



**U.S. Environmental Protection Agency, Region 9**  
**Indian Environmental General Assistance Program (GAP)**

**Funding Announcement Covering the  
2019 - 2020 (FY20) GAP Grant Cycle**

**FULL APPLICATIONS DUE:**

**January 15, 2019** from Tribes

**February 1, 2019** from Consortia

Late applications will receive reduced awards.  
Early applications are strongly encouraged.

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# U.S. EPA REGION 9 GRANT FUNDING ANNOUNCEMENT INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM

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<b>IMPORTANT DATES</b>
<b>Funding announcement</b> emailed to Environmental Directors ..... <b>October 22, 2018</b>
<b>Grant applications from tribes</b> must be submitted..... <b>January 15, 2019</b>
<b>Grant applications from intertribal consortia</b> must be submitted..... <b>February 1, 2019</b>

## IMPORTANT INFORMATION

**Changes to the GAP application process:** For the FY2020 GAP grant cycle, EPA Region 9 is piloting a revised application process and will not request proposals. Each GAP grantee is required to submit a full GAP application by **January 15, 2019**. We highly encourage grantees to work with their GAP project officers **prior** to submitting their full GAP application by sending and negotiating draft work plans and budgets.

**Please note:** If your GAP award is part of a Performance Partnership Grant (PPG), only the full GAP application is due on January 15<sup>th</sup>. EPA Project Officers will provide guidance for how to submit the remaining work plans and final budget for the entire PPG once all program funding decisions have been made.

**Applications that are submitted late, incomplete, or with work plans that are identical to FY19 or previous work plans may receive a reduction in their award or may not be funded.** Applicants whose proposals or applications were late in the FY2019 grant application cycle, and are again late in the FY2020 grant application cycle, will not be funded.

**EPA-Tribal Environmental Plan Requirement:** An approved EPA-Tribal Environmental Plan (ETEP) is required to receive funding for FY2020. If a Tribe has not finalized an ETEP, incremental funding may be awarded for FY2020 work plan activities related to completing the ETEP only.

**GAP Online has been updated to GAP Online 3.0 (GO3):** GAP Online is an internet-based tool for developing, reviewing, and finalizing GAP work plans and progress reports. Applicants needing assistance with a username, password, or system navigation should contact their project officer. Link: <https://ofmext.epa.gov/apex/gap/f?p=101>.

## INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM FUNDING

The U.S. Environmental Protection Agency (EPA), Region 9, is announcing the funding opportunity for Indian Environmental General Assistance Program (GAP) grant applications for FY2020 work plans. This grant notification includes GAP funding opportunities including:

- General Assistance Program Grants, and
- Performance Partnership Grants, that include GAP Funding.

The Catalog of Federal Domestic Assistance Number for the GAP is 66.926.  
The Catalog of Federal Domestic Assistance Number for PPGs is 66.605.

Grantees are not required to provide matching funds for the GAP program, and GAP is exempt from competition under sections 6(c) 1 and 2 of EPA's Policy for Competition of Assistance Agreements (EPA Order 5700.5A1).

**Note:** Please ensure that you have registered, or renewed your registration, for the System for Award Management at [www.SAM.gov](http://www.SAM.gov). An EPA award cannot be made without a current SAM registration.

## BACKGROUND AND PROGRAM DESCRIPTION

EPA provides financial assistance to tribal governments (tribes) and intertribal consortia (consortia) to assist tribes in planning, developing, and establishing the capacity to implement federal environmental programs administered by the EPA and to assist in implementation of tribal solid and hazardous waste programs in accordance with applicable provisions of law, including the Solid Waste Disposal Act (commonly known as the Resource Conservation and Recovery Act, or RCRA). See the *Indian Environmental General Assistance Program Act of 1992* (42 U.S.C. §4368b).

EPA administers this program in accordance with the statute, applicable federal regulations, including 40 CFR part 35, subpart B, and national guidance, including the *Indian Environmental General Assistance Program Guidance on the Award and Management of General Assistance Agreements for Tribes and Intertribal Consortia* (2013; hereafter GAP Guidance). EPA's GAP Guidance provides a consistent national framework for building tribal environmental program capacity under GAP and is designed to improve the management of GAP resources.

As described in the GAP Guiding Principles (**Attachment E: GAP Guiding Principles**), this support promotes tribal government efforts to develop core environmental program capacities (administrative, financial management, information management, environmental baseline needs assessment, public education/communication, legal, and technical/analytical) and baseline capacities for media-specific programs such as ambient air quality, water quality, managing waste (**Attachment C: GAP Allowable/Unallowable Solid Waste Chart**), and other EPA-administered statutory programs.

## GAP FUNDING AVAILABILITY

For FY2019, EPA Region 9 awarded \$15.8 million of GAP funding. Similar funding is expected for FY2020 awards to the 148 eligible tribes and six eligible intertribal consortia in Arizona, California and Nevada. However, the actual amount available for FY2020 will be determined after EPA receives its full budget from Congress (note that EPA is funded through December 7, 2018, under a Continuing Resolution).

Our objective is to provide funding for new GAP grantees and to continue to support capacity building efforts for existing grantees. In general, first-time GAP applicants will receive \$75,000 to support their first year of GAP activities. Amendments to existing grants may be in any amount, although most awards will range from \$75,000 to \$120,000 per year. Requests for more than \$120,000 will be considered if needs are sufficiently justified and funding is available. **Funding is not guaranteed for every applicant.**

Although Indian tribal governments and intertribal consortia are both eligible to receive funds under this program (**Attachment G: Eligibility of Tribes and Intertribal Consortia**), GAP funds are prioritized *first* for tribes, *second* for existing consortia, and *lastly* for new consortia. GAP grant project periods may not exceed four years. At the end of a four-year grant period, tribes and intertribal consortia may apply for a new GAP grant to continue environmental capacity building and/or solid and hazardous waste program implementation activities (**Attachment B: Planning, Developing, Establishing, and Implementing Tribal Waste Management Capacity**). Award amounts will depend on the following:

- The amount of GAP funding Region 9 receives for FY2020 work plans;
- The number of tribes and consortia submitting on-time applications;
- How well each application meets the review factors (see the Application Review Factors section); and
- Past performance (see the Application Review Factors section for more detail).

**Applications that are submitted late, incomplete, or with work plans that are identical to FY19 or previous work plans may receive a reduction in their award or may not be funded. Applicants whose proposals or applications were late in the 2019 grant application cycle, and are again late in the 2020 grant application cycle, will not be funded.**

Current recipients whose current GAP grant expires in FY2021 or later **are encouraged** to submit two-year work plans and budgets. A separate work plan and budget must be included for FY2020 and FY2021.

