



**United States Environmental Protection Agency  
Region 4, Atlanta, Georgia**

# **Notice of Availability of Tribal Program Funding**

***FY2016 Funding & FY2017 Grant Cycle  
October 1, 2016 to September 30, 2017***

**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**

**Drinking Water Infrastructure Tribal Set-Aside**

**Clean Water Act (NPS) Section 319(h)**

**Underground Storage Tank Program**

**Clean Water Indian Set Aside Funding**

## Table of Contents

INTRODUCTION .....	3
TRIBAL PROGRAM/GRANT CONTACTS .....	3
INDIAN GENERAL ASSISTANCE PROGRAM (GAP) .....	4
TRIBAL RESPONSE/BROWNFIELDS SECTION 128(a) .....	6
CLEAN WATER ACT SECTION 106 .....	7
CLEAN AIR ACT SECTION 103 AND SECTION 105 .....	9
DRINKING WATER INFRASTRUCTURE - TRIBAL SET-ASIDE .....	14
NON POINT SOURCE PROGRAM (NPS).....	16
UNDERGROUND STORAGE TANK PROGRAM.....	27
CLEAN WATER INDIAN SET ASIDE FUNDING .....	28
ATTACHMENTS.....	30

## IMPORTANT DATES FOR 2016 AWARDS

Milestone	Program				
	GAP	Brownfields	CWA 106	CAA 103	PWSS
Announcement distributed to Tribes *Funding Request to HQ & R4	11/06/15	11/06/15 & 1/31/16*	11/06/15	11/06/15	11/06/15
Proposed Work Plans due to EPA	3/31/16	On notification	3/31/16	3/25/16	12/1/15
Funding Decision Notification to Tribes	5/30/16	5/13/16	5/30/16	5/2/16	1/1/16
Final Work Plan/Signed Applications to R4	6/1/16	6/15/16	6/15/16	6/1/16	6/1/16
Award Issued by	10/1/16	10/1/16	10/1/16	10/1/16	10/1/16
Reports due (Quarterly or Semi-Annual)	Q/S	Q	S	Q	S
<b><i>Note: Tribes interested in UST/LUST funding for FY 2017 work should contact the program coordinator shown below <u>prior to January 15, 2016.</u></i></b>					

## 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 directed by the EPA Grants Competition Policy (EPA Order 5700.5A1) under Sections 6(b)(2) and Section 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 FY 2017 work. For competitive grant opportunities, please contact the appropriate individual in the list below or see Attachment 1, EPA Funding Opportunities. Additional information is also available for open announcements at [www.grants.gov](http://www.grants.gov) or EPA grant webpage at <http://www2.epa.gov/grants/open-announcements-competitive-grant-opportunities>.

Performance Partnership Grants (PPG) may be beneficial for tribal grantees, and Region 4 will accept requests for including funds from two or more eligible programs in a PPG (Attachment 2, PPG Eligible Grants). For more information, see the Best Practices Guide for Tribal PPGs at <http://www2.epa.gov/sites/production/files/2013-08/documents/ppg-guide-for-tribes.pdf> 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 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). See Attachment 3 for application submission instructions and Attachment 4 for indirect cost (IDC) eligibility.

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 under multi-year will also decrease the need for additional applications for future years with.

## TRIBAL PROGRAM/GRANT CONTACTS

GAP/PPG/UST/LUST	Betty Winter	404-562-8279
Clean Water Act Section 106	Eve Zimmerman	404-562-9259 or
	Jennifer Shadle	404-562-9436
Clean Air Act Section 103 & 105	Ana Oquendo	404-562-9781 or
	Miya Smith	404-562-9091
Drinking Water Infrastructure Set Aside	Brian Smith	404-562-9845
Brownfields	Olga Perry	404-562-8534
NPS (CWA 319)	Sharon Brown	404-562-9269
Clean Water Indian Set-Aside	Jennifer Shadle	404-562-9436
UST/LUST	Mallory Miller	404-562-9483
Grant Specialist	James Davies	404-562-8232

# INDIAN GENERAL ASSISTANCE PROGRAM (GAP)

## I. General GAP Information

Through GAP funding, EPA assists tribes in developing elements of a tribal environmental protection program and in building the capacity to implement and manage the program. GAP funds may also be used to develop and implement solid and hazardous waste programs on tribal lands. In addition, technical assistance in the development of multimedia programs to address environmental issues may be eligible for GAP funding. GAP funds can be combined with other eligible EPA funds in a PPG and do not require Tribal matching funds.

In May 2013, EPA issued new Guidance on the Award and Management of General Assistance Agreements for Tribes and Intertribal Consortia. This Guidance establishes an overall framework for tribes and EPA to follow in building tribal environmental program capacities with GAP resources and supersedes previous Agency GAP guidance. The current GAP Guidance requires EPA regional offices to work with tribes receiving GAP funds to develop EPA Tribal Environmental Plans (ETEP)<sup>1</sup>. Region 4 will complete ETEP negotiations with tribes by the end of FY2016. These plans will reflect a tribe's intermediate and long-term goals for building environmental program capacities. ETEP components include:

- identification of Tribal priorities, including capacity building and program implementation goals;
- identification of EPA program priorities and management requirements;
- an inventory of regulated entities; and
- identification of mutual roles and responsibilities.

Region 4 will use FY 2016 GAP funds once approved and allocated to the Region to fund FY 2017 grant work. Until the Regional GAP allocation is known, the Region will assume that available funds will be similar to previous years -- between \$600,000 and \$700,000 with an additional \$15,000 for ETEPs completed in FY 2016. Should the regional allocation exceed or fall short of this estimate, Region 4 will negotiate adjustment to approved work plans as needed. GAP funds to individual tribes will be based on the approved work plans negotiated with the EPA PO and the Tribal Relations Coordinator and each tribe's ETEP priorities and capacity building goals. Application review factors explained on pages 19-20 of the 2013 GAP Guidance<sup>1</sup> will also be considered in work plan negotiation. These include 1) how well proposed work plan activities support environmental program management capacity development, 2) the feasibility and likely effectiveness of proposed activities, 3) the reasonableness of budget and resources to successfully accomplish work plan objectives, 4) the degree to which work plan identifies anticipated environmental results, 5) the degree to which work plan reflect long term capacity goals and priorities in the EPA-Tribal Environmental Plan, and 6) prior performance.

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<sup>1</sup> See 2013 GAP Guidance, Section 4.0, Developing EPA-Tribal Environmental Plans

Given increased concerns with budget limitations and unliquidated funds, Region 4 will accept multiple-year work plans and grant applications, up to a maximum of 4 years<sup>2</sup> for GAP grants. EPA's Strategic Plan establishes national five-year goals to achieve a cleaner, healthier environment. These goals contain date commitments for achieving specific environmental results. When approving work plans, EPA must ensure that all GAP funded activities can be linked to EPA's strategic goals in the 2014-2018 Plan, are allowable under the 2013 GAP Guidance, and support Tribal Priorities specified in each tribe's ETEP.

## **II. Eligible Capacity Building Activities**

Eligible activities under GAP grants may include conducting baseline assessments to determine needs and priorities, developing communication strategies, including outreach and education; building administration and legal infrastructure; establishing or expanding enforcement or compliance mechanisms, or advancing the capacity to participate in decision making or manage environmental programs. See Section 1.4 of the 2013 GAP Guidance, Allowable Activities and Restrictions Under GAP, for a more thorough discussion of allowable activities.

## **III. Work Plan Proposal and Application Submission Information**

Tribes in the middle of a multi-year grant with a multi-year work plan(s) do not need to submit new applications or work plans under this Notice but will have to submit one set of bundled assurances each fiscal year. However, tribes should review the multi-year work plan and discuss any needed work plan or budget adjustments or amendments with the EPA project officer prior to April 30, 2016. See Attachment 3 for a list of required assurances, which should also include a copy of the most recently approved indirect cost (IDC) proposal (rate) and updated data competency documentation (when required). Tribes will submit the bundled assurances (and Key Contact Form if changes have occurred) by email attachment to the grant specialist and project officer prior to May 31, 2016.

All tribes funded through PPGs with one-year work plans or initiating a new work plan or FY 2017 grant for FY 2017 should use the GAP Work Plan Template provided in Attachment 5 to this Notice to submit proposed work plans to the GAP/ PPG PO. Tribes receiving GAP funds in a separate grant should submit and negotiate the work plan in GAP Online. If assistance is needed, contact the GAP PO. Tribes must complete all blocks and columns on the work plan template and in GAP Online. The column labeled "End Date" is intended for inclusion of major milestones for each component, not the end-of-grant date. Proposed work plans should be linked to the intermediate and long-term development goals identified in the tribe's ETEP and should identify applicable capacity indicators from Appendix I of the 2013 GAP Guidance. Submit proposed work plans by email attachment (pdf or WORD) to the GAP/PPG PO by the due date on the Chart on p. 2.

