Applying for and Administering CWA Section 319 Grants: A Guide for State Nonpoint Source Agencies

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Purpose and Use of This Manual

The purpose of this manual is to provide an overview of federal requirements that will help guide state and territory[1] nonpoint source agency staff when they apply for and administer grants awarded under section 319 of the Clean Water Act. Incorporating the legal, administrative, financial, and programmatic requirements into a single document will help to ensure consistency among the grant distribution processes of the states. In addition, this manual can be used to train new staff who are unfamiliar with section 319 and to help existing staff when applying for and using section 319(h) grant funds. This manual focuses on procedural requirements and does not address all of the substantive requirements codified in the law and in EPA's published guidelines. The reader should refer to the specific requirements when needed and contact the appropriate U.S. Environmental Protection Agency (EPA) regional project officer to ask specific questions and to request up-to-date information on section 319 guidance and forms. Appropriate Internet citations are provided and hyperlinked throughout the document and summarized in Appendix A. This guide applies only to state programs. American Indian tribes should refer to EPA's Web site (http://www.epa.gov/owow/nps/tribal.html) for the annual *Tribal Guidance* and the *Tribal Nonpoint Source Planning Handbook* (USEPA, 1997).

The document is divided into four chapters. The first chapter gives a brief overview of section 319 and provides basic information about section 319 grants. Chapter 2 describes what should be expected during the pre-award phase. It describes the section 319(h) grant application process in more detail, focusing on specifications for the state agency application and work plan that must be submitted to EPA. Chapter 3 presents information on the financial, reporting, and record-keeping requirements associated with the post-award phase of a section 319(h) grant. Chapter 4 explains the steps required to close out a section 319 grant. Appendices with pertinent forms, subawardee requirements, and additional information are included at the end of this document.

This manual is accurate and up-to-date as of February 2003. It will be updated periodically to reflect any new requirements and guidelines.

[1]All future references to "states" indicate both states and territories.

Chapter 1

Overview of Section 319 Program

Purpose of Grants

Section 319 was added to the Clean Water Act (CWA) in 1987 to establish a national program to address nonpoint sources of water pollution. The leading cause of water quality degradation in the United States, nonpoint source pollution originates from diffuse or scattered sources rather than a defined point like a pipe outlet. Agriculture, forestry, construction, and urban activities are some of the leading nonpoint sources of pollution. As rainfall and snowmelt move over the land, they pick up pollutants, carry them, and deposit them into ground water and waterbodies such as lakes, rivers, streams, wetlands, and coastal waters. Section 319(h) specifically authorizes EPA to award grants to states with approved Nonpoint Source Assessment Reports and Nonpoint Source Management Programs. The funds are to be used to implement programs and projects designed to reduce nonpoint source pollution. As required by section 319(h), the state's Nonpoint Source Management Program describes the state program for nonpoint source management and serves as the basis for how funds are spent. In addition, a variety of other funding sources are available under the CWA (e.g., sections 106, 320, and 604(b) and the State Revolving Fund) or through other federal agencies (e.g., Environmental Quality Incentive Program [EQIP] funds from U.S. Department of Agriculture). When applicable, these other funding sources should be used to fund nonpoint source projects.

Every year section 319 funds are allocated to each state according to a national allocation formula based on the total annual appropriation for the section 319 grant program. The allocation formula is contained in Appendix G of EPA's *1997 Nonpoint Source Guidance* (USEPA, 1996).

Since 1999 section 319(h) funds have been awarded to state nonpoint source agencies in two categories—incremental funds and base funds. ***Incremental funds***, a $100 million portion that EPA has designated for the development and implementation of watershed-based plans and Total Maximum Daily Loads (TMDLs) for impaired waters, should be used to restore impaired waters. ***Base funds***, funds other than incremental funds, are used to provide staffing and support to manage and implement the state Nonpoint Source Management Program. Base funds help in implementing projects to identify and address nonpoint source problems and threats, as well as funding activities that involve specific waterbodies in that state or statewide or regional projects. A portion of these funds (up to 20 percent) may be used for planning and assessment activities such as conducting assessments, developing TMDLs, and creating programs to solve nonpoint source problems. EPA has issued supplemental grant guidelines, in addition to the *1997 Nonpoint Source Guidance*, that identify priority activities to be funded with section 319 incremental and base funds.

Eligibility

The CWA requires EPA to award section 319(h) grants to the state nonpoint source agency, designated by the governor, to implement its approved Nonpoint Source Management Program to help achieve and maintain beneficial uses of water, such as swimming or fishing. EPA-approved state Nonpoint Source Management Programs provide the framework for determining which activities are eligible for funding under section 319(h). In general, these activities include nonregulatory or regulatory programs for compliance and enforcement, technical assistance, financial assistance, education, training, technology transfer, demonstration projects, and monitoring to assess the success of specific nonpoint source projects, to the extent these activities are related to controlling nonpoint source pollution. Specific requirements regarding allowable costs are provided in applicable grant regulations and Office of Management and Budget (OMB) circulars.

A state becomes eligible to receive EPA funding for 319(h) grants upon the Agency's approval of the state's Nonpoint Source Assessment Report and Nonpoint Source Management Program. States may make funds available through subawards (e.g., contracts, subgrants) to both public and private entities, including local governments, tribal authorities, cities, counties, regional development centers, local school systems, colleges and universities, local nonprofit organizations, state agencies, federal agencies, watershed groups, for-profit groups, and individuals. Subawards to individuals are limited to demonstration projects. The state selects recipients of subawards based on its program priorities. States must award contracts consistent with the procurement requirements and with state requirements under grants at Title 40 of the *Code of Federal Regulations* (CFR), section 31.36 (Procurement). A summary of federal statutes, regulations, and OMB circulars applicable to states, along with their related Web sites, is provided in Appendix A.

A state may use section 319(h) funds for the following activities if the activities are a part of its approved Nonpoint Source Management Program:

- Updating and refocusing the state Nonpoint Source Management Program and Nonpoint Source Assessments to improve program effectiveness. States may use up to 20 percent of their base section 319 allocation for this purpose. States should refine their programs to reflect their most pressing needs and highest-priority water quality problems. Activities and analyses that may be funded include establishing indicators and milestones, developing TMDLs and watershed plans, and improving assessment efforts (USEPA, 1996, 2001a).
- Implementing ground water protection activities. Ground water activities are eligible for section 319 grants if they are identified in the state's Nonpoint Source Management Program, Ground Water Protection Strategy, or Comprehensive State Ground Water Protection Program (CWA section 319(h)(5)(D); USEPA, 1996).
- Funding urban storm water runoff activities if those activities meet all of the following conditions: (1) the activities are not specifically required by a draft or final National Pollutant Discharge Elimination System (NPDES) permit, and (2) the activities do not directly implement a draft or final NPDES permit. Activities that might meet the above requirements include technical assistance; monitoring to address implementation strategies; best management practices (BMPs); information and education programs; technology transfer and training; and development and implementation of regulations, policies, and local ordinances to address storm water runoff (USEPA, 1996).
- Funding abandoned mine land reclamation projects designed to protect water quality if those activities meet both of the following conditions: (1) the activities are not specifically required by a draft or final NPDES permit, and (2) the activities do not directly implement a draft or final NPDES permit. Activities that might meet the above requirements include remediation of water pollution from abandoned mines or portions of abandoned mines, mapping and planning of remediation, monitoring, technical assistance, information and education programs, technology transfer and training, and development and implementation of policies addressing abandoned mine lands (USEPA, 1996).
- Implementing lake protection and restoration activities except for in-lake work such as aquatic macrophyte harvesting or dredging unless the sources of pollution have been addressed sufficiently to ensure

that the pollution being remediated will not reoccur. States are encouraged to use section 319 funding for eligible activities that might have been funded in previous years under CWA section 314 (Clean Lakes Program) (USEPA, 1996, 1999).

Section 319(h) grant funds are eligible for inclusion in Performance Partnership Grants (PPGs). PPGs enable states and interstate agencies to combine funds from more than one environmental program grant into a single grant with a single budget (40 CFR 35.130). Recipients need to account for total PPG expenditures subject to the requirements of section 35.130; they do not need to account for PPG funds in accordance with the requirements of the funds' original sources. The PPG is designed to

- Strengthen partnerships between EPA and state and interstate agencies through joint planning, priority-setting, and better deployment of resources.
- Provide state and interstate agencies with the flexibility to direct resources where they are most needed to address environmental and public health priorities.
- Link program activities more effectively with environmental and public health goals and program outcomes.
- Foster development and implementation of innovative approaches such as pollution prevention, ecosystem management, and community-based environmental protection strategies.
- Provide savings by streamlining administrative requirements.

Grant Requirements and Guidelines

Section 319 grant recipients must meet all applicable statutory, regulatory, and other requirements, as well as rules established in grant guidelines documents. Statutory laws are codified in the *United States Code* and are created and approved by the United States Congress and the President. Federal agencies write regulations to set specific rules that pertain to a particular statutory law. The regulations are published yearly in the *Code of Federal Regulations*. Circulars published by OMB contain administrative requirements and set forth allowable costs under grants. Table 1 lists some of the particular requirements in each of the three categories described above that pertain to section 319(h) grants. Although all the requirements apply to recipients of section 319 funds, nonprofit organizations should focus on 40 CFR part 30 and OMB Circulars A-110, A-122, and A-133 whereas states should focus on part 31 and OMB Circulars A-87, A-102, and A-133 (see Appendix A for a summary and related Web pages). Statutes in addition to the CWA may also be applicable, and they are described on the "Assurances" form (Standard Form 424B). The sources of requirements are cited throughout this document, allowing the reader to seek additional information as necessary. When applying for 319(h) grants, the state must be familiar with these requirements as well as EPA's Nonpoint Source Program guidance or guidelines. In addition, state-specific requirements and priorities (e.g., procurement requirements, environmental review requirements) must be considered.

Both the state agencies and subawardees receiving section 319(h) funds must comply with applicable federal laws, regulations, OMB circulars, and grant rules. It is the responsibility of the state agency to ensure that the grant subawardees are aware of these regulations and that their projects are designed in compliance with them. All section 319(h) grants to states must be consistent with applicable provisions of EPA's general grant regulations, including 40 CFR part 31 and part 35, subpart A.

Table 1. Primary Requirements Applicable to Section 319(h) Grants

Categories of Requirements	Requirements applicable to 319(h) grants
Statutory Laws	Clean Water Act sections 101, 205, 208, 303, 319
Regulations	40 CFR parts 7, 29, 30, 31, 32, 34, 35A
OMB Circulars	A-21, A-87, A-102, A-122, A-133
EPA Grant Guidelines	*Nonpoint Source Program and Grants Guidance for Fiscal Year 1997 and Future Years*, annual supplemental guidance documents

Funded activities and projects also must meet specific EPA requirements for section 319(h) grants, as described in the *Nonpoint Source Guidance for the Award of Section 319 Grants in FY 1997* (USEPA, 1996) and supplemental EPA guidelines for FY 2000 through FY 2003 (USEPA 1999, 2000, 2001a, 2002). These guidelines highlight requirements from the CWA, 40 CFR part 31 and part 35, subpart A, and EPA policy. The EPA grant guidelines, issued annually, describe priorities for funding, especially those for incremental funds. In FY 2004 EPA plans to issue consolidated grant guidelines, which will replace the FY 1997 through FY 2003 guidance and guidelines. Please refer to EPA's Web site (http://www.epa.gov/owow/nps/cwact.html) for the latest version. Highlights of specific requirements in the EPA guidelines include the following:

- *Approved Nonpoint Source Management Program*. Funded activities or projects must lead to accomplishing the objectives stated in the approved Nonpoint Source Management Program (40 CFR 35.260). Grant work plans should link the funded activities or projects to the relevant element(s) of the state's Nonpoint Source Management Program. Work plans should indicate which federal, state, and local agencies are responsible for implementing each project or activity.
- *Environmental grant*. All grants must be awarded as Environmental Program Grants under 40 CFR 35.101.
- *Maintenance of effort*. States must maintain their aggregate expenditures from all other sources for programs to control pollution added to the navigable waters in the state and to improve the quality of such waters at or above the average level of expenditures in FY 1985 and FY 1986 (CWA 319(h)(9)).
- *Match*. The federal share may not exceed 60 percent of the Nonpoint Source Management Program implementation cost, and the nonfederal share must be provided by nonfederal sources. The nonfederal share for the entire grant must be at least 40 percent (CWA section 319(h)(3); 40 CFR 35.265).
- *Administrative cost*. If the state is awarded its section 319 funds in a section 319 grant, the administrative costs may not exceed 10 percent of the funding (CWA section 319(h)(12); 40 CFR 35.268). Administrative costs include salaries, overhead, or indirect costs for services provided and charged against general activities and programs carried out with the grant. The costs of enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer are not subject to the 10 percent limitation. This requirement does not apply to a PPG that includes section 319 funds (40 CFR 35.134(c)).
- *Availability for obligation*. Funds awarded to states will remain available for the entire fiscal year for which the funds were awarded. Any funds not obligated by the end of the fiscal year will become available to EPA to administer to other states in the next fiscal year (CWA section 319(h)(6)).

