

Applicable EPA Regulations and Description

ENVIRONMENTAL PROTECTION AGENCY REGULATIONS AND DESCRIPTION

If you should need a copy of the following regulations, you may access a copy at [Policy, Regulations and Guidance](#) or call (202) 564-5315.

- **40 CFR Parts 7 and 12 - NONDISCRIMINATION IN PROGRAMS RECEIVING FEDERAL ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY**

This rule implements statutes which prohibit discrimination on the grounds of race, color, national origin, sex and handicap.

No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving EPA assistance on the basis of race, color, national origin, or on the basis of sex in any program or activity receiving EPA assistance under the Federal Water Pollution Control Act, as amended, including the Environmental Financing Act of 1972.

- **40 CFR Part 29 - INTERGOVERNMENTAL REVIEW OF THE ENVIRONMENTAL PROTECTION AGENCY PROGRAMS AND ACTIVITIES**

(a) The regulations in this part implement Executive Order 12372, "Intergovernmental Review of Federal Programs," issued July 14, 1982, and amended, on April 8, 1983. These regulations also implement applicable provisions of section 401 of the Intergovernmental Cooperation Act of 1968, as amended and section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended.

(b) These regulations are intended to foster an intergovernmental partnership and a strengthened federalism by relying on State processes and on State, areawide, regional and local coordination for review of proposed Federal financial assistance and direct Federal development.

(c) These regulations are intended to aid the internal management of the Environmental Protection Agency (EPA) and are not intended to create any right or benefit enforceable at law by a party against EPA or its officers.

You must contact your State's Single Point of Contact to find out if the program was selected for coverage by the State process and, if the program was selected, to receive information about your State's review process requirements and procedures. If you do not know whom your Single point of Contact is, please call (202) 564-5305.

- **40 CFR Part 30 - GENERAL REGULATION FOR ASSISTANCE PROGRAMS FOR ALL APPLICANTS CONSIDERED: INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER NONPROFIT ORGANIZATIONS.**

This subpart establishes uniform administrative requirements for Federal grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations. The Environmental Protection Agency (EPA) may not impose additional or

inconsistent requirements, except as provided in Sections 30.4, and 30.14 or unless specifically required by Federal statute or Executive Order. Non-profit organizations that implement Federal programs for the States are also subject to State requirements.

- **40 CFR Part 31 - UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

This part establishes uniform administrative rules for Federal grants and cooperative agreements and subawards to State, local and Indian tribal governments.

- **2 CFR Part 180 and Part 1532 - GOVERNMENT WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT); CLEAN AIR ACT AND CLEAN WATER ACT INELIGIBILITY OF FACILITIES IN PERFORMANCE OF FEDERAL CONTRACTS, GRANTS AND LOANS**

- **40 CFR Part 34 - NEW RESTRICTIONS ON LOBBYING**

This rule is in response to section 319 of Public Law 101-121. Section 319 prohibits recipients of Federal contracts, grants and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant or loan.

- **40 CFR Part 40 - RESEARCH AND DEMONSTRATION GRANTS**

This part establishes mandatory policies and procedures for all EPA research and demonstration grants. These provisions establish and codify policies and procedures governing the award of research and demonstration grants by the Environmental Protection Agency.

- **40 CFR Part 45 - TRAINING ASSISTANCE**

This part establishes the policies and procedures for the award of training assistance by the Environmental Protection Agency (EPA). The provisions of this part supplement EPA's "General Regulation for Assistance Programs,".

- **40 CFR Part 47 - NATIONAL ENVIRONMENTAL EDUCATION ACT GRANTS AND COOPERATIVE AGREEMENTS.**

This regulation codifies policy and procedures for the award of grants or cooperative agreements under section 6 of the National Environmental Education Act (NEEA). Specifically, this regulation defines eligible applicants, eligible activities, EPA priorities for selecting recipients, funding limits, and matching requirements. Projects funded under this regulation are also subject to the Code of Federal Regulations (40 CFR) part 31 for State and local

recipients, and part 30 for other than State and local recipients. Those regulations contain Federal audit and other general administrative requirements. This regulation does not apply to the programs implemented under sections 5 and 7 of the NEEA.