### **PERFORMANCE PARTNERSHIP GRANTS**

PPGs allow eligible tribes and intertribal consortia to combine funds from at least two eligible environmental financial assistance programs into a single grant, to improve environmental performance, increase programmatic flexibility, achieve administrative savings (like reduction in cost share), and strengthen the partnerships between the Tribe and EPA. There are 20 EPA grant programs eligible for inclusion in a tribal PPG. Tribes receiving two or more EPA grants may discuss the prospect of forming a PPG with their grant project officers **before** developing individual grant applications. Eligible grant programs that may be included in a PPG are listed below:

- The Indian Environmental General Assistance Program (GAP)
- Air Pollution Control (Clean Air Act (CAA) §105)
- Water Pollution Control (Clean Water Act (CWA) §106 and §518))
- Water Quality Cooperative Agreements (CWA §104(b)(3))
- Wetlands Development Grant Program (CWA §104(b)(3))
- Nonpoint Source Management (CWA §319(h))
- Pesticide Cooperative Enforcement (Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) §23(a)(1))
- Pesticide Applicator Certification and Training (FIFRA §23(a)(2))
- Pesticide Program Implementation (FIFRA §23(a)(1))
- Pollution Prevention Grants (PPA § 6605)
- Public Water System Supervision (Safe Drinking Water Act (SDWA) §1443(a))
- Underground Water Source Protection ((SDWA §1443(b))
- Lead-Based Paint Program (Toxics Substances Control Act (TSCA) §404(g))
- Indoor Radon Grants (TSCA §306)
- Toxics Substances Compliance Monitoring (TSCA §28)
- State/Tribal Response Program – Brownfields (Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) §128(a))
- National Environmental Information Exchange Network- (EPA Appropriation Acts)
- Hazardous Waste Management Program Grants (Solid Waste Disposal Act (SWDA) § 3011(a))
- Underground Storage Tanks Program Grants (SWDA § 6991)
- Multi-Purpose Grants

### **NEW APPLICATION REQUIREMENTS**

**GAP applications from individual tribes**, including work plans and budgets, must be submitted into [grants.gov](https://www.epa.gov/grants) by **January 15, 2019**. Applications submitted prior to the stated due date are encouraged. Applications must include all required forms and certifications, including a copy of the work plan and budget that reflect any changes requested by project officers.

**GAP applications that are part of a PPG** must also be submitted in [www.grants.gov](http://www.grants.gov) by **January 15, 2019**. This must include a list of PPG eligible grant programs the tribe or consortia intends to include in their final FY2020 PPG work plan and budget. Subsequent work plan and budget modifications for all included programs should be submitted by email to the program-specific project officer and the lead PPG project officer.

**Intertribal consortia applications**, including work plans and budgets, must be submitted into [grants.gov](http://grants.gov) by **February 1, 2019**. These applications must include written authorizations from each tribal government that is a member of the consortia. Authorizations should clearly demonstrate that all consortium members support the consortia's proposed work plan and budget. Tribal government authorizations must indicate consortia work plan commitments that compliment, but do not duplicate, commitments in tribal work plans. Please allow adequate time to obtain the tribal government authorization prior to the application due date).

**For all applications** to be considered complete (See [40 CFR 35.505](http://40CFR35.505)), in addition to the required forms and certifications identified within [www.grants.gov](http://www.grants.gov), they must also contain the following attachments:

1. Work Plan
2. Budget Detail
3. Indirect Cost Rate (if applicable)
4. A list of PPG eligible grant programs the tribe or consortia intends to include in the final FY2020 PPG work plan (applicable to PPG applicants only).

A detailed description of these four attachments can be found below:

1. **Work Plan:** Tribes who receive a standalone GAP grant and would like to use the GAP Online 3.0 system to develop their work plans should contact their assigned project officer for instructions. Applicants that use GAP Online 3.0 during FY2019 will have the opportunity to provide feedback to EPA's American Indian Environmental Office that will further improve the system.

*Work Plan Requirements* – GAP work plans **must** contain the following elements:

- A description of each work plan *component* to be funded;
- Estimated *work years* and *funding amounts* for each work plan component (must correlate to budget);
- The work plan *commitments* for each work plan component, and a *timeframe* for their completion;
- The expected outputs and deliverables that will be submitted to EPA for each commitment;
- The expected outcomes and environmental results associated with each work plan component;
- Descriptions of tribal and EPA roles and responsibilities in carrying out the work plan commitments; and
- A description of the process for jointly evaluating and reporting progress and accomplishments under the work plan.
- Measures: Identify capacity indicators from the GAP Guidebook to be developed. For work plans not developed in GAP Online 3.0, please write out the full indicator that the Tribe is pursuing. For work plans developed in GAP Online 3.0, for each commitment, select the applicable capacity indicator from the drop-down menu.

Requests for one-time work plan activities, such as cleanup and closure requests (**Attachment H: Cleanup and Closure Project Funding Requests**) or equipment purchase requests (**Attachment D: Equipment Purchase Requests**), should include a discrete work plan component that estimates the associated costs involved with the activities, including estimated FTE.

**Intertribal Consortia Work Plans:** Consortia narratives, work plan components, or work plan commitments should identify which environmental capacities of their member tribes are being developed by the proposed work. Consortia will also need to demonstrate or describe how their GAP work plans align with, but do not duplicate work plan activities of their member tribes. Intertribal consortia are advised to describe how their grant proposals support the program development goals outlined in the ETEPs developed by their GAP-eligible member tribes.

**Consortia Member Work Plans:** Tribes that participate with intertribal consortia should ensure their tribal work plans demonstrate how they will work with their specific consortium, including how they will utilize consortium efforts and work plan products to further the goals of their own tribe, etc. We suggest tribes who are members of a consortium develop “Consortium” work plan components to demonstrate those points.

2. **Budget Detail:** Include a budget detail that itemizes all proposed costs. A fillable pdf-based budget template is available for download and use in GAP Online 3.0 at <https://ofmext.epa.gov/apex/gap/f?p=101>. (**Attachment I: Budget Detail**).
3. **List of PPG-eligible programs** (PPG applicants only): If you intend on including PPG-eligible programs in a PPG with your FY2020 GAP application, please provide a list of those programs as an attachment to your application in [www.grants.gov](http://www.grants.gov).
4. **Indirect Cost Rate:** Please provide a copy of your most recent Indirect Cost Rate agreement, or the most recent Indirect Cost Rate Proposal that has been submitted for consideration. The [Indirect Cost Policy for Recipients of EPA Assistance Agreements](#) (IDC Policy) is now available on the [EPA Policies for EPA Grant Recipients](#) page, along with guidance, online training, and other helpful resources. The effective date of the IDC Policy is October 1, 2018. Flexibilities are available, including:
  - Use of the 10% *de minimis* rate detailed in [2 CFR 200.414\(f\)](#);
  - Continued use of expired fixed rates with carry-forward for up to four years from expiration;
  - Option to apply for a regulatory exception on a case-by-case basis, if recipients were not in compliance with IDC regulations between December 26, 2014 (when 2 CFR Part 200 became effective) and the effective date of the IDC policy, as allowed by [2 CFR 200.102\(b\)](#) and [2 CFR 1500.3\(a\)](#).

Questions about EPA’s Indirect Cost Rate Policy should be directed to your assigned EPA Grants Specialist.

## **APPLICATION REVIEW FACTORS**

**Please note:** If a grantee is late or has incomplete quarterly reporting, or has not submitted their FY2018 Federal Financial Report, their FY2020 GAP grant application will be put on hold until all reporting is up to date.