  The term *obligate* does not mean "to expend"; it means that the state must commit the section 319(h) funds to be expended. EPA defines an *obligation* (by a recipient) as "the amount of funds which a recipient legally earmarks for expenditure through orders placed, payrolls, subagreements awarded, travel authorizations and other transactions" (USEPA, 1996).
- *Evaluation and reporting*. States are required to meet annual reporting requirements and Grants Reporting and Tracking System (GRTS) requirements. Refer to Chapter 3 for more detail on reporting requirements and GRTS.
- *Satisfactory progress*. The Regional Administrator may not award section 319 grant funds to a state

unless the Regional Administrator determines that the state has made satisfactory progress during the previous fiscal year in meeting the schedule of milestones specified in the state's Nonpoint Source Management Program (CWA 319(h)(8)). The EPA regional office issues a written determination that the state has made satisfactory progress during the previous fiscal year and includes it in each section 319 grant, or in a separate document prior to award of the grant.

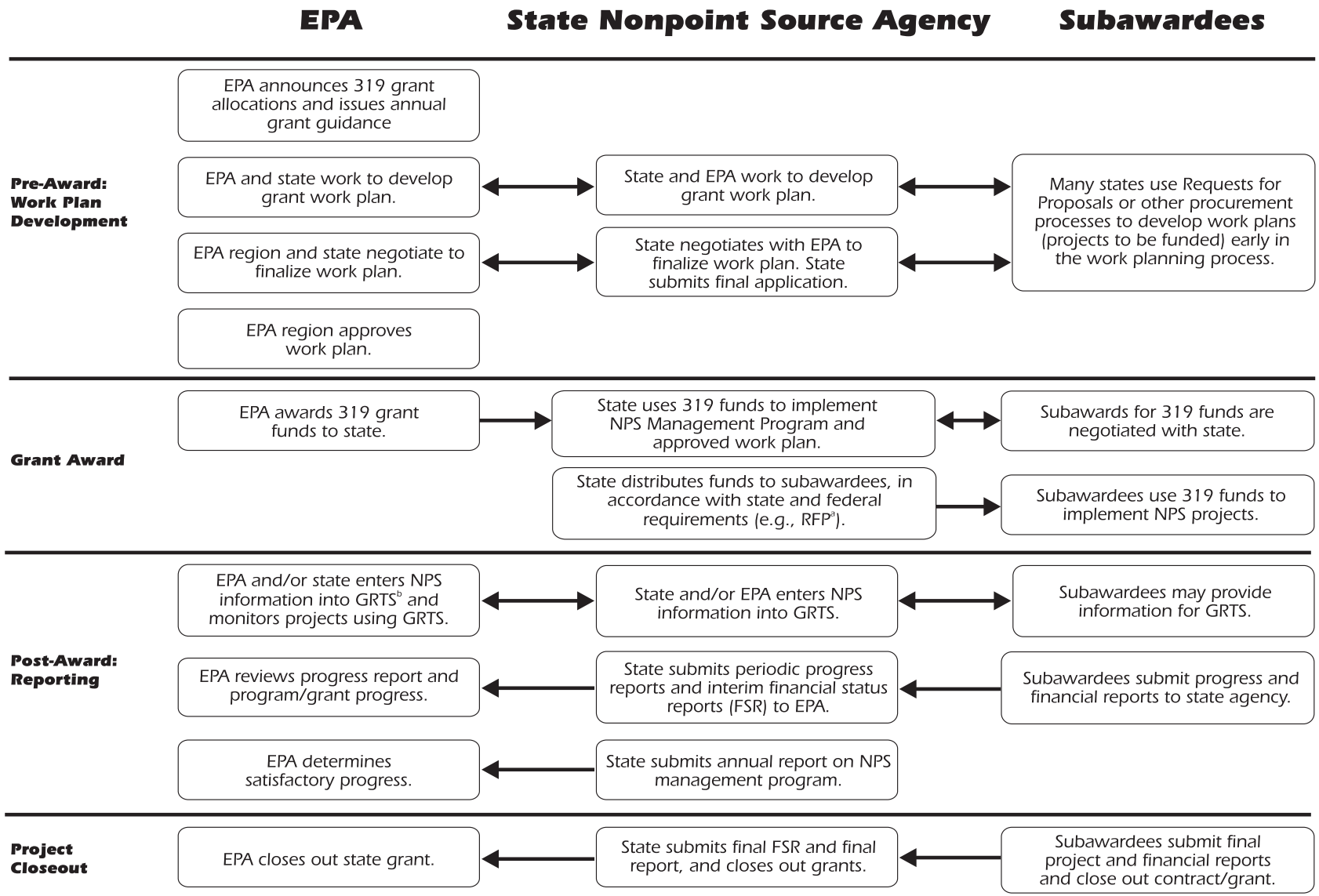
- *Cost-sharing and demonstration projects*. States may use section 319(h) grant funds for cost-sharing to persons only if the costs are related to implementing demonstration projects (CWA section 319(h)(7); 40 CFR 35.268).

  Demonstration projects are a tool often used to show the overall effectiveness of an adopted approach in solving a particular water quality problem. Demonstration projects may be funded in a variety of locations because doing so can demonstrate the projects' utility in a watershed's various hydrogeological and sociological settings.

  In high-priority watersheds, states may supplement section 319 cost-share to individuals with additional cost-share from state funds. When such an approach is followed, the total cost share to an individual from section 319, state, and other federal (e.g., USDA) funds must not exceed 100 percent of the total cost of the practice and be in compliance with all other applicable funding requirements (USEPA, 1996).

Overview of the 319(h) Grant Process

Although this document is written for state nonpoint source agencies, it is important to understand the major roles that EPA and subawardees also play in the grant process. Figure 1 illustrates the "big picture" of the 319(h) grant process by showing the interrelationship of the roles of EPA, the state nonpoint source agency, and the subawardees. The specific timing of the steps in the grant process varies by state and by region and depends on when the annual budget becomes available.



[a] RFP process may occur before or after initial grant negotiations and/or award.
[b] GRTS: Grants Reporting and Tracking System.

Figure 1. Overview of EPA grant award, implementation, and review process.

Chapter 2

Federal Requirements for Pre-award and Application Phase

Each year Congress appropriates funds to EPA for the section 319 grant program. A portion of this amount is allocated for tribal grants; the remainder is allocated to the state nonpoint source agencies according to a national allocation formula. Once EPA has a final budget, EPA notifies the states of their base and incremental section 319 grant allocations. EPA headquarters provides funds to the EPA regions, which are then awarded to the states based on approved work plans. A state may award funds through subawards (contracts or subgrants) to other entities in accordance with the state's Nonpoint Source Management Program and procurement requirements.

Time Line for Applications

The general schedule for coordinating the section 319(h) grant application with EPA is as follows:

EPA provides funding targets for the following fiscal year and may issue nonpoint source guidance.	Spring
States submit draft work plans to EPA regions.	April–May
EPA regions conduct their reviews of state applications and provide written comments to state agencies.	Within 6 weeks of receipt from state
States submit their final work plans and grant applications to EPA regions.	At least 60 days prior to proposed funding period
Final work plans are reviewed; if all requirements are met, EPA region awards grant as quickly as possible	Within 60 days of receipt from state
States obligate funds. States are expected to obligate section 319(h) grant funds as quickly as possible and begin to implement the activities described in the approved work plan. The state should obligate the funds within 1 year of grant award.	As quickly as possible, within first year

The exact dates for the application schedule vary from state to state. The EPA regional office and the state should agree to a more detailed schedule. State nonpoint source agencies establish a similar schedule for soliciting project proposals from subawardees. Appendix B provides a list of all of the state nonpoint source office Web sites (as of February 2003).

Before receiving a section 319(h) grant, a state must meet the requirements described in this chapter. Federal requirements are included in the CWA, Title 40 of the CFR, OMB circulars, and EPA guidelines, as

highlighted previously in Table 1. Because EPA must award 319 funds to state nonpoint source agencies, states should focus on CFR part 31 and part 35, subpart A, and OMB Circulars A-87, A-102, and A-133. In turn, states then provide funding to the other entities. Depending on the kind of organization receiving funds (e.g., state or local agency, nonprofit, university), different regulations and OMB circulars apply. If funds are awarded to a state, local, or Indian tribal government, 40 CFR part 31 regulations apply. In addition, 40 CFR 31.22 clearly outlines the OMB circulars with cost principles applicable to subawardees (contract or grant). If funds are awarded to institutions of higher education, hospitals, and other nonprofit organizations, 40 CFR part 30 regulations and OMB Circulars A-110, A-122, and A-133 apply. States are responsible for informing subawardees of the federal requirements that the subawardees must meet. These requirements are outlined in Appendix C.

Preparing an Application

Each state section 319(h) grant application package must include the appropriate application forms, work plan, and project costs (40 CFR 35.104, 40 CFR part 31, subpart B). The application must be submitted at least 60 days before the beginning of the proposed funding period (40 CFR 35.105).

Application forms. Standard Forms 424 ("Application for Federal Assistance"), 424A ("Budget Information"), and 424B ("Assurances") must be included in the grant application package submitted to EPA. Other federal forms, including Form 4700-4 ("Preaward Compliance Review Report"), Form 5700-49 ("Certification Regarding Debarment, Suspension, and Other Responsibility Matters"), Standard Form LLL ("Disclosure of Lobbying Activities"), and "Certification Regarding Lobbying," also must be completed and submitted to EPA in the application package. Copies of these federal forms are provided in Appendix D and can also be found at <http://www.epa.gov/ogd/AppKit/contents.htm>. Following are highlights of specific federal requirements that apply to state recipients of federal funds.

Nondiscrimination. 40 CFR 7.30 prohibits discrimination under any program or activity receiving EPA assistance on the basis of race, color, national origin, gender, handicap, or age. It also requires that recipients of federal funds provide public notification that they do not discriminate (40 CFR 7.95).

Lobbying. Federal restrictions regarding lobbying are provided in 40 CFR 34.100, OMB Circular A-87, and OMB Circular A-122. Federal grant funds may not be used to influence (or attempt to influence) a federal employee or a member of the United States Congress. If nonfederal funds have been used to influence (or attempt to influence) a federal employee or a member of Congress, the grantee must submit Standard Form LLL ("Disclosure of Lobbying Activities").

Drug-free Workplace. 40 CFR 32.600 requires recipients of section 319(h) grant funds to certify that they maintain a drug-free workplace. By signing and submitting the section 319(h) grant application, the applicant certifies that he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any grant-related activity.

