



United States Environmental Protection Agency Region 4, Atlanta, Georgia

Notice of Availability of Tribal Program Funding

FY2021

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)

Clean Water Indian Set-Aside Funding

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IMPORTANT DATES FOR FY2021 AWARDS

Milestone	Program					
Grant Program	GAP	Brownfields	CWA 106	CAA 103 & 105	DWIG- TSA	NPS
Announcement distributed to Tribes *Funding Request to HQ & R4	11/13/20	10/2/20 & 12/11/20*	11/13/20	11/13/20	11/13/20	11/13/20
Proposed Work Plans due to EPA	3/31/21	12/11/20	3/31/20	3/31/21	(Proposal Due Only) 1/28/21	3/31/21
Funding Decision Notification to Tribes	5/31/21	5/31/21	5/31/21	5/31/21	3/22/21	5/31/21
Final Work Plan/Signed Applications to R4	6/15/21	5/31/21	6/15/21	6/15/21	5/24/21	6/15/21
Award Issued by	10/1/21	10/1/21	10/1/21	10/1/21	10/1/21	10/1/21

INTRODUCTION

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

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

Performance Partnership Grants (PPG) may be beneficial for grantees, and Region 4 will accept requests for including funds from two or more eligible programs in a PPG (Attachment 1, PPG Eligible Grants). For more information, see the Best Practices Guide for Tribal PPGs at <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 Project Officer (PO). Tribes choosing to submit a consolidated PPG work plan should submit the work plan to the PPG PO.

The final initial application and work plan should be submitted via www.grants.gov for new grants, or via e-mail to the PO for continuations. See Attachment 2 for application submission instructions and Attachment 3 for indirect cost (IDC) eligibility. Pursuant to the EPA Office of Grants and Debarment Policy Notice PN-2018-G12, “Establishment of Requirement of Full Application with Initial Submission,” recipients must submit a full application with an initial application, as defined in Grants Policy Issuances, GPI-14-01, “Electronic Submission of Initial Grant Applications.” This includes submittal of all documents required under OGD’s “Full Applications Guidance.” See Attachment 3 for a list of required assurances, which should also include a copy of the most recently approved IDC proposal (rate) and updated data competency documentation (when required).

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

TRIBAL PROGRAM/GRANT CONTACTS		
GAP/PPG	Katie Pugh	404-562-8351
Clean Water Act Section 106	Eve Zimmerman Jennifer Shadle	404-562-9259 or 404-562-9436
Clean Air Act Section 103 & 105	Stuart Perry Kristine Johnson	404-562-8980 or 404-562-9071
Drinking Water Infrastructure Grant Tribal Set-Aside	Erskine Benjamin	404-562-9771
Brownfields (CERCLA 128(a))	Cindy Nolan	404-562-8425
NPS (CWA 319)	Sharon Brown	404-562-9269
Clean Water Indian Set-Aside	Erskine Benjamin	404-562-9771
UST/LUST	Mallory Miller	404-562-9483
PPG Project Officer	Katie Pugh	404-562-8351
Grant Specialist	Shantel Shelmon	404-562-9817

INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM (GAP)

General GAP Information

EPA provides Indian Environmental General Assistance Program (GAP) financial and technical assistance to tribal governments and intertribal 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 section below, 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 (e.g., ambient air quality, water quality, managing waste, and other EPA-administered statutory programs). GAP funds can be combined with other eligible EPA funds in a PPG and do not require tribal matching funds.

EPA-Tribal Environmental Plans (ETEPs)

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.¹

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 a completion date of December 31, 2018, in order for a tribe to apply for and receive GAP funds,

¹ See 2013 GAP Guidance, Section 4.0, Developing EPA-Tribal Environmental Plans

including new, incremental or supplemental funding. 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.

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;² 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.