In awarding GAP grants to tribes and intertribal consortia, EPA will apply the GAP Guiding Principles (**Attachment E: GAP Guiding Principles**). GAP funding amounts are based on the following factors:

- Completeness of applications based on the information requested in this grant notification;
- The extent to which the proposed activities reflect the purpose of GAP (i.e., development of tribal environmental protection program capacities, consistent with EPA statutory programs);
- Description of tribal environmental program capacity building needs and environmental or health risks (existing or potential);



- The clarity, complexity, and scale of work plan activities, including well-defined commitments, outputs and outcomes (environmental results);
- Feasibility and likelihood of completing work plan activities, considering the budget, personnel and available resources;
- The degree to which the activities in the work plan support achieving the long-term goals identified in the negotiated EPA-Tribal Environmental Plan (**Attachment F: EPA-Tribal Environmental Plans**), or other Tribal long-range planning document.
- Past performance under EPA grants, including fiscal accountability, amount of unexpended funds, quality and timeliness of progress reports and the ability to complete work plan activities on time. It is in the best interests of tribes and the GAP program that all funds awarded are expended according to the approved work plan and budget and drawn down as soon as costs are incurred. Grantees that have large balances with no reasonable expectation of spending the funds by the end of the grant period will receive reduced awards.

### **AWARD INFORMATION**

**Regulations** governing the award and administration of environmental program grants for tribes, including GAP, can be found at 2 CFR Part 200 (<http://www.ecfr.gov/>) and 40 CFR Part 35, Subpart B (<http://www.ecfr.gov/>).

**Standard terms and conditions** can be found at <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2018>. It should also be noted that EPA reserves the right to impose additional programmatic terms and conditions that must be met to maintain compliance with the award. Recipients are expected to read and comply with these additional requirements to maintain sufficient and satisfactory progress with their award.

**Required expenditure and progress reports:** Tribes must report actual accomplishments for each work plan commitment in their reports. Cumulative expenditures must also be provided in the reports. Please refer to the Term and Condition in your GAP Award for further information about reporting requirements. Tribes are strongly encouraged to use GAP Online for submitting their progress reports.

**Federal Financial Report (SF425):** A final FFR must be submitted within 90 days of grant expiration. Interim FFRs are required annually, as described in your GAP award terms and conditions.

**Disputes** between EPA and recipients regarding the administration of the award will be addressed as stipulated in 2CFR part 1500.12 -1500.19.

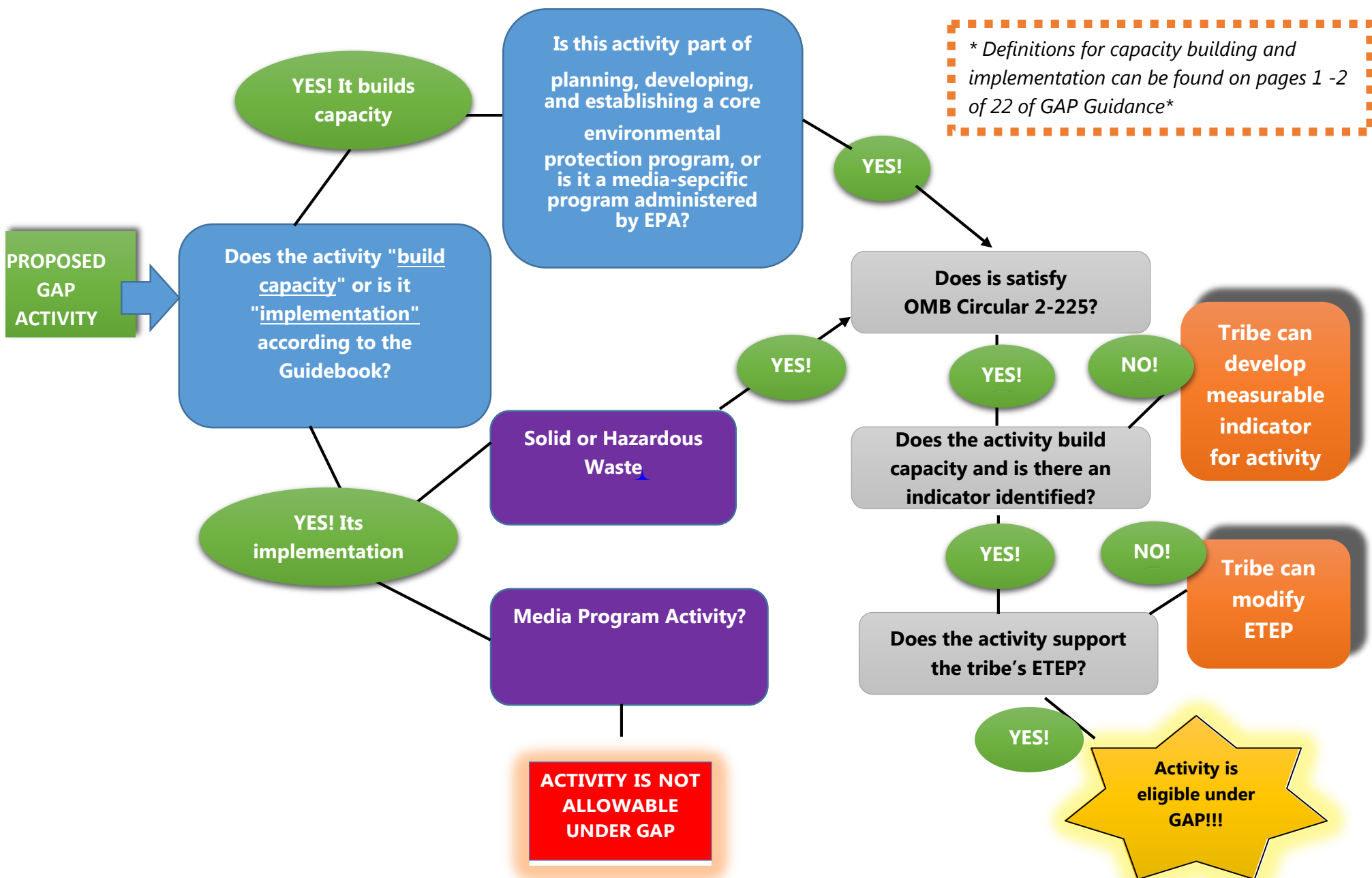
**Confidentiality:** Applicants must clearly mark information they consider confidential, and EPA will make confidentiality decisions in accordance with Agency Regulations found at 40 CFR, Part 2, Subpart B.

### **AGENCY CONTACTS**

For additional information or clarification, please contact your GAP project officer.



## Region 9 Indian Environmental General Assistance Program Allowable Activity Decision Tree



## Planning, Developing, and Establishing Tribal Waste Management Capacity

Tribal environmental departments develop waste management program capacity through a range of planning and development activities. Please see **Section E.3** of the [GAP Guidebook](#) for a non-exclusive list of tribal environmental protection program capacity indicators that EPA will use to evaluate progress under GAP.

**EPA's main tribal solid waste priority is the promotion of sustainable waste management programs through the development and implementation of Integrated Waste Management Plans (IWMPs).**

Development of IWMPs will be prioritized ahead of any implementation work that is proposed if a tribe does not have a plan in place.

Tribes may use GAP funds for any activity identified in an approved work plan designed to establish an applicable capacity indicator, and tribes may choose which capacities apply to their own situations. The list of capacity indicators is meant to be a non-exclusive list, but tribal environmental programs will need to establish suggested capacities to move into solid waste implementation activities consistent with the Solid Waste Disposal Act.

Once a Tribe has established the appropriate capacities (listed under **Section E.3.** in [GAP Guidebook](#)), GAP funds can be used for the following implementation activities in order of priority: (a) program administration; (b) compliance and enforcement; (c) solid waste management, resource recovery, and resource conservation support; and (d) cleanup and closure.