Work plan. The work plan is a part of the application and is negotiated between the grant applicant and the EPA project officer and managers. It reflects consideration of such factors as national program guidance; goals, objectives, and priorities proposed by the applicant; other jointly identified needs or priorities; and the planning target. It may identify priority activities from the Nonpoint Source Management Program for funding in the next fiscal year and is the basis for management and evaluation of performance under the grant. The work plan must specify the following, consistent with 40 CFR 35.107, 35.115, and 35.268:

- Work plan components to be funded under the grant. A work plan component is a negotiated set of work plan commitments established in the grant agreement. A work plan may have one or more work plan components.
- The estimated work years and estimated funding amounts for each work plan component.
- The work plan commitments for each work plan component and a time frame for their accomplishment. Work plan commitments are the outputs and outcomes associated with each work plan compo-

nent, as established in the grant agreement. The work plan must be consistent with applicable federal statutes, regulations, circulars, and executive orders and with EPA delegations, approvals, or authorizations (40 CFR 35.107(b)(3)). It must also be consistent with EPA's grant guidelines.

- A performance evaluation process and reporting schedule in accordance with 40 CFR 35.115. The joint evaluation process must provide for:
  - A discussion of accomplishments as measured against work plan commitments.
  - A discussion of the cumulative effectiveness of the work performed under all work plan components.
  - A discussion of existing and potential problem areas.
  - Suggestions for improvement, including, where feasible, schedules for making improvements.
- EPA will ensure that the required evaluations are performed according to a negotiated schedule and that copies of evaluation reports are placed in official files and provided to the recipient (40 CFR 35.115(d)).
- The roles and responsibilities of the state and EPA in carrying out the work plan commitments.
- In work plans that include significant watershed projects (where costs exceed $50,000), a brief synopsis (two to three pages) of the watershed implementation plan outlining the problem(s) to be addressed, the project goals and objectives, and environmental indicators or performance measures to be used to evaluate the success of the project (40 CFR 35.268).

Budget. The budget provides estimated costs to accomplish the activities included in the work plan. These costs must be necessary, reasonable, and consistent with federal cost principles and policies. The following are descriptions of different types of costs. OMB Circular A-87 identifies allowable costs, some of which are highlighted here.

Administrative costs. Administrative costs include salaries, overhead, and direct or indirect costs for services provided and charged against activities and programs carried out with section 319 funds. Note that only 10 percent of funding in a section 319 grant may be used for administrative costs. The cost of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer programs are not subject to the 10 percent limitation (CWA section 319(h)(12); 40 CFR 35.268; USEPA, 1996). This limitation on administrative costs does not apply to PPGs that include section 319 funds.

Direct costs. Direct costs are costs directly related to accomplishing the project, and they may include administrative costs. These costs include the purchase of equipment, supplies, materials, outside services, and travel.

Equipment. Equipment costs greater than $5,000 must have prior EPA approval (40 CFR 31.32). States should discuss equipment purchases with the EPA regional office as early in the application process as possible.

Indirect costs. The state must have a state-approved indirect cost rate proposal and provide a copy to EPA. This document substantiates the basis for costs that are common or joint to more than one cost objective.

Personnel costs. The costs for labor, considered personnel costs, should be broken down by job classification (e.g., laborer, scientist, volunteer). Multiplying cost per hour by number of hours worked yields the total personnel costs.

Matching funds. For section 319 grants to states, EPA may provide up to 60 percent of the approved work plan costs in any fiscal year. For PPGs that include section 319 funds, the cost-share attributable to the 319 funds included in the PPG is either the amount of funding required to meet the section 319 match requirement or the amount of funding required to meet the maintenance of effort requirement, whichever is greater (40 CFR 31.136). The nonfederal share of costs must be provided from nonfederal sources. With the qualifications and exceptions listed in section 31.24(b), a matching or cost-sharing requirement may be satisfied by either or both of the following:

1. Allowable costs incurred by the grantee, subawardee, or a cost-type contractor under the assistance agreement. These include costs borne by nonfederal grants or by cash donations from nonfederal third parties.

2. The value of third party in-kind contributions (e.g., donated personnel time, supplies, equipment) applicable to the period to which the cost-sharing or matching requirements apply.

The following items **may not be used** as matching funds:

- Other federal funds, including in-kind services by staff, other than those which are available to match other federal grants by law.
- Unallowable costs for the project/program (e.g., lobbying). Refer to 40 CFR parts 30 and 31 and OMB Circulars A-87 and A-122 for more detail.

The required nonfederal match can be calculated in two easy steps:

1. The federal share divided by the federal percentage equals the ***total project cost***.
2. The total project cost minus the federal share equals the ***recipient's share***.

EXAMPLE

1. $75,000 (federal share) ÷ 60% (federal percentage) = $125,000 (total project cost)
2. $125,000 (total project cost) – $75,000 (federal share) = $50,000 (recipient share)

During the application phase, the applicant is encouraged to fulfill the following roles and responsibilities:

- Seek informal or formal assistance to answer questions concerning the technical or administrative requirements of the grant.
- Respond to inquiries from the EPA project officer and EPA grants management office concerning the application.
- Revise the application based on comments received from the EPA project officer and EPA grants management office.
- Sign the award offer within 3 weeks of receipt from EPA. (If the applicant does not sign the award within 3 weeks, the EPA award official may withdraw the offer per EPA policy.)

Pre-Award and Application Phase Frequently Asked Questions

Q. What is the Assurances form and is it required for section 319(h) grants?

A. The Assurances form is Standard Form 424B (Appendix D). Applicants for section 319(h) grant funds must sign this form to certify that they will be able to meet the federal laws and other requirements applicable to all federally assisted projects (e.g., Davis-Bacon Act, Hatch Act, National Environmental Policy Act, National Historic Preservation Act). These requirements are listed and explained on Standard Form 424B.

Q. When do the wage rules set forth in the Davis-Bacon Act apply to section 319 funds?

A. The Davis-Bacon Act is applicable only to 319 grants that fund construction of treatment works. CWA section 212 defines *construction* and *treatment works* for grants under Title II. Although the section 212 definition can be used as a guide for determining whether a project is a treatment works for purposes of section 319(h) grants, the section 212 definition includes items that may not be "treatment works" in common understanding (e.g., storage facilities that do not provide treatment). For such projects, the Davis-Bacon Act (40 U.S.C §§ 176a–276a-7) requires that wages for laborers and mechanics working on specific, federally funded projects be set at the current wage rate for that region. Specifically, the act requires that each contract over $2,000 for the construction, alteration, or repair of public buildings or public works follow the minimum wages to be paid to various classes of laborers and mechanics employed under the contract.

Q. Are the requirements in the National Environmental Policy Act applicable to section 319 funds?

A. No. CWA section 511(c)(1) states that the only EPA actions under the CWA subject to the NEPA requirements for "major federal action significantly affecting the quality of the human environment" are new source permits and grants for the construction of publicly owned treatment works. Section 319 grants do not fit within either category and are therefore not subject to NEPA requirements.

Q. I have misplaced my copy of Standard Form LLL. Where can I get another copy?

A. Copies of all required federal forms can be found at <http://www.epa.gov/ogd/AppKit/contents.htm>.

Q. Is there a required format for a state work plan?

A. The state may use any format it chooses, as long as the required information is included and meets the needs of EPA's regional office. The state is encouraged to consider the following:

- Include a narrative description or introduction of the approach taken for each of the major work plan categories.
- Clearly identify the output or product, including the due date, that will result from each activity.
- Keep the master work plan and budget up-to-date, and report any changes in accordance with 40 CFR 35.114. Discuss work plan and budget revisions with EPA before making changes. Assign numbers to work plan revisions for easy tracking.
- Appropriate monitoring and assessment of work plan activities, including watershed project implementation, is an essential component of evaluating the effectiveness of a nonpoint source program. The work plan should include specific assessment activities and sharing of success stories and lessons learned.

Q. What elements must a state include in developing and implementing a successful watershed-based plan using 319 funds?

A. The state should always remember to incorporate the following nine elements listed in the nonpoint source guidance for fiscal year 2003 (USEPA, 2001b):

- An identification of the sources that will need to be controlled to achieve load reductions established in the state's nonpoint source TMDL or any other goals identified in the watershed-based plan.
- An estimate of the load reductions expected from the management measures described.
- A description of the nonpoint source management measures needed to achieve load reduction and identification of the critical areas in which the measures will need to be implemented to achieve the nonpoint source TMDL.
- An estimate of the assistance (financial and technical) and authorities the state anticipates having to rely on to implement the plan.
- An information/education component, which the state will use to enhance public understanding of the project and encourage public involvement in the nonpoint source management measures.
- A schedule for implementing the nonpoint source management measures identified in the plan.
- A schedule of interim, measurable milestones that can be used to determine whether nonpoint source management measures or other control actions are being implemented.
- A set of criteria that can be used to determine whether substantial progress is being made toward the water quality standards and, if not, criteria that will help to determine whether the nonpoint source TMDL should be revised.
- A monitoring component to evaluate how effective the implementation efforts are as measured against the set of criteria developed as described previously.

Chapter 3

Post-award Federal Requirements for State Grants: Implementation Phase

After receiving a section 319(h) award, states must meet several federal requirements in Title 40 of the CFR, OMB circulars, and EPA guidelines. Following are highlights of specific financial, reporting, and other requirements that apply to state recipients of federal funds.

Competition

40 CFR 31.36 requires that all procurement transactions be conducted in a way that provides open and free competition. Purchases for projects must be made on a competitive basis to ensure that fair and reasonable prices are obtained for goods and services. Federal regulations require documentation of cost or price analysis in connection with every procurement action regardless of amount. Additional details are provided under "Procurement Methods" following this section.

Conflict of Interest

40 CFR 31.36(a)(3) requires standards of conduct to avoid conflict of interest. Recipients of federal funds may not participate in the selection, award, or administration of a contract if real or apparent conflict of interest would result. Conflict of interest would arise if an employee, organization officer, agent, immediate family member, partner, or organization that employs any of the above-mentioned persons (1) has a financial (or other interest) in a firm selected for award or (2) solicits or accepts gratuities, favors, or items of monetary value from contractors or subawardees. Disciplinary actions are required for violations of standards of conduct.

Copyrights

40 CFR 31.34 grants EPA a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use for federal government purposes, (1) the copyright in any work developed under a grant, subgrant, or contract under a grant or subgrant and (2) any rights of copyright to which a grantee, subawardee, or contractor purchases ownership with grant support.

Financial Specifications

Financial requirements for states and subawardees of section 319(h) grant funds are categorized by the following topics: allowable costs, matching funds, and state-specific requirements regarding the payment process.

Allowable costs. All costs charged to EPA grants must be eligible, necessary, and reasonable for performing the tasks outlined in the approved project work plan. The costs, including match, must be incurred during the period of performance of the project. The costs also must be allowable, meaning that they must conform to specific federal requirements (40 CFR parts 30 and 31; OMB Circulars A-87 and A-122). In addition, costs must be well documented.

When the total amount of all federal grant funds exceeds $300,000, an independent audit is required in accordance with the specifications of OMB Circular A-133. In addition, projects are subject to independent audits by EPA's Office of the Inspector General at any time. They may also be reviewed periodically by EPA's accounting and grants management staff to ensure proper management of grant funds.

Matching funds. Matching funds are the portion of the allowable project costs that the grant recipient (or third party) contributes to a grant or cooperative agreement. State recipients of section 319(h) grant funds must provide a nonfederal match as described in Chapter 2. All matching funds must be included in the project work plan and budget and be part of the grant's "total project costs." All matching funds must conform to the same laws, regulations, and grant conditions as the federal funds in the grant (CWA section 319(h)(3), 40 CFR 35.265).

Payment processes. Payment to state nonpoint source agencies for section 319(h) grant-sponsored activities is usually made through an electronic fund transfer on a reimbursement or an advance payment basis. The state must maintain the expense details and make them available on request.

EPA's payments for designated individual contractors (excluding overhead) retained by the state or for subawardees' contractors (or subcontractors) are limited to the maximum daily rate for a GS-18. Maximum daily rates may change annually or more often. The current 2003 rate is set at $513.60. This amount does not include transportation and subsistence costs, in accordance with normal travel reimbursement practices. States or subawardees may pay consultants more than this amount, but the excess amount may not be paid with federal grant funds. State-determined payment processes are used to pay subawardees. The length of time for subawardees to receive payment from states varies by state (Public Law 99-591, 40 CFR 31.36(j)).

