- Technical, managerial, and financial capacity;
- Compliance with the SDWA; and
- Project readiness.

Region 4 will use the information within the most recent sanitary survey to determine if the three capacity threshold requirements have been met. If the most recent survey does not contain all the required information, Region 4 will request additional information to affirm one or more of the above capacity requirements. As for compliance with the SDWA, Region 4 will review the most recent Enforcement Targeting Tool (ETT) to determine the ETT score for applicable PWSs that would be served in the proposal. Lastly, a preliminary engineering report (PER) is required for all projects except for those with limited scopes of work.

### **Section 3E: Project Categories**

The DWIG-TSA Program can only fund public water system projects that EPA determines will meet the SDWA priorities for funding. These include projects that address the most serious health risks, facilitate compliance with the National Primary Drinking Water Regulations (NPDWR) and address those systems most in need (on a household basis). Additionally, the WIIN Act of 2016 further expanded the program's eligible activities by allowing funds to be used to support training and operator certification for operators of PWSs that serve Indian Tribes. Eligible project categories should consider, either directly or in a phased manner, the following:

- Address a current NPDWR health-based violation (MCL) or treatment technique violation (TT)
- Address a current MCL or action level exceedance(s)
- Address a system deficiency as part of an approved NPDWR exemption
- Address drinking water outages or limited supply needed for human consumption
- Reduce the risk of failure of major treatment or distribution system components
- Provide the first service to homes that lack access to safe drinking water (limited circumstances)
- Provide operational efficiencies to reduce operation and maintenance costs
- Provide training and operator certification to achieve and maintain PWS compliance.

Under Section 1452 (a)(2), of the SDWA, the following projects are ineligible for funding:

- Monitoring
- Operation and maintenance
- Projects intended primarily for future growth
- Land acquisition (unless the land is integral to the project and is from a willing seller (Section 1452(k)(1)(A)(i)).

More detailed information on the types of projects, eligibility criteria, and eligible and ineligible items can be found in the Regional Guidelines.

## **Section 4: Annually Appropriated Wastewater Infrastructure Program**

### **Section 4A: Implementation of the Clean Water Indian Set Aside Program**

The CWISA Program provides funding for wastewater infrastructure to Indian Tribes and Alaska Native Villages. The program's primary goal is to protect public health and the environment on tribal lands by increased access to basic sanitation facilities for tribal residents. This program addresses EPA's Strategic Goal 5: Ensure Clean and Safe Water for All Communities, Objective 5.1: Ensure Safe Drinking Water and Reliable Water Infrastructure and contains one measure by which the CWISA Program is evaluated:

*Number of American Indian and Alaska Native homes provided access to basic sanitation in coordination with other federal agencies (cumulative). (Measure # WQ-24)*

The CWISA Program is administered by EPA Region 4 and receives annually up to 2% of the CWSRF appropriation or \$30,000,000, whichever is greater. The Tribes notify IHS regarding their basic sanitation needs. The definition of access to basic sanitation is related to the deficiency level (DL) of the tribal homes within an IHS Area community as assigned by the IHS. An initial DL (IDL) is assigned by IHS for each project that is developed, and it ranges between 1 and 5, with DL 5 being the greatest deficiency to access. Each tribal wastewater project is evaluated, scored, and ranked by IHS within the SDS list. The SDS list is submitted to Congress annually for budget planning. The EPA obtains a snapshot of the SDS list by January of each year and utilizes it to identify potential projects for CWISA funding.

Any Indian Tribe, band, group, or community recognized by the Bureau of Indian Affairs is eligible for funding through the CWISA Program unless they have been deemed ineligible to receive federal funds by the EPA, another agency, or department of the federal government. The CWA states that grants shall serve federally recognized Tribes.

### **Section 4B: Tribal Allocation & Statutory Authorities**

#### **Tribal Allocation**

The Tribes are notified by the Region 4 CWISA Tribal Coordinator once the SDS list is finalized and approved by Region 4 and IHS to either apply for a direct grant with EPA or request for IHS to complete the project through an IA.

#### **Statutory Authorities**

The statutory authority governing the CWISA program is the CWA Section 518(c).

### **Section 4C: Indian Health Service's Sanitation Deficiency System Timeline**

**Table 8** below provides a general timeframe for submitting wastewater needs into the IHS SDS and for obtaining CWISA Program funds. The set of activities in yellow should happen in the fiscal year preceding the activities in blue, which occur in the following fiscal year. For exact dates or more information, please contact Erskine Benjamin II, EPA Region 4 CWISA Program Coordinator, at [Benjamin.Erskine@epa.gov](mailto:Benjamin.Erskine@epa.gov) or 404-562-9771. For general information, visit.

<b>Timeframe for CWISA Project Identification and Project Selection</b>	
<b>Date</b>	<b>Milestone</b>
February – May	Tribes identify sanitation needs to IHS Area offices.
June	Deadline for submission of tribal needs to Nashville Area IHS.
June – July	Nashville Area IHS reviews and ranks projects submitted to the Sanitation Deficiency System (SDS).
August – November	IHS Headquarters reviews IHS Area office SDS project submissions.
December	Final SDS lists are made available to EPA HQs and Regional CWISA Program coordinators.
February – April	In Region 4, project consultations must occur with Regions 1, 2, 3, and 6 before project(s) can be selected.
April – May	EPA Region 4 CWISA Program Coordinator notifies Tribe(s) that have been selected for funding and requests funding applications.
May – June	Selected Tribe(s) submits funding application to the EPA for an assistance agreement, excluding an IA. (For IAs, no application is required from the Tribe).
July – September	Region 4 makes award(s) to the Tribe(s) for work to begin by October 1.

*Table 9: SDS Timeline for Submitting Wastewater Projects to SDS and for EPA to Select SDS Projects.*

## Section 5: Proposal Submission Requirements

All proposals submitted to Region 4 must adhere to the requirements contained within this section to be considered complete and actionable. Failure to include these components may delay the review of one or more proposals submitted for funding consideration. Finally, proposals must be submitted by the deadline contained in this section to be considered for funding.

Section 5A: Proposal Submission Components

Section 5B: Proposal Submission Process, Contact Information & Timeline

Section 5C: Milestone Expectations

Section 5D: Grant Review & Interagency Agreement Policies

Section 5E: Proposal Submission Template

### Section 5A: Proposal Submission Components

The following components are required by each proposal submitted by the Tribe:

- **(1) Identify funding requests by the program.** Each proposal must highlight the program that it seeks for funding consideration and the corresponding funding amount that is being requested. For example, **Table 9** would be considered an acceptable response to this required component:

Projects Submitted for Funding Consideration – FY2023					
Programs	Project #1	Project #2	Project #3	Project #4	Totals
DWIG-TSA	\$50,000			\$600,000	\$650,000
DWIG-TSA Supplemental			\$250,000	\$300,000	\$550,000
DWIG-TSA Emerging Contaminants	\$75,000		\$50,000	\$100,000	\$225,000
DWIG-TSA LSL Replacement	\$100,000		\$75,000	\$150,000	\$325,000
CWISA Emerging Contaminants		\$350,000			\$350,000
<b>Total</b>	<b>\$225,000</b>	<b>\$350,000</b>	<b>\$375,000</b>	<b>\$1,150,000</b>	<b>\$2,100,000</b>

Table 9: Example of Illustration of Funding Requests by Project.