Eligibility under GAP

Indian tribal governments (tribes) and intertribal consortia are eligible to receive funds under this program.⁴ These terms are defined in 40 CFR 35.502 as follows:

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

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

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:⁵

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. Applications that do not contain adequate documentation from all GAP-eligible tribes are 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 (ETEP). 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.

Eligible Capacity-Building Activities

Eligible capacity-building 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.

Work Plan Proposal and Application Submission Information

Region 4 will use GAP resources to fund FY2022 activities. Until the Regional GAP allocation is known, the Region will assume that available funds will be similar to the amount awarded in previous years -- between \$600,000 and \$700,000. Should the regional allocation exceed or fall short of this estimate, Region 4 will negotiate adjustments to approved work plans and budgets, as needed.

GAP funds to individual tribes will be based on the approved work plans negotiated with the EPA PO/Tribal Relations Coordinator. The EPA PO will consider proposed work plan activities in full consideration of each tribe's ETEP priorities and capacity building goals. Application review factors explained on pages 19-20 of the 2013 GAP Guidance 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.

Region 4 will accept multiple-year work plans and grant applications, up to a maximum of 4 years² for GAP grants. EPA's FY2018 to 2022 Strategic Plan ("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 Strategic Plan, are allowable under the 2013 GAP Guidance, and support Tribal Priorities specified in each tribe's ETEP.

Recipients should review multi-year work plans and discuss any needed work plan or budget adjustments or amendments with the EPA PO prior to March 31, 2021.

All applicants funded through PPGs with one-year work plans or initiating a new work plan for a FY 2021 grant for FY 2022 activities should use the GAP Work Plan Template provided in Attachment 4 to this Notice to submit proposed work plans to the GAP/ PPG PO. 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 FY2021 will have the opportunity to provide feedback to EPA's American Indian Environmental Office that will further improve the system. Applicants must complete all blocks and columns on the work plan template or 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. If not using GAP Online, submit proposed work plans by email attachment (pdf or WORD) to the GAP/PPG PO by the due date on the chart on pg. ii.

Work plan approval may be delayed by a recipient's failure to submit required work plans or progress reports in a timely or complete manner. Once the GAP PO provides final approval on the work plan and funding, the applicant 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 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>.

² 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.

Administration Information

Regulations governing the award and administration of environmental program grants for tribes can be found at 40 C.F.R. Part 35, Subpart B. Information on Program Grants for Tribes can be found at <https://www.epa.gov/grants>. Federal administrative requirements can be found at 2 C.F.R. Part 200 and EPA-specific requirements at 2 C.F.R. Part 1500.

OMNIBUS Authority and Terms and Conditions

The Consolidated Appropriations Act, 2018 (Public Law No:115-141) states: “Funds appropriated for the Indian Environmental General Assistance Program shall be available to federally recognized tribes for solid waste and recovered materials collection, transportation, backhaul, and disposal services.” Tribes seeking GAP financial assistance for these unique activities should structure their proposals to identify: (1) where the serviced materials will come from (residential, institutional, or commercial sources); and (2) what type of material will be serviced (solid waste or recovered materials). 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>).

BROWNFIELDS REVITALIZATION AND ENVIRONMENTAL RESTORATION ACT of 2001

CERCLA Section 128(a) Brownfields Response Program Development

EPA HQ issues annual Funding Guidance for States and Tribes each year; the current guidance is available at <https://www.epa.gov/brownfields/funding-guidance-state-and-tribal-response-programs-fiscal-year-2021-0>.

Funding requests and draft work plan must be submitted to the Region by December 11, 2020. All requests from states and tribes are forwarded to EPA HQ to develop, with input from the Region, a proposed funding decision based on a more detailed understanding of needs and budgets. EPA HQ is expected to finalize funding allocations by Spring 2021. Region 4 anticipates notifying tribes of approved funding and work plans based on the budget allocation decision by May 2021.

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 FY21, the EPA anticipates a similar appropriation as FY20 (\$46.2 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 contact Cindy Nolan, Region 4 Tribal Brownfields Coordinator.