Roles and responsibilities of states within the payment process include the following (40 CFR 31.20):

- Maintaining records that adequately identify the source and use of funds for the federally sponsored activities.
- Maintaining effective control over and accountability for all federal funds, property, and other assets.
- Routinely comparing actual expenditures with budget amounts for each federally sponsored project or program.
- Setting procedures for determining the reasonableness, eligibility, and allowability of costs.
- Maintaining financial records that are supported by original source documentation (e.g., invoices, canceled checks, receipts, timesheets, contracts).
- Providing accurate, current, and complete disclosure of financial records of the federally sponsored project or program, as requested by EPA.
- Minimizing the elapse of time between a transfer of funds from the U.S. Treasury and disbursement whenever advance payment procedures are used.

Operation and Maintenance

Grant recipients are obligated to continue operating and maintaining measures and practices that have been funded with section 319 funds. Grantees must also include in subawards a provision that the subawardee will also properly operate and maintain practices implemented through a 319 project (USEPA, 1996, 2002).

Post-Award Changes

Amendments and other changes to the grant are governed by 40 CFR 35.114. For significant changes to the work plan commitments, the state must obtain the prior approval of EPA in writing. EPA, in consultation with the state, will document these revisions, including budgeted amounts associated with the revisions.

Procurement Methods

Grant recipients may use their own procurement procedures provided that the procedures conform to applicable federal laws and standards as described in 40 CFR 31.36 (e.g., contract administrative system, written code of conduct). Grants and subawards may not be made to any party that has been debarred or suspended or is considered ineligible for participation in federal assistance programs.

The grantee may contract or subcontract funds to an eligible recipient based on purpose and state procurement systems. See 40 CFR 31.3 and 31.37 and OMB Circular A-87 for federal definitions and requirements of contracts and subgrants. Examples of methods that may be used in conjunction with section 319(h) grants are small purchase procedures, sealed bids, competitive proposals, and noncompetitive proposals. Refer to 40 CFR 31.36 for more detail on federal requirements.

Contracting with Small and Minority Businesses. Recipients of section 319(h) grants that employ subcontractors must take steps to ensure that minority and women-owned firms are used when possible. Steps are identified in 40 CFR 31.36.

Subgrants. A state must follow 40 CFR 31.37 when awarding and administering subgrants to tribal and local governments. The state must also follow its own laws and procedures and must (1) include a provision in a subgrant to ensure that subgrantees are aware that they must comply with applicable requirements mentioned in (2) and (3) that follow, (2) ensure that every subgrant includes any clauses required by federal statute, and (3) ensure that subgrantees are aware of federal requirements imposed on them by accepting the agreement (see Appendix C).

Property Management

Property management and procedures are detailed in 40 CFR part 31 and OMB Circulars A-21, A-87, and A-122. Property (e.g., equipment) purchased in whole or in part with federal funds should be properly managed (e.g., inventory, control system, maintenance, disposition). Depending on acquisition costs, different requirements might apply.

Quality Assurance

Section 319(h) grant projects often include monitoring components to measure the effectiveness of the project. When environmental data are being collected during the course of a section 319 project, a Quality Assurance Project Plan (QAPP) must be developed in accordance with specific EPA guidelines (40 CFR 31.45 and 30.54). QAPPs outline the procedures that a monitoring project will use to make sure that samples are collected, data are stored, and reports are written to ensure quality high enough to meet the needs of the project. QAPPs must be approved by EPA or the state agency **before** sampling and monitoring begin. Specific QAPPs should be discussed with the regional EPA project officer. Specific guidelines on writing a QAPP are provided on EPA's Web site at <http://www.epa.gov/quality1/qs-docs/g5-final.pdf> and <http://www.epa.gov/volunteer/qappcovr.htm>.

Record-Keeping Specifications

Section 319 grant recipients are required to retain all records pertaining to federally sponsored activities or projects for 3 years (unless involved in legal activity or separate arrangements have been made with awardees and subawardees) after the date of submission of the final financial status report or final date of reconciliation of outstanding issues (40 CFR 31.42). The records must be available and accessible to EPA (or to the state in the case of subawards), as requested, for review or audit. The state should ensure that agreements with subawardees specify outputs, milestones, and reporting and record-keeping requirements in memoranda of agreement, contracts, or other appropriate documents. Where a subawardee will provide a portion of the state's match, the

state should ensure that adequate records are kept with respect to that portion. 40 CFR 31.41 specifies that grantees may not impose more burdensome requirements on subawardees than they are subject to themselves.

Reporting Specifications

All section 319(h) grants are subject to EPA's general grant regulations at 40 CFR parts 31 *(Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments)* and 35, subpart A *(Environmental Program Grants)*, which specify various basic grant reporting requirements for awarding grants to states and localities. Section 319(h) contains additional provisions related to reporting, such as (1) authorization for EPA to request information, data, and reports as necessary to determine a state's continuing eligibility to receive section 319 grants and (2) a requirement for states to report annually on their progress in meeting milestones, including available information on reductions of nonpoint source pollutant loadings and on improvement to water quality achieved by implementing nonpoint source pollution control practices.

The basic reporting requirements specified by CWA section 319(h) are grantee performance reports, nonpoint source progress reports, and financial status reports. EPA also requires reporting through the section 319 Grants Reporting and Tracking System (GRTS).

Grantee performance reports. Grantee performance reports must be submitted annually unless the reporting agency requires quarterly or semiannual reports (40 CFR 31.40). EPA guidelines state that these reports should be submitted twice a year. The guidelines also specify that the performance reports be two to three pages in length and include a performance/milestone summary, slippage reports (providing reasons for delays in meeting scheduled milestones and actions taken to correct any current or anticipated problems), and any additional pertinent information. In addition, final reports are due 90 days after the expiration or termination of grant support (USEPA, 1996).

Financial status reports. Grant recipients are required to submit Standard Form 269 or 269a (Appendix D) to report on the financial status of funds under each grant. States are usually required to submit these forms once per year. Final financial status reports are due within 90 days of termination or expiration of a grant agreement (40 CFR 31.41; USEPA, 1996).

Nonpoint source progress reports (annual reports). The CWA requires states to submit annual nonpoint source progress reports, which address milestone progress, resulting decreases in pollutant loadings, and other water quality improvements contained in not only the grant work plan but also the state's Nonpoint Source Management Program (CWA section 319(h)(11)). EPA suggests the following components: (1) brief summary of progress meeting milestones and objectives; (2) milestone matrix with the applicable project, completion date, and percent completed; (3) discussion of federal agency activities to support the state in reaching its milestones; and (4) summary of loading reductions, water quality improvement, and measures of environmental progress (USEPA, 1996). EPA may periodically provide updated guidance for the annual report.

Grants Reporting and Tracking System. GRTS is a Web-enabled data system that allows states and EPA to manage and report data on section 319 grants (USEPA, 2001b). GRTS allows for efficient data entry and includes password protection. States are encouraged to attach final project reports completed under their grants to the Project Evaluation field in GRTS. If states so choose, they may let subawardees enter their project data into the system, easing the burden on state staff. Table 2 presents the FY 2003 data elements that must be entered into GRTS, based on EPA's 2001 *Memorandum Regarding Reporting Requirements* (2001b). The Agency may update this information as appropriate. Check EPA's Web site at <http://www.epa.gov/owow/nps/cwact.html> for the most current information.

Table 2. Mandated FY 2003 GRTS Elements

GRANT DOCUMENT:	
▪ Number of State Employees	▪ Amount of 319(h) Funds Allocated to Sub-State Recipients
PROJECT DOCUMENT:	
▪ Nonpoint Source Program or Project Title ▪ Nonpoint Source Primary Category of Pollution ▪ Nonpoint Source Primary Functional Category of Activity ▪ Nonpoint Source Secondary Category of Pollution ▪ Nonpoint Source Secondary Functional Category of Activity ▪ Nonpoint Source Pollutant Type ▪ Nonpoint Source Waterbody Type - Waterbody on 303(d) list (Yes/No) - UWA category - Priority for TMDL development ▪ Stream Reach Code ▪ HUC code	▪ Nonpoint Source Budget 319(h) Funds ▪ Type of Lake/Pond/Reservoir Activity (if applicable) ▪ Expenditure breakdown for main source categories in Primary Category of Pollution field ▪ Project Description ▪ Link to TMDLs checkoff ▪ Load Reductions (Nutrients and/or Sediments) ▪ Modeling or Monitoring checkoff ▪ Name of Model ▪ Wetlands/Streambanks/Shorelines ▪ Best Management Practices ▪ BMP Implementation Project (Yes/No) ▪ Nonpoint Source Program or Project Completion Code/Date ▪ Nonpoint Source Program or Project Start Code/Date

Note: Although only the above fields are required nationally, some regions and states use optional GRTS fields to fulfill some of the other reporting requirements discussed in this section.

Responsibilities to Subawardees

States are expected to work closely with subawardees throughout the project's life, review all reporting and financial paperwork submitted by subawardees, conduct site visits, and act as a liaison to other state programs if needed. States are also expected to inform subawardees of the federal requirements that must be met. See Appendix C for highlights of these requirements. States are required to include information from subawardees' progress reports in the states' performance reports and annual reports. Finally, states are expected to properly close out projects with grant subawardees and enter nonpoint source information into GRTS.

Post-Award Frequently Asked Questions

Q. Is the state allowed to spend 319 funds on any of the following items: food; award programs; giveaways like t-shirts, pencils, and Frisbees; graduate school tuition; land purchase; vehicle purchase; teacher training; meeting with other federal programs (e.g., Underground Injection Control); other agency staff time (e.g., NRCS, USFS)?

A. States and regions should refer to OMB Circular A-87 (C). It provides basic guidelines on factors affecting allowability and the list of selected items of cost. These guidelines will help determine allowable costs. Regions and states should discuss questions on specific items as soon as possible. Some items are clearly prohibited (e.g., promotional items and entertainment). The allowability of other items (food, capital expenditures) is not as clear and should be discussed and explained consistent with OMB Circular A-87.

Q. Can time spent in training count toward the match?

A. According to OMB Circular A-87, the cost of training provided for employee development is allowable.

Q. Can the project match be less than 40 percent?
A. CWA section 319(h) requires that the state match be at least 40 percent of the total program costs of the EPA grant. However, the state may decide what match percentage is required for specific projects funded under that grant. The project match for subawardees can vary from zero to 100 percent, depending on the state.

Q. Which federal agency funds, if any, can be counted toward the nonfederal match?
A. None.

Q. What documents must be maintained in grant files and in project files?
A. States are required to maintain all financial and programmatic records, supporting documents, statistical records, and other pertinent information. For example, typical documents for grant files might include financial status reports, contracts, memoranda of agreement, and agreements with subawardees. Project files should include nonpoint source progress reports.

Q. If I need to make a change to the budget or work plan, what should I do?
A. The state must seek EPA's approval for significant changes in work plan commitments or to the budget. The state should discuss such changes in the work plan or budget with the EPA Project Officer as soon as possible. Other changes do not require EPA's approval unless the grant agreement imposes such requirements on a specific requirement for a specific period of time. More detailed information is provided at 40 CFR 35.114.

Q. What documentation is needed for indirect cost rules?
A. Copies of the current state-negotiated rates should be included with the grant application.

Q. When the state (or subawardee) produces a report with section 319(h) funds, does it become federal government property?
A. 40 CFR 31.34 states that EPA has the authority to reproduce, publish, or otherwise use, and to authorize others to use for federal government purposes, the materials produced with section 319(h) funds.

Chapter 4

Federal Requirements for Project Closeout Phase

Several steps must be completed for the state to close out a nonpoint source project or program grant (40 CFR 31.50). After subawardees close out their projects with the state, the state closes out its grant to EPA. First, the state should make sure that all tasks and projects identified in the grant work plan have been completed. If all such tasks and projects have been completed, the state should submit a final performance report to EPA within 90 days of the grant's expiration.