- **(2) Identify the scope of work being sought within each program.** Each proposal must identify the scope of work that is being proposed within each project. For example, the following would be considered an acceptable response to this required component:
  - DWIG-TSA (P – Planning, D – Design, C – Construction)
  - DWIG-TSA Supplemental (C)
  - DWIG-TSA LSL Replacement (P)
  - DWIG-TSA Emerging Contaminants (P)
  - CWISA Emerging Contaminants (D, C)

- **(3) Identify tribal priority for BIL-only projects.** Each proposal must clearly state the Tribe’s priority for projects submitted under BIL-only programs. Tribes should pay close attention to projects in which multiple funding is being requested under both BIL-only and annually appropriated programs. For example, **Table 10** would be considered an acceptable response to this required component:

<b>Projects Submitted for Funding Consideration – FY2023</b>					
<b>Programs</b>	<i>Project #1</i>	<i>Project #2</i>	<i>Project #3</i>	<i>Project #4</i>	<b>Totals</b>
<b>DWIG-TSA</b>	<b>\$50,000</b>			<b>\$600,000</b>	<b>\$650,000</b>
<b>DWIG-TSA Supplemental</b>			<b>\$250,000</b>	<b>\$300,000</b>	<b>\$550,000</b>
<b>DWIG-TSA Emerging Contaminants</b>	<b>\$75,000</b>		<b>\$50,000</b>	<b>\$100,000</b>	<b>\$225,000</b>
<b>DWIG-TSA LSL Replacement</b>	<b>\$100,000</b>		<b>\$75,000</b>	<b>\$150,000</b>	<b>\$325,000</b>
<b>CWISA Emerging Contaminants</b>		<b>\$350,000</b>			<b>\$350,000</b>
<b>Total</b>	<b>\$225,000</b>	<b>\$350,000</b>	<b>\$375,000</b>	<b>\$1,150,000</b>	<b>\$2,100,000</b>
<b>Tribal Priority</b>	<b>1<sup>st</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>	<b>2<sup>nd</sup></b>	

*Table 10: Example of Illustration of Funding Priority by Project.*

The tribal project priority should also make clear the order of priority. If the intent is to fund projects in descending order from 1 to 4, then please ensure that the proposal is clear in this direction to Region 4.

- **(4) Submit a cover letter from the Tribal Leader that includes the following components:**
  - A brief description of the project(s) to be funded,
  - Justification for the need of the project(s),
  - Approximate funding requested,
  - The preference for the potential award to be processed as a direct grant to the Tribe or an IA with IHS.
- **(5) Submit a preliminary engineering report.** A preliminary engineering report is required for any project in which activities *other than* planning are being requested for funding consideration.
- **(6) Complete a Capacity Checklist.** A capacity review will be conducted by Region 4 as a part of the proposal submission. The most recent sanitary survey will be used to determine the system’s capacity.
- **(7) Identify priorities addressed by each project per proposal.** Each proposal must highlight whether its projects address a primary priority or other priorities. For example, **Table 11** would be considered an acceptable response to this requirement:

<b>Projects Submitted for Funding Consideration – FY2023</b>				
<b>Programs</b>	<i>Project #1 Priority Focus</i>	<i>Project #2 Priority Focus</i>	<i>Project #3 Priority Focus</i>	<i>Project #4 Priority Focus</i>
<b>DWIG-TSA</b>	<b>Primary</b>	<b>Primary</b>	<b>Primary</b>	<b>Other</b>
<b>DWIG-TSA Supplemental</b>	<b>Other</b>	<b>Other</b>	<b>Primary</b>	<b>Other</b>
<b>DWIG-TSA Emerging Contaminants</b>	<b>Primary</b>	<b>Other</b>	<b>Other</b>	<b>NA</b>
<b>DWIG-TSA LSL Replacement</b>	<b>NA</b>	<b>Primary</b>	<b>NA</b>	<b>NA</b>
<b>Small &amp; Disadvantaged Communities Tribal Drinking Water Grant</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
<b>CWISA Emerging Contaminants</b>	<b>Other</b>	<b>Other</b>	<b>Other</b>	<b>Other</b>

*Table 11: Example of Illustration of Priorities to be Addressed by Project.*

## **Section 5B: Proposal Submission Process, Regional Contact Information & Proposal Timeline**

### **Proposal Submission Process**

Tribes may submit their proposals to Region 4 in one of two ways:

#### **1). Online Submission**

To submit your proposal online, you will need to register for temporary access to the Region 4 DWS SharePoint website. Please select one person from your Tribe that will be responsible for submitting proposal documents to the SharePoint site. The contact person will need to provide the following information to [R4TribalDW@epa.gov](mailto:R4TribalDW@epa.gov):

- First and Last Name
- Name of Tribe
- Preferred Email Address

Once access has been given, Region 4 will provide the contact with instructions on how to upload proposal documents to their specific Proposal Submission folder and the effective end date of their permission access. Once the contact's permission access has ended, no additional documents may be uploaded to SharePoint unless access is reinstated by Region 4.

*The date of your submission will be based on the last timestamp shown in the Proposal Submission folder.*

#### **2). Email Submission**

To submit your proposal via email, please email it to [R4TribalDW@epa.gov](mailto:R4TribalDW@epa.gov). The date of your submission will be based on the timestamp shown in the email submitted to this account.

**Please note:** If online or email submission is not available to your Tribe, please submit an email to [R4TribalDW@epa.gov](mailto:R4TribalDW@epa.gov) to request a waiver from these options. The waiver must identify compelling reasons that Region 4 should consider in granting submission via mail. If successful, mail submissions **must be postmarked** by the early or final proposal submission deadlines posted within this NOFA.

**Regional Contact Information**

If you have questions about your proposal or to obtain copies of any policies/guidance discussed in this NOFA, please contact Mr. Chris Johnson via email at [Johnson.Christopher01@epa.gov](mailto:Johnson.Christopher01@epa.gov) or call 404-562-8337.

**Proposal Timeline**

**Table 12** provides a timeline for the completion of expected activities by both the Tribe and Region 4:

<b>Milestone</b>	<b>Deadline*</b>
Early Deadline for Proposal Submission	December 15, 2023
Final Deadline for Proposal Submission	December 29, 2023
Region 4 Reviews Proposals	January – March 2024
Region 4 Notifies Recipients of Tentative Awards	April – May 2024
Recipients’ Grant Application Due in Grants.gov	June 2024
Region 4 Conducts Pre-Award Processing	July – September 2024
Recipient Receives Notice of Award	October 1, 2024

*Table 12: Timeline of Major Milestones for Region 4's Water Infrastructure NOFA.*

**Section 5C: Agency Milestones & Expectations**

Below are some general expectations that Tribes should have for each milestone shown above:

**Early Deadline for Proposal Submission**

- Tribes should expect Region 4 to conduct a review of the proposal for completion if the proposal is received by the deadline.
- If the proposal is not complete, Region 4 will email the Tribe to request missing information.
- All missing information needs to be provided to Region 4 before the proposal is reviewed. If the information is provided by the Final Deadline, Region 4 will proceed with an on-time review of the proposal.