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

Small Community Technical Assistance Grants

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

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

- Disadvantaged Area – The term “disadvantaged area” means a community with an annual median household income that is less than 80 percent of the statewide annual median household income, as determined by the President based on the latest available decennial census, and/or
- Small Community – the term “small community” means a community with a population of not more than 15,000 individuals, as determined by the President based on the latest available decennial census.

State and tribes with active CERCLA 128(a) grants requesting funds in FY2021 are eligible to submit one request on behalf of a small community or disadvantaged area. The maximum amount of funding allowed is \$20,000. The funding will be awarded as part of the FY21 CERCLA 128(a) funding grant. Requests will be considered based on the following:

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

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

- the amount of funding requested,
- a description of the target community and how they meet the statutory definition of disadvantaged area or small community,
- a description of the proposed project, including a description of key activities, and how it will further brownfields reuse,
- the expected outcomes and timeline to complete the project,
- how/who will be conducting the activities (e.g., state, tribe, contractor)

- if additional resources are necessary to complete the project, please explain how you will secure them,
- an explanation of why existing state and tribal funding is inadequate to complete the proposed project,
- and demonstrate that the community supports the state or tribe receiving the grant.

CLEAN WATER ACT SECTION 106

General Funding and Award Information

The U.S. Environmental Protection Agency (EPA) Region 4 is requesting the submission of FY 2021 Clean Water Act (CWA) Section 106 work plans and final applications by the dates in the chart on pg. ii. 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 1 of the 2018-2022 Strategic Plan which can be located at the link on the following page on the EPA website: <https://www.epa.gov/sites/production/files/2018-02/documents/fy-2018-2022-epa-strategic-plan.pdf>.

FY 2021 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 and Final Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act for 2007 and beyond at <https://www.epa.gov/sites/production/files/2014-09/documents/final-tribal-guidance.pdf>.

Region 4 will utilize the Interim Final R4 Tribal Funding and Project Selection Guidelines, which was approved through tribal consultation in 2016 and 2019. If you need a copy of the current Guidelines, please contact either Eve Zimmerman or Jennifer Shadle. The FY 2021 Region 4 allotment is unknown at this time, but the Region is presently assuming that the funding level will be comparable to previous annual tribal allocations. For funds to be awarded prior to September 30, 2021, tribal submittals must comply with the dates on the Chart at the bottom of pg. ii 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).

Example Calculating 5% match:

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

Work Plan Proposal and Application Submission Information

The Catalog of Federal Domestic Assistance (CFDA) Number for CWA 106 is 66.419 (66.605 for PPG). Tribes should use the same work plan format as submitted for the FY2020 approved work plans. A draft work plan and application may be submitted for review to Eve Zimmerman and Jennifer Shadle.

Pursuant to the EPA Office of Grants and Debarment Policy Notice PN-2018-G12, "Establishment of Requirement of Full Application with Initial Submission," recipients must submit a full application with an initial application, as defined in Grants Policy Issuances, GPI-14-01, "Electronic Submission of Initial Grant Applications." This includes submittal of all documents required under OGD's "Full Applications Guidance." See Attachment 3 for a list of required assurances, which should also include a copy of the most recently approved IDC proposal (rate) and updated data competency documentation (when required). See Attachment 3 for grants.gov submittal instructions for new grants or annual supplemental funding requests.

Recipients should review multi-year work plans and discuss any needed work plan or budget adjustments or amendments with the EPA PO prior to March 31, 2021.

Administration Information

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

Final Financial Reports (FFRs) 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 C.F.R. § 1500.11.

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

CLEAN AIR ACT SECTIONS 103 AND 105

Funding Opportunity Description

The U.S. Environmental Protection Agency's responsibility to Tribes includes support in developing infrastructure, administrative and technical capacity to manage environmental programs in Indian Country. §105 of the Clean Air Act (CAA) authorizes assistance to 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 C.F.R. 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 and these grants are not eligible for inclusion in a PPG according to 40 C.F.R. Part 35.501. Reference the Catalog of Federal Domestic Assistance 66.038 for further guidance on this grant authority.