In addition, within 90 days of the grant's expiration, the state should request final payment from EPA and must submit a final financial status report. Prior to grant closeout, EPA conducts a grant evaluation. During this phase, the grant recipient is responsible for responding to any inquiries from the EPA project officer or EPA grants management specialist. Many grants include additional grant conditions, and the state should ensure that all such conditions have been met. All remaining grant funds or outstanding grant funds must be reconciled. Property purchased under the grant should be returned to EPA or disposed of per agreement. Any disposition of property can be negotiated with EPA. Any final grant amendments should be prepared and submitted to EPA for approval if necessary. Once the grant obligations have been met, the EPA project officer issues closeout certification. States must retain all records for 3 years after submission of the final financial status report (40 CFR 31.42).

Project Closeout Frequently Asked Questions

Q. What documentation is needed to close out a project?
A. States should submit a final performance report, final financial status report, and any other reports required as a condition of the grant. Contact the EPA project officer for clarification of report contents.

Q. Once the grant expires, what should be done with equipment and other items purchased with section 319(h) grant funds?
A. 40 CFR 31.31 and 31.32 and OMB Circular A-87, Attachment B.19, discuss the requirements for disposition of equipment and real property. Equipment and other items must be returned to EPA or disposed of per agreement with the awarding agency (EPA or the state). Factors affecting disposition include cost and whether the item is federal property. In addition, the EPA guidelines (FY 2002, FY 2003) require that states include provisions in subcontracts and subgrants that any management practices implemented will be properly maintained for an appropriate number of years.

Project Closeout Checklist

- ☑ Verify that work plan tasks have been completed.
- ☑ Reconcile any remaining or outstanding grant funds.
- ☑ Negotiate with EPA regarding disposition of property purchased with grant funds.
- ☑ Submit final progress report.
- ☑ Submit final project report.
- ☑ Request final payment from EPA.
- ☑ Submit final financial status report.
- ☑ Respond to inquiries during EPA Grant Evaluation.
- ☑ Retain all grant records for 3 years after submission of final financial status report.

References

USEPA. 1996. *Nonpoint Source Program and Grants Guidance for Fiscal Year 1997 and Future Years*. U.S. Environmental Protection Agency, Office of Water, Washington, DC. <http://www.epa.gov/owow/nps/guide.html>.

USEPA. 1999. Memorandum from Robert H. Wayland III, Director, Office of Wetlands, Oceans, and Watersheds, regarding Supplemental Guidance for the Award of Section 319 Nonpoint Source Grants in FY 2000. December 21, 1999. <http://www.epa.gov/owow/nps/Section319/fy2000.html>.

USEPA. 2000. Memorandum from Robert H. Wayland III, Director, Office of Wetlands, Oceans, and Watersheds, regarding Supplemental Guidance for the Award of Section 319 Nonpoint Source Grants in FY 2001. November 21, 2000. <http://www.epa.gov/owow/nps/Section 319/fy2001.html>.

USEPA. 2001a. Memorandum from Robert H. Wayland III, Director, Office of Wetlands, Oceans, and Watersheds, regarding Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants to States and Territories in FY 2002 and Subsequent Years. September 5, 2001. <http://www.epa.gov/owow/nps/Section 319/fy2002.html>.

USEPA. 2001b. Memorandum from Robert H. Wayland III, Director, Office of Wetlands, Oceans, and Watersheds, regarding Modifications to Nonpoint Source Reporting Requirements for Section 319 Grants. September 27, 2001. <http://www.epa.gov/owow/nps/Section 319/grts.html>.

USEPA. 2002. Memorandum from Robert H. Wayland III, Director, Office of Wetlands, Oceans, and Watersheds, regarding Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants to States and Territories in FY 2003. August 26, 2002. <http://www.epa.gov/owow/nps/Section319/319guide03.html>.

Appendix A

Summary of Federal Statutes, Regulations, and OMB Circulars Applicable to States

Clean Water Act Section 319

The Federal Water Pollution Control Act, as amended in 1972 and 1987, is collectively known as the Clean Water Act (CWA). The objective of the CWA is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters and, where attainable, to achieve a level of water quality that provides for the protection and propagation of fish, shellfish, and wildlife, and for recreation in and on the water. In 1987 Congress amended the act and added section 319 for the purpose of addressing nonpoint source pollution. CWA section 319 established baseline requirements for state and territorial nonpoint source management programs and authorized national funding to support implementation of approved management programs. CWA section 319(h) is the principal authority for EPA funding dedicated to nonpoint source pollution control.

Title 40 (Protection of the Environment) of the *Code of Federal Regulations*

Title 40 of the CFR, including parts 1 through 790, is published in October or November of each year. Only parts 1 through 51 apply to grants. The CFR codifies changes to EPA grant regulations that have been published in the *Federal Register* in the previous year (July 1 to June 30). 40 CFR parts 7, 29, 30, 31, 32, 34, and 35A pertain to section 319(h) grant recipients and subawardees.

Part 7 (Nondiscrimination in Program Receiving Federal Assistance from the Environmental Protection Agency). 40 CFR part 7 prohibits discrimination under any program or activity receiving EPA assistance on the basis of race, color, national origin, gender, or handicap. Part 7 outlines the following requirements:

- Submission of an assurance with a grant application that the grant applicant will comply with the requirements of part 7.
- Maintenance of compliance information during the life of the grant and for 3 years after completing the project.
- Public notification that the grantee does not discriminate on the basis of race, color, national origin, gender, or handicap.

Part 7 also describes EPA's compliance procedures. The full text of part 7 is provided at <http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr7_00.html>.

Part 29 (Intergovernmental Review of Environmental Protection Agency Programs and Activities). 40 CFR part 29 requires EPA to provide an opportunity for consultation between federal representatives and state and local elected officials. This intergovernmental review is intended to determine the views of state and local elected officials, provide notice of proposed federal financial assistance from EPA to the state government, and communicate specific state plans and actions as early in a program planning cycle as is reasonably feasible. The full text of part 29 is provided at <http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr29_00.html>.

Part 30 (Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations). 40 CFR part 30 establishes uniform administrative requirements for federal grants and agreements awarded to institutions of higher education, hospitals, and other nonprofit organizations. Part 30 outlines pre-award policies, post-award requirements, and after-the-award requirements, which are very similar to those covered under 40 CFR part 31 *(Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments)*, described below. Nonprofit organizations that implement federal programs for the states are also subject to state requirements. The full text of part 30 is provided at <http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr30_00.html>.

Part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments). 40 CFR part 31 establishes uniform administrative requirements for federal grants to and agreements with state and local governments. Table A-1 outlines the requirements of part 31. The full text of part 31 is provided at <http://www.access.gpo.gov/nara/ cfr/cfrhtml_00/Title_40/40cfr31_00.html>.

Table A-1. Overview of 40 CFR Part 31

Specifications	Examples
Pre-award	▪ Applicants must use Standard Form 424 to apply for federal funding ▪ Conditions for high-risk grantees ▪ Statutory provisions applicable to EPA assistance awards ▪ State plan requirements
Post-award	▪ Financial and program management ▪ Payment processes ▪ Cost sharing or matching specifications ▪ Program income standards ▪ Process for revision of budget and program plans ▪ Audit provisions ▪ Allowable costs ▪ Funding period ▪ Property standards ▪ Equipment ▪ Supplies ▪ Copyrights ▪ Procurement standards ▪ Monitoring and reporting program performance criteria ▪ Financial reporting on Standard Form 269 ▪ 3-year retention and access specifications for project records ▪ Quality Assurance Project Plan criteria ▪ Termination and enforcement procedures ▪ Subawards to debarred/suspended parties ▪ Subgrants
After-the-award	▪ Recipient must submit all financial, performance, and other reports within 90 calendar days after the date of completion of the award ▪ Recipient must account for any real and personal property acquired with federal funds ▪ Final payment or repayment specifications ▪ Disputes

Part 32 (Governmental Debarment and Suspension [Non-Procurement]). 40 CFR part 32 states that anyone who has been debarred or suspended by a government agency must be excluded from all federal financial and nonfinancial assistance. By signing and submitting a section 319(h) proposal, grant applicants certify that they have not been debarred or suspended by a government agency. Part 32 also requires that as a condition of their grant, grantees must certify to EPA that they maintain a drug-free workplace. By signing and submitting

the section 319(h) proposal, the grant applicant certifies that he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant. The full text of Part 32 is provided at <http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr32_00.html>.

Part 34 (New Restrictions on Lobbying: Interim Final Rule). 40 CFR part 34 prohibits the use of federal grant funds to influence (or attempt to influence) a federal employee. It also requires the submission of Standard Form LLL ("Disclosure of Lobbying Activities") if nonfederal funds have been used to influence (or attempt to influence) a federal employee. The full text of part 34 is provided at <http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr34_00.html>.

Part 35A (Environmental Program Grants). 40 CFR part 35, subpart A, applies to all environmental program grants including section 319(h). It establishes administrative grant requirements that supplement the requirements described under parts 30 and 31. Table A-2 outlines the requirements of part 35, subpart A. The full text of part 35, subpart A, is provided at <http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr35_00.html>.

Table A-2. Overview of 40 CFR Part 35, Subpart A

Specifications	Examples
Pre-award	▪ A complete application must include a proposed work plan and specify the environmental program and amount of funds requested ▪ An application should be submitted at least 60 days before the funding period ▪ Work plan requirements and guidance ▪ Length of funding period is negotiable between the applicant and Regional Administrator ▪ Consolidated grant information ▪ EPA will review a complete application and approve, conditionally approve, or disapprove it within 60 days ▪ Reimbursement procedures for pre-award costs
Post-award	▪ Performance evaluation criteria ▪ Amendments and other changes ▪ Unspent fund procedures
Performance Partnership Grant	▪ Eligibility ▪ Cost share requirements ▪ Application requirements ▪ Additional funding through competitive grants
Nonpoint Source Management Grant	▪ May provide up to 60 percent of the work plan costs ▪ Administrative costs may not exceed 10 percent of the grant funds ▪ State must agree to maintenance of effort requirements ▪ EPA must have approved the state's Nonpoint Source Assessment Report before grant approval ▪ EPA must have approved the state's Nonpoint Source Management Program before grant approval ▪ The state's work plan must describe activities and outputs for each nonpoint source category ▪ The state must have made significant progress in meeting its management program goals in the preceding year ▪ Work plan requirements for significant watershed projects (more than $50,000)

Office of Management and Budget Circulars

The Office of Management and Budget (OMB) issues government-wide circulars for managing grants that apply to all federal executive agencies. When these agencies are required to apply the directives, the effect on grantees is often the same as regulation. OMB circulars are expected to have a continuing effect for 2 years or more. Among the circulars relevant to grant administration are those related to administrative requirements, cost principles, and audits. Several such circulars directly apply to section 319(h) grants—Circulars A-21, A-87, A-102, A-122, and A-133.

A-21 (Cost Principles for Educational Institutions). Circular A-21 establishes the principles for determining costs applicable to grants with educational institutions. The full text of Circular A-21 is provided at <http://www.whitehouse.gov/omb/circulars/a021/a021.html>.

A-87 (Cost Principles for State, Local, and Indian Tribal Governments). Circular A-87 establishes the principles and standards for determining the allowable costs incurred by state, local, and federally recognized American Indian tribal governments under grants with the federal government. All subawards are also subject to these cost principles unless the subaward is to a college, university, hospital, or other nonprofit organization. (Such entities are covered under different OMB circulars.) Circular A-87 provides the basic guidelines for allowable costs (e.g., must be necessary, reasonable, authorized, and documented), as well as an explanation of direct and indirect costs. Selected cost items are defined specifically as allowable (e.g., accounting, materials, and supplies) or unallowable (e.g., alcoholic beverages, entertainment). The full text of Circular A-87 is provided at <http://www.whitehouse.gov/omb/circulars/a087/a087-all.html>.