- (a) **Tribal Waste Management Program Administration:** Program administration generally includes all administrative oversight functions to ensure proper program implantation (e.g. financial management, human resources management, program performance evaluation, scheduling). **Examples: Personnel costs for tribal environmental department and administrative staff who oversee/coordinate waste management programs and workers.**
- (b) **Tribal Compliance and Enforcement Programs:** GAP may fund implementation activities associated with tribal waste management laws, codes, and/or regulations, such as compliance assurance (including inspections) and enforcement consistent with extent of the tribe's authority. In addition, GAP may fund tribes to support compliance with federal requirements, including: (1) compliance assurance (including inspections) under Tribal authority at non-hazardous waste disposal facilities to help verify compliance under 40 CFR Part 257 and/or Part 258. Examples: Conducting inspections, providing compliance assistance, to non-hazardous waste disposal facilities and providing results to of such inspections to appropriate EPA personnel. (2) compliance assistance and inspections that help verify that hazardous waste generators are in compliance with 40 CFR Parts 172, 173, 178, and 179. In accordance with a tribally approved IWMP, tribes may also use GAP funds to conduct community outreach and education programs on solid waste, hazardous waste, source reduction, and diversion, and USTs. Examples: Conducting inspections and providing compliance assistance to hazardous waste facilities and providing results of such inspections to appropriate EPA personnel.
- (c) **Activities to Support Solid Waste Management, Resource Recovery, and Resource Conservation:** Consistent with RCRA § 4008, activities funded under GAP may include: facility planning and feasibility studies; expert consultation; surveys and analysis of market needs; marketing recovered resources; technology assessments; legal expenses; construction feasibility studies; source separation projects; and fiscal or economic investigations or studies, **but shall not include any other element of construction or any acquisition of land or interest in land, or any subsidy for the price of recovered resources.** Activities that are part of a sustainable waste management program designed to increase waste source reduction, recycling, composting, and sustainable materials management are also allowed. Purchase, repair, upgrade, or replacement of resource

recovery, resource conservation, and source separation supplies and equipment (e.g. vehicles, scales, containers, crushers, shredders, sheds, fencing, and signage) may be eligible for GAP funding. Similarly, construction, repair, upgrade, and replacement of source separation facilities (e.g. transfer stations (costs associated with determining appropriate size, location, design characteristics, and estimated operating costs for potential solid waste management and/or disposal facilities), recycling centers, and compost facilities, household hazardous waste collection facilities, bulk waste/appliance/electronic waste collection facilities, construction and demolition debris facilities, used oil collection stations, and other similar facilities) may also be funded under GAP. **Other examples:** expert consultation, surveys and analysis of market needs, marketing of recovered resources, technology assessments, legal expenses, construction feasibility studies, source separation projects (activities that are part of a sustainable waste management program designed to increase waste source reduction, recycling, composting, and sustainable materials management).

- (d) Cleanup and Closure Activities:** GAP funds can be used to implement solid and hazardous waste programs consistent with the GAP statute, including cleanup activities, however, the focus will remain on supporting tribal government efforts to develop a sustainable program designed to prevent new, or reoccurring, unauthorized dumping on tribal lands. Indian Health Service is the primary agency responsible for identifying, assessing and funding open dump cleanup and closure.

**If a tribe does propose cleanup and closure activities in their GAP work plan,** it must have either (1) established capacity under the following indicators (as described in the [GAP Guidebook](#)) E.3.5, E.3.6, E.3.7, E.3.8, E.3.17, and E.3.18 or (2) be “substantially pursuing tangible elements” of a program. Please look in the [GAP Guidebook](#) and consult your Project Officer for more specifics. **If a tribe has not developed, or is not “substantially pursuing” the listed capacities, EPA will not prioritize providing financial assistance under GAP for cleanup and closure activities UNLESS the open or unauthorized dump presents an imminent or substantial endangerment to human health or the environment.**

Allowable solid waste and recovered resource collection, transportation, backhaul and disposal costs under the Consolidated Appropriations Act of 2018 will need to be identified with a separate work plan component and budget. One-time work plan commitments such as **solids waste clean-ups** and associated costs should also be described in separate work plan components and budgets. Tribes seeking GAP financial assistance for collection, transportation, backhaul and disposal activities should structure their proposals to identify: (1) where the serviced materials came from (residential, institutional, or commercial sources); (2) the type of serviced materials (solid waste or recoverable materials like metal, glass, organics, electronics, etc.,) and (3) how much material was serviced (weight/volume estimate). For more information about waste and recovered materials classifications, see: <https://www.epa.gov/smm/advancing-sustainable-materials-management-facts-and-figures>. Applicants should review the following supplemental GAP guidance before seeking GAP funds for solid waste and recovered materials collection, transportation, backhaul, and disposal services: *Allowable Solid Waste and Recovered Resource Program Implementation, Collection, Transportation, Backhaul and Disposal Costs under the Consolidated Appropriations Act, 2016* (available at <https://www.epa.gov/tribal/implementation-activities-related-solid-waste-and-recovered-materials-are-allowable-gap>).

**The Tribal Waste Management Funding Resources Directory** is a searchable tool that provides a list of financial waste management assistance resources that are available to tribes and nonprofit organizations: <https://www.epa.gov/tribal-lands/tribal-waste-management-funding-resources-directory>.

**The Technical Assistance Directory** is a comprehensive list of waste management technical assistance providers that are available to tribes: <https://www.epa.gov/tribal-lands/tribal-waste-management-technical-assistance-directory>.

## Allowable Solid Waste and Recovered Resource Program Implementation, Collection, Transportation, Backhaul and Disposal Costs under the Consolidated Appropriations Act, 2018

The tables below present lists of example allowable and unallowable tribal solid waste program implementation activities based on the FY 2018 Consolidated Appropriations Act. This table is a resource for Indian Environmental General Assistance Program (GAP) project officers and grantees negotiating solid waste program implementation work plan components and commitments.

As with all funding decisions under GAP, project officers are encouraged to work with grantees to consider if the costs of delivering governmental solid waste and recovered materials services are reasonable and consistent with the recipient's documented program development goals.

Allowable Solid Waste Implementation Activities Under GAP	
Description	Examples
<b>E.4(a) Tribal Waste Management Program Administration</b>	
Program administration generally includes all administrative oversight functions to ensure proper program implementation (e.g., financial management, human resources management, program performance evaluation, scheduling).	Personnel costs for tribal environmental department management and administrative staff who oversee/coordinate waste management programs and workers, including recycling and other source separation projects. Costs associated with <i>oversight of work</i> performed by transfer station, source separation facility and landfill operators are allowable (scheduling, performance reviews, training requirements, program evaluation, tracking revenues/expenditures, administering fee collection system, managing contractors, administering records retention systems, etc.). Common positions funded under this provision include: Administrator; Supervisor; Manager; Coordinator.
<b>E.4(b) Tribal Compliance and Enforcement Programs</b>	
GAP may fund solid waste program implementation activities associated with tribal waste management laws, codes, and/or regulations, such as compliance assurance (including inspections) and enforcement consistent with the extent of their authorities.	Investigating incidents of unauthorized trash disposal violating specific provisions of a tribal waste management law, code, or regulation. Inspecting landfills, transfer stations, recycling centers, or other waste management facility to ensure compliance with tribally promulgated facility design and operating procedures requirements. Inspecting transportation activities to ensure compliance with tribally promulgated requirements. Reviewing compliance reports and records from tribally regulated entities. Inspecting regulated businesses that may have recycling, composting, or other source separation/resource recovery compliance requirements established under tribal law, code, or regulation. Providing compliance assistance to regulated businesses. Issuing violation notices. Following up on citizen complaints related to potential violations of tribal waste management laws, codes, or regulations. Preparing and submitting enforcement orders to tribal courts for subsequent judicial action.
GAP may fund tribes to support compliance with federal requirements, including: (1) compliance assurance (including inspections) under tribal authority at non-hazardous waste disposal facilities to help verify that such facilities are in compliance with 40 C.F.R. Part 257 and/or Part 258;	Conducting inspections and providing compliance assistance to non-hazardous waste disposal facilities and providing results of such inspections to appropriate EPA personnel. (For tribal solid and hazardous waste programs, implementing capacities established under GAP Guidance Section B.7, <i>Establishing Core Legal Capacities</i> , are allowable.)