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

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

Eligible Program Activities

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

- (1) Conducting an ambient air quality assessment or emissions inventory;
- (2) Monitoring ambient air quality;
- (3) Conducting community education and outreach activities on air pollution issues;

- (4) Participating in local, regional and national air quality initiatives;
- (5) Creating a tribal air ordinance; and
- (6) Establishing a permitting program, etc.

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

- (1) Implementing³ programs for the prevention and control of air pollution; and
- (2) Implementing⁴ programs for the national primary and secondary ambient air quality standards.

Examples of activities not eligible for funding include:

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

Draft Workplan Proposal Submission

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

1. Work Plan

- a. **Header:** project title, project manager name, total project cost (including EPA funds and other sources), type of grant application: 1) Section 103 or 105; and 2) new application or continuation (e.g., extension of the grant project and budget period).
- b. **Problem Statement/Background Information:** Provide a well-supported statement or needs assessment of the problem to be addressed which demonstrates the reason your Tribe should receive funding support.
- c. **Objectives:** Objectives should be specific, measurable, and clearly describe how they are related to and lead to the project goals and expected environmental outcomes (e.g., environmental results). Objectives should also be linked to the environmental outcomes (e.g., “public” benefits to be obtained).
- d. **Commitments:** Outline in detail the necessary tasks and activities that will be conducted to achieve an output (*i.e.*, tangible work product) or an outcome (*i.e.*, environmental impact). Describe why you have chosen these activities to obtain the desired environmental results. The tasks and activities should be realistic and achievable within the budget and project period of the grant.
- e. **Specific Outputs for Environmental Results:** Outputs mean the specific deliverables of an environmental activity, effort, and/or associated work products related to an environmental goal or objective that will be developed over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period.
- f. **Desirable Environmental Outcomes:** This means the result, effect or consequence that will occur from carrying out an environmental activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-

³ Note that the term “implementing” means any activity related to the planning, developing, establishing, carrying-out, improving, or maintaining of such programs.

⁴ See note 3, *supra*.

related or programmatic in nature, must be quantitative, and may not necessarily be achievable within an assistance agreement funding period.

- g. Target Dates & Milestones: Include an estimated timeline or schedule of expected target dates and milestones to achieve specific tasks and accomplishments during the budget and project period. Time frames need to be for a calendar date.
- h. Performance Measures: Provide some detailed explanation/criteria of how the progress and results of the project shall be evaluated (through quantitative means, if possible). Evaluation should occur during as well as after the project activities are conducted to make sure appropriate adjustments can be made along the way, if necessary.

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

Budget Requirements

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

Application Submission and Review Procedures

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

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

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

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

8. Adherence to requirements for closing out previous grants and submitting required financial reports.

Post Award Administration

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

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

Reports must include the following information:

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

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

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

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

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

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

DRINKING WATER INFRASTRUCTURE GRANT - TRIBAL SET-ASIDE

Funding and Award Information

The Reauthorization of the Safe Drinking Water Act (SDWA) in 1996 created a State Revolving Fund (SRF) loan program, whereby funding could be made available 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.

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

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

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 (USET), 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 was made 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:

Poarch Band of Creek Indians – 2021
Seminole Tribe of Florida – 2022
Catawba Indian Nation – 2023
Eastern Band of Cherokee Indians – 2024
Miccosukee Tribe of Indians of Florida – 2025
Mississippi Band of Choctaw Indians – 2026

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.

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). Additionally, the WIIN Act of 2016 further expanded the program's eligible activities by allowing funds to be used to support training and operator certification for operators of PWSs that serve Indian tribes. Eligible project categories should 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);
- Provide operational efficiencies to reduce operation and maintenance costs; and
- Provide training and operator certification to achieve and maintain PWS compliance.