**Final Deadline for Proposal Submission**

- Tribes should expect Region 4 to conduct a review of the proposal for completion if the proposal is received by the final deadline.
- If the proposal is not complete, Region 4 will email the Tribe to request missing information.
- All missing information should be provided to Region 4 before the proposal is reviewed. If missing information is not provided within **30 days** of the emailed request, Region 4 will review the proposal based on the information submitted.

## Region 4 Reviews Proposals

- Region 4 will review, score, rank, and discuss proposals during this time.
- Proposals will be scored as follows:
  - A total of 2000 points will be assigned for acute maximum contaminant level exceedances
  - A total of 1000 points will be assigned for chronic maximum contaminant level exceedances
  - A total of 500 points will be assigned for unregulated contaminant health advisory level exceedances
  - A total of 100 points will be assigned for infrastructure upgrades to sustain future compliance
  - A total of 50 points will be assigned for the implementation of a preventative maintenance plan
  - A total of 50 points will be assigned for tribal priority
  - A maximum of 50 points will be assigned for having an ability to self-finance
    - This criterion has a range from 0 to 50 points.
  - A maximum of 50 points will be assigned for demonstrating project cost efficiency
    - This criterion has a range from 0 to 50 points.
- Tribes should expect to receive an update on the timeline during this process.

## Region 4 Notifies Recipients of Tentative Awards

- Region 4 will email recipients with a Notice of Tentative Award. The notice will contain all projects that were tentatively selected for funding, the anticipated funding amount, and additional instructions for submitting a grant application to grants.gov, if applicable.
- Tribes should expect to have **35 days** from electronic receipt of the Notice of Tentative Award to submit the application via grants.gov.
  - Pursuant to the EPA Office of Grants and Debarment Policy Notice PN-2018-G12, “Establishment of Requirement of Full Application with Initial Submission,” recipients must submit a full application for their initial submission, as defined in Grants Policy Issuances GPI-14-01, “Electronic Submission of Initial Grant Applications.” This includes submittal of all documents required under OGD’s “Full Applications Guidance.”

## Recipient’s Grant Application Due in Grants.gov

- Tribes should expect to complete the grant application via grants.gov by the deadline provided in the Notice of Tentative Award.
  - **Please note:** Failure to submit a full and complete application by the deadline will result in the funds being made available to the next highest-ranking project(s) and/or funds may be swept by EPA Headquarters and reallocated to another region for funding tribal water infrastructure.
- Tribes should expect to complete additional documents and submit those to Region 4 by the deadline. These additional documents will include, but are not limited to, the following:
  - DWIG-TSA Supplemental Workplan
  - DWIG-TSA Supplemental Workplan Information
  - Other grant documents
- Tribes should expect to negotiate and/or re-negotiate workplans if one or more activities require clarification.
- Tribes should expect to negotiate and/or re-negotiate budgets if one or more costs require clarification.
- Tribes should expect to submit additional information as needed.

## Region 4 Conducts Pre-Award Processing

- Region 4 will review submitted grant applications, process draft awards, and finalize the draft of those awards during this phase.

Tribes should expect to provide additional grant application information as needed including internal policies, key contacts, and other documents/information.



### **Recipient Receives Notice of Award**

- Grant applicants who meet their grant application submission deadline **and** comply with additional information requests in a timely manner should expect Region 4 to make an award to them on or before October 1, 2024.

### **Section 5D: Grant Review & Interagency Agreement Policies**

Tribes may elect to receive their tentative funding award as a direct grant or an IA. The following policies will be enforced for both assistance agreements:

- **Grant Review Policy:** If a Tribe requests a grant, then the program will conduct a grant performance review to ensure that the applicant is currently meeting the terms and conditions of active grant awards and/or has met those terms and conditions of previous grants within at least the last two years. The program will make one of three decisions: approve, conditionally approve, or deny. Conditional approvals may be granted depending on the nature of the issues found and whether they can be corrected. If conditional approval is granted, the Tribe should expect to comply with all stipulations prior to receiving their final award. Failure to comply may result in a delay of the award.
- **Interagency Agreement Restrictions:** A Tribe must not have a compact designation with the Indian Health Service to request an IA. If the Tribe has a compact, they must enter into a “buy-back” agreement with IHS for services, either in part or in whole. If the Tribe is unable to secure such an agreement with IHS, then the Tribe may request a grant.

### **Section 5E: Proposal Submission Template**

A template is available upon request.

# **NON-POINT SOURCE PROGRAM**

## **General Information**

On January 6, 2011, the Clean Water Act (CWA) 319 national guidelines were updated and finalized for the Tribal 319 program. These guidelines were established for eligible Tribes receiving base grant funding under Section 319 and 518 of the Clean Water Act.

## **Background**

During FY2023, Region 4 awarded \$310,00 in base grants to the six federally recognized Tribes in Region 4 to address high-priority activities aimed at producing improved water quality. EPA looks forward to continuing to work with Tribes to implement successful projects addressing the extensive nonpoint source (NPS) control needs throughout Indian country. There is continuing recognition that Indian Tribes need financial support to implement NPS programs that address critical water quality concerns on tribal lands. EPA will continue to work closely with the Tribes to assist them in developing and implementing effective tribal NPS pollution programs.

Section 319 of the CWA authorizes EPA to award grants to eligible Tribes for the purpose of assisting them in implementing approved NPS management programs developed pursuant to section 319(b). The primary goal of the NPS management program is to control NPS pollution through implementation of management measures and practices to reduce pollutant loadings resulting from each category or subcategory of NPSs identified in the Tribe's NPS assessment report developed pursuant to section 319(a). Section 319 base funds may be used for a range of activities that implement the Tribe's approved NPS management program, including, but not limited to the following: hiring a program coordinator; conducting NPS education programs; providing training and authorized travel to attend training; updating the NPS management program; developing watershed-based plans; NPS ordinance development; springs protection; low impact development projects/storm water management; livestock exclusion fencing; septic system rehabilitation; public outreach; and coordination with other environmental programs (tribal, EPA, other federal agency programs, etc.).

EPA strongly encourages Tribes to use Section 319 funding for the development and/or implementation of watershed-based plans to protect unimpaired waters and restore NPS-impaired waters.

## **Overview of Clean Water Act Section 319 Base Grants to Indian Tribes**

### **Environmental Results**

EPA has developed guidelines for awarding CWA Section 319 base grants to Indian Tribes. These guidelines apply to Section 319 base grants awarded from funds appropriated by Congress in FY2011 and in subsequent years.

Grants awarded under these guidelines will advance the protection and improvement of the Agency's Strategic Plan (see <https://www.epa.gov/planandbudget/strategicplan>). In support of Goal 5, Objective 5.2 of the Strategic Plan, and consistent with EPA Order 5700.7, Environmental Results under EPA Assistance Agreements (see [www.epa.gov/ogd/grants/award/5700.7.pdf](http://www.epa.gov/ogd/grants/award/5700.7.pdf)), it is anticipated that grants awarded under these guidelines will be expected to accomplish various environmental outcomes as described below. All proposed work plans must include specific statements describing the environmental results of the proposed project in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that demonstrate how the project will contribute to the overall protection and improvement of water quality.