Allowable Solid Waste Implementation Activities Under GAP	
Description	Examples
(2) compliance assistance and inspections to help verify that hazardous waste generators are in compliance with 40 C.F.R. Parts 261 and/or 262;	Conducting inspections and providing compliance assistance to hazardous waste facilities and providing results of such inspections to appropriate EPA personnel.
or (3) compliance assurance (including inspections) to help verify that hazardous waste transporters are in compliance with 49 C.F.R. Parts 172, 173, 178, and 179.	Conducting inspections and providing compliance assistance to hazardous waste transporters and providing results of such inspections to appropriate EPA personnel.
In accordance with a tribally approved Integrated Waste Management Plan (IWMP), tribes may also use GAP funds to conduct community outreach and education programs on solid waste, hazardous waste, source reduction and diversion, and USTs.	Activities to assess community knowledge and interest in source reduction, resource recovery, alternatives for managing household hazardous waste, recycling, composting, and the use of green materials in construction and to promote the use of integrated waste management/resource recovery systems and requirements (e.g., if a tribe establishes a waste diversion goal, anti-littering code, open burning ban, construction and demolition debris management requirements, or systems for collecting mercury containing light bulbs, e-waste, or other source separation programs, GAP may fund education and outreach activities designed to achieve these program objectives). Community cleanup events (including those directed towards the collection of household hazardous waste, e-waste, white goods, etc.) and roadside cleanup events that are designed to inform community members of proper waste management practices, to promote waste reduction/source separation, and influence waste disposal practices. Activities to provide the public with information on environmental compliance requirements, a regulated entity's compliance status, and any history of formal and informal enforcement actions taken to address noncompliance. (For tribal solid and hazardous waste programs, the implementation of capacities established under GAP Guidance Section B.6, <i>Establishing Core Public Participation, Community Involvement, Education, and Communication Capacities</i> , are allowable.)
<b>E.4(c) Activities to Support Solid Waste Management, Resource Recovery, and Resource Conservation</b>	
Facility planning and feasibility studies	Costs associated with determining appropriate size, location, design characteristics, and estimated operating costs for potential solid waste management and/or disposal facilities (e.g., transfer stations, recycling centers, other source separation/resource recovery facilities).
Expert consultation	Contracting for professional services required to plan and design solid waste management and/or disposal facilities.
Surveys and analysis of market needs	Costs associated with conducting waste stream analysis and potential options for disposition of recovered resources; includes economic modeling of recovered resource markets. Survey and analysis of recovered resource market is necessary to make sure that the prices that could be charged for recovered materials are realistic.
Marketing of recovered resources	Costs associated with establishing voluntary or contractual arrangements with public or private sector organizations willing to accept recovered resources.
Technology assessments	Costs associated with assessing appropriate technologies for recovering resources (separators, compact sorters, crushers, bailers, etc.).
Legal expenses	Costs associated with obtaining legal assistance in designing and reviewing contracts, intergovernmental agreements, tribal laws/codes/regulations, or other legal documents.

Allowable Solid Waste Implementation Activities Under GAP	
Description	Examples
Construction feasibility studies	Costs associated with designing appropriate construction plans, including whether the project is viable, identifying feasible options, and developing a business/operating plan.
Source separation projects (activities that are part of a sustainable waste management program designed to increase waste source reduction, recycling, composting, and sustainable materials management)	Source separation supplies and equipment (regulations governing the use, management, and disposition of equipment acquired under a grant are found at 40 CFR 31.32). Activities to provide technical assistance and education to schools, businesses, and other organizations to promote adoption of waste minimization activities in accordance with an IWMP. Conducting voluntary "community clean up events" (typically co-sponsored with schools, businesses, or other organizations) to promote awareness, knowledge, and behavioral changes in accordance with an IWMP.
Fiscal or economic investigations or studies.	Waste management facility economic viability analysis, including costs associated with establishing and implementing an effective pay-for-service system, pay-as-you-throw system, or other fee-collection or cost recovery system.
The purchase, repair, upgrade, and replacement of resource recovery, resource conservation, and source separation <b>supplies and equipment</b> .	<p>Repair, upgrade, and replacement of source separation/ resource recovery supplies and equipment (e.g., vehicles, scales, crushers, shredders, sheds, fencing, containers/bins, and signage). Allowable costs do not extend to regular trash collection program supplies and equipment.</p> <p>Repair, upgrade, and replacement of resource recovery, resource conservation, and source separation supplies and equipment are not the same as routine maintenance, which is a prohibited cost (see below).</p>
The construction, repair, upgrade, and replacement of resource recovery, resource conservation, and source separation <b>facilities</b> .	Recycling centers, compost facilities, household hazardous waste collection facilities, bulk waste/appliance/electronic waste collection facilities, used oil collection stations, source separation elements of a transfer station, and other similar facilities. Due to the general prohibition on use of GAP funds for construction, Section 1.4 of the GAP Guidance establishes a requirement to receive approval from the AIEO Director for all construction activities.
Leading circuit rider, train the trainer, and peer-match programs.	Providing technical assistance to other tribes working to establish effective solid waste management programs.
<b>E.4(d) Cleanup and Closure Activities</b>	
A wide range of cleanup activities are deemed eligible under GAP; see subsections E.4(d)(i), E.4(d)(ii), and E.4(d)(iii) for specific requirements. If funded, cleanup and closure work should include documentation on the amount of waste removed/recycled, the types of wastes removed, and the disposition of the waste. Applicable solid waste regulatory standards for classification of disposal facilities and practices found at 40 C.F.R. Part 257 apply. Cleanup activities must also comply with all applicable closure and post closure criteria found at 40 CFR Part 258.	Abandoned waste removals; abandoned vehicle removals; open dump cleanups and closures. Some cleanup activities may require terms and conditions to ensure proper handling of hazardous waste, including but not limited to practices for packaging, temporary storage, and manifest forms used for identifying the quantity, composition, and the origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage. In accordance with the GAP Guidance, Section E.4(d), AIEO Director approval is required prior to funding cleanup activities (page 31 of 42).