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.

Project Proposal and Application Submission Information

Project proposals should include the following:

- A cover letter from the Tribal Leader that includes the following:
 - 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 interagency agency (IA) with IHS. Please note that restrictions apply for either award mechanism.
 - **Grant Restrictions:** If a tribe requests a grant, then the program will conduct a grant performance review to ensure that the applicant is currently meeting the terms and conditions of active grant awards and/or has met those terms and conditions of previous grants within at least the last two years. The program will make one of three decisions: approve, conditionally approve, or deny. Conditional approvals may be granted depending on the nature of the issues found and whether they can be corrected.
 - **Interagency Agreement Restrictions:** A tribe must not have a compact designation with the Indian Health Service to request an IA. If the tribe does have a compact, then they must agree to a “buy-back” agreement with IHS for services, either in part or in whole. If the tribe is unable to secure such an agreement with IHS, then the tribe may request a grant.
- Preliminary Engineering Report (see template in Appendix C of Regional Guidelines)

- Completed Capacity Checklist (Appendix D of Regional Guidelines)

Please email project proposals to Benjamin.Erskine@epa.gov.

Pursuant to the EPA Office of Grants and Debarment Policy Notice PN-2018-G12, “Establishment of Requirement of Full Application with Initial Submission,” recipients must submit a full application for their initial submission, as defined in Grants Policy Issuances GPI-14-01, “Electronic Submission of Initial Grant Applications.” This includes submittal of all documents required under OGD’s “Full Applications Guidance.”

Project Proposal/Application Timeline

Deadline for Submitting Proposals	:	January 28, 2021
Project(s) Selection	:	March 3, 2021
Grant Application Deadline:		May 24, 2021

Failure to submit a full and complete application by the deadline will result in the funds being made available to the next highest-ranking project(s) and/or funds may be swept by EPA Headquarters and reallocated to another region for funding tribal water infrastructure. It is anticipated the DWIG-TSA program funding for EPA Region 4 may be as much as \$580,000, although exact funding amounts are not presently known.

NON-POINT SOURCE PROGRAM

General Information

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

Background

During FY 2020, Region 4 awarded \$150,000 in base grants to five tribes to address high-priority activities aimed at producing improved water quality. EPA looks forward to continuing to work with tribes to implement successful projects addressing the extensive non-point 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% of the total section 319 appropriation. For FY 2021, 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.

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

Environmental Results

EPA has developed guidelines for awarding CWA Section 319 base grants to Indian tribes. These guidelines apply to section 319 base grants awarded from funds appropriated by Congress in 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), it is anticipated that grants awarded under these guidelines will be expected to accomplish various environmental outcomes as described below. All proposed work plans must include specific statements describing the environmental results of the proposed project in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that demonstrate how the project will contribute to the overall protection and improvement of water quality.

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

Allocation Formula

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

Square miles (acres)	Base amount
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).

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.

Eligibility and Match Requirements

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.

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 C.F.R. § 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 C.F.R. § 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 C.F.R. §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.

Cost Share/Match

Section 319(h)(3) of the CWA requires that the cost share/match for NPS grants is 40% of the total project cost. In general, as required in 40 C.F.R. § 31.24, the cost share/match requirement can be satisfied by any of the following: (1) allowable costs incurred by the grantee, subgrantee, or a cost-type contractor, including those allowable costs borne by non-Federal grants; (2) by cash donations from non-Federal third parties; or (3) 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% 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 C.F.R. § 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% of the total cost of the work plan budget for the first two years in which the tribe receives a PPG; after two years, the cost share/match may be increased up to 10% of the work plan budget (as determined by the Regional Administrator). *See* 40 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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, they may contact Sharon Brown.