Work Plan Guidance and Description

(Attention Applicants: If you are responding to a specific request for an application, please follow the guidance as instructed provided at the website or program office) When completing your application kit, be sure that the Work Plan is addressed thoroughly. The Work Plan is a detailed description of how the sponsored project is going to be completed. There are several key areas that must be addressed:

1. Environmental Results
 2. Description of the Project
 - A. Objective
 - B. Results or benefits expected
 - C. Approach
 - D. General Project Information
 3. Quality Assurance
 4. Itemized Budget Detail
- (See narrative descriptions below for more detail)
-

1. ENVIRONMENTAL RESULTS.

This section is the introductory portion of the Work Plan. Give a summation of how the proposed project will benefit the environment. Provide a description of how your specific project will create a benefit for the environment and create a positive effect. Try to shape this around EPA's mission statement: "To Protect Human Health and the Environment".

12. DESCRIPTION OF PROJECT.

A. Objective:

- (1) Describe the primary and secondary project objectives
- (2) Identify relevant physical, economic, social, financial, institutional or other problems.
- (3) Include supporting documentation from concerned interests other than the applicant.
- (4) Include and footnote relevant data based on planning studies.

B. Results or benefits expected:

– Begin by identifying results and benefits that will accrue to the project. Include the benefits that will be accrued to:

- 1) the environment,
- 2) the recipient,
- 3) the population served,
- 5) the general public.

C. Approach:

(1) Provide a Work Plan that details how the project work will be accomplished and detailing the proposed project. Cite factors that could potentially accelerate or decelerate the project work. Indicate why this approach has been chosen rather than the alternative approaches. Describe any unusual project features such as design or technological innovations, cost or time reductions, or extraordinary social and community involvement.

(2) Describe all available facilities for carrying out the project.

(3) List all non-Federal funds sources and facilities to be used to perform the proposed project.

(4) Provide a chronological schedule of accomplishments, progress, and milestones that are anticipated over the projects duration.

(5) Indicate who will carry out each of the work plans elements. Be sure to include supporting agencies, consultants and contractors.

(6) Describe sampling and data collection procedures, analytical methods as well as other identified methods for evaluating the project results.

D. General Project Description:

(1) Identify the kinds of data to be collected and maintained, and discuss the evaluation criteria for the project's results. Indicate whether research or demonstration will involve human subjects or research animals.

(2) Discuss this projects effect, or its relationship to work planned, anticipated, or in process, by the grantee, or Government agencies. Discuss the Federal, state and local programs with which the work will be coordinated, and describe the extent and nature of the coordination.

3. PROJECT TITLE

In block 11 of the SF424 provide a brief description of the proposed program/project. The Project Description field must include a concise, clear description of the purpose of the project. More specifically, the Project Description may not exceed three (3) lines of narrative and must address the scope of the project and/or the primary activity to be supported by the grant. The Project Description

should contain media-specific or environmental KEY TERMS that may be used as search terms by the public (e.g., air quality, toxins, solid waste, mercury, etc.).

4. QUALITY ASSURANCE.

If your proposed project involves environmentally related measurements or data generation, you must develop and implement quality assurance practices. These practices must sufficiently produce quality data to adequately meet project objectives, and to minimize data loss due to uncontrolled conditions or malfunctions. State, local or Indian tribal government applicants should refer to regulation 40 CFR 31.45. All other applicants should refer to EPA regulation 40 CFR 30.54. (Refer to [Policy, Regulations, and Guidance](#) or [Implementation of Quality Assurance Requirements for Organizations Receiving EPA Financial Assistance](#))

5. BUDGET DETAIL.

In addition to completing the Standard Form (SF) 424A, "Budget Information - Non-Construction Programs", all proposed grantees are required to submit a separate detailed itemized budget. (If indirect costs are being charged, you must INCLUDE a copy of your indirect cost rate agreement, if established.)

Please address and follow the guidelines listed below (Also refer to sample within this package):

A. Personnel: List all project participants titles. Indicate the time percentage that each individual will devote to this project during the entire project period. The budget cost should be derived as follows: Each person's time percentage His/her annual salary = Personnel costs

Indicate this calculation for each personnel member. The sum of each persons costs should be reflected as total personnel costs. (Record the total on Standard Form 424A, Section B, Line A.)

B. Travel: Indicate the budgeted travels purpose and the destination of each trip and indicate the number of travelers. (Record total on Standard Form 424A Section B, Line C.)

C. Equipment: Provide a list of equipment to be purchased. Equipment is \$5,000 or more per unit, pursuant to 40 CFR 31.3 and 30.2. (Record total on Standard Form 424A, Section B, Line D).