**Allowable Solid Waste Implementation Activities  
Under the FY 2016 Consolidated Appropriations Act**

Description	Examples
Collection, transportation, storage, backhaul, and disposal of solid waste and/or recovered resources (recyclables, compost, e-waste, bulk waste, construction debris, light bulbs, batteries, household hazardous waste, etc.).	Door-to-door collection; retrieval of materials from collection stations; transporting materials to waste management and recovered materials processing facilities (such as a tribal transfer station or recycling center); transporting materials to disposal facilities (such as a landfill or incinerator); disposal fees.
Equipment, vehicle, and facility operations and maintenance (including fuel).	Salaries and wages for drivers, technicians, operators, or other workers responsible for conducting facility and service delivery operations (trash/recycling collectors, separators, environmental sanitation engineers, etc.); Staffing costs for crushing cans, baling paper, boxing light bulbs, securing/handling of household hazardous waste, sweeping/cleaning the facility, weighing materials, operating equipment, and driving trucks or other vehicles; and routine scheduled maintenance for vehicles and equipment.
Subsidies for the price of recovered resources.	Payments to incentivize increased participation in the source separation and recovered resource market.
The repair, upgrade, and replacement of municipal solid waste supplies and equipment.	Repairing, upgrading, and replacing regular trash collection program supplies and equipment.
The construction, repair, upgrade, and replacement of municipal solid waste facilities.	Constructing, repairing, upgrading, and replacing regular trash collection program facilities. Due to the general prohibition on use of GAP funds for construction, Section 1.4 of the GAP Guidance establishes a requirement to receive approval from the AIEO Director for all construction activities.

**Unallowable Solid Waste Activities Under GAP**

Description	Examples
The following <b>unallowable activities</b> fall outside the scope of programs authorized under GAP. Consistent with the authority to fund tribal solid waste program implementation under GAP, EPA applies statutory allowances and prohibitions under the Solid Waste Disposal Act, also known as the Resource Conservation and Recovery Act (RCRA), to GAP funding decisions. In addition, “general costs of government services normally provided to the general public” are prohibited by 2 C.F.R. §225, Appendix B(19)(a)(5): “Cost Principles for State, Local, and Indian Tribal Governments.”	
Acquisition of land or interest in land.	GAP and RCRA do not authorize payments for the acquisition or interest in land.
Other general government expenses described at 2 C.F.R. §225, Appendix B(19)(a)(5): “Cost Principles for State, Local, and Indian Tribal Governments.”	(1) Salaries and expenses of the chief executive of federally-recognized Indian tribal government; (2) Salaries and other expenses of a tribal council; (3) Costs of the judiciary branch of a government; (4) Costs of prosecutorial activities; and (5) Costs of other general types of government services normally provided to the general public.



## Equipment Purchase Requests

To justify equipment purchases (i.e. GIS, vehicle, trash compactor, etc), a purchase analysis is required. The basic elements of a purchase analysis will include the following information:

- A justification for the use of the equipment is required. This should explain *why* the equipment is necessary, and *how* the equipment will be used to carry out specific workplan tasks or used for environmental program capacity building needs. (GAP allowability)
- For vehicle requests, an estimate of expected annual vehicle mileage is required.
- A cost analysis (completed under the tribe's procedures), for the alternatives of renting the equipment, leasing the equipment, or splitting costs among other programs is required. This analysis needs to include options to purchase the equipment as *new* and options to purchase the equipment *used*. Cost estimates *each of these options* must be submitted. The most cost-effective option will be evaluated for approval. (GAP reasonableness).
- An explanation of how upkeep and maintenance will be funded, including such costs as insurance, gas, and registration for vehicles and similar costs for other equipment like software upgrades, etc. is required.
- A description of when the tribe previously purchased this or similar equipment with GAP funds is required (GAP eligibility). If so, include the date when was the last item purchased.
- If requesting a vehicle, include the current mileage of the vehicle. Describe if the item/vehicle still in use, and *where* will the item/vehicle go if replaced.
- Please describe a reason for replacing the previous GAP funded item/vehicle.

If the equipment is requested during the grant award:

- Please present a side by side comparison of the existing (current FY) vs new budget categories. This should clearly show which budget categories are being reduced and which ones are being increased.
- If the equipment purchase modifies any tasks, please send in a revised workplan as well (GAP budget revision).

### Federal Surplus Personal Property Donation Program (aka GSAXcess or Federal Excess)

Tribes are encouraged to explore the possibility of finding used equipment under this program. The program allows certain organizations, including tribes, to obtain personal property the federal government no longer needs. Everything from vehicles, boats, and office furniture is available in the system. As funding becomes limited, the Federal Excess is a great way to obtain some of the equipment and supplies tribal environmental programs need. For more information or to sign-up, please visit: <https://www.gsa.gov/portal/content/100733>.

## GAP Guiding Principles

EPA will apply the following Guiding Principles in awarding GAP grants to tribes and intertribal consortia:

1. Ensure tribal governments have the opportunity to build the capacity to:
  - a. Implement federal environmental programs through EPA delegations, authorizations, and primacy designations;<sup>1</sup> and
  - b. Meaningfully participate and engage in environmental protection activities that inform, support, or enhance direct implementation under federal environmental statutes administered by EPA.
2. Promote tribal self-governance by working closely with tribes to:
  - a. Accomplish tribal environmental program goals in EPA-Tribal Environmental Plans that reflect federal environmental program areas of need to protect human health and the environment;
  - b. Support tribes' development of strong core environmental program capacities for media-specific programs administered by EPA; and
  - c. Foster tribes' capacity to assume the authority to implement programs administered by EPA (e.g., Treatment as a State status or through Direct Implementation Tribal Cooperative Agreements).
3. Promote intergovernmental collaboration and cooperative federalism among EPA, tribes, states, and other partners, and focus EPA financial and technical assistance to protect human health and the environment.
4. Support implementation of established solid and hazardous waste regulatory programs in accordance with the purposes and requirements of applicable provisions of law, including the Solid Waste Disposal Act (commonly known as the Resource Conservation and Recovery Act).
5. Maintain strong national program management practices to produce compelling results that align with EPA's statutory authorities.

These Guiding Principles underscore GAP's role in fostering partnerships between EPA and federally-recognized Indian tribes through collaboration and shared accountability. In addition, they clarify how activities funded under GAP will support EPA's priorities consistent with the Indian Environmental General Assistance Program Act of 1992, *EPA Policy for the Administration of Environmental Programs on Indian Reservations* (1984), *Indian Environmental General Assistance Program Guidance on the Award and Management of General Assistance Agreements for Tribes and Intertribal Consortia* (2013), and the FY 2018-2022 EPA Strategic Plan. EPA's management of GAP will continue to strive to support all federally recognized tribes that are building capacity to implement the full spectrum of environmental regulatory programs administered by the EPA.

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<sup>1</sup> For more information on laws providing for EPA delegation, authorization or primacy designation to tribal governments, visit <https://www.epa.gov/tribal/tribal-assumption-federal-laws-treatment-state-tas>.

## **EPA -Tribal Environmental Plans**

In accordance with the GAP Guidance, EPA will work with each tribe to develop and implement an EPA-Tribal Environmental Plan (ETEP), which sets the stage for stronger environmental and human health protection in tribal communities. The purpose of an ETEP is to develop the complete picture of the particular environmental issues facing the tribe, establish a shared understanding of the issues the tribe will be working on, and a shared understanding of those issues that EPA will address consistent with its responsibility to protect human health and the environment.