Match calculation table for tribes eligible for \$50,000 of base funding (> 1,000 mi²)				
<i>Total project cost</i>	<i>Nonfederal match</i>	<i>Federal share</i>	<i>Nonfederal Match</i>	<i>Federal share</i>
\$83,333	40%	60%	\$33,333	\$50,000
\$55,556	10%	90%	\$5,556	\$50,000
\$52,632	5%	95%	\$2,632	\$50,000

Match calculation table for tribes eligible for \$30,000 of base funding (< 1,000 mi²)				
<i>Total project cost</i>	<i>Nonfederal match</i>	<i>Federal share</i>	<i>Nonfederal Match</i>	<i>Federal share</i>
\$50,000	40%	60%	\$20,000	\$30,000
\$33,333	10%	90%	\$3,333	\$30,000
\$31,579	5%	95%	\$1,579	\$30,000

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 C.F.R. 35.507 and 35.515) as well as the grant requirements which specifically apply to NPS management grants (see 40 C.F.R. 35.638). As provided in those regulations, and in accordance with EPA Order 5700.7, *Environmental Results under EPA Assistance Agreements*, all work plans must include:

- a. Description of each significant category of NPS activity to be addressed;
- b. Work plan components, including cost estimate for each work plan component;
- c. Work plan commitments for each work plan component, including anticipated environmental outputs and outcomes (as required by EPA Order 5700.7) and the applicant's plan for tracking and measuring its progress towards achieving the expected outputs and outcomes;
- d. Total grant budget breakdown;
- e. Estimated work years for each work plan component;
- f. Roles and responsibilities of the recipient and EPA in carrying out the work plan commitments; and
- g. Reporting schedule and a description of the performance evaluation process that will be used that accounts for: (i) a discussion of accomplishments as measured against work plan commitments and

anticipated environmental outputs and outcomes; (ii) a discussion of the cumulative effectiveness of the work performed under all work plan components; (iii) a discussion of existing and potential problem areas; and (iv) suggestions for improvement, including, where feasible, schedules for making improvements.

2. Work Plan to Develop a Watershed-Based Plan

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

Submission Dates and Times for Proposed Work Plans for Base Grants

Application submission due date for the FY21 grant cycle is March 31, 2021. Pursuant to the EPA Office of Grants and Debarment Policy Notice PN-2018-G12, “Establishment of Requirement of Full Application with Initial Submission,” recipients must submit a full application with an initial application, as defined in Grants Policy Issuances GPI-14-01, “Electronic Submission of Initial Grant Applications.” This includes submittal of all documents required under OGD’s “Full Applications Guidance.” *See* Attachment 3 for a list of required assurances, which should also include a copy of the most recently approved IDC proposal (rate) and updated data competency documentation (when required).

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

Watershed-Based Plans

Overview of Watershed-Based Plans

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 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 2013 Nonpoint Source Program and Grants Guidelines for States and Territories, *available at* <https://www.epa.gov/sites/production/files/2015-09/documents/319-guidelines-fy14.pdf>. 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.

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.

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 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 an 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.

General Grant Requirements

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.

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

Non-Tribal Lands

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

1. Activities That Are Related to Waters Within a Reservation

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

2. Activities That Are Unrelated to Waters of a Reservation

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

Administrative Costs

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

under the administrative cost exemption. Note that indirect cost rates are set by Department of Interior for the tribe and are independent of indirect costs mentioned in CWA.

Satisfactory Progress

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

Operation and Maintenance

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

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

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

Reporting

As provided in 40 C.F.R. §§ 31.40, 31.41, 35.507, 35.515, and 35.638, all section 319 grants must include a set of reporting requirements and a process for evaluating performance. Some of these requirements have been explicitly incorporated into the required work plan components that all tribes must include 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 nonpoint source program and the guidelines on base funding, you may contact Sharon Brown via email at brown.sharon@epa.gov or (404) 562-9269.