A-102 (Grants and Cooperative Agreements with State and Local Governments). Circular A-102 establishes guidelines for consistency and uniformity in federal agencies' management of grants with state, local, and federally recognized Indian tribal governments. The full text of Circular A-102 is provided at <http://www.whitehouse.gov/omb/circulars/a102/a102.html>.

A-122 (Cost Principles for Non-Profit Organizations). Circular A-122 establishes principles for determining costs of grants with nonprofit organizations. All subawards are subject to those federal cost principles applicable to the particular type of organization; that is, if a subaward is issued to a nonprofit organization, this circular applies, and if a subaward is issued to a local government, Circular A-87 applies. Circular A-122 provides the basic guidelines for allowable costs (e.g., must be reasonable, allocable, and documented), as well as an explanation of direct and indirect costs. Allocation of indirect costs, determination of indirect cost rates, and negotiation and approval of indirect cost rates are described. Selected cost items are defined specifically as allowable (e.g., communication costs, professional services) or unallowable (e.g., alcoholic beverages, lobbying). The full text of Circular A-122 is provided at <http://www.whitehouse.gov/omb/circulars/a122/a122.html>.

A-133 (Audits of States, Local Governments, and Non-Profit Organizations). Circular A-133 establishes standards for obtaining consistent and uniform audits of states, local governments, and nonprofit organizations expending federal awards regardless of whether they are recipients or subawardees. Audits must be conducted according to generally accepted government auditing standards. Entities that expend at least $300,000 of total federal funds in a year must have an audit conducted for that year. EPA may request program-specific audits. The grant recipient has the following audit responsibilities:

- Identify all federal awards received and expended.
- Maintain awards in compliance with laws, regulations, and grant provisions.
- Prepare appropriate financial statements, including the schedule of expenditures.
- Ensure that audits are properly performed and submitted on time.
- Follow up and take corrective action on audit findings.

Circular A-133 describes the required contents of an audit reporting package, which must be submitted to a federal clearinghouse. Subawardees also must submit a copy of a reporting package to each pass-through entity (e.g., state nonpoint source agency). Additional subawardee responsibilities are outlined in Circular A-133; the full text of the circular is provided at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>.

EPA Guidelines on CWA Section 319(h) Grants

EPA developed specific guidelines in May 1996 for the award of section 319(h) grants beginning in fiscal year 1997. The guidelines describe criteria and processes for states and territories to upgrade their Nonpoint Source Management Programs, summarize statutory and regulatory provisions that apply to the award of nonpoint source grants, and provide guidance designed to assist states and territories in implementing effective programs and projects. These guidelines have been supplemented annually to reflect changes in the grant process and criteria. The 1997 *Nonpoint Source Guidance* and each supplemental guidance are listed in Table A-3, along with other section 319-related requirements. The Web site for future guidance updates also is provided.

Table A-3. EPA Guidelines

Title	Web Address
Nonpoint Source Program and Grants Guidance for Fiscal Year 1997 and Future Years	<http://www.epa.gov/owow/nps/guide.html>
Process and Criteria for Funding State and Territorial Nonpoint Source Management Programs in FY 1999	<http://www.epa.gov/owow/nps/Section319/fy99guid.html>
Supplemental Guidance for the Award of Section 319 Nonpoint Source Grants in FY 2000	<http://www.epa.gov/owow/nps/Section319/fy2000.html>
Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants in FY 2001	<http://www.epa.gov/owow/nps/Section319/fy2001.html>
Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants to States and Territories in FY 2002 and Subsequent Years	<http://www.epa.gov/owow/nps/Section319/fy2002.html>
Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants to States and Territories in FY 2003	<http://www.epa.gov/owow/nps/Section319/319guide03.html>
Modifications to Nonpoint Source Reporting Requirements for Section 319 Grants	<http://www.epa.gov/owow/nps/Section319/grts.html>
Further guidance updates	<http://www.epa.gov/owow/nps/guide.html>

Appendix B

State Nonpoint Source Program Web Sites

Table B-1. State Nonpoint Source Program Web Sites

State	Web Site
Alabama	http://www.adem.state.al.us/Education%20Div/Nonpoint%20Program/WSNPSProgram.htm
Alaska	http://www.state.ak.us/local/akpages/ENV.CONSERV/home.htm
American Samoa	Not available
Arizona	http://www.adeq.state.az.us/environ/water/non/index.html
Arkansas	http://www.state.ar.us/aswcc
California	http://www.swrcb.ca.gov/nps/
Colorado	http://www.cdphe.state.co.us/op/wqcc/cnpsmpu.html
Connecticut	http://www.dep.state.ct.us/wtr/nps/npsplsum.htm
Delaware	http://www.dnrec.state.de.us/dnrec2000/Library/NPS/NPSPlan.pdf
Florida	http://www.dep.state.fl.us/water/stormwater/grants.htm
Georgia	http://www.state.ga.us/dnr/environ
Guam	http://www.guamepa.govguam.net/programs/water/wpc.html
Hawaii	http://www.state.hi.us/doh/eh/cwb/index.htm
Idaho	http://www2.state.id.us/deq/water/nps/nps.htm
Illinois	http://www.epa.state.il.us/water/watershed/nonpoint-source.html
Indiana	http://www.state.in.us/idem/owm/planbr/wsm/index.html
Iowa	http://www.state.ia.us/government/dnr/organiza/epd/wtresrce/wtrres.htm
Kansas	http://www.kdhe.state.ks.us/nps/index.html
Kentucky	http://water.nr.state.ky.us/dow/grants.htm
Louisiana	http://nonpoint.deq.state.la.us/
Maine	http://www.state.me.us/dep/blwq/watersh.htm
Maryland	http://www.dnr.state.md.us/bay/czm/nps/
Massachusetts	http://www.state.ma.us/dep/brp/wm/wmpubs.htm#nps
Michigan	http://www.michigan.gov/deq/0,1607,7-135-3313_3682_3714—,00.html
Minnesota	http://www.pca.state.mn.us/water/nonpoint/
Mississippi	http://www.deq.state.ms.us/newweb/homepages.nsf
Missouri	http://www.dnr.state.mo.us/wpscd/wpcp/homewpcp.htm

Table B-1. State Nonpoint Source Program Web Sites (cont.)

State	Web Site
Montana	http://www.deq.state.mt.us/ppa/rpp/watershed/index.asp
Nebraska	http://www.deq.state.ne.us/
Nevada	http://ndep.state.nv.us/bwqp/npsgwp.htm
New Hampshire	http://www.des.state.nh.us/wmb/was/
New Jersey	http://www.state.nj.us/dep/watershedmgt/nps_program.htm
New Mexico	http://www.nmenv.state.nm.us/
New York	http://www.dec.state.ny.us/website/dow/bwm.htm
North Carolina	http://h2o.enr.state.nc.us/nps/
North Dakota	http://www.health.state.nd.us/wq/sw/Z1_NPS/A_Main.htm
Northern Marianas Islands	http://www.deq.gov.mp/NPS/
Ohio	http://www.epa.state.oh.us/dsw/nps/index.html
Oklahoma	http://www.okcc.state.ok.us/NPSMP_final_draft.pdf
Oregon	http://www.deq.state.or.us/wq/nonpoint/nonpoint.htm
Pennsylvania	http://www.dep.state.pa.us/dep/deputate/watermgt/WC/Subjects/NonPoint.htm
Puerto Rico	Not available
Rhode Island	http://www.state.ri.us/dem/programs/benviron/water/quality/nonpoint/index.htm
South Carolina	http://www.scdhec.net/water/html/npspage.html
South Dakota	http://www.state.sd.us/denr/DFTA/WatershedProtection/wpprg.htm
Tennessee	http://www.state.tn.us/agriculture/nps/
Texas	http://www.tnrcc.state.tx.us/water/quality/nps/index.html, http://www.tsswcb.state.tx.us/programs/319.html
U.S. Virgin Islands	Not available
Utah	http://www.deq.state.ut.us/EQWQ/documents/NPSplan.html
Vermont	http://www.anr.state.vt.us/dec/waterq/wqdhome.htm
Virginia	http://www.dcr.state.va.us/sw/npsupdt.htm
Washington	http://www.ecy.wa.gov/programs/wq/nonpoint/index.html
Washington, DC	http://dchealth.dc.gov/services/administration_offices/environmental/watershed/watershed_division.shtm
West Virginia	http://www.dep.state.wv.us/item.cfm?ssid=11&ss1id=168
Wisconsin	http://www.dnr.state.wi.us/org/water/wm/nps/index.htm
Wyoming	http://deq.state.wy.us/wqd/nps/npspg.htm

Appendix C

Federal Requirements for Section 319(h) Grants to Subawardees

Introduction

State nonpoint source agencies frequently use 319(h) grants to fund local implementation projects as subawards. Recipients of these subawards ("subawardees") are required to meet certain federal requirements because these are federal funds initially awarded by EPA. To facilitate compliance, a list of federal requirements that apply to subawardees of section 319(h) grants is provided here.

Federal requirements are included in Title 40 of the CFR, OMB circulars, and EPA guidelines. Depending on the kind of organization receiving funds (state or local agency, nonprofit, university, etc.), different regulations and OMB circulars apply. For a local government, 40 CFR part 31 and OMB Circulars A-87, A-102, and A-133 apply. 40 CFR 31.22 clearly outlines the OMB circulars for cost principles applicable to subawardees (contract or subgrant). For an institution of higher education, hospital, or nonprofit organization, 40 CFR part 30 regulations and OMB Circulars A-110, A-122, A-133 apply.

In addition to federal requirements, states often require that subawardees meet certain state-specific requirements, that either comply with state requirements or are needed for the state to comply with the federal requirements.

Following are highlights of specific financial, reporting, and other federal requirements that apply to subawardees of 319 funds.

Federal Grant Requirements for the Pre-award and Application Phase

- *Drug-free Workplace.* 40 CFR 32.600 requires subawardees of section 319(h) grant funds to certify that they maintain a drug-free workplace. By signing and submitting the section 319(h) grant application, the applicant certifies that he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any grant-related activity.
- *Application or proposal, including work plan (scope of work) and budget*. Subawardees of section 319(h) grants must develop a work plan and budget as part of their application. The work plan is negotiated between the applicant and the state nonpoint source agency. It reflects consideration of such factors as the requirements and criteria identified in a request for proposal, and/or state program guidance; goals, objectives, and priorities. In general, work plans often include the following:
  - Work plan goals, outcomes and outputs.
  - The estimated time and funding required to complete each work plan outcome and output.
  - Evaluation process and reporting schedule.
  - Roles and responsibilities of the state and applicant.
  - Other state specific requirements, as appropriate.

- *Lobbying.* Federal restrictions regarding lobbying are provided in 40 CFR 34.100 and OMB Circulars A-87 and A-122. Federal grant funds may not be used to influence (or attempt to influence) a federal employee. If nonfederal funds have been used to influence (or attempt to influence) a federal employee, the subawardee must submit Standard Form LLL ("Disclosure of Lobbying Activities").
- *Nondiscrimination.* 40 CFR 7.30 prohibits discrimination under any program or activity receiving EPA assistance on the basis of race, color, national origin, gender, handicap, or age. It also requires that recipients of federal funds provide public notification that they do not discriminate (40 CFR 7.95).

Grant Requirements for the Post-award Phase

As in the pre-award and application phase, the subawardee must meet several requirements after receiving the award.