ETEPs are instrumental for tribes and EPA to define mutual roles and responsibilities for environmental protection program implementation on tribal lands, and help prioritize the tribal work funded under GAP, and work conducted by EPA in the tribal arena. GAP work plans should direct funds toward developing environmental program capacities that support the long-term priorities and goals in the ETEP.<sup>1</sup>

When applying for GAP financial assistance, tribes should describe how their proposals respond to the program development goals documented in their ETEP. Tribes and EPA should jointly review the ETEP at least annually and update it as appropriate to reflect greater clarity on environmental program administration priorities over time, to adjust performance expectations, or account for changing environmental and administrative conditions. As a result, tribes may include activities to update their ETEP in their work plan proposals.

Consistent with the ETEP completion schedule established pursuant to GAP guidance, Section 4.4 (p. 19 of 22), EPA set December 31, 2018 as a deadline for tribes and EPA to establish ETEPs. In accordance with this established schedule, the following guidance applies to any tribe that does not have a complete ETEP (i.e., that includes the four components outlined in the GAP Guidance, Section 4 (p. 13 of 22)), at the time of applying for GAP funding during Federal Fiscal Year 2019 and beyond:

1. The EPA Regional Office may request approval from the director of EPA's American Indian Environmental Office to modify its schedule, and have a documented agreement for an ETEP completion date that is later than December 31, 2018, and the tribe's work plan includes a component to finalize the ETEP by the new agreed-upon date. Note: If an EPA regional office fails to establish an ETEP with a tribe in accordance with the approved schedule, EPA may consider the ETEP grant condition to be unmet and the GAP grant could be denied.
2. EPA reserves the right to award new, incremental or supplemental funding only for work plan activities related to finalizing the ETEP.
3. For any tribe seeking GAP funding for the first time or after several years without GAP funding that does not have an ETEP, EPA expects ETEP development to be included as a component of the tribe's work plan.

Please see Section 4.0 of the GAP Guidance for specific information on the purpose, format, components and use of an EPA-Tribal Environmental Plan. See Appendix III of the GAP Guidance for a sample GAP work plan component for this task.

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<sup>1</sup> See GAP Guidance Section 4: "Developing EPA-Tribal Environmental Plans (ETEPs)" (p. 13 of 22).

## **Eligibility of Tribes and Intertribal Consortia**

Indian tribal governments and intertribal consortia are eligible to receive funds under this program. These terms are defined in 40 CFR 35.502 as follows:

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

An *intertribal consortium* is a partnership between two or more tribes authorized by the governing bodies of those tribes to apply for and receive assistance under the Indian Environmental General Assistance Program.

Under EPA's tribal grant regulations, an intertribal consortium is eligible to receive GAP financial assistance when the consortium can adequately document compliance with the following requirements:

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

This means that a consortium may receive a GAP grant even if the consortium includes members that are not federally recognized tribes, so long as the consortium meets the three regulatory requirements specified above. Authorization of the consortia to apply for and receive the GAP award is required from all GAP-eligible member tribes.

For purposes of determining intertribal consortia eligibility, a "GAP-eligible tribe" is any tribe that meets the definition of Indian tribal government (tribe) in 40 CFR 35.502. With each new or supplemental GAP grant application, an intertribal consortium must provide EPA with "adequate documentation" of: (1) the existence of the partnership between eligible tribal governments; and (2) authorization by all GAP-eligible member tribes for the consortium to apply for and receive the new or supplemental GAP grant. This documentation ensures clear communication between consortia and member tribes so that EPA is able to appropriately consider individual tribal needs and priorities when awarding GAP funds to intertribal consortia. As an example, tribal authorization may be provided by a tribal council resolution or other written certification from a duly authorized representative of each GAP-eligible member tribe. Tribal government endorsements and authorizations must indicate consortia work plan commitments that compliment but do not duplicate commitments in tribal work plans. Applications that do not contain adequate documentation from all GAP-eligible tribes will be considered incomplete.

In accordance with Guiding Principle #2, EPA will award GAP funds to help tribes accomplish their tribal environmental program development goals as outlined in their EPA-Tribal Environmental Plan. To further this principle, intertribal consortia are advised to describe how their grant proposals support the program development goals outlined in the ETEPs developed by their GAP-eligible member tribes.

## Cleanup and Closure Project Funding Requests

All cleanup and closure requests are decided by AIEO based on a regional analysis and recommendation. Consistent with the GAP Guidance, Appendix I, sections E.4.(d)(i) and E.4.(d)(ii), AIEO's determination considers the extent to which the applicant is able to document that they have successfully completed or are "substantially pursuing tangible elements of" a sustainable waste management program according to the following capacity indicators, before approving or denying cleanup and closure funding requests. To determine if a tribe is substantially pursuing the following key sustainable waste management program elements, the request should describe any progress made and anticipated completion dates for all incomplete program elements.

**E.3.5** Tribe is conducting community education and outreach activities to (1) assess community knowledge and interest in source reduction, alternatives for managing household hazardous waste, recycling, composting, and the use of green materials in tribal construction and (2) to promote the use of such integrated solid waste management systems.

**Criteria:** Describe the waste minimization or compliance goals of community education and/or outreach. Describe what the tribe seeks to change in terms of knowledge and behavior as a result of education and/or outreach. Describe how the success/failure of education and/or outreach efforts is evaluated. Holding an event is not a goal. The goal is to produce a measurable change in knowledge or behavior because that change is needed to achieve an environmental result. For example, if the tribe is attempting to increase the amount of materials diverted from the waste stream for recycling by X%, the goal could be: "Increase resource recovery from A% to X%."

**E.3.6** Tribe has completed a waste assessment (e.g., a waste stream characterization study of the solid and hazardous waste management practices, facilities, and issues in the community; effectiveness of current waste management system(s); waste collection and disposal options; and associated costs).

**Criteria:** Include the amounts (i.e., volume or weight) and composition of the community's waste stream, the community waste reduction goals/targets, the waste collection and disposal options most likely to help the community meet its waste reduction goals/targets, fee structures, and how far along the Tribe is at establishing those collection and disposal options.

**E.3.7** Tribe has a tribally-approved Integrated Waste Management Plan (IWMP).

**Criteria:** Please include a copy of the most recent IWMP and the date it was approved.

**E.3.8** Tribe has established a program to provide waste minimization, recycling, household hazardous waste collection, used oil collection, junk vehicle removal, bulk waste/appliance/electronic waste collection, and/or composting.

**Criteria:** Please include a short description of program(s) that are "up and running" in accordance with the approved IWMP, date(s) initiated, and degree to which the programs are impacting the community's waste reduction goals/targets.

**E.3.17** Tribe has enacted waste management and/or UST laws, codes, and/or regulations with effective compliance assurance and enforcement mechanisms (including anti-littering provisions

and protocols to address small-scale dumping/burning activities; siting/operating requirements for USTs that are at least as stringent as the federal program).

**Criteria:** Please include the title of code(s), what waste is covered, and date(s) enacted.

Describe any enforcement actions being carried out, and the results. If not, include reasons for no enforcement actions. Evidence of a plan to promulgate solid waste regulations could be in the tribe's ETEP or work plan proposal and should contain estimated completion dates for code development milestones.

**E.3.18** Tribe has established a compliance monitoring and enforcement strategy for the tribe's solid and hazardous waste management laws, codes, and/or regulations.