Work plan approval may be delayed by lack of timely receipt of mid-year progress reports or incomplete work plan submissions. Once the GAP project officer provides final approval on the

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<sup>2</sup> The project period of a GAP grant cannot be longer than four years (42 U.S.C. §4368a(d)(3)). When GAP is in a PPG, the project period can be no longer than five years.

work plan and funding, the tribe should proceed to complete the application package, finalize the work plan by incorporating EPA comments, and submit applications for new funding or new grants via [www.grants.gov](http://www.grants.gov) per EPA's policy on 'Electronic Submission of Initial Grant Applications' effective February 17, 2015. See Attachment 3 for Tribal grants.gov Submission Instructions. All pre- and post- award grant forms are available on grants.gov and can be found on the **application checklist** available on EPA's website at <http://www2.epa.gov/grants/epa-grantee-forms>. An automated Budget Detail Worksheet is available at [http://www3.epa.gov/region10/pdf/tribal/igapfy16/attachment\\_f\\_budget\\_template.pdf](http://www3.epa.gov/region10/pdf/tribal/igapfy16/attachment_f_budget_template.pdf) with guidance for completing the form at [http://www2.epa.gov/sites/production/files/2014-08/documents/ogd\\_budget\\_detail\\_guidance\\_5\\_31\\_11.pdf](http://www2.epa.gov/sites/production/files/2014-08/documents/ogd_budget_detail_guidance_5_31_11.pdf). Note that lobbying forms are not required with the application and are only required at grant closeout if grant funding was used for lobbying.

#### **IV. Administration Information**

Regulations governing the award and administration of environmental program grants for Tribes, can be found at 40 CFR Part 35, Subpart B. Information on Program Grants for Tribes can be found at <http://www.epa.gov/EPA-GENERAL/2001/January/Day-16/g219.htm>. Federal administrative requirements can be found at 2 CFR Part 200 and EPA-specific requirements at 2 CFR Part 1500.

## **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 in December of each year. Funding requests (chart provided in guidance – one pager) must be submitted to the Region by January 31, 2016. 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 issue final funding allocations in April 2016. Region 4 will notify tribes of approved funding and request submission of a work plans based on the budget allocation decision by early to mid- June, 2016.

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 prior years, Congress has appropriated funding at close to the statutory maximum (~\$49.5 million). 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 call Cindy Nolan, Region 4 Tribal Brownfields Coordinator. Once Region 4 approves work plans, tribes will submit brownfields or PPG application including brownfields. This should occur by late May or early June. See Attachment 3 for requirements and procedures for submitting applications through grants.gov

## **CLEAN WATER ACT SECTION 106**

### **I. General Funding and Award Information:**

The U.S. Environmental Protection Agency (EPA) Region 4 is requesting the submission of FY 2017 Clean Water Act (CWA) Section 106 work plans and final applications by the dates in the chart on p.

2. 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, which defines specific environmental and public health improvements to be accomplished. Clean Water Act goals are found under Goal 2 of the 2014-2018 Strategic Plan which can be located at the link on the following page on the EPA website: <http://www2.epa.gov/planandbudget/strategicplan>.

FY 2017 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 [www.epa.gov/owow/monitoring/elements](http://www.epa.gov/owow/monitoring/elements) and Final Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act for 2007 and beyond at <http://water.epa.gov/learn/training/tribaltraining/upload/final-tribal-guidance.pdf>.

Region 4 does not have final budget allocations for FY 2016 but assumes the funding level will be comparable to previous annual tribal allocations. For funds to be awarded prior to September 30, 2016, tribal submittals must comply with the dates on the Chart at the bottom of Page 2 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).

## **II. 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 FY 16 approved work plans. A draft work plan and application may be submitted for review to Jennifer Shadle. See Attachment 3 for grants.gov submittal instructions for new grants or annual supplemental funding requests. No application or work plan is required to multi-year work plans submitted in prior years.

## **III. Administration Information**

Regulations governing the award and administration of environmental program grants for tribes, including at 40 CFR Part 35, Subpart B found at [www.epa.gov/EPA-GENERAL/2001/January/Day-16/g219.htm](http://www.epa.gov/EPA-GENERAL/2001/January/Day-16/g219.htm).

Final Financial Reports (FFRs) must be submitted within 90 days after budget/project period expires and progress reports within 30 days of the end of the reporting period and the final report within 90 days of the end of the budget/project period.

QAPP certification forms, when appropriate, must be submitted with the application package. Data quality requirements can be found at 2 CFR 1500.11.

Dispute procedures can be found at 2 CFR 200.341 and 2 CFR 1500.12-19 (Subpart E).



# **CLEAN AIR ACT SECTIONS 103 AND 105**

## **I. 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. Section 105 of the Clean Air Act (CAA) authorizes assistance to state, local, interstate or inter-municipal 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 qualify for a reduced match of 5% to 10%. Reference the Catalog of Federal Domestic Assistance 66.001 for further guidance on this grant authority. Associated program regulations are found in 40 CFR parts 35, 50, 51, 52, 58, 60, 61, 62 and 81.

Section 103 of the CAA authorizes assistance to state, local, interstate or inter-municipal 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. Reference the Catalog of Federal Domestic Assistance 66.034 for further guidance on this grant authority.

If your program is currently operating a Performance Partnership Grant (PPG), CAA 105 funding may be included in it. Tribes with CAA section 105 grants in a PPG qualify for a reduced match of 5% to 10%. However, CAA section 103 grants are not eligible to be included in PPGs according to 40 CFR Part 35.501.

The CAA Section 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, the Tribal Assistance Program is encouraging applicants to submit proposals with a two year project and budget period and a two-year work plan proposal. For Tribes that elect to submit a two year proposal and intend to include CAA 105 funds in a PPG, the Tribal Assistance Program asks that all of the other funding sources also include two year project and budget periods. With a multi-year work plan and application, no application or work plan will be required for the second year, however, certifications and Indirect

Cost rate documentation are required annually. The federal grant regulations, also known as the Uniform Grant Guidance, is located at 2 CFR 200, along with EPA's rule at 2 CFR 1500. For more information on the grant regulations, go to: <https://cfo.gov/cofar>.

## II. PROPOSAL PROCESS TIMELINE

<b>Activity:</b>	<b>Due Date:</b>
The EPA sends funding opportunity notice to Tribes.	Monday, November 6, 2015
Tribes submit complete proposal package (work plan, detailed budget and SF 424A).	No later than Friday, March 25, 2016
Project Officers provide comments and the final funding decision to Tribes and begin the negotiation process.	No later than Monday, May 2, 2016
Tribes submit approved work plan, detailed budget and approved application packages to <a href="http://www.grants.gov">www.grants.gov</a> for <b>new</b> grants. If you are extending an existing grant, submit your grant package to the Project Officers.	No later than Wednesday, June 1, 2016
The EPA issues grant awards to Tribes.	No later than October 1, 2016

CAA S. 103 & 105     Ana Oquendo  
Grant Contacts:     404-562-9781  
                              [oquendo.ana@epa.gov](mailto:oquendo.ana@epa.gov)  
                              Technical Project Officer

Miya Smith  
404-562-9091  
[smith.miya@epa.gov](mailto:smith.miya@epa.gov)  
Administrative Project Officer

## III. ELIGIBLE PROGRAM ACTIVITIES

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

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

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

1. Implementing programs for the prevention and control of air pollution; and
2. Implementing programs for the national primary and secondary ambient air quality standards.

**\*\*Note** that the term, “implementing” means any activity related to the planning, developing, establishing, carrying-out, improving, or maintaining of such programs.

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.

#### IV. WORK PLAN SUBMISSION INFORMATION

Environmental Results under EPA Assistance Agreements (EPA Order 5700.7A1): The EPA has been criticized for approving work plans that had nebulous outcomes or lacked environmental outcomes. To address these concerns, the EPA has promulgated EPA Order 5700.7 “Environmental Results under EPA Assistance Agreements.” The Order requires a direct link between work plan commitments and environmental results. Consequently, the EPA Tribal Assistance Program office will be placing an emphasis on ensuring that work plans contain well defined outputs that can be linked to environmental results. For copies and additional information on the Order, please go to the EPA website: <http://www2.epa.gov/grants/epa-order-environmental-results-under-epa-assistance-agreements>.

Proposals: The proposal package due to the EPA no later than **March 25, 2016** must consist of the following elements:

1. *Cover Page*, including project title, project manager name, total project cost (EPA funds and other sources funds), type of grant (Section 103/105; new or supplemental/extension of project/budget period)
2. *Work Plan*
  - a. 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.
  - b. Objectives: Objectives should be specific, measurable, and clearly describe how they are related to and lead to the project goals and expected environmental results. Objectives should also be linked to the “public” benefits to be obtained.
  - c. 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 environmental results. The tasks and activities should be realistic and achievable within the budget and project period of the grant.
  - d. Specific Environmental Outputs: This means, 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.
  - e. 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.

- f. 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.
- g. Performance Measures: Provide a 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.