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 1: Core Mission of EPA’s Strategic Plan, Protecting America’s Waters, Objective 2: Provide for Clean and Safe Water, and contains one measure by which the CWISA Program is evaluated:

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

The CWISA Program is administered by EPA Region 4. The CWISA program receives annually up to 2% of the Clean Water State Revolving Funds (CWSRF) appropriation or \$30,000,000, whichever is greater. 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. An initial DL (IDL) is assigned by IHS for each project that is developed and it ranges between 1 and 5, with DL 5 being the greatest deficiency to access. Each tribal wastewater project is evaluated, scored and ranked by IHS within the Sanitation Deficiency System (SDS) list. The SDS list is submitted to Congress annually for budget planning. The EPA obtains a snapshot of the SDS list and utilizes it to identify potential projects for CWISA funding.

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

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 Erskine Benjamin II, EPA Regional CWISA Program Coordinator at Benjamin.Erskine@epa.gov or 404-562-9771. For general information, visit <https://www.epa.gov/small-and-rural-wastewater-systems/clean-water-indian-set-aside-program>.

The project selection timeframe for FY 2021 is shown below.

Timeframe for Project Identification and Project Selection	
Date	Milestone
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.)
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.

Timeframe for Project Identification and Project Selection

Date	Milestone
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. In Region 4, project consultations must occur with Regions 1, 2, and 6 before project(s) can be selected.
April – September	EPA Regional CWISA Program coordinators notify tribes that have been selected for funding and award CWISA Program funds.

Attachment 1

EPA PPG Eligible Grants

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

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

Attachment 2

Grants.gov Noncompetitive Application Submittal for Region 4 Tribes

EPA Region 4 is negotiating Tribal work plan(s) under the Performance Partnership Grants (PPGs) and separate program grants. Applications must be submitted to 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.

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

Grants.gov Requirements

In order to submit applications using Grants.gov, grantees must be registered with Grants.gov. Registration can take up to four weeks. 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. To access the grant application package in grants.gov, go to: <http://www.grants.gov/web/grants/applicants/download-application-package.html>
2. Enter **EPA-CEP-01** (for PPGs with CFDA 66.001-66.605) or **EPA-CEP-02** (for CFDA 66.700-66.931, GAP) into the Funding Opportunity Number field as shown below. Leave the Opportunity Package ID field blank and click on the “**Search**” button.

Funding Opportunity Number:

Opportunity Package ID:

Search

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

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

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

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

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

FIND. APPLY. SUCCEED.™

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

GRANTS.GOV > Applicants > Manage Workspace

MANAGE WORKSPACE

Created
 Fill Out Forms
 Complete and Notify AOR
 Submit
 Agency Received

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

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

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

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

FORMS PARTICIPANTS ACTIVITY DETAILS GRANTOR IMAGE PREVIEW GRANTOR VALIDATION

Workspace Actions:

Preview Application Forms Check Application Sign and Submit Delete

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

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

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

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

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

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

Opening Date: Oct
Closing Date: Oct
DUNS: 000

FORMS PARTICIPANTS ACTIVITY DETAILS

Workspace Actions:

Application Package Forms - Users are encourage

Sign and Submit

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

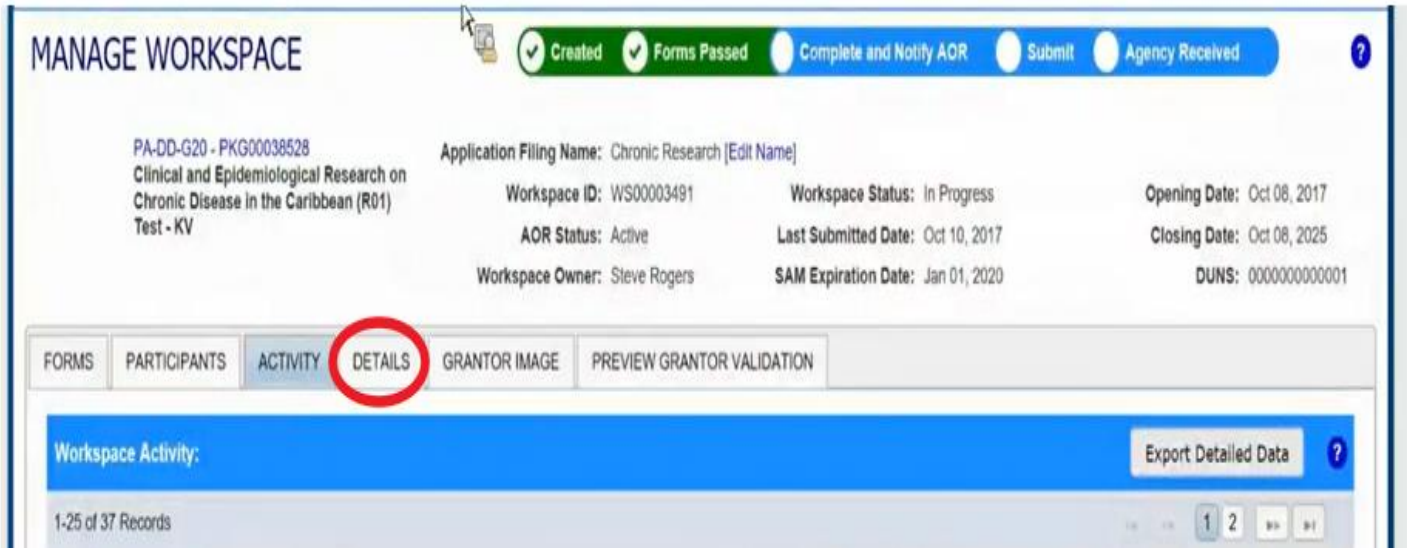
*Password:

Sign and Submit Cancel

Sign and Submit

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

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



Applicant Grants.gov Support:

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

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

EPA Grants.gov Workspace Training (Recorded Webinars):

<https://www.epa.gov/grants/epa-grantsgov-workspace-training-grant-applicants-and-recipients>

Attachment 3

DRAFT Procedures:⁵ Region 4 Indirect Cost Rate Information for Tribal Governments

Per Grants Policy Issuance (GPI) 12-01, EPA may allow indirect costs (IDC) in grants when a cognizant agency (Department of the Interior (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) years 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 C.F.R. Part 200, Appendix A, which describes what a nominal amount of indirect costs is for a grantee.

Please refer to 2 C.F.R. 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 C.F.R. 200.

⁵ Subject to change with Regional and/or National Policy revisions

Attachment 4

Sample Work Plan

Tribe:			
Region: 4		Work Plan Period Begin: 10/01/XX End: 09/30/XX	
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			
2018-2022 EPA Strategic Plan			
Goal			

Attachment 5

Competency Policy Documentation Checklist

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

Examples of Competency Documentation/Certification:

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

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

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

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

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

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

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

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

Attachment 6

Budget Justification Worksheet

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

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

a. PERSONNEL

POSITION	NUMBER	SALARY	WORK YEARS	AMOUNT
a. PERSONNEL TOTAL				

b. FRINGE BENEFITS

BASE	
RATE	x
b. FRINGE BENEFITS TOTAL	

c. TRAVEL

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

c. TRAVEL TOTAL:

OBJECT CLASS CATEGORIES WORKSHEET

d. EQUIPMENT

Tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Please list equipment items (i.e., vehicles, boats, etc.) and provide adequate detail to enable the EPA project officer to make an eligibility determination and to verify cost. For “equipment” with a cost of less than \$5,000 per unit, list under supplies.

ITEM	NUMBER	COST PER UNIT	TOTAL
d. EQUIPMENT TOTAL:			

OBJECT CLASS CATEGORIES WORKSHEET

e. SUPPLIES

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

f. CONTRACTUAL

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

OBJECT CLASS CATEGORIES WORKSHEET

g. CONSTRUCTION (N/A)

h. OTHER

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

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