Environmental outputs (or deliverables) refer to an environmental activity, effort, and/or associated work product related to an environmental goal or objective, that will be produced or provided over a period or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period. Examples of environmental outputs anticipated because of Section 319 grant awards may include but are not limited to: a watershed-based plan, progress reports, or several on-the-ground management measures or practices installed or implemented during the project period.

Environmental outcomes mean the result, effect, or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related, or programmatic in nature, must be quantitative, and may not necessarily be achieved within an assistance agreement funding period. Examples of environmental outcomes anticipated because of Section 319 grants to be awarded may include but are not limited to: an increased number of NPS-impaired waterbodies that have been partially or fully restored to meet water quality standards or other water quality-based goals established by the Tribes; and/or an increased number of waterbodies that have been protected from NPS pollution.

### Revised Tribal Section 319 Grant Allocation Formula, Effective FY23

Since FY02, EPA has awarded Tribal CWA Section 319 grants via a two-part allocation formula, comprised of: (1) non-competitive base grants of \$30,000 (for Tribes with less than 1,000 square miles of Tribal land area, defined as all lands held in trust by the federal government) or \$50,000 (> 1,000 sq mi) per year and (2) competitive grants to support on-the-ground NPS projects, which are selected via a national competition. In FY22, EPA increased Tribal CWA Section 319 base grant funding levels to \$36,000 and \$60,000.

As a part of EPA’s engagement with the NPS community in FY22 and FY23 to advance equity in the national NPS program, Tribal CWA Section 319 grantees identified inadequate CWA Section 319 base grant funding levels as the greatest barrier to building and sustaining effective NPS management programs.

#### Tribal 319 Grant Allocation Formula Revision Process

EPA conducted a Tribal consultation and coordination process with federally recognized Tribes from March 29 to December 23, 2022, on potential EPA actions to increase Tribal capacity to maintain and expand Tribal NPS programs. As a part of this process, EPA requested Tribal input on potential changes to the Tribal CWA Section 319 grant allocation formula.

Effective FY23, EPA awarded Tribal CWA Section 319 base grants according to the table below. The revised base grant allocation formula outlined in [Achieving Greater Equity in the Nonpoint Source Program Through FY23 Section 319 Grant Allocations \(pdf\)](#) (499.69 KB, March 2023) replaces the formula within the current Tribal guidelines. EPA anticipates revising the Tribal CWA Section 319 base grant guidelines in FY24 to reflect the revised formula.

Total Tribal Land Area (square miles)	# Tribal CWA Section 319 Grantees in FY23	Base Grant Funding Amount
<b>0 – 2</b> <i>i.e., Less than 2 sq mi</i>	66	\$45,000
<b>2 – 50</b> <i>i.e., Equal to or greater than 2 sq mi AND less than 50 sq mi</i>	69	\$50,000
<b>50 – 500</b> <i>i.e., Equal to or greater than 50 sq</i>	44	\$55,000

<i>mi AND less than 500 sq mi</i>		
<b>500+</b> <i>i.e., Equal to or greater than 500 sq mi</i>	31	\$70,000

## Eligibility and Match Requirements

### Eligible Applicant

To be eligible for NPS base grants, a Region 4 Tribe must: (1) be federally recognized; (2) have an approved NPS assessment report in accordance with CWA section 319(a); (3) have an approved NPS management program in accordance with CWA section 319(b); and (4) have treatment in a similar manner as a state (TAS) status in accordance with CWA section 518(e).

### Eligible Activities

Section 319 base funds may be used for a range of activities that implement the Tribe’s approved NPS management program, including: hiring a program coordinator; conducting NPS education programs; providing training and authorized travel to attend training; updating the NPS management program; developing watershed-based plans; and implementing, alone or in conjunction with other agencies or other funding sources, watershed-based plans, and on-the-ground watershed projects. In general, base funding should not be used for general assessment activities (e.g., monitoring the general status of reservation waters, which may be supported with CWA Section 106 funding). EPA encourages Tribes to use Section 319 funding and explore the use of other funding such as CWA Section 106 funding, to support project-specific water quality monitoring, data management, data analysis, assessment activities, and the development of watershed-based plans.

### Cost Share/Match

Performance Partnership Grants (PPG) enable Tribes to combine funds from more than one environmental program grant into a single grant award. Tribes seeking to incorporate their section 319 base grant funds into a PPG must apply for Section 319 base funding following the program’s specific requirements to qualify to put grants into a PPG. If the Tribe includes the section 319 grant as a part of an approved PPG, the cost share/match requirement is waived. Please see Recipient/Applicant Information Notice (RAIN) 2022-G01 for more information on the match waiver: <https://www.epa.gov/grants/rain-2022-g01>. If the Tribe does not or cannot include the section 319 base grant as part of an approved PPG or chooses to withdraw the section 319 grant from their PPG, the Tribe must then contact the EPA Regional Tribal Coordinator for further instructions.

### Content and Form of Application Submission for Base Grants

Please note that only the proposed work plan and budget, including all the components outlined in the section immediately below, need to be included in the initial application for base grants.

To apply for Section 319 base grants, you must submit a proposed work plan and budget via electronic submission ONLY at: <http://www.grants.gov/>. The specific content and form of the proposed work plan for the award of Section 319 base grants is as follows:

1. Proposed Work Plan

Tribes must submit a work plan to receive base funding. All work plans must be consistent with the Tribe's approved NPS management program and conform to legal requirements that are applicable to all environmental program grants awarded to Tribes (see 40 C.F.R. 35.507 and 35.515) as well as the grant requirements which specifically apply to NPS management grants (see 40 C.F.R. 35.638). As provided in those regulations, and in accordance with EPA Order 5700.7, *Environmental Results under EPA Assistance Agreements*, all work plans must include:

- a. Description of each significant category of NPS activity to be addressed;
  - b. Work plan components, including cost estimate for each work plan component;
  - c. Work plan commitments for each work plan component, including anticipated environmental outputs and outcomes (as required by EPA Order 5700.7) and the applicant's plan for tracking and measuring its progress towards achieving the expected outputs and outcomes;
  - d. Total grant budget breakdown;
  - e. Estimated work years for each work plan component;
  - f. Roles and responsibilities of the recipient and EPA in carrying out the work plan commitments; and
  - g. Reporting schedule and a description of the performance evaluation process that will be used that accounts for: (i) a discussion of accomplishments as measured against work plan commitments and anticipated environmental outputs and outcomes; (ii) a discussion of the cumulative effectiveness of the work performed under all work plan components; (iii) a discussion of existing and potential problem areas; and (iv) suggestions for improvement, including, where feasible, schedules for making improvements.
2. Work Plan to Develop a Watershed-Based Plan

If a Tribe submits a work plan to develop a watershed-based plan, it must include a commitment to incorporate the nine components of a watershed-based plan.

3. Work Plan to Implement a Watershed-Based Plan

If a Tribe submits a work plan to implement a watershed-based plan, it must be accompanied by a statement that the Region finds that the watershed-based plan to be implemented includes the nine components of a watershed-based plan.