3. *Detailed Budget Narrative*: Refer to Section V. Budget Requirements

4. *SF 424A*: Find it on the following link: <http://www2.epa.gov/grants/epa-grantee-forms>

## **V. BUDGET REQUIREMENTS**

Budget planning requires preparation of two separate documents: the Grant Budget Category Justification Worksheet and the SF-424A form (Budget Summary Information). The Grant Budget Category Justification Worksheet must be included along with your work plan proposal and copy of this form is located at the end of this document as Attachment #6. The budget information in the Grant Budget Category Justification Worksheet will be summarized on the SF-424A form as part of the grant application package.

## **VI. APPLICATION SUBMISSION INFORMATION AND REVIEW PROCEDURES**

After receiving comments from POs by **May 2, 2016**, applicants should work on revising the work plan and detailed budgets accordingly as well as getting the application package ready. Tribes are responsible for completing the negotiation process and responding to revision requests from the Project Officer in a timely manner. Submitting a work plan and budget does not guarantee receiving a grant award.

### Applications

Final signed applications for a new grant award must be submitted to [www.grants.gov](http://www.grants.gov) by **June 1, 2016** (for those with an existing grant and want to add funds and extend the project/budget period, the final signed application should be emailed to the Project Officers) and include:

1. Approved final work plan;
2. Application for Federal Assistance (SF-424)

3. Budget Information Non-Construction Programs (SF-424A)
4. Assurances Non-Construction Programs (SF-424B)
5. Certification Regarding Lobbying
6. Pre-award Compliance Review Report (4700-4)
7. Key Contacts Form
8. Budget Justification Worksheet (see Attachment #6 of this document)

**\*\*To obtain the above mentioned forms (2-7), go to EPA website:**

<http://www2.epa.gov/grants/epa-grantee-forms>.

### Reviewing Criteria

The following will be considered in determining the amount of assistance 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 in reporting and evaluation if applicable;
6. Final budget allocation received by Region 4 under the CAA grant authority; and
7. Adherence to requirements for closing out previous grants and submitting required financial reports.

## **VII. 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 grantees who are building capacity to establish a tribal air program, EPA requires the submittal of quarterly 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 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 CFR 200.328 for CAA 103 grants and 40 CFR Part 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 Manager 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 aforementioned essential information.

FFR: Federal Financial Reports (FFRs) are required and must, at a minimum, 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. A Final FFR must be submitted within 90 days of the assistance agreement's expiration. 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.

## **DRINKING WATER INFRASTRUCTURE - TRIBAL SET-ASIDE**

### **I. Funding and Award Information:**

The Reauthorization of the Safe Drinking Water Act in 1996 created a State Revolving Fund loan program, whereby funding could be made available to make infrastructure improvements. Through this authority, EPA established the Drinking Water Infrastructure Grants-Tribal Set Aside (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. 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 on page two of this Notice of Funding Availability. For additional information on the DWIG-TSA, the national guidance can be found at: [http://water.epa.gov/grants\\_funding/dwsrf/allotments/upload/epa816B13015.pdf](http://water.epa.gov/grants_funding/dwsrf/allotments/upload/epa816B13015.pdf).

Historically, this funding has been rotated among the six eligible Tribes. 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, Incorporated's Board of Governors, executed on February 1, 2001. In 2015, a new system was established, in consultation with Tribes, to rank all proposed projects with priority being put on maintaining the historic rotation and addressing the most significant health-based needs. Included in the ranking are Tribal priority points assigned to length of time since the last award to each Tribe. This is intended to ensure all Tribes are

supported by this grant program. The Tribal priority points establish the following predicted order of funding:

Seminole Tribe of Florida - 2016  
Catawba Indian Nation – 2017  
Eastern Band of Cherokee Indians – 2018  
Miccosukee Tribe of Indians of Florida – 2019  
Mississippi Band of Choctaw Indians – 2020  
Poarch Band of Creek Indians - 2021

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 of project funding:

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

A summary of how the threshold requirements are met can be found in the Regional Guidelines.

## **II. Eligible Activities**

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 NPDWR and address those systems most in need (on a household basis). Eligible project categories should directly or in a phased manner:

- 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 first service to homes that lack access to safe drinking water (limited circumstances); and
- Provide operational efficiencies to reduce operation and maintenance costs.

According to Section 1452 (a)(2), the SDWA specifically disallows projects for:

- Monitoring;
- Operation and maintenance;
- Projects intended primarily for future growth, and
- 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, eligible and non-eligible items can be found in the Regional Guidelines.

### III. Work Plan Proposal and Application Submission Information

Project proposals should include the following:

- A cover letter from the Tribal Leader requesting funding for the project including,
  - 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
- Preliminary Engineering Report (see template in Appendix C of Regional Guidelines)
- Completed Capacity Checklist (Appendix D of Regional Guidelines)

Please email project proposals to [smith.brian@epa.gov](mailto:smith.brian@epa.gov) or mail to:

Brian Smith, Tribal Coordinator  
Drinking Water Section  
U.S. EPA, Region 4  
61 Forsyth St.  
Atlanta, GA 30303

### IV. Project Proposal/Application Timeline

Deadline for submitting proposals	December 1 <sup>st</sup>
Project(s) Selection	January 1 <sup>st</sup>
Grant or Inter-Agency application deadline	June 1 <sup>st</sup>

Failure to submit an application by the deadline will result in the funds being made available to the next highest ranking project(s) or funds may be swept by EPA, Headquarters and reallocated to another Region for funding tribal water infrastructure. It is anticipated the DWIG-TSA program funding for EPA, Region 4 may be as much as \$650,000.

## NON-POINT SOURCE PROGRAM

### I. General Information

January 6, 2011, the 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 (CWA).

### II. Background

In FY 2010 EPA awarded approximately \$4.7 million in base grants to 148 tribes to address high-priority activities aimed at producing improved water quality. EPA looks forward to continue working with tribes beyond 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.

EPA anticipates that Congress will, authorize EPA to award NPS control grants to Indian tribes in an amount that exceeds the statutory cap (in section 518(f) of the CWA) of 1/3 of 1 percent of the total section 319 appropriation. For FY 2016, EPA anticipates awarding section 319 base grants to eligible tribes in the amount of \$30,000 or \$50,000 of Federal section 319 funding (depending on land area; see Section B, Allocation Formula, for additional information).

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.

EPA awards section 319 base grants non-competitively, and allocates funding using a formula based on land area. Tribes with less than 1,000 sq. mi. (less than 640,000 acres) of land receive a base amount of \$30,000, and tribes with over 1,000 sq. mi. (over 640,000 acres) receive a base amount of \$50,000.

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

#### **A. 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 FY 2011 and in subsequent years.

Grants awarded under these guidelines will advance the protection and improvement of the Agency's Strategic Plan (see <http://www.epa.gov/ocfo/plan/plan.htm>). In support of Goal 2, Objective 2.2 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 outputs and 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. Eligible tribes should contact their EPA

Regional Tribal NPS Coordinator for further information about the appropriate Strategic Plan references (see section XIII for Agency contact information and also EPA’s website under “EPA Tribal NPS Coordinators” at [www.epa.gov/nps/tribal](http://www.epa.gov/nps/tribal)).

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 of time 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 as a result of section 319 grant awards may include but are not limited to: a watershed-based plan, progress reports, or a particular number of 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 as a result 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.

#### B. Allocation Formula

Each eligible tribe will receive Federal section 319 base funding in accordance with the following land area scale:

<u>Square miles (acres)</u>	<u>Base amount</u>
Less than 1,000 sq. mi. (less than 640,000 acres)	\$30,000
Over 1,000 sq. mi. (over 640,000 acres)	\$50,000

The land area scale is the same as used in previous years. EPA continues to rely upon land area as the deciding factor for allocation of funds because NPS pollution is strongly related to land use; thus land area is a reasonable factor that generally is highly relevant to identifying tribes with the greatest needs (recognizing that many tribes have needs that significantly exceed available resources).

#### C. 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.

#### **IV. Eligibility and Match Requirements**

##### **A. Eligible Applicant**

To be eligible for NPS base grants, a tribe or intertribal consortium 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). To be eligible for base and competitive NPS grants tribes must meet these eligibility requirements as of the second Friday in October for the applicable fiscal year unless otherwise notified, as announced in the FY 2007 guidelines on October 25, 2006, at 71 FR 62441. Tribes should contact their EPA Regional Tribal NPS Coordinator for further information about the eligibility process (see section XIII for Agency contact information and also EPA's website under "EPA Tribal NPS Coordinators" at [www.epa.gov/nps/tribal](http://www.epa.gov/nps/tribal)).

Some tribes have formed intertribal consortia to promote cooperative work. An intertribal consortium is a partnership between two or more tribes that is authorized by the governing bodies of those tribes to apply for and receive assistance under this program. (See 40 CFR 35.502.) Individual tribes who are a part of intertribal consortia that is awarded a section 319 base grant may not also be awarded an individual section 319 base grant. (Note that individual tribes may still be eligible to apply for competitive funds if they do not also submit a proposal for competitive funds as part of an intertribal consortium.)