D. Supplies: Itemize budgeted supplies unless their total represents less than two percent of total costs. "Supplies" means all tangible personal property other than "equipment". The budget detail should identify categories of supplies to be procured (e.g., laboratory supplies or office supplies). Supplies are typically \$5,000 or less per unit. (Record total on Standard Form 424A, Section B, Line E.)

E. Contractual: Specify the nature and cost of contractual services. EPA may review the contracts for

personal services before the contracts are executed, to assure that all costs are reasonable and necessary to the project. (Record total on Standard Form 424A, Section B, Line F).

Applicants should review EPA's regulations concerning procurement and the need to provide justification for sole source agreements and documentation concerning cost or price analysis for contracts and other agreements.

F. Construction: If your budget includes construction costs, contact the Grants Administration Division for additional instructions while completing your application. (Record total on Standard Form 424A, Section B, Line G)

G. Other: Itemize all costs included here. Include items here that cannot be placed in the more specific categories. Examples could be sub-grants, postage or printing. If you are applying for a training project, the itemization should include a cost breakdown of trainee tuition and fees, book allowances, stipends, and travel. (Record total on Standard Form 424A, Section B, Line H)

A recipient of EPA assistance may only subgrant to an entity that would have been eligible to receive assistance from EPA directly (i.e., eligible subgrantee or eligible subrecipient). This also means that the entity would have to be an eligible subgrantee or eligible subrecipient who is not debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension." Moreover, recipients cannot receive EPA assistance for the sole purpose of subawarding, transferring, or contracting out work under an award to another entity. Recipients are responsible for ensuring that their subgrantees/subrecipients use EPA funds for authorized purposes and comply with all applicable Federal regulations, OMB Cost Principles, and the terms and conditions of the assistance agreement.

H. Indirect Costs: Please indicate how indirect charges were calculated for this project, and remember to attach a copy of your current indirect cost rate agreement. (Record total on Standard Form 424A, Section B, Line J). If an organization has not established an indirect cost rate with another Federal Entity, please specify on Standard Form 424A, Section B, Line J.

If indirect costs are being used, please INCLUDE a copy of your indirect cost rate agreement, if established.

I. Program Income: If any income is expected to be generated from this project, insert the estimated income amount here. Do not add or subtract this amount from the total project amount. Your detailed direct cost itemization should show this income's nature and source. Examples of Program Income include: registration fees collected, income from the sale of products produced under a grant and rental fees generated from equipment purchased with assistance funds. (Record total on Standard Form 424A, Section B, Line 7)

For reference and more information on allowable costs under federal regulations, please visit the [Office of Management and Budgets website](#) and review the circular appropriate to your organization.

PRE-AWARD COMPLIANCE FOR NON-PROFIT ORGANIZATIONS

EPA assistance awards (grants and cooperative agreements) to non-profit organizations are an important mechanism for delivering environmental protection to the public. EPA's Office of the Inspector General, however, has issued numerous audit reports documenting instances of non-profit recipients that have inadequate administrative systems to manage EPA funds or lack the capability to successfully perform the project scope of work. The Office of Grants and Debarment has identified similar issues in conducting post award monitoring activities.

Recognizing that it is preferable to address such issues before, rather than after, an assistance agreement is awarded, EPA has begun evaluating the administrative and programmatic capability of non-profit applicants.

These procedures are based on existing regulatory requirements. Specifically, 40 CFR § 30.14 authorizes EPA to impose pre-award conditions on a non-profit applicant that has a history of poor performance, is not financially stable, has a management system that does not meet the standards prescribed in 40 CFR Part 30, has not conformed to the terms and conditions of a previous award, or is not otherwise responsible. Further, 40 CFR § 30.62 provides EPA with remedies to deal with non-profit recipients that mismanage assistance agreements either administratively or programmatically. Finally, under 2 CFR Part 180 and Part 1532, EPA may suspend or debar non-profit applicants or recipients that pose a serious business risk to the Government.

After receiving notification from the Program Office that an application has been recommended for funding the Grants Management Office (GMO) must: require the applicant to fill out the Administrative Capability Form contained in Appendix A to the EPA Order and provide supporting documents; and then conduct a review of this information. If the GMO, based upon a review of the completed Administrative Capability Form and after checking the Grantee Compliance Database, determines that the applicant lacks the necessary administrative capability, the award official must impose pre-award conditions under section 10(b), or special award conditions under Section 10(d), of the EPA Order. If the GMO finds that the applicant has the necessary administrative capability, pre-award or special award conditions are not required.