### **Submission Date and Time for Proposed Work Plans for Base Grants**

Application submission due date for the FY24 grant cycle is April 1, 2024. Pursuant to the EPA Office of Grants and Debarment Policy Notice PN-2018-G12, "Establishment of Requirement of Full Application with Initial Submission," recipients must submit a full application with an initial application, as defined in Grants Policy Issuances GPI-14-01, "Electronic Submission of Initial Grant Applications." This includes submittal of all documents required under OGD's "Full Applications Guidance." A list of required assurances, which should also include a copy of the most recently approved IDC proposal (rate) and updated data competency documentation (when required).

This will also be posted on the tribal NPS website: [www.epa.gov/nps/tribal](http://www.epa.gov/nps/tribal). The EPA Regional Tribal NPS Program Coordinator will review the proposed work plan and budget for base funding and, where appropriate, recommend improvements to the plan by a specified date determined by the Region. The Tribe must submit a final work plan and budget by a specified date determined by the Region, as outlined in the chart on p 1. The Region will determine the due date for final grant applications.

# General 319 Grant Requirements

## Grant Requirements

A listing and description of general EPA regulations applicable to the award of assistance agreements may be viewed at <https://www.epa.gov/grants/epa-grants-overview-applicants-and-recipients>. All applicable legal requirements including, but not limited to, EPA's regulations on environmental program grants for Tribes (*see* 40 C.F.R. §§ 35.500 to 35.735) and regulations specific to NPS grants for Tribes (*see* 40 C.F.R. §§ 35.630 to 35.638) apply to all Section 319 grants.

## Non-Tribal Lands

The following discussion explains the extent to which Section 319 grants may be awarded to Tribes for use outside the reservation. We discuss two types of off-reservation activities: (1) activities that are related to waters within a reservation, such as those relating to sources upstream of a waterway entering the reservation; and (2) activities that are unrelated to waters of a reservation. As discussed below, the first type of these activities may be eligible; the second is not.

### 1. Activities That Are Related to Waters Within a Reservation

Section 518(e) of the CWA provides that EPA may treat an Indian Tribe as a State for purposes of Section 319 of the CWA if, among other things, "the functions to be exercised by the Indian Tribe pertain to the management and protection of water resources which are . . . within the borders of an Indian reservation" See 33 U.S.C. § 1377(e)(2). EPA already awards grants to Tribes under section 106 of the CWA for activities performed outside of a reservation (on condition that the Tribe obtains any necessary access agreements and coordinates with the State, as appropriate) that pertain to reservation waters, such as evaluating impacts of upstream waters on water resources within a reservation. Similarly, EPA has awarded section 106 grants to States to conduct monitoring outside of State borders. EPA has concluded that grants awarded to an Indian Tribe pursuant to Section 319 may similarly be used to perform eligible Section 319 activities outside of a reservation if: (1) the activity pertains to the management and protection of waters within a reservation; and (2) just as for on-reservation activities, the Tribe meets all other applicable requirements.

### 2. Activities That Are Unrelated to Waters of a Reservation

As discussed above, EPA is authorized to award Section 319 grants to Tribes to perform eligible Section 319 activities if the activities pertain to the management and protection of waters within a reservation and the Tribe meets all other applicable requirements. In contrast, EPA is not authorized to award Section 319 grants for activities that do not pertain to waters of a reservation. For off-reservation areas, including "usual and accustomed" hunting, fishing, and gathering places, EPA must determine whether the activities pertain to waters of a reservation prior to awarding a grant.

## Administrative Costs

Pursuant to CWA Section 319(h)(12), administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against activities and programs carried out with the grant shall not exceed 10 percent of the grant award. The costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer are not subject to this limitation. It is common for work plans to include many of the above-stated exceptions to administrative costs. For example, most BMPs implemented by Tribes are considered demonstration projects and would fall under the administrative cost exemption. Note that indirect cost rates are set by Department of Interior for the Tribe and are independent of indirect costs mentioned in CWA.

## **Satisfactory Progress**

For a Tribe that received section 319 funds in the preceding fiscal year, Section 319(h)(8) of the CWA requires that the Region determine whether the Tribe made “satisfactory progress” during the previous fiscal year in meeting the schedule of activities specified in its approved NPS management program. The Region will base this determination on an examination of tribal activities, reports, reviews, and other documents and discussions with the Tribe in the previous year. Regions must include in each Section 319 base grant award package (or in a separate document, such as the grant-issuance cover letter, that is signed by the same EPA official who signs the grant), a written determination that the Tribe has made satisfactory progress during the previous fiscal year in meeting the schedule of milestones specified in its NPS management program. The Regions must include brief explanations that support their determinations.

## **Operation and Maintenance**

Each section 319 grant must contain a condition requiring that the Tribe assure that any management practices implemented for the project be properly operated and maintained for the intended purposes during its life span. Operation includes the administration, management, and performance of non-maintenance actions needed to keep the completed practice safe and functioning as intended. Maintenance includes work to prevent deterioration of the practice, repairing damage, or replacement of the practice to its original condition if one or more components fail. Management practices and projects that are damaged or destroyed due to a natural disaster (*e.g.*, earthquakes, storm events, floods, etc.) or events beyond the control of the grantee are exempt from this condition.

The condition must require the Tribe to assure that any sub recipient of Section 319 funds similarly include the same condition in the sub award. Additionally, such condition must reserve the right of EPA and the Tribe, respectively, to conduct periodic inspections during the life span of the project to ensure that operation and maintenance are occurring, and shall state that, if it is determined that participants are not operating and maintaining practices in an appropriate manner, EPA or the Tribe, respectively, will request a refund for the project supported by the grant.

The life span of a project will be determined on a case-by-case basis, tailored to the types of practices expected to be funded in a particular project, and should be specified in the grant condition. For assistance in determining the appropriate life span of the project, Tribes may wish to examine other programs implementing similar practices, such as the U.S. Department of Agriculture’s conservation programs. For example, for conservation practices, it may be appropriate to construct the life span consistent with the life span for similar conservation practices as determined by the Commodity Credit Corporation (pursuant to the implementation of the Environmental Quality Incentives Program). Following the approach used in many Federal funding programs, practices will generally be operated and maintained for a period of at least 5 to 10 years.

## **Reporting**

As provided in 40 C.F.R. §§ 31.40, 31.41, 35.507, 35.515, and 35.638, all Section 319 grants must include a set of reporting requirements and a process for evaluating performance. Some of these requirements have been explicitly incorporated into the required work plan components that all Tribes must include to receive Section 319 grant funding.

The work plan components required for Section 319 funding, specifically those relating to work plan commitments and timeframes for their accomplishment, facilitate the management and oversight of tribal grants by providing specific activities and outputs by which progress can be monitored. The performance evaluation process and reporting schedule (both work plan components) also establish a formal process by

which accomplishments can be measured. Additionally, the satisfactory progress determination (for Tribes that received Section 319 funding in the preceding fiscal year) helps ensure that Tribes are making progress in achieving the goals in their NPS management programs.