The intertribal consortium is eligible only if the consortium demonstrates that all its members meet the eligibility requirements for the section 319 program and authorize the consortium to apply for and receive assistance in accordance with 40 CFR 35.504. An intertribal consortium must submit with their proposed work plan to EPA adequate documentation of the existence of the partnership and the authorization of the consortium by its members to apply for and receive the grant. (See 40 CFR 35.504.) In making grant awards to tribes who are part of intertribal consortia, Regions must include a brief finding in the funding package that the tribes have demonstrated the existence of the partnership and the authorization of the consortium by its members to apply for and receive the grant.

##### **B. Cost Share/Match**

Section 319(h)(3) of the CWA requires that the cost share/match for NPS grants is 40 percent of the total project cost. In general, as required in 40 CFR 31.24, the cost share/match requirement can be satisfied by any of the following: allowable costs incurred by the grantee, subgrantee, or a cost-type contractor, including those allowable costs borne by non-Federal grants; by cash donations from non-Federal third parties; or by the value of third party in-kind contributions.

EPA's regulations also provide that EPA may decrease the match requirement to as low as 10 percent

if the tribe can demonstrate in writing to the Regional Administrator that fiscal circumstances within the tribe or within each tribe that is a member of the intertribal consortium are constrained to such an extent that fulfilling the match requirement would impose undue hardship (*see* 40 CFR 35.635.) In making grant awards to tribes that provide for a reduced match requirement, Regions must include a brief finding in the funding package that the tribe has demonstrated that it does not have adequate funds to meet the required 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 first apply for section 319 base funding following the program's specific requirements (separate work plan and complete budget) in order 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 may be reduced to 5 percent of the total cost of the work plan budget for the first 2 years in which the tribe receives a PPG; after 2 years, the cost share/match may be increased up to 10 percent of the work plan budget (as determined by the Regional Administrator). (See 40 CFR 35.536.)

Where the stated purpose is to include the section 319 base grant in a PPG, a tribe may prepare a budget and proposed work plan based upon the assumption that EPA will approve the waiver amount for PPGs under 40 CFR 35.536. If a proposed PPG work plan differs significantly from the section 319 work plan approved for funding, the Regional Administrator must consult with the National Program Manager. (See 40 CFR 35.535.) The purpose of this consultation requirement is to address the issue of ensuring that a project which is awarded section 319 base funding is implemented once included with other grant programs in a PPG.

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 meet the match requirements identified in section IV.B above and, as applicable, negotiate a revised work plan with the EPA Regional Tribal NPS Coordinator.

The following table demonstrates a 40% (section 319 required cost share/match), 10% (if undue hardship requested), or 5% (if work plan combined in a PPG) cost share/match on a section 319 base grant Federal request of either \$30,000 or \$50,000. If applicants have additional questions regarding cost share/match calculations, please contact the EPA Regional Contact identified in section XIII.

Match calculation table for tribes eligible for \$50,000 of base funding (> 1,000 mi <sup>2</sup> )				
<b>Total project cost</b>	<b>Nonfederal match</b>	<b>Federal share</b>	<b>Nonfederal Match</b>	<b>Federal share</b>
\$83,333	40%	60%	\$33,333	\$50,000
\$55,556	10%	90%	\$5,556	\$50,000
\$52,632	5%	95%	\$2,632	\$50,000

Calculation table for tribes eligible for \$30,000 of base funding (< 1,000 mi <sup>2</sup> )				
<b>Total project cost</b>	<b>Nonfederal match</b>	<b>Federal share</b>	<b>Nonfederal Match</b>	<b>Federal share</b>
\$50,000	40%	60%	\$20,000	\$30,000
\$33,333	10%	90%	\$3,333	\$30,000
\$31,579	5%	95%	\$1,579	\$30,000

The Regional Tribal NPS Coordinator for further information about the application process (see section XIII for Agency contact information and also EPA’s website under “EPA Tribal NPS Coordinators” at [www.epa.gov/nps/tribal](http://www.epa.gov/nps/tribal)).

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

Please note that only the proposed work plan and budget, including all of the components outlined in the section immediately below, need to be included in the initial application for base grants (see section VI for submission dates and times).

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 CFR 35.507 and 35.515) as well as the grant requirements which specifically apply to NPS management grants (see 40 CFR 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: (a) a discussion of accomplishments as measured against work plan commitments and anticipated environmental outputs and outcomes; (b) a discussion of the cumulative effectiveness

of the work performed under all work plan components; (c) a discussion of existing and potential problem areas; and (d) 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 identified in Section VII.B below.

## 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 identified in section VII.B below.

# **VI. Submission Dates and Times for Proposed Work Plans for Base Grants**

Beginning in FY 2011, eligible tribes must submit to the appropriate EPA Regional Tribal NPS Coordinator proposed work plans for base funding by a date established by the Regional office.

Application submission due date for 2016 grant cycle is March 31, 2016. This will is also 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. The Region will determine the due date for final grant applications.

# **VII. Watershed-Based Plans**

## A. Overview of Watershed-Based Plans

EPA strongly encourages tribes to use section 319 funding for the development and/or implementation of -based plans to protect unimpaired waters and restore NPS-impaired waters. EPA also encourages tribes to explore the use of other funding such as CWA section 106 funding to support the development of watershed-based plans. EPA believes that watershed- based plans provide the best means for preventing and resolving NPS problems and threats. Watershed-based plans provide a coordinating framework for solving water quality problems by providing a specific geographic focus, integrating strong partnerships, integrating strong science and data, and coordinating priority setting and integrated solutions. This section outlines the specific information that should be included in all watershed-based plans that are developed or implemented using section 319 funding. This information correlates with the elements of a watershed-based plan outlined in the NPS grants guidelines for States (see *FY 2011 Nonpoint Source Program and Grants Guidelines for States and Territories*, available at [www.epa.gov/owow/nps/cwact.html](http://www.epa.gov/owow/nps/cwact.html)). One significant difference from the State guidelines is that a watershed-based plan for tribes provides for the integration of “water quality-based goals” (see element (3) below), whereas the State guidelines call for specific

estimates of load reductions that are expected to be achieved by implementing the plan. EPA has incorporated this flexibility for tribes in recognition that not all tribes have yet developed water quality standards and many tribes may need additional time and/or technical assistance in order to develop more sophisticated estimates of the NPS pollutants that need to be addressed. Where such information does exist, or is later developed, EPA expects that it will be incorporated as appropriate into the watershed-based plan.

To the extent that information already exists in other documents (e.g., NPS assessment reports or NPS management programs), the information may be incorporated by reference into the watershed-based plan. Thus, the tribe need not duplicate any existing process or document that already provides needed information.

## B. Components of a Watershed-Based Plan

1. An identification of the causes and sources or groups of similar sources that will need to be controlled to achieve the goal identified in element (3) below. Sources that need to be controlled should be identified at the significant subcategory level with estimates of the extent to which they are present in the watershed (e.g., X number of dairy cattle feedlots needing upgrading, including a rough estimate of the number of cattle per facility; Y acres of row crops needing improved nutrient management or sediment control; or Z linear miles of eroded stream bank needing remediation).
2. A description of the NPS management measures that will need to be implemented to achieve a water quality-based goal described in element (3) below, as well as to achieve other watershed goals identified in the watershed-based plan, and an identification (using a map or a description) of the critical areas for which those measures will be needed to implement the plan.
3. An estimate of the water quality-based goals expected to be achieved by implementing the measures described in element (2) above. To the extent possible, estimates should identify specific water quality-based goals, which may incorporate, for example: load reductions; water quality standards for one or more pollutants/uses; NPS total maximum daily load allocations; measurable, in-stream reductions in a pollutant; or improvements in a parameter that indicates stream health (e.g., increases in fish or macroinvertebrate counts). If information is not available to make specific estimates, water quality-based goals may include narrative descriptions and best professional judgment based on existing information.
4. An estimate of the amounts of technical and financial assistance needed, associated costs, and/or the sources and authorities that will be relied upon to implement the plan. As sources of funding, tribes should consider other relevant Federal, State, local and private funds that may be available to assist in implementing the plan.
5. An information and education component that will be used to enhance public understanding and encourage early and continued participation in selecting, designing, and implementing the NPS management measures that will be implemented.

6. A schedule for implementing the NPS management measures identified in the plan that is reasonably expeditious.
7. A description of interim, measurable milestones for determining whether NPS management measures or other control actions are being implemented.
8. A set of criteria that can be used to determine whether the water quality-based goals are being achieved over time and substantial progress is being made towards attaining water quality-based goals and, if not, the criteria for determining whether the watershed-based plan needs to be revised.
9. A monitoring component to evaluate the effectiveness of the implementation efforts over time, measured against the criteria established under element (8) above.