- ***Competition***. 40 CFR 31.36 requires that all procurement transactions be conducted in a way that provides open and free competition. Purchases for projects must be made on a competitive basis to ensure that fair and reasonable prices are obtained for goods and services. Federal regulations require documentation of cost or price analysis in connection with every procurement action regardless of amount.
- ***Conflict of Interest***. 40 CFR 31.36 requires standards of conduct to avoid conflict of interest. Recipients of federal funds may not participate in the selection, award, or administration of a contract if real or apparent conflict of interest would result.
- ***Copyrights***. 40 CFR 31.34 grants EPA a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use for federal government purposes, (1) the copyright in any work developed under a subgrant, or contract under a grant or subgrant, and (2) any rights of copyright to which a subawardee or a contractor purchases ownership with grant support.
- ***Financial Specifications***. Financial requirements for subawardees of section 319(h) grant funds are categorized by the following topics: allowable costs, matching funds, and state-specific requirements regarding the payment process.
  - *Allowable costs*. All costs charged to EPA grants must be eligible, necessary, and reasonable for performing the tasks outlined in the approved project work plan. The costs, including match, must be incurred during the period of performance of the project. The costs also must be allowable, meaning that the costs must conform to specific federal requirements (40 CFR parts 30 and 31; OMB Circulars A-87 and A-122). In addition, costs must be well documented.
  - *Financial management*. 40 CFR 31.20 requires that subawardees meet specific standards regarding financial reporting, accounting records, internal control, budget control, allowable cost, source documentation, and cash management.
  - *Matching funds*. Matching funds are the portion of the allowable project costs that the subawardee (or third party) contributes to a grant or cooperative agreement. Subawardees may be required to provide matching funds, although the percent amount varies from state to state. All matching funds must conform to the same laws, regulations, and grant conditions as the federal funds in the grant (CWA section 319(h)(3), 40 CFR 35.265). Subawardees should check with their state project officer for state-specific matching fund requirements.
  - *Payment processes*. EPA's payments for subawardees' contractors (excluding overhead) is limited to the maximum daily rate for a GS-18. Maximum daily rates may change annually or more often. The current 2003 rate is set at $513.60. This amount does not include transportation and subsistence costs, in accordance with normal travel reimbursement practices. Subawardees may pay consultants more than this amount, but the excess amount may not be paid with federal grant funds. State-determined payment processes are used to pay subawardees. The length of time for subawardees to receive payment from states varies by state (Public Law 99-591, 40 CFR 31.36(j)).

- ***Operation and Maintenance***. Subawardees are required to properly operate and maintain any management practices implemented with 319 funds (USEPA, 1996).
- ***Procurement Methods***. Subawardees may use their own procurement procedures provided that the procedures conform to applicable federal laws and standards as described in 40 CFR 31.36. Subawards may not be made to any party that has been debarred or suspended or is considered ineligible for participation in federal assistance programs.
  - *Contracting with small and minority businesses*. Recipients of section 319(h) grants that employ subcontractors must comply with the six affirmative steps described in 40 CFR 31.36 to ensure that minority- and women-owned firms are used when possible.
- ***Property Management***. Property management and procedures are detailed in 40 CFR part 31 and OMB Circulars A-21, A-87, and A-122. Property (e.g., equipment, supplies) purchased in whole or in part with federal funds should be itemized. Property purchased with these funds must be returned to the state nonpoint source agency or EPA or disposed of per agreement with the awarding agency upon completion of the project (or termination of the contract).
- ***Quality Assurance***. When environmental data are being collected during the course of a section 319 project, a Quality Assurance Project Plan (QAPP) must be followed in accordance with specific EPA guidelines (40 CFR 31.45 and 30.54). QAPPs outline the procedures that a monitoring project will use to make sure that samples are collected, data are stored, and reports are written to ensure quality high enough to meet the needs of the project. Subawardees should discuss QAPP requirements with the state as early in the grant process as possible. Specific guidelines on writing a QAPP are provided at <http://www.epa.gov/quality1/qs-docs/g5-final.pdf> and <http://www.epa.gov/volunteer/qappcovr.htm>.
- ***Record-Keeping Specifications***. Section 319 grant recipients are required to retain all records pertaining to federally sponsored activities or projects for 3 years after the date of submission of the final financial status report or final date of reconciliation of outstanding issues (40 CFR 31.42). The records must be available and accessible to the state or EPA, as requested, for review or audit.
- ***Reporting Specifications.*** All section 319(h) grants are subject to EPA's general grant regulations at 40 CFR parts 31 and 35, subpart A, which specify various basic grant reporting requirements. Section 319(h) contains additional provisions.

  The basic reporting requirements specified include subaward performance reports, nonpoint source progress reports, and financial status reports, although states might refer to them by different names, such as project report or NPS project progress report (CWA section 319(h)). States may also require subawardees to report project information through the section 319 Grants Reporting and Tracking System (GRTS). See Table 2 in Chapter 4 for examples of GRTS information that might be requested.

  Reporting requirements for the subawardees are identified in their agreement with the state nonpoint source agency. Although there are no specific federal reporting requirements for subawardees, the subaward agreement is often tailored to enable the states to comply with state requirements and to acquire the information needed to comply with the federal requirements. States often require subawardees to submit expenditure reports, progress reports, draft and final reports, and other information necessary for project tracking and closeout.

Grant Requirements for the Project Closeout Phase

The subawardee must close out its nonpoint source project grant with the state by completing several steps (40 CFR 31.50). Requirements are state-specific and should be discussed with the awarding agency. The following are examples of what could be required by the state.

- *Complete All Project Tasks.* The subawardee should make sure that all tasks identified in the project work plan have been completed.

- *Submit Final Project Report.* The subawardee should also prepare a final project report, in which the subawardee presents a summary of the project. Format and content requirements are state-specific, and therefore the subawardee should check with the awarding entity on their reporting requirements.
- *Request Final Payment.* Within a specified time after the grant's expiration, per agreement with the state, the subawardee should request final payment.
- *Submit a Final Financial Status Report.* Within a specified time after the grant's expiration, per agreement with the state, the subawardee should submit a final financial status report.
- *Additional Responsibilities.* The subawardee is responsible for responding to any inquiries from the state project officer or grants management specialist. All remaining grant funds or outstanding grant funds must be reconciled. Property purchased under the grant should be returned to the state or disposed of per agreement. Any dispositions concerning property can be negotiated with the state. All records must be retained for 3 years (40 CFR 31.50).

Appendix D

Federal Forms

Pre-Award

Standard Form 424 ("Application for Federal Assistance")

Standard Form 424A ("Budget Information")

Standard Form 424B ("Assurances")

EPA Form 4700-4 ("Preaward Compliance Review Report")

EPA Form 5700-49 ("Certification Regarding Debarment, Suspension, and Other Responsibility Matters")

Certification Regarding Lobbying

Standard Form LLL ("Disclosure of Lobbying Activities")

Post-Award

Standard Form 270 ("Request for Advance or Reimbursement")

EPA Form 5700-52A ("MBE/WBE Utilization Report")

Standard Form 269 ("Financial Status Report")

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

	2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION: Application: ☐ **Construction** ☐ **Non-Construction** Preapplication: ☐ **Construction** ☐ **Non-Construction**	**3. DATE RECEIVED BY STATE**	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, State, and zip code):*	Name and telephone number of person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER *(EIN):*

☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ **New** ☐ **Continuation** ☐ **Revision**

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other*(specify):*

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐ — ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.):*

13. PROPOSED PROJECT		**14. CONGRESSIONAL DISTRICTS OF:**	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ 0.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ **Yes** **If "Yes," attach an explanation.** ☐ **No**

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3.	State use only (if applicable).
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: -- "New" means a new assistance award. -- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. -- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item:	Entry:
12.	List only the largest political entities affected (e.g., State, counties, cities).
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$ 0.00
2.						0.00
3.						0.00
4.						0.00
5. Totals		$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$ 0.00
b. Fringe Benefits					0.00
c. Travel					0.00
d. Equipment					0.00
e. Supplies					0.00
f. Contractual					0.00
g. Construction					0.00
h. Other					0.00
i. Total Direct Charges *(sum of 6a-6h)*	0.00	0.00	0.00	0.00	0.00
j. Indirect Charges					0.00
k. TOTALS *(sum of 6i and 6j)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00
7. Program Income	$	$	$	$	$ 0.00

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Standard Form 424A (Rev. 7-97)
Prescribed by OMB Circular A-102

Previous Edition Usable

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$ 0.00
9.				0.00
10.				0.00
11.				0.00
12. TOTAL *(sum of lines 8-11)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	**1st Quarter**	**2nd Quarter**	**3rd Quarter**	**4th Quarter**
13. Federal	$ 0.00	$	$	$	$
14. Non-Federal	0.00				
15. TOTAL *(sum of lines 13 and 14)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTAL *(sum of lines 16-19)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charges:
23. Remarks:	

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INSTRUCTIONS FOR THE SF-424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0044), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the Catalog program title and the Catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the Catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the Catalog program title on each line in *Column* (a) and the respective Catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For new applications, leave Column (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 - Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Line 6a-i - Show the totals of Lines 6a to 6h in each column.

Line 6j - Show the amount of indirect cost.

Line 6k - Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount, Show under the program

narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11 Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) - Enter the contribution to be made by the applicant.

Column (c) - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d).

Line 12 - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 - Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 - Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19 - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 - Use this space to explain amounts for individual direct object class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 - Provide any other explanations or comments deemed necessary.

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Washington, DC 20460

Preaward Compliance Review Report for All Applicants Requesting Federal Financial Assistance

FORM Approved
OMB No. 2030-0020
Expires 12-31-05

Note: Read instructions before completing form.

I. A. Applicant (Name, City, State)	B. Recipient (Name, City, State)	C. EPA Project No.
II. Brief description of proposed project, program or activity.		
III. Are any civil rights lawsuits or complaints pending against applicant and/or recipient? If yes, list those complaints and the disposition of each complaint.		☐ Yes ☐ No
IV. Have any civil rights compliance reviews of the applicant and/or recipient been conducted by any Federal agency during the two years prior to this application for activities which would receive EPA assistance? If yes, list those compliance reviews and status of each review.		☐ Yes ☐ No
V. Is any other Federal financial assistance being applied for or is any other Federal financial assistance being applied to any portion of this project, program or activity? If yes, list the other Federal Agency(s), describe the associated work and the dollar amount of assistance.		☐ Yes ☐ No
VI. If entire community under the applicant's jurisdiction is not served under the existing facilities/services, or will not be served under the proposed plan, give reasons why.		

VII. Population Characteristics	Number of People
1. A. Population of Entire Service Area	
B. Minority Population of Entire Service Area	
2. A. Population Currently Being Served	
B. Minority Population Currently Being Served	
3. A. Population to be Served by Project, Program or Activity	
B. Minority Population to be Served by Project, Program or Activity	
4. A. Population to Remain Without Service	
B. Minority Population to Remain Without Service	
VII. Will all new facilities or alterations to existing facilities financed by these funds be designed and constructed to be readily accessible to and usable by handicapped persons? If no, explain how a regulatory exception (40 CFR 7.70) applies.	☐ Yes ☐ No

IX. Give the schedule for future projects, programs or activities (or of future plans), by which services will be provided to all beneficiaries within applicant's jurisdiction. If there is no schedule, explain why.		
X. I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		
A. Signature of Authorized Official	B. Title of Authorized Official	C. Date
For the U.S. Environmental Protection Agency		
☐ Approved ☐ Disapproved	Authorized EPA Official	Date

Instructions for EPA FORM 4700-4 (Rev. 1/90)

General

Recipients of Federal financial assistance from the U.S. Environmental Protection Agency must comply with the following statutes.

Title VI of the Civil Rights Acts of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
The Act goes on to explain that the title shall not be construed to authorize action with respect to any employment practice of any employer, employment agency, or labor organization (except where the primary objective of the Federal financial assistance is to provide employment).

Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act provides that no person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Federal Water Pollution Control Act, as amended. Employment discrimination on the basis of sex is prohibited in all such programs or activities.

Section 504 of The Rehabilitation Act of 1973 provides that no otherwise qualified handicapped individual shall solely by reason of handicap be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Employment discrimination on the basis of handicap is prohibited in all such programs or activities.

The Age Discrimination Act of 1975 provides that no person on the basis of age shall be excluded from participation under any program or activity receiving Federal financial assistance. Employment discrimination is not covered. Age discrimination in employment is prohibited by the Age Discrimination in Employment Act administered by the Equal Employment Opportunity Commission.