Regions will ensure that the required evaluations are performed according to the negotiated schedule (at least annually) and that copies of the performance evaluation reports are placed in the official files and provided to the recipient.

For additional information on building a nonpoint source program and the guidelines on base funding, you may contact Sharon Brown via email at [brown.sharon@epa.gov](mailto:brown.sharon@epa.gov) or (404) 562-9269.



# Attachment 1

## EPA PPG Eligible Grants

Congress determined the individual environmental program grants that were initially eligible for the PPG program when it authorized the program in 1996. In 2004, the Administrator added three grants to the list of PPG-eligible grants. Below is a list of grants eligible for inclusion in PPGs.

- General Assistance Program (GAP) – The Indian Environmental General Assistance Program Act of 1992
- Air Pollution Control – CAA Sec. 105
- Indoor Radon Grants – TSCA Sec. 306
- Water Pollution Control – CWA Sec. 106
- Nonpoint Source Management – CWA Sec. 319(h)
- Wetlands Development Grants Program – CWA Sec. 104(b)(3)
- Water Quality Cooperative Agreements – CWA Sec. 104(b)(3)
- Public Water System Supervision – SDWA Sec. 1443(a)
- Underground Water Source Protection – SDWA Sec. 1443(b)
- Hazardous Waste Management – SWDA Sec. 3011(a)
- State and Tribal Response (Brownfields) – CERCLA Sec. 128(a) (but excluding Small Community Technical Assistance Grants under CERCLA Section 128(a)(1)(B)(ii)(III))
- State Underground Storage Tanks – SWDA Sec. 2007(f)(2)
- Pesticides Cooperative Enforcement – FIFRA Sec. 23(a)(1)
- Pesticide Applicator Certification and Training – FIFRA Sec. 23(a)(2)
- Pesticide Program Implementation – FIFRA Sec. 23(a)(1)
- Lead-Based Paint Program – TSCA Sec. 404(g)
- Toxic Substances Compliance Monitoring – TSCA Sec. 28
- Environmental Information Exchange Network – EPA Appropriations Acts
- Pollution Prevention State Grants – PPA Sec. 6605

## Attachment 2

### Grants.gov Noncompetitive Application Submittal for Region 4 Tribes

EPA Region 4 is negotiating Tribal work plan(s) under the Performance Partnership Grants (PPGs) and separate program grants. New applications must be submitted to [www.grants.gov](http://www.grants.gov) by the dates provided by EPA project officers in this Notice of Availability of Tribal Program Funding or by email when draft work plans are approved. Supplemental applications may be submitted via e-mail to the Project Officer.

This attachment provides information on grants.gov submittal for non-competitive Tribal grants. Tribes needing additional information on submission may contact regional program project officers listed on pg. 1 of this Notice.

#### Grants.gov Requirements

In order to submit applications using Grants.gov, grantees must be registered with Grants.gov. Registration can take up to four weeks. Active SAM.gov registration is required to register with Grants.gov. More information is available at: <https://www.grants.gov/web/grants/applicants/registration.html>. See additional resources at the end of these instructions also.

Applications submitted through Grants.gov are electronically signed. The registration and account creation with Grants.gov with E-Biz POC approval, establishes an Authorized Organization Representative (AOR). When you submit the application through Grants.gov, the name of your AOR on file will be inserted into the signature line of the application. **Applicants must register the individual who is able to make legally binding commitments for the applicant organization as the Authorized Organization Representative (AOR).**

Application Submission Instructions for Tribal Grantees – Noncompetitive grants:

1. To access the grant application package in grants.gov, go to: <http://www.grants.gov/web/grants/applicants/download-application-package.html>
2. Enter **EPA-CEP-01** (for PPGs with CFDA 66.001-66.605) or **EPA-CEP-02** (for CFDA 66.700-66.931, GAP) into the Funding Opportunity Number field as shown below. Leave the Opportunity Package ID field blank and click on the “**Search**” button.

Funding Opportunity Number:

Opportunity Package ID:

3. Then select “**Apply**” for the opportunity package based on the appropriate CFDA Number. An example is provided below:

OPPORTUNITY PACKAGE(S) CURRENTLY AVAILABLE FOR THIS FUNDING OPPORTUNITY:						
CFDA	Competition ID	Competition Title	Opportunity Package ID	Opening Date	Closing Date	Actions
66.001			PKG00213703		10/04/2020	Preview   Apply
66.032		Section 105 Grant	PKG00214049		10/04/2020	Preview   Apply
66.034			PKG00214050		10/04/2020	Preview   Apply
66.038		Section 103 Grant	PKG00214051		10/04/2020	Preview   Apply

Other CFDA numbers applicable to Tribes include: PPGs 66.605; GAP 66.926 (EPA-CEP-02); CWA 106 66.419; CWA 319 66.460; and Tribal Response 66.817.

4. Enter your username and password to access your application package. If you do not have a username and password, you need to register as a new user in grants.gov.

5. Next you will see a page similar to the one shown below and it should include all the necessary grant application and administrative forms including: SF 424 [Application]; SF 424A [Application Budget Pages]; Budget Justification Worksheet (aka, Object Class Categories Worksheets, See Attachment 6); EPA Form 4700-4 [Preaward Compliance Review Report]; and EPA Form 5700-54 [Key Contacts]. In addition, also include these documents as part of your application package: your current negotiated Indirect Cost (IDC) Rate Agreement and workplan. Note that all Tribes are exempt from the certification regarding lobbying (SF6600-06) and disclosure of lobbying activities (SF-LLL) per Title 31 USC 1352 and 40 CFR 34.110. However, if any EPA funds are used for lobbying, the Tribe must submit a Lobbying Disclosure form to the Region when the grant is closed. Also note that effective October 1, 2018, all applicants are required to submit a full application package, complete with all forms necessary for award, with their initial grant application package. Since Workspace in Grants.gov allows applicants to copy and reuse forms, the bundling of grant application assurances/certifications has been discontinued.

FIND. APPLY. SUCCEED.™

HOME LEARN GRANTS SEARCH GRANTS **APPLICANTS** GRANTORS SYSTEM-TO-SYSTEM FORMS OUTREACH SUPPORT

GRANTS.GOV > Applicants > Manage Workspace

## MANAGE WORKSPACE

Created
  Fill Out Forms
  Complete and Notify AOR
  Submit
  Agency Received

PA-DD-G20 - PKG00038528  
 Clinical and Epidemiological Research on  
 Chronic Disease in the Caribbean (R01)  
 Test - KV

Application Filing Name: Chronic Research [Edit Name]  
 Workspace ID: WS00003491  
 AOR Status: Active  
 Workspace Owner: Steve Rogers

Workspace Status: New  
 Last Submitted Date: ---  
 SAM Expiration Date: Jan 01, 2020

Opening Date: Oct 08, 2017  
 Closing Date: Oct 08, 2025  
 DUNS: 0000000000001

FORMS PARTICIPANTS ACTIVITY DETAILS GRANTOR IMAGE PREVIEW GRANTOR VALIDATION

Workspace Actions:

Preview Application Forms Check Application Sign and Submit Delete

Application Package Forms - Users are encouraged to follow [antivirus best practices](#) when Downloading Instructions and Forms: [Download Instructions >](#)