EPA recognizes the difficulty of developing the information described above with precision and, as these guidelines reflect, believes that there must be a balanced approach to address this concern. On one hand, it is absolutely critical that tribes make, at the subcategory level, a reasonable effort to identify the significant sources; identify the management measures that will most effectively address those sources; and broadly estimate the expected water quality-based goals that will be achieved. Without such information to provide focus and direction, it is much less likely that a project that implements the plan can efficiently and effectively address the NPSs of water quality impairments. On the other hand, EPA recognizes that even with reasonable steps to obtain and analyze relevant data, the available information at the planning stage (within reasonable time and cost constraints) may be limited; preliminary information and estimates may need to be modified over time, accompanied by mid-course corrections in the watershed plan; and it often will require a number of years of effective implementation to achieve the goals. EPA fully intends that the watershed planning process described above should be implemented in a dynamic and iterative manner to assure that projects implementing the plan may proceed even though some of the information in the watershed plan is imperfect and may need to be modified over time as information improves.

#### C. Scale and Scope of Watershed-Based Plans

The watershed-based plan should address a large enough geographic area so that its' implementation addresses all of the significant sources and causes of impairments and threats to the waterbody in question. EPA recognizes that many tribes may face jurisdictional limitations outside reservation boundaries. To the extent possible, EPA encourages tribes to engage other partners and include mixed ownership watersheds when appropriate to solve the water quality problems (e.g., tribal, Federal, State, local and private lands). While there is no rigorous definition or delineation for this concept, the general intent is to avoid single segments or other narrowly defined areas that do not provide an opportunity for addressing a watershed's stressors in a rational and economical manner. At the same time, the scale should not be so large as to minimize the probability of successful implementation.

Once a watershed-based plan that contains the information identified above has been established, it can be used as the foundation for preparing annual work plans. Like the NPS management program approved under section 319(b), a watershed-based plan may be a multiyear planning document. Whereas the NPS management program provides overall program guidance to address NPS pollution



on tribal lands, a watershed-based plan focuses NPS planning on a particular watershed identified as a priority in the NPS management program. Due to the greater specificity of a watershed-based plan, it will generally have considerably more detail than a NPS management program, and identified portions may be implemented through highly specific annual work plans. While the watershed-based plan can be considered a subset of the NPS management program, the annual work plan can be considered a subset of the watershed based plan.

A tribe may choose to implement the watershed-based plan in prioritized portions (e.g., based on particular segments, other geographic subdivisions, NPS categories in the watershed, or specific pollutants or impairments), consistent with the schedule established pursuant to item (f) above. In doing so, tribes may submit annual work plans for section 319 grant funding that implement specific portions of the watershed-based plan. A watershed-based plan is a strategic plan for long-term success; annual work plans are the specific “to-do lists” to achieve that long-term success.

## **VIII. General Grant Requirements**

### **A. Grant Requirements**

A listing and description of general EPA regulations applicable to the award of assistance agreements may be viewed at [www.epa.gov/ogd/AppKit/applicable\\_epa\\_regulations\\_and\\_description.htm](http://www.epa.gov/ogd/AppKit/applicable_epa_regulations_and_description.htm)

All applicable legal requirements including, but not limited to, EPA’s regulations on environmental program grants for tribes (see 40 CFR 35.500 to 35.735) and regulations specific to NPS grants for tribes (see 40 CFR 35.630 to 35.638), apply to all section 319 grants.

### **B. 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.

### C. 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.

### D. 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.

### E. 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.

#### F. Reporting

As provided in 40 CFR 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 in order 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 non-point source program and the guidelines on base funding, go to

[http://water.epa.gov/polwaste/nps/tribal/upload/2010\\_02\\_19\\_nps\\_tribal\\_pdf\\_tribal\\_handbook2010.pdf](http://water.epa.gov/polwaste/nps/tribal/upload/2010_02_19_nps_tribal_pdf_tribal_handbook2010.pdf).

## **UNDERGROUND STORAGE TANK PROGRAM**

The Energy Policy Act of 2005 authorizes the use of LUST funds for Tribes to develop and implement programs to manage underground storage tanks (USTs) in Indian country ("Tribal UST

assistance agreements”). EPA can award funds in a cooperative agreement or a grant. These funds cannot be included in a PPG because only STAG funds are eligible for PPGs. Guidance for Leaking Underground Storage Tanks Trust Fund can be found at <http://www.epa.gov/oust/pdf/lust-guidance-package.pdf> and <http://www.epa.gov/swerust1/tribes/index.htm>. Note that EPA revised guidance for state funding in FY 14 and revise guidance for Tribes in 2015.

LUST prevention program funds will be used to provide resources to States and Tribes for underground storage tank (UST) programs. Eligible activities are those related to development, implementation or administration of secondary containment requirements, public record requirements, compliance and oversight inspections, operator training program, enforcement, database management, SPA activities related to the Energy Policy Act requirements, leak prevention activities associated with tanks on Tribal lands, development of leak prevention regulations, and other program infrastructure. See guidance for activities that are not eligible for funding at <http://www.epa.gov/oust/pdf/lust-guidance-package.pdf>.

EPA does not set aside funds for Tribes for LUST Prevention work and funding is limited. EPA HQ solicits needs from regional UST programs for Tribal funding needs in the February-April time frame. Last year EPA HQ chose to fund tribes with 15 or more UST facilities on Tribal lands. Region 4 Tribes desiring to conduct eligible activities listed in the referenced program guidance or to develop program infrastructure for LUST Prevention should contact the UST/LUST contact on page 2 of this notice by January 15, 2016 to discuss Tribal LUST Prevention priorities and intended use of funds so that the regional program can determine funding needs to submit to EPA's Office of Solid Waste and Emergency Response should funds be available. Note that GAP funds can be used to build the capacity to manage an UST prevention program, but not for implementing the program.

## **CLEAN WATER INDIAN SET-ASIDE FUNDING**

The Clean Water Indian Set-Aside Grant Program (CWISA Program; CFDA 66.458) provides funding for wastewater infrastructure to Indian Tribes and Alaska Native Villages. CWISA Program's primary goal is to protect public health and the environment in Indian country by increased access to basic sanitation facilities for Tribal residents. This program addresses EPA's Strategic Goal 2 of EPA's Strategic Plan, Protecting America's Waters, Objective 2.1: Protect and Restore Watersheds and Aquatic Ecosystems, 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 through funding from the Clean Water Set-aside (CWISA) program. The Tribal Clean Water Indian Set-aside program receives a percentage of the Clean Water State Revolving Funds appropriation annually. The Tribes notify the Indian Health Service (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, which ranges between 1 and 5, with DL 5 being the greatest deficiency to access. The Tribal proposals are evaluated and ranked by IHS and placed into the Sanitation Deficiency System (SDS) list annually. EPA utilizes the SDS list to identify potential projects for Tribal 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 another agency or department of the federal government. The CWA states that grants shall serve federally recognized Tribes.

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 for the Tribe through an Interagency Agreement.

The table below provides a general timeframe for getting wastewater needs into the IHS Sanitation Deficiency System and for obtaining CWISA Program funds. For exact dates or for more information, please contact Jennifer Shadle, EPA Regional CWISA Program Coordinator at [shadle.jennifer@epa.gov](mailto:shadle.jennifer@epa.gov) or 404-562-9436. For general information, visit <http://water.epa.gov/type/watersheds/wastewater/Clean-Water-Indian-Set-Aside-Grant-Program.cfm>.

The project selection timeframe for FY 2017 grants is shown below.

<b>Timeframe for 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 IHS Area offices. (Check with your IHS Area office to determine the exact date. IHS Area office
June – July	IHS Area offices review and rank 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 HQ's and Regional CWISA Program coordinators.
February – May	EPA Regional CWISA Program coordinators select projects from
April - September	EPA Regional CWISA Program coordinators notify tribes that have been selected for funding and award CWISA Program funds.