**Criteria:** Please provide the date that the strategy/procedures was approved, and describe the strategy.

If all criteria have been met for the capacity indicators, a Project Officer may make a recommendation to AIEO for cleanup and closure of a site. For each request, the following information is required to be submitted by the tribe:

- the requested funding amount.
- information on any cleanups funded by EPA in prior years at the tribe.
- location information for site that is requested to be funded for cleanup.
- information on how many times the site has been funded for cleanup by EPA in previous years.
- a description of established tribal solid waste *program administration*.
- a description of established tribal *compliance and enforcement* strategies.
- a description of established *solid waste management, resource recovery, and resource conservation support*.
- a description of administrative controls, which may include things such as: agreements in place with public safety officials to ensure safety of participants; all necessary permits for the event are obtained, including hazardous waste transportation permits; safety equipment, packaging, and other supplies are properly obtained and provided to participants; record keeping system for tracking material type and volume collected; assurance that materials collected end up in a permitted disposal or materials processing facility; etc.
- location information (i.e. latitude and longitude, and datum format) for the cleanup being requested.
- information on the ownership status of the land (i.e. fee simple, allotment, assignment).
- information on whether the proposed cleanup is located in the wSTARS registry maintained by Indian Health Service. If so, please provide: (1) the STARS identification number; (2) the hazard ranking score; and (3) eligible IHS project cost.
- Estimated size of the proposed cleanup location(s) (sq. ft. or acres).
- Estimated volume of materials to be removed (cubic yards).
- Brief description of materials to be removed (*i.e., quantities of white goods, electronic waste, recyclables, household waste*).

## GAP Budget Detail

**PERSONNEL** - List all staff positions for the project by title. Give hourly salary rate, number of hours allotted to the project, and total cost for the project period. For proposed salary increases, please verify that the increase is due to a tribal government policy (e.g., cost of living, promotion) or Tribal Council Action (such as a resolution) to support the increases.

**FRINGE BENEFITS** - Identify the percentage used for your calculation and what benefits are included.

**TRAVEL** - Travel costs should be itemized each staff person and trip. Indicate the budgeted travel purpose, the destination of each trip, the duration of the trip and the number of travelers. Specify the mileage, per diem, and other costs for each type of travel, such as lodging, common carrier transportation, etc.

**EQUIPMENT** - Identify each item to be purchased which has an estimated acquisition cost (including shipping) of \$5,000 or more per unit and a useful life of more than one year. Items with a unit cost of less than \$5,000 are deemed to be supplies. Please provide a detailed justification and identify the appropriate work plan component and/or commitment number, and explain how you arrived at your estimates. If applicable, indicate why it is more cost effective to purchase rather than lease.

**SUPPLIES** - "Supplies" means all tangible personal property, other than "equipment". The detailed budget should identify categories of supplies to be procured (e.g., office supplies), and their cost. If requesting items previously purchased, explain why they are being purchased again. Explain how you arrived at your estimates.

**CONTRACTUAL** - Identify each proposed contract, procurement method, and specify its purpose and estimated cost. Provide information on how the estimates were arrived at.

**NOTE:** Applicants should review the 2 CFR Part 200 concerning procurement, and the need to provide justification for sole source agreements and documentation concerning cost-price analysis for contracts and other agreements.

If your project requires the hiring of **consultants (individuals with specialized skills who are paid at an hourly or daily rate)**, the maximum allowable consultant rate cannot exceed the maximum daily rate for a Level IV of the Executive Schedule, adjusted annually. You may find the annual salary for Level IV of the Executive Schedule on the following Internet site: <http://www.opm.gov/oca>. Select "Salary and Wages", and select "Executive Schedule". The annual salary is divided by 2087 hours to determine the maximum hourly rate, which is then multiplied by 8 to determine the maximum daily rate.

**OTHER** - Include items here which do not fit in the other specific budget categories. Give a brief description of the expense and how you arrived at the estimate. \*Grantees who own their building are not entitled to reimbursement for rent; however, they may directly charge for utilities, insurance, depreciation and maintenance costs using a cost allocation plan. If an expense is being shared with other programs, please provide the cost share formula.

**INDIRECT COSTS** - If indirect charges are budgeted, indicate the approved rate and base. The base amount is usually total direct costs, less capital expenditures and pass through funds. Pass through funds are normally defined as major subcontracts, payments to participants, stipends to eligible recipients, and subgrants, all of which normally require minimal administrative effort. However, please refer to your negotiated agreement for specific guidance. Provide a copy of your most recent indirect cost rate agreement that qualifies. For budgeting purposes only, the rate cannot have expired more than 3 years prior to the proposed project start date for the grant you are applying for.



### Sample GAP Workplan Activities

**Administrative Capacity Building:** Grantees may receive minimal funding to support administration of a GAP program which includes: planning, evaluation, and reporting. Please review Section A and B of the GAP Guidebook for administrative capacity-building indicators.

Administrative/Fiscal Assessments are required for every new GAP grant. The purpose of these assessments is to review and assess the Tribe's Policies and Procedures to ensure that the Tribe's systems meet the requirements of Cost Principles under 2 CFR Part 200 Subpart E. Corrections to deficiencies found in the Tribe's administrative systems may be eligible activities under the GAP. This activity should be completed at least once every four to five years, more frequently if needed, and in year one of every new GAP grant.

**Programmatic Capacity Building:** Grantees may receive GAP funding based on the scope of the tribal environmental program capacity areas that are actively being developed consistent with EPA-administered programs. Please review Sections C through G of the GAP Guidebook for sample capacity building indicators.

**Equipment Purchases:** Equipment is defined as tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more (per unit), although a lower dollar amount threshold can be established by the applicant. Federal threshold will be used for approval purposes. Any proposed equipment costs must be allowable, allocable, necessary, and reasonable. ALL equipment purchases require prior approval of the EPA Project Officer. Applicants requesting equipment must address the requirements outlined in **Attachment D**.

**Solid and Hazardous Waste Implementation:** As described in Section E of the GAP Guidebook, GAP can fund the implementation of solid and hazardous waste programs. In addition, the Consolidated Appropriations Act, 2018 (Public Law No: 115-141) identifies the eligibility of solid waste and recovered materials collection, transportation, backhaul, and disposal services under GAP.

Allowable solid waste and recovered resource program implementation, collection, transportation, backhaul and disposal costs under the Consolidated Appropriations Act of 2018 will need to be identified with a separate work plan component and budget. One-time work plan commitments such as solid waste clean-ups and associated costs should also be described in separate work plan components and budgets.

**Pilot Projects:** Establishing an environmental protection program may include performing a "test drive" of the program to determine whether the tribe is ready to move into the program implementation phase. "Test drives" of capacity to implement are for evaluating the effectiveness of a program and may be funded for up to four years under GAP. Work plans containing "test drive" activities should contain activities to collect information about program design and effectiveness and describe how this information will be used to identify options for improving the program, including but not limited to: new or revised environmental protection policies and procedures; more stringent standards and/or requirements; and additional capacity development needs (GAP Guidance, page 4 of 22).

**Proposal Preparation Costs:** As provided at 2 CFR 200.460, directly charging proposal preparation costs is allowable under GAP when a tribal government recipient or intertribal consortium is seeking funding from other EPA programs, other Federal agencies, state or local governments, and private foundations, when these proposal preparation activities are allowable, allocable, necessary, and reasonable for achieving statutory goals under the Indian Environmental General Assistance Act, implementing regulations, and guidance if the tribe can document that those costs are not already included in their indirect cost rate. Proposal preparation costs must not exceed 5% of the total budget, including cost-share and matching funds that are part of the award.