Include in Package	Form Name (Click to Preview)	Requirement	Form Status	Last Updated Date/Time	Locked By	Actions
<input checked="" type="checkbox"/>	SF424 (R & R) [V2.0]	Mandatory	---	---	---	Lock   Download   Upload   Reuse   Webform
<input checked="" type="checkbox"/>	Budget Information for Construction Programs (SF-424C) [V2.0]	Mandatory	---	---	---	Lock   Download   Upload   Reuse   Webform
<input checked="" type="checkbox"/>	R & R Subaward Budget Attachment(s) Form 5 YR 30 ATT [V1.4] <b>MANAGE SUBFORMS: 0</b>	Mandatory	---	---	---	Lock   Download   Upload   Reuse   Webform
<input checked="" type="checkbox"/>	Research and Related Senior/Key Person Profile (Expanded) [V2.0]	Mandatory	---	---	---	Lock   Download   Upload   Reuse   Webform
<input type="checkbox"/>	PHS 398 Career Development Award Supplemental Form [V3.0]	Optional	---	---	---	Lock   Download   Upload   Reuse   Webform

- You may upload the pdf version of the various grant application and/or administrative forms as mentioned in the previous step to *Workspace*. Once you complete the forms in *Workspace* and upload them to *Workspace*, these forms can be re-used during the next grant cycle.
- Submit your application package through *Workspace* by selecting the “Sign and Submit” button which will then ask you to put in your password as shown below.

PA-DD-G20 - PKG00038528  
Clinical and Epidemiological Research on  
Chronic Disease in the Caribbean (R01)  
Test - KV

Application Filing Name: Chronic Research [Edit Name]  
Workspace ID: WS00003491  
AOR Status: Active  
Workspace Owner: Steve Rogers

Workspace Status: In Progress  
Last Submitted Date: ---  
SAM Expiration Date: Jan 01, 2020

Opening Date: Oct  
Closing Date: Oct  
DUNS: 000

FORMS PARTICIPANTS ACTIVITY DETAILS

Workspace Actions:

Application Package Forms - Users are encourage

Sign and Submit

If you want to submit the application package, enter your password and click the 'Sign and Submit' button below to complete the process.

\*Password:

Sign and Submit Cancel

Sign and Submit

Include in Package	Form Name (Click to Preview)	Requirement	Form Status	Last Updated Date/Time	Locked By	Actions
<input checked="" type="checkbox"/>	SF424 (R & R) [V2.0]	Mandatory	Passed	Oct 10, 2017 02:21:47 PM EDT	---	Lock   Download   Upload   Reuse

8. To track the status of your application package in Workspace, select the Details tab (as circled below):

**MANAGE WORKSPACE**

PA-DD-G20 - PKG00038528  
Clinical and Epidemiological Research on  
Chronic Disease in the Caribbean (R01)  
Test - KV

Application Filing Name: Chronic Research [Edit Name]

Workspace ID: WS00003491      Workspace Status: In Progress      Opening Date: Oct 08, 2017

AOR Status: Active      Last Submitted Date: Oct 10, 2017      Closing Date: Oct 08, 2025

Workspace Owner: Steve Rogers      SAM Expiration Date: Jan 01, 2020      DUNS: 0000000000001

FORMS   PARTICIPANTS   ACTIVITY   **DETAILS**   GRANTOR IMAGE   PREVIEW GRANTOR VALIDATION

Workspace Activity:      Export Detailed Data

1-25 of 37 Records

### **Applicant Grants.gov Support:**

Visit the Grants.gov Applicant Resource page here: <https://www.grants.gov/web/grants/applicants.html> for information on Applicant Training, Adobe Compatibility, Applicant FAQs, etc.

For technical assistance with grant application submissions, please call or email the Grants.gov Contact Center by phone at 1-800-518-4726 or by email at [support@grants.gov](mailto:support@grants.gov). The Grants.gov Contact Center is open 24 hours a day, 7 days a week at <https://www.grants.gov/web/grants/support.html>.

## Attachment 3

### DRAFT Procedures:<sup>15</sup> Region 4 Indirect Cost Rate Information for Tribal Governments

Per Grants Policy Issuance (GPI) 18-02, Tribal Governments must have a current (not expired) IDC rate approved and an EPA-approved budget that includes IDCs prior to drawing down EPA funds for indirect costs (IDCs). IDC drawdowns must comply with the approved indirect rate effective during the period which the rate is applied. Tribes must provide a copy of their most recently Negotiated IDC Rate Agreement (NICRA) with their grant application package.

The Department of the Interior (DOI) is the cognizant federal agency for all Tribal governments, therefore, DOI is responsible for negotiating IDC rates with Tribes on behalf of the entire federal government. Proposed rates submitted to DOI for approval do not qualify as current IDC rates, so Tribes cannot draw down IDCs until their proposed rate is approved by DOI. However, EPA will allow a Tribe that has submitted a current IDC proposal to DOI for approval to include IDCs in their award budget using their proposed rate, subject to adjustment once their IDC rate is approved by DOI. To use a proposed rate for IDC budgeting, the Tribe must provide documentation from DOI verifying a current proposal was submitted by the Tribe for approval. Expired indirect cost rates cannot be used by Tribes to budget for IDCs or to draw down IDCs. If a Tribe does not have a current approved IDC rate, Region 4 can provide Tribes with the following options:

1. If the Tribe's most recent expired rate is a fixed rate with carryforward, the Tribe can request a regulatory exception from EPA to allow them to continue using their expired rate on EPA awards. Tribes may budget for IDCs if they have submitted a regulatory exception request to EPA. However, they cannot draw down IDCs until their exception request is approved by EPA.
2. If the Tribe's most recent expired rate was a final rate or a predetermined rate, they can request that DOI, as their cognizant agency, extend their expired rate to the current fiscal year.
3. Tribes can use the de minimis rate of 10% applied to modified total direct costs (MTDC) in accordance with 2 CFR 200.414(f). MTDC includes all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000. The 10% de minimis rate can be used indefinitely or until all previous and current FY rate agreements are approved.
4. If a Tribe is continuously late submitting their IDC proposals to DOI for approval, they can request that DOI allow them to negotiate their current fixed rate with a three-year carryforward instead of a two-year carryforward. This will allow the Tribe to use their audited financial statements from three years prior instead of two years prior to calculate their current rate, which will speed up their proposal preparation process.