## Attachment 1



# EPA FUNDING OPPORTUNITIES FOR TRIBES

Program and Opportunity	Website	CFDA No.	Contact	Phone	Timing
<b>Water</b>					
Water Pollution Control Program	<a href="http://www.epa.gov/region4/water/gtas/index.html">http://www.epa.gov/region4/water/gtas/index.html</a> <a href="http://www.epa.gov/OW-OWM.html/cwfinance/pollutioncontrol.htm">http://www.epa.gov/OW-OWM.html/cwfinance/pollutioncontrol.htm</a>	66.419	Jennifer Shadle	404-562-9436	Annual -- Proposals due Mar-April
Regional Wetland Program Development Grants [Note: National for Interstate agencies, not individual states and Tribes]	<a href="http://www.epa.gov/owow/wetlands/grantguidelines">http://www.epa.gov/owow/wetlands/grantguidelines</a> <a href="http://www.epa.gov/region4/water/wetlands/wetlands_grants.html">http://www.epa.gov/region4/water/wetlands/wetlands_grants.html</a>	66.461	Diana Woods	404-562-9404	Winter/Spring
Non-point Source (319h) Implementation Grants	<a href="http://www.epa.gov/region4/water/nps/index.html">http://www.epa.gov/region4/water/nps/index.html</a> <a href="http://www.epa.gov/owow/nps/319hfunds.html">http://www.epa.gov/owow/nps/319hfunds.html</a>	66.460	Sharon Brown	404-562-9269	Annual – Winter Award Sept - Oct
Targeted Watershed Grants (and Water Trading funding)  -- Water Quality Trading (Gulf of Mexico)	<a href="http://www.epa.gov/owow/watershed/initiative/2005/2005factsheet.html">http://www.epa.gov/owow/watershed/initiative/2005/2005factsheet.html</a> <a href="http://www.epa.gov/twg/funding.html">http://www.epa.gov/twg/funding.html</a> <a href="http://epa.gov/owow/watershed/trading/TWG_08_Announcement">http://epa.gov/owow/watershed/trading/TWG_08_Announcement</a> <a href="http://www.epa.gov/owow/watershed/trading/TWG/pdf/TWG_Trading_RFP_June_2008.pdf">http://www.epa.gov/owow/watershed/trading/TWG/pdf/TWG_Trading_RFP_June_2008.pdf</a> 08 announcement	66.439	Tim (Paul) Icke	202-566-1211	Proposals July-Sept.
Five Star Restoration Grant Program (National Wetland Program Development Grants) available to Inter-state organizations only, not individual states.	<a href="http://www.epa.gov/owow/wetlands/restore/5star">http://www.epa.gov/owow/wetlands/restore/5star</a>	66.439	Myra Price Gail Harrison	202-566-1225 404-562-9410	TBD by funding availability
State Public Water System Supervision	<a href="http://www.epa.gov/safewater/pws/grants/index.html">http://www.epa.gov/safewater/pws/grants/index.html</a>	66.432	Brian Smith	404-562-9845	Annual -- August 1
<i>Other Agency Opportunities</i>					
Coastal Program Grants (FWS)	<a href="http://www.fws.gov/coastal">http://www.fws.gov/coastal</a>	15.630	Ronnie Haynes	404-679-7081	Contact FWS
Community Assistance Program (CAP) – FEMA for floodplain management	<a href="http://www.fema.gov/plan/prevent/floodplain/fema_cap-ssse.shtm">http://www.fema.gov/plan/prevent/floodplain/fema_cap-ssse.shtm</a>	97.023	-	-	April-June See FEMA website
Aquatic Ecosystem Restoration (CAP Section 206) USACE	Brandon.r.Brummett@usace.army.mil	CAP 206	District Engineer	502-315-6883	--
Coastal Services Cooperative Agreement (NOAA)	<a href="http://www.csc.noaa.gov/funding">www.csc.noaa.gov/funding</a>	11.473	James Free, NOAA - SC	843-740-1185	July-October

Coastal Zone Management (NOAA)	<a href="http://coastalmanagement.noaa.gov/funding/welcome.html">http://coastalmanagement.noaa.gov/funding/welcome.html</a>	11.419	John King	301-713-3155	July-October
Watershed Protection and Flood Prevention (NRCS/USDA)	<a href="http://www.nrcs.usda.gov/programs/watershed">http://www.nrcs.usda.gov/programs/watershed</a> <a href="http://www.nrcs.usda.gov/about/organization/regions.html">http://www.nrcs.usda.gov/about/organization/regions.html</a>	10.904	NRCS Region or State Office	See NRCS website	Submit request for assistance any time
<b>Program and Opportunity</b>	<b>Website</b>	<b>CFDA No.</b>	<b>Contact</b>	<b>Phone</b>	<b>Timing</b>
Community-Based Habitat Restoration (NOAA)	<a href="http://www.nmfs.noaa.gov/habitat/restoration/funding_opportunities/funding.html">http://www.nmfs.noaa.gov/habitat/restoration/funding_opportunities/funding.html</a>	11.463	Melanie Gange	301-713-0174	Summer
<b>Hazardous &amp; Solid Waste &amp; Emergency Preparedness</b>					
Brownfields Tribal Response Program (under CERCLA 128 (a))	<a href="http://www.epa.gov/oswer/grants-funding.htm">http://www.epa.gov/oswer/grants-funding.htm</a>	66.817	Cindy J Nolan	404-562-8425	Funds Request January & Work Plan March - April
Brownfield Cleanup Grants	<a href="http://www.epa.gov/brownfields/cleanup_grants.htm">http://www.epa.gov/brownfields/cleanup_grants.htm</a>	66.818	Mike Norman	404-562-8789	December-February
Brownfields Job Training Grants	<a href="http://www.epa.gov/oswer/grants-funding.htm">http://www.epa.gov/oswer/grants-funding.htm</a>	66.815	Kathleen Curry	404-562-8660	November-February
Brownfield Training, Research and Technical Assistance	<a href="http://www.epa.gov/brownfields/trta.htm">http://www.epa.gov/brownfields/trta.htm</a> <a href="http://www.epa.gov/oswer/docs/grants/epa-oswer-obl-08-02.pdf">http://www.epa.gov/oswer/docs/grants/epa-oswer-obl-08-02.pdf</a>	66.814	Sven-Eric Kaiser	202-566-2753	February-May
Resource Conservation Challenge (RCC) – includes Schools Chemical Cleanout	<a href="http://www.epa.gov/region4/waste/rcra/managesw.htm">http://www.epa.gov/region4/waste/rcra/managesw.htm</a> <a href="http://www.epa.gov/rcc">http://www.epa.gov/rcc</a>	66.808	Jay Bassett	404-562-8559	As funding permits
Hazardous Waste Management Program	<a href="http://www.epa.gov/epaoswer/osw/laws-reg.htm">http://www.epa.gov/epaoswer/osw/laws-reg.htm</a>	66.801	Gwen Gleaton	404-562-8500	Annual – August 1
Regional Underground Storage Tanks	<a href="http://www.epa.gov/OUST">http://www.epa.gov/OUST</a> <a href="http://www.epa.gov/region4/waste/ust/index.htm">http://www.epa.gov/region4/waste/ust/index.htm</a>	66.816	Bill Truman	404-562-9457	Request funds January – Work Plan May & Award Sept.
<b>Air, Pesticides &amp; Toxics</b>					
Asthma & Indoor Air Quality Education/Outreach Grants (competitive)	<a href="http://www.epa.gov/region4/air/radon/radon.htm">http://www.epa.gov/region4/air/radon/radon.htm</a> <a href="http://www.epa.gov/region4/air/radon">http://www.epa.gov/region4/air/radon</a>	66.034	Stuart Perry	404-562-8980	April – June
Clean School Bus USA	<a href="http://www.epa.gov/cleanschoolbus/">http://www.epa.gov/cleanschoolbus/</a>	66.036	Alan Powell	404-562-9045	
Strategic Agricultural Initiative	<a href="http://www.epa.gov/Region4/air/pesticides/agricultureinitiatives.html">http://www.epa.gov/Region4/air/pesticides/agricultureinitiatives.html</a>	66.716	Kimberly Bingham	404-562-9038	Summer
National Clean Diesel Campaign Clean Diesel Emerging Technologies and Clean Diesel Finance Program (emission reductions)	<a href="http://www.epa.gov/cleandiesel/grantfund.htm">http://www.epa.gov/cleandiesel/grantfund.htm</a> <a href="http://www.southeastdiesel.org/">http://www.southeastdiesel.org/</a> <a href="http://www.epa.gov/cleandiesel/grantfund.htm#national">http://www.epa.gov/cleandiesel/grantfund.htm#national</a> <a href="http://www.epa.gov/air/grants/08-06.pdf">http://www.epa.gov/air/grants/08-06.pdf</a> <a href="http://www.epa.gov/air/grants_funding.html">http://www.epa.gov/air/grants_funding.html</a>	66.039	Alan Powell Faye Swift	404-562-9045 202-343-9147	Spring-Summer
Clean Air Act Section 105 Air Pollution Control (includes competed funds also)	<a href="http://www.epa.gov/air/caa/caa105.txt">http://www.epa.gov/air/caa/caa105.txt</a> <a href="http://www.epa.gov/air/grants_funding.html">http://www.epa.gov/air/grants_funding.html</a>	66.001	Stuart Perry	404-562-8980	Annual – August
Global Change and Mitigation Research (STAR)	<a href="http://es.epa.gov/ncer/rfa/2008/2008_star_adaptation.html">http://es.epa.gov/ncer/rfa/2008/2008_star_adaptation.html</a>	66.509	Bryan Bloomer	202-343-9078	June-October
Pesticide Environmental Stewardship Program	<a href="http://www.epa.gov/pesp/regional_grants.htm">http://www.epa.gov/pesp/regional_grants.htm</a>	66.714	Amber Davis	404-562-9014	Jan-March



Pesticide Registration Improvement Renewal Act (PRIA 2) Partnership Grants	<a href="http://www.epa.gov/pesticides/grants/proposals/priapartnershipgrant061008.pdf">http://www.epa.gov/pesticides/grants/proposals/priapartnershipgrant061008.pdf</a>	66.716	Frank Ellis	703-308-8107	Spring
Indoor Radon Grants	<a href="http://www.epa.gov/radon/sirgprogram.html">http://www.epa.gov/radon/sirgprogram.html</a>	66.032	Patsy Brooks	404-562-9145	Annual – August 1
Toxic Substances Compliance Monitoring Cooperative Agreements	<a href="http://www.epa.gov/compliance/state/grants/tsca.html">http://www.epa.gov/compliance/state/grants/tsca.html</a>	66.701	Phyllis Flaherty	202-564-4131	Annual – August 1
State Lead Grant Certification	<a href="http://www.epa.gov/region4/air/lead">http://www.epa.gov/region4/air/lead</a>	66.707	Liz Wilde	404-562-8998	Annual – August 1
<b>Program and Opportunity</b>	<b>Website</b>	<b>CFDA No.</b>	<b>Contact</b>	<b>Phone</b>	<b>Timing</b>
CEPP Technical Assistance Grants	<a href="http://www.epa.gov/osweroel/docs/chem/epcra.pdf">http://www.epa.gov/osweroel/docs/chem/epcra.pdf</a>	66.810	Caron Falconer	404-562-8451	Currently not available
Pesticides Program Grants	<a href="http://www.epa.gov/compliance/state/grants/fifra.html">http://www.epa.gov/compliance/state/grants/fifra.html</a>	66.700	Richard Corbett	404-562-9008	Annual - varies by state
<b>Multi-Media Initiatives</b>					
Pollution Prevention Grants	<a href="http://www.epa.gov/opptintr/p2home/pubs/grants/index.htm">http://www.epa.gov/opptintr/p2home/pubs/grants/index.htm</a>	66.708	Pamela Swingle	404-562-8482	February-March
Source Reduction Grants	<a href="http://www.epa.gov/opptintr/p2home/pubs/grants/index.htm">http://www.epa.gov/opptintr/p2home/pubs/grants/index.htm</a>	66.717	Pamela Swingle	404-562-8482	March-April
Environmental Information Exchange Network	<a href="http://www.epa.gov/exchangenetwork/index.html">http://www.epa.gov/exchangenetwork/index.html</a>	66.608	Karl Alvarez or Edward Mixon	202-566-0989 202-566-2142	May-July
Children's Health	<a href="http://yosemite.epa.gov/ochp/ochpweb.nsf/content/grants.htm">http://yosemite.epa.gov/ochp/ochpweb.nsf/content/grants.htm</a>	66.609	Wayne Garfinkel	404-562-8982	Jan-March
REMAP (Regional Environmental Monitoring and Assessment Program Research Projects)	<a href="http://www.epa.gov/emap/remap/html/projects/index.html">http://www.epa.gov/emap/remap/html/projects/index.html</a>	66.512	Peter Kalla	706-355-8778	January
Green Buildings (no permanent EPA funds)	<a href="http://www.epa.gov/oppt/greenbuilding/tools/funding.htm#guides">http://www.epa.gov/oppt/greenbuilding/tools/funding.htm#guides</a>	-	Danny Orlando	404-562-9087	--
Environmental Policy and State Innovation Grants	<a href="http://www.epa.gov/innovation/stategrants">http://www.epa.gov/innovation/stategrants</a> <a href="http://www.epa.gov/innovation/strategy.htm">http://www.epa.gov/innovation/strategy.htm</a>	66.940	Sherri Walker Latoya Miller.R4	202-566-2186 404-562-9885	May - September
Enforcement and Compliance Multi-Media Grants	<a href="http://www.epa.gov/compliance/resources/publications/state/stag/fy08-stagsolicitation.pdf">http://www.epa.gov/compliance/resources/publications/state/stag/fy08-stagsolicitation.pdf</a>	66.709	Ginger Gotliffe	202-564-7072	June - August
Environmental Education Grants	<a href="http://www.epa.gov/enviroed/grants.html">http://www.epa.gov/enviroed/grants.html</a>	66.951	Kathy Armstrong	404-562-8225	November



Information Sources for State Funding Opportunities – EPA & Other Agencies					
All open federal grant opportunities	<a href="http://www.grants.gov">www.grants.gov</a> search by agency				
EPA Open Awards	<a href="http://www.epa.gov/ogd/competition/open_awards.htm">http://www.epa.gov/ogd/competition/open_awards.htm</a>				
Resource for Finding Current Ops	<a href="http://www.epa.gov/ogd/grants/funding_opportunities.htm">http://www.epa.gov/ogd/grants/funding_opportunities.htm</a>				
National Research Centers	<a href="http://www.epa.gov/ord/npd/index.htm">http://www.epa.gov/ord/npd/index.htm</a> <a href="http://es.epa.gov/ncer">http://es.epa.gov/ncer</a> <a href="http://www.epa.gov/ORD/NRMRL">http://www.epa.gov/ORD/NRMRL</a> <a href="http://cfpub.epa.gov/ncea">http://cfpub.epa.gov/ncea</a>	Research grants on various topics – opportunities available all during the year on different issues			
Air Funding Opportunities	<a href="http://www.epa.gov/air/grants_funding.html">http://www.epa.gov/air/grants_funding.html</a>				
Emergency & Solid Waste Funding	<a href="http://www.epa.gov/oswer/grants-funding.htm">http://www.epa.gov/oswer/grants-funding.htm</a>				
EPA CFDA Numbers	<a href="http://12.46.245.173/pls/portal30/CATALOG.BROWSE_AGENCY_PROGRAM_RPT.SHOW?p_arg_names=agency_id&amp;p_arg_values=34">http://12.46.245.173/pls/portal30/CATALOG.BROWSE_AGENCY_PROGRAM_RPT.SHOW?p_arg_names=agency_id&amp;p_arg_values=34</a>				
Water, Watershed Protection, and Wetland Funding Opportunities	<a href="http://cfpub.epa.gov/fedfund">http://cfpub.epa.gov/fedfund</a> <a href="http://cfpub.epa.gov/fedfund/search1.cfm">http://cfpub.epa.gov/fedfund/search1.cfm</a> <a href="http://www.epa.gov/water/funding.html">http://www.epa.gov/water/funding.html</a>				
Pollution Prevention / Source Reduction	<a href="http://www.epa.gov/oppt/pubs/grants.htm">http://www.epa.gov/oppt/pubs/grants.htm</a>				
Pesticides and Partnerships	<a href="http://www.epa.gov/pesticides/grants">http://www.epa.gov/pesticides/grants</a>				
Children’s Health Opportunities	<a href="http://yosemite.epa.gov/ochp/ochpweb.nsf/content/grants.htm">http://yosemite.epa.gov/ochp/ochpweb.nsf/content/grants.htm</a>				
Compliance and Enforcement Funding Opportunities	<a href="http://www.epa.gov/compliance/state/grants/stag/opportunities.html">http://www.epa.gov/compliance/state/grants/stag/opportunities.html</a>				
Transportation and Energy Funding	<a href="http://www.epa.gov/otaq/stateresources/grants.htm#dot">http://www.epa.gov/otaq/stateresources/grants.htm#dot</a> <a href="http://www1.eere.energy.gov/cleancities/government_sources.html">http://www1.eere.energy.gov/cleancities/government_sources.html</a> <a href="http://www1.eere.energy.gov/financing/printable_versions/grants.html">http://www1.eere.energy.gov/financing/printable_versions/grants.html</a> <a href="http://www.science.doe.gov/grants">http://www.science.doe.gov/grants</a>				
Commerce (NIST & NOAA) Funding Opportunities (in Southeast)	<a href="http://www.nist.gov/public_affairs/grants.htm">http://www.nist.gov/public_affairs/grants.htm</a> <a href="http://www.csc.noaa.gov/funding">http://www.csc.noaa.gov/funding</a> <a href="http://www.nmfs.noaa.gov/habitat/restoration/funding_opportunities/funding_ser.html">http://www.nmfs.noaa.gov/habitat/restoration/funding_opportunities/funding_ser.html</a> <a href="http://www.nmfs.noaa.gov/habitat/ead/fundingopps.htm">http://www.nmfs.noaa.gov/habitat/ead/fundingopps.htm</a>				
Competitive Training Grants Program--FEMA	<a href="http://www.fema.gov/emergency/ctgp/index.shtm#1">http://www.fema.gov/emergency/ctgp/index.shtm#1</a> <a href="http://www.fema.gov/pdf/emergency/ctgp/fy08_ctgp_factsheet.pdf">http://www.fema.gov/pdf/emergency/ctgp/fy08_ctgp_factsheet.pdf</a>		www.grants.gov		March-May
Homeland Security-Prevention/Protection Preparedness and Response	<a href="http://www.dhs.gov/xopnbiz/grants">http://www.dhs.gov/xopnbiz/grants</a> <a href="http://www.dhs.gov/xopnbiz/grants">http://www.dhs.gov/xopnbiz/grants</a>				
Fish and Wildlife (DOI)	<a href="http://www.fws.gov/grants/state.html">http://www.fws.gov/grants/state.html</a> <a href="http://wsfrprograms.fws.gov">http://wsfrprograms.fws.gov</a>				