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<sup>15</sup> Subject to change with Regional and/or National Policy revisions

# Attachment 4

## Sample Work Plan

<b>Tribe:</b>			
<b>Region:</b> 4		<b>Work Plan Period</b> <b>Begin:</b> 10/01/XX <b>End:</b> 09/30/XX	
<b>Work Plan Component 1:</b> Check appropriate capacity areas for this component below: <b>Legal</b> <input type="checkbox"/> <b>Enforcement/Compliance</b> <input type="checkbox"/> <b>Technical</b> <input type="checkbox"/> <b>Communication</b> <input type="checkbox"/> <b>Administrative</b> <input type="checkbox"/> <b>Waste Implementation</b> <input type="checkbox"/>			
<b>Long-term Capacity Goal and Outcomes</b> <i>(as identified in ETEP)</i> : Build capacity to			
<b>Intermediate Outcomes</b> <i>(under this work plan for ETEP priority)</i> :			
Estimated Component Cost: \$ .00 <i>(includes FTE cost)</i>		Estimated Component Work Years (FTE):	
COMMITMENTS		MILESTONE END DATES	OUTPUTS AND DELIVERABLES
CAPACITY INDICATORS			
1.1			
1.2			
1.3			
<b>EPA Use Only</b>			
2022-2026 EPA Strategic Plan			
Goal			

## Attachment 5

### Competency Policy Documentation Checklist

The Data Competency annual certification of competency is required prior to the grant award and the annual maintaining of competency is required with the technical progress reports, per the Data Competency Policy FEM-2012-02, which became effective March 13, 2013 and was updated December 21, 2016. Please contact your technical officer or project officer for specific program or project requirements. Each program implements and approves the data competency requirements differently.

#### Examples of Competency Documentation/Certification:

Δ Cooperative Agreements/Grants - successful past performance on the same/similar grants regarding the generation or collection of environmental data and complying with grant terms and conditions for data quality for both field and laboratory activities and analysis. Provide list of past grants.

Δ Participation in Certification Programs (e.g. NELAC, ISO) for laboratory or field activities that are applicable to the environmental data generated under the Agency-funded assistance and provide copies of certification and date of certification. Note if using certified contract labs, provide their certification and list of contaminants for which they have certification.

Δ Use of Other Laboratory Services - Provide names of laboratories providing services to the grantee and contaminants of concern.

Δ Participation in external proficiency testing (PT) program documented by list of programs and dates.

Δ Quality documentation, such as Laboratory Quality Manuals, QA Standard Operating Procedures (SOPs) - provide documents or web links.

Δ Audit Results (periodic quality management system reviews, laboratory, or technical audits) - list type of audit, auditing organization, date, findings, and corrective actions taken (if any).

Δ EPA approved Quality Management Plan and Quality Assurance Project Plans - list dates EPA approved and/or updated and expiration dates.

Δ List any other activities or actions that ensure environmental data collection and use competency, such as continuous specific training for staff collecting or using data.



U.S. Environmental Protection Agency Region 4  
**Data Competency Certification Form**

The Competency Policy (FEM-2012-02), requires organizations generating or using environmental data under Agency-funded assistance agreements (greater than \$200K) to submit documentation of their competency prior to award of the agreement or if not practicable, prior to beginning any work involving the generation, or use of environmental data. This includes organizations performing environmental sampling, field measurements, and/or laboratory analyses.

- Quality system documentation such as a Quality Management Plan (QMP), Quality Assurance Project Plan (QAPP) and/or other documentation that demonstrates conformance to U.S. EPA quality program requirements.** *Provide the document(s) title and expiration date.*

**Demonstration of Competency may include the following:** (Check **one or more** of the appropriate blocks that supports your “Data Competency” certification.

- Participation in Accreditation or Certification Programs** e.g., National Environmental Laboratory Accreditation Program (NELAP), International Organization of Standardization (ISO). The accreditation or certification program must be applicable to the environmental data generated under the Agency-funded assistance. *Provide accreditations or certifications.*
- Participation in an external Proficiency Testing (PT) Program** (independent of external programmatic certifications (e.g. laboratory) *Provide a list of proficiency testing programs and dates.*
- Standard Operating Procedures (SOPs).** *Provide a list of SOPs pertinent to activities of generating, collecting, or using environmental data within the Scope of Work (SOW). Include the date of last review of the SOPs.*
- Demonstrations and Audits/Assessments of proficiency.** *Provide the date of the audit and a summary of the findings.*
- Contract laboratories.** *Provide current/up-to-date certificates for accreditations and certifications held by contract laboratories used in data analysis.*
- Other pertinent documentation that demonstrates competency** (e.g. training records, past performance of similar SOW) *Provide a list of other activities not mentioned that is considered part of your Quality Assurance (QA) program.*

**Please return the completed and signed form, with supporting documentation, to your Project Officer (PO).**

**Grantee Data Competency Certification:** I acknowledge the terms and conditions listed in the grant cooperative agreement, which address Quality Assurance and Data Competency requirements for the grant. The signature attests to the best of my knowledge that the above information is accurate and complete.

**Grantee’s Authorized Official (print):** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Signature of Authorized Official:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Attachment 6

### Budget Justification Worksheet

You must provide a detailed cost justification for the estimated budget amounts reflected in Section B of your SF-424A application form. This detailed information will enable the EPA project officer to perform the required analysis to determine if the costs are reasonable and necessary. You may use the following format or a format of your choice to provide this information.

[NOTE: Please indicate any pre-award costs with a star (\*)]

**a. PERSONNEL**

POSITION	NUMBER	SALARY	WORK YEARS	AMOUNT
<b>a. PERSONNEL TOTAL</b>				

**b. FRINGE BENEFITS**

BASE	
RATE	<b>x</b>
<b>b. FRINGE BENEFITS TOTAL</b>	

**c. TRAVEL**

**If the grant is not for a continuing environmental program or if travel is not well documented in the work plan, provide a breakdown of the number of trips, destinations, number of travelers, etc. to document estimated travel costs.**

**c. TRAVEL TOTAL:**

**OBJECT CLASS CATEGORIES WORKSHEET**

**d. EQUIPMENT**

**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. Please list equipment items (i.e., vehicles, boats, etc.) and provide adequate detail to enable the EPA project officer to make an eligibility determination and to verify cost. For “equipment” with a cost of less than \$5,000 per unit, list under supplies.**

ITEM	NUMBER	COST PER UNIT	TOTAL
<b>d. EQUIPMENT TOTAL:</b>			

**OBJECT CLASS CATEGORIES WORKSHEET**

**e. SUPPLIES**

<b>List by groups (as appropriate), such as office supplies, lab supplies, field supplies. If the cost for a particular group is over \$50,000, please provide a list of the more costly items or subsets.</b>	
<b>e. SUPPLIES TOTAL</b>	

**f. CONTRACTUAL**

<b>List <u>each</u> planned contract and the type of services/project activity to be procured. Agreements/contracts with other governmental agencies (state, local or Federal) should be listed under category h. OTHER.</b>	
<b>f. CONTRACTUAL TOTAL</b>	

**OBJECT CLASS CATEGORIES WORKSHEET**

**g. CONSTRUCTION (N/A)**

**h. OTHER**

<b>List other items that would not be appropriately included elsewhere, such as costs for maintenance, operations, repairs, motor pools, rental, training, publication, and printing, and Intergovernmental Agreements</b>	
<b>h. OTHER TOTAL</b>	

<b>i. TOTAL DIRECT COSTS: (Sum of categories a through h)</b>	
<b>ii. MODIFIED TOTAL DIRECT COSTS (if applicable)</b>	
<b>j. INDIRECT COSTS: (RATE: %)</b>	
<b>k. TOTAL PROPOSED COSTS: (Sum of categories I through J)</b>	
<b>FEDERAL FUNDS REQUESTED: _____%</b>	
<b>RECIPIENT SHARE OF TOTAL PROPOSED COSTS: _____%</b>	