## **Attachment 2**

### **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)
- 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 3

### 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 for FY 2017. FY 2017 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. **Note EPA Grant Policy Issuance GPI-14-01 requires applicants to submit initial applications through [www.grants.gov](http://www.grants.gov) beginning February 17, 2015.**

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 page 3 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. DUNS numbers and active SAM.gov registration is required to register with Grants.gov. More information is available at: <http://www.grants.gov/web/grants/applicants/organization-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. **The link to the site on grants.gov** to access the application package for this funding opportunity is: <http://www.grants.gov/web/grants/applicants/download-application-package.html>
2. **Funding Opportunity Number (FON):**  
**EPA-CEP-01** (CFDA 66.001 thru 66.605 – PPG) or EPA-CEP-02 (CFDA 66.700 thru 66.931 -- GAP).  
The Funding Opportunity Competition ID will be left blank. Click “Download Package.” And complete necessary forms and add required attachments (See 5 below for required forms and attachments).
3. **Select and enter the appropriate CFDA Number:**  
PPG 66.605                      GAP 66.926 (EPA-CEP-02)                      CAA 103 66.038                      CAA 105 66.001

CWA 106 66.419

CWA 319 66.460

Tribal Response 66.817

CFDA Number:  (#

 Funding Opportunity Number:  (C

Funding Opportunity Competition ID:  (C

#### 4. Grant Application Package:

CFDA	Opportunity Number †	Competition ID	Competition Title	Agency	Instructions & Application
66.001	EPA-R3-001			Environmental Protection Agency	<a href="#">Download</a>
66.032	EPA-R3-001			Environmental Protection Agency	<a href="#">Download</a>
66.034	EPA-R3-001			Environmental Protection Agency	<a href="#">Download</a>
66.040	EPA-R3-001			Environmental Protection Agency	<a href="#">Download</a>

Once the applicant has entered the Funding Opportunity Number (FON) and accessed the list of CFDA's, the applicant will find the appropriate CFDA which contains all necessary forms shown below.

Grants.gov allows applicants to download the full application package and instructions to work offline. In addition to forms that are part of the application instructions, there will be a series of electronic forms that are provided using Adobe Reader. Grants.gov has a full set of instructions on how to apply for opportunities on its website at <http://www.grants.gov/web/grants/applicants/grant-application-process.html>.

#### 5. Required Grant Application Forms and Attachments:

The first application submitted thru [www.grants.gov](http://www.grants.gov) each Fiscal Year should include the following forms:

1. SF 424 Application (Block 5a – Fill in R4-CEP-01 (or 02 for GAP) Federal Identifier
2. SF 424A Budget (2 pages)
3. R4 Form Budget Detail Worksheet (PDF Budget Tool may replace this)
4. \*SF 424B Assurances for Non-Construction Programs
5. \*EPA 4700-4 Pre-award Compliance Review Report
6. \*EPA 5700-54 Key Contacts
7. Attachments
  - 1) \*Latest approved Indirect Cost (IDC) Proposal – See Attachment 5
  - 3) Work Plan(s) [marked Final or Draft, as appropriate]

***\*Bundling of Forms: Tribes can bundle assurance and certification forms (marked with \* in list above) by submitting the full set of forms with the first application for the Fiscal year. These forms are not required to be submitted for applications submitted after the initial one.***

Applications for other grants during a fiscal year require only the following forms:

1. SF 424                      Application
2. SF 424A                  Budget (2 pages)
3. R4 Form                  Budget Detail Worksheet (PDF Budget Tool may replace this)
4. \*EPA 5700-54          Key Contacts – if different from initial application submission
5. Attachment              Work Plan(s) and signed forms

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.

Contact Region 4 project officers with questions regarding submission forms and materials required in the application package.

**6. Submit application:**

See <http://www.grants.gov/web/grants/applicants/apply-for-grants.html> for more information on this process.

**7. Questions:**

Email Region 4 project officer when the application was submitted to grants.gov and accepted. If for any reason a Tribe cannot submit an application by the specified deadline, notify the project officer of the Regional Indian Coordinator (Lisa Berrios).

**Grants.gov Technical Issues -- grants.gov Contact Information**

Applicants needing technical assistance with submissions should contact Grants.gov at <http://www.grants.gov/web/grants/about/contact-us.html> or by phone at 1-800-518-4726 or email at [support@grants.gov](mailto:support@grants.gov) -- Open 24 hours a day, 7 days a week (except federal holidays).

Grants.gov Applicants:            <http://www.grants.gov/web/grants/applicants.html>

Applicant Resources:           <http://www.grants.gov/web/grants/applicants/applicant-resources.html>

Info on Registering:            <http://www.grants.gov/web/grants/applicants/organization-registration.html>

Video Tutorial on Registering for SAM.gov:

<https://www.youtube.com/watch?v=mmHcKCchaiY&feature=youtu.be>

Applicant Resources: <http://www.grants.gov/web/grants/applicants/applicant-resources.html>

Grants.gov Training Video: <http://youtu.be/8HLFoOoVGQY>

Troubleshooting Tips: <http://www.grants.gov/web/grants/support/technical-support/troubleshooting.html>

**EPA-facilitated Training:**

[http://www.epa.gov/ogd/training/grants\\_gov\\_information\\_sessions\\_for\\_applicants.htm](http://www.epa.gov/ogd/training/grants_gov_information_sessions_for_applicants.htm)

## Attachment 4

### **DRAFT Procedures:<sup>3</sup> Region 4 Indirect Cost Rate Information for Tribal Governments**

EPA may allow indirect costs (IDC) in grants when a cognizant agency (Department of the Interior or DOI for Tribes) has approved a rate proposal. The Tribe must provide a copy of the latest approved IDC proposal with the grant application package.

If the tribe's latest approved fixed/carry forward rate covers a period no more than three (3) prior to the current grant, the Tribe may use that rate to claim indirect costs for the duration of the grant. The Tribe cannot change the IDC rate during the grant period.

If a Tribe's latest approved IDC proposal covers a period that is longer than 3 years prior to the current grant year, Region 4 provides the following possible options for Tribes:

1. The Tribe will not be able to include IDC in the budget for the current grant period until or unless it receives approval of a proposal from DOI in sufficient funds to re-budget for IDC and completing work plan commitments.
2. If a Tribe has never had a provisional/final rate approved by DOI, Region 4 will allow the tribe to charge a flat rate of 10% of salaries and wages for IDC. Permission to charge this flat rate is contingent upon the Tribe taking appropriate steps to obtain a current indirect cost agreement – See below. Please note: Recipients that opt to use the 10% flat rate are obligated to use the flat rate for the life of the assistance agreement.
3. The Tribe may provide a copy of documentation showing that it has submitted an indirect cost rate proposal to DOI for approval for carry forward rate that covers the grant period and claim that rate as long as DOI approves before the end of the grant period.

Appropriate steps to obtain approval for a current IDC proposal include, but are not limited to:

- \* Requesting an independent audit in preparation for development of an IDC rate proposal;
- \* Providing evidence that the IDC rate proposal is being developed at the time indirect costs are being sought
- \* Verifying that the rate proposal has been submitted to the NBC for approval.
- \* Providing well-defined plan with timeline for accomplishing the above or other written assurances.

This flat rate of 10% of direct salaries and wages is based on 2 CFR Part 200, Appendix A, which describes what a nominal amount of indirect costs is for a grantee.

Please refer to 2 CFR Part 200.414 and Subpart E “Special Considerations for States, Local Governments, and Indian Tribes” for more information on IDC. Note EPA will be working with tribes to reevaluate the current Tribal IDC Policy with respect to 2 CFR 200.

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<sup>3</sup> Subject to change with Regional and/or National Policy revisions





## Attachment 5

**Tribe:**

**Region:** 4

**Work Plan Period**

**Begin:** 10/01/16

**End:** 09/30/17

**Work Plan Component 1:** Check appropriate capacity areas for this component below:

**Legal**\_\_ **Enforcement/Compliance**\_\_ **Technical**\_\_ **Communication**\_\_ **Administrative**\_\_ **Waste Implementation**\_\_

**Long-term Capacity Goal and Outcomes** (*as identified in ETEP*): Build capacity to

**Intermediate Outcomes** (*under this work plan for ETEP priority*):

Estimated Component Cost: \$ .00 (includes FTE cost)

Estimated Component Work Years (FTE):

COMMITMENTS		MILESTONE END DATES	OUTPUTS AND DELIVERABLES	CAPACITY INDICATORS
1.1				
1.2				
1.3				

**EPA Use Only**

**2014-2017 EPA Strategic Plan**

**Goal**

## **Attachment 6**

### **Competency Policy Documentation Checklist**

#### Examples of Competency Documentation/Certification

- Δ Cooperative Agreements/Grants - have performed satisfactorily under past environmental grants similar to current grant in collecting and using 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 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 examples or links to where they can be viewed.
- Δ Audit Results (periodic quality management system reviews, laboratory, or technical audits) - list type audit, auditing organization, date, findings, and corrective actions taken (if any).
- Δ EPA approved Quality Management Plans/Quality Assurance Project Plans - list dates 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.