Title IX of the Education Amendments of 1972 provides that no person on the basis of sex shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Employment discrimination on the basis of sex is prohibited in all such education programs or activities. Note: an education program or activity is not limited to only those conducted by a formal institution.

The information on this form is required to enable the U.S. Environmental Protection Agency to determine whether applicants and prospective recipients are developing projects, programs and activities on a nondiscriminatory basis as required by the above statutes.

Submit this form with the original and

ITEMS

IA. “Applicant” means any entity that files an application or unsolicited proposal or otherwise requests EPA assistance.

IB. “Recipient” means any entity, other than applicant, which will actually receive EPA assistance.

IC. Self-explanatory.

II. Self-explanatory.

III. “Civil rights lawsuits” means any lawsuit or complaint alleging discrimination on the basis of race, color, national origin, sex, age, or handicap pending against the applicant and/or entity, which actually benefits from the grant. For example, if a city is the named applicant but the grant will actually benefit the Department of Sewage, civil rights lawsuits involving both the city and the Department of Sewage should be listed.

IV. “Civil rights compliance review” means any review assessing the applicant and/or recipient’s compliance with laws prohibiting discrimination on the basis of race, color, national origin, sex, age, or handicap. If any part of the review covered the entity, which will actually benefit from the grant, it should be listed.

V. Self-explanatory.

VI. The word “community” refers to the area under the applicant and/or recipient’s jurisdiction. The “community” might be a university or laboratory campus, or a community within a large city. If there is significant disparity between minority and nonminority populations to receive service, not otherwise satisfactorily explained, the Regional office may require a map, which indicates the minority and nonminority population served by this project, program or activity.

VII. This information is required so that reviewers may determine if a disparity in the proposed provision of services will exist in the event the application is approved for funding. Give population of recipient’s jurisdiction, broken out by categories as specified.

In the event the applicant cannot provide the requested information because the funds will be distributed over a wide demographic area, which is yet to be determined, an explanation may be provided on a separate sheet. For example, a State applying for a capitalization grant under the State Revolving Fund program may not know which cities and counties will apply for, and receive, SRF loans.

VIII. Self-explanatory.

IX. “Jurisdiction” means the geographical area over which applicant has the authority to provide service.

required copies of applications, requests for extensions, requests for increase of funds, etc. Updates of information are all that are required after the initial application submission. If any item is not relevant to the project for which assistance is requested, write “NA” for “Not Applicable.” In the event applicant is uncertain about how to answer certain questions, EPA program officials should be contacted for clarification.	X. Self-explanatory. **“Burden Disclosure Statement”** EPA estimates public reporting burden for the preparation of this form to average 30 minutes per response. This estimate includes the time for reviewing instructions, gathering and maintaining the data needed and completing and reviewing the form. Send comments regarding the burden estimate, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

United States
Environmental Protection Agency

_____
EPA Project Control Number

_____

United States Environmental Protection Agency
Washington, DC 20460

Certification Regarding
Debarment, Suspension, and Other Responsibility Matters

The prospective participant certifies to the best of its knowledge and belief that it and the principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction: violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated or cause or default.

I understand that a false statement on this certification may be ground for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to $10,000 or imprisonment for up to 5 years, or both.

_____
Typed Name & Title of Authorized Representative

_____
Signature of Authorized Representative Date

☐ I am unable to certify to the above statements. My explanation is attached.

EPA Form 5700-49 (11-88)

United States Environmental Protection Agency

_____
EPA Project Control Number

CERTIFICATION REGARDING LOBBYING

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____
Typed Name & Title of Authorized Representative

_____
Signature of Authorized Representative Date

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action: ☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	**2. Status of Federal Action:** ☐ a. bid/offer/application b. initial award c. post-award	**3. Report Type:** ☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: ☐ **Prime** ☐ **Subawardee** Tier _____, *if known*: **Congressional District**, *if known*:	**5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:** **Congressional District**, *if known*:	
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____	
8. Federal Action Number, *if known*:	**9. Award Amount,** *if known*: $	
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

PRINT

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employeeof a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizationallevel below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

REQUEST FOR ADVANCE OR REIMBURSEMENT

(See instructions on back)

OMB APPROVAL NO. 0348-0004

PAGE OF PAGES

1. TYPE OF PAYMENT REQUESTED

a. *"X" one or both boxes* ☐ ADVANCE ☐ REIMBURSEMENT

b. *"X" the applicable box* ☐ FINAL ☐ PARTIAL

2. BASIS OF REQUEST ☐ CASH ☐ ACCRUAL

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED

4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY

5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST

6. EMPLOYER IDENTIFICATION NUMBER

7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER

8. **PERIOD COVERED BY THIS REQUEST**

FROM *(month, day, year)*

TO *(month, day, year)*

9. RECIPIENT ORGANIZATION

Name:

Number and Street:

City, State and ZIP Code:

10. PAYEE *(Where check is to be sent if different than item 9)*

Name:

Number and Street:

City, State and ZIP Code:

11. **COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED**

PROGRAMS/FUNCTIONS/ACTIVITIES ►		(a)	(b)	(c)	TOTAL
a. Total program outlays to date *(As of date)*		$	$	$	$ 0.00
b. *Less:* Cumulative program income					0.00
c. Net program outlays *(Line a minus line b)*		0.00	0.00	0.00	0.00
d. Estimated net cash outlays for advance period					0.00
e. Total *(Sum of lines c & d)*		0.00	0.00	0.00	0.00
f. Non-Federal share of amount on line e					0.00
g. Federal share of amount on line e					0.00
h. Federal payments previously requested					0.00
i. Federal share now requested *(Line g minus line h)*		0.00	0.00	0.00	0.00
j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances	1st month				0.00
	2nd month				0.00
	3rd month				0.00

12. **ALTERNATE COMPUTATION FOR ADVANCES ONLY**

a. Estimated Federal cash outlays that will be made during period covered by the advance	$
b. *Less:* Estimated balance of Federal cash on hand as of beginning of advance period	
c. Amount requested *(Line a minus line b)*	$ 0.00

AUTHORIZED FOR LOCAL REPRODUCTION

(Continued on Reverse)

13. CERTIFICATION		
I certify that to the best of my knowledge and belief the data on the reverse are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.	SIGNATURE OR AUTHORIZED CERTIFYING OFFICIAL	DATE REQUEST SUBMITTED
	TYPED OR PRINTED NAME AND TITLE	TELEPHONE (AREA CODE, NUMBER, EXTENSION)

This space for agency use

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0004), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

INSTRUCTIONS

Please type or print legibly. Items 1, 3, 5, 9, 10, 11e, 11f, 11g, 11i, 12 and 13 are self-explanatory; specific instructions for other items are as follows:

Item	*Entry*
2	Indicate whether request is prepared on cash or accrued expenditure basis. All requests for advances shall be prepared on a cash basis.
4	Enter the Federal grant number, or other identifying number assigned by the Federal sponsoring agency. If the advance or reimbursement is for more than one grant or other agreement, insert N/A; then, show the aggregate amounts. On a separate sheet, list each grant or agreement number and the Federal share of outlays made against the grant or agreement.
6	Enter the employer identification number assigned by the U.S. Internal Revenue Service, or the FICE (institution) code if requested by the Federal agency.
7	This space is reserved for an account number or other identifying number that may be assigned by the recipient.
8	Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested.
Note:	The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not both. Item 12 should be used when only a minimum amount of information is needed to make an advance and outlay information contained in item 11 can be obtained in a timely manner from other reports.
11	The purpose of the vertical columns (a), (b), and (c) is to provide space for separate cost breakdowns when a project has been planned and budgeted by program, function, or activity. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page.
11a	Enter in "as of date," the month, day, and year of the ending of the accounting period to which this amount applies. Enter program outlays to date (net of refunds, rebates, and discounts), in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subcontractors and subrecipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contracts, subgrantees and other payees.
11b	Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant or other agreement.
11d	Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance.
13	Complete the certification before submitting this request.

OMB CONTROL NO.2030-0020
APPROVED: 9/12/96
APPROVAL EXPIRES: 9/30/02

U.S. ENVIRONMENTAL PROTECTION AGENCY
MBE/WBE UTILIZATION UNDER FEDERAL GRANTS, COOPERATIVE AGREEMENTS, AND INTERAGENCY AGREEMENTS

PART 1. (NEGATIVE REPORTS ARE REQUIRED)

1A. FEDERAL FISCAL YEAR 200_____	1B. REPORTING QUARTER (Check appropriate box) ☐ 1st (Oct-Dec) ☐ 2nd (Jan-Mar) ☐ 3rd (Apr-Jun) ☐ 4th (Jul-Sep) ☐ Annual
2. FEDERAL FINANCIAL ASSISTANCE AGENCY (EPA Office Address)	3. REPORTING RECIPIENT (Name and Address)
2A. REPORTING CONTACT / PHONE:	3A. REPORTING CONTACT / PHONE:
4A. FINANCIAL ASSISTANCE AGREEMENT ID NUMBER	4B. FEDERAL FINANCIAL ASSISTANCE PROGRAM
5A. TOTAL GRANT AMOUNT $	5B. TOTAL CONTRACT/PROCUREMENT AMOUNT THIS QUARTER $ 5C. RECIPIENT'S MBE/WBE GOALS MBE % MBE %
5D. ACTUAL MBE/WBE PROCUREMENT ACCOMPLISHED THIS REPORTING PERIOD MBE $ WBE $	5E. NEGATIVE REPORT (Check) ☐ SEE INSTRUCTIONS
6. COMMENTS:	
7. NAME OF AUTHORIZED REPRESENTATIVE	TITLE
8. SIGNATURE OF AUTHORIZED REPRESENTATIVE	DATE

MBE/WBE PROCUREMENTS MADE DURING QUARTER

Procurement Made By		Business Enterprise		$ Value of Procurement	Date of Award MM/DD/YY	Type of Product or Services[1] (Enter Code)	Name/Address of MBE/WBE Contractor or Vendor
Recipient	Other	Minority	Women				

[1]Type of product or service codes:

1 = Agriculture
2 = Mining
3 = Construction
4 = Manufacturing
5 = Transportation
6 = Wholesale Trade
7 = Retail Trade
8 = Finance, Insurance, Real Estate
9 = Services
a = Business Services
b = Professional Services
c = Repair Services
d = Personal Services
10 = Other

INSTRUCTIONS

MBE/WBE UTILIZATION UNDER FEDERAL GRANTS, COOPERATIVE AGREEMENTS, AND INTERAGENCY AGREEMENTS
EPA FORM 5700-52A

A. General Instructions:

MBE/WBE utilization is based on Executive Orders 11625, 12432, P.L., 102-389 and EPA Regulation Part 30 and 31. EPA Form 5700-52A must be completed by recipients of federal grants, cooperative agreements, or other Federal financial assistance which involve procurement of supplies, equipment, construction or services to accomplish Federal assistance programs.

Recipients are required to report to EPA within one month following the end of each federal fiscal year quarter or annually as in the agreement.

B. Definitions:

Procurement is the acquisition through order, purchase, lease or barter of supplies, equipment, construction or services needed to accomplish Federal assistance programs.

A *contract* is a written agreement between an EPA recipient and another party (other than another public agency) and any lower tier agreement for equipment, services, supplies, or construction necessary to complete the project. Includes personal and professional services, agreements with consultants, and purchase orders.

A *minority business enterprise* (MBE) is a business concern that is (1) at least 51 percent owned by one or more minority individuals, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more minority individuals; and (2) whose daily business operations are managed and directed by one or more of the minority owners.

U.S. citizenship is required. Recipients shall presume that minority individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or other groups whose members are found to be disadvantaged by the Small Business Act or by the Secretary of Commerce under section 5 or Executive Order 11625. The reporting contact at EPA can provide additional information.

A *woman business enterprise* (WBE) is a business concern that is, (1) at least percent owned by one or more women, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more women and (2) whose daily business operations are managed and directed by one or more of the women owners.

Business firms which are 51 percent owned by minorities or women, but are in fact managed and operated by non-minority individuals do not qualify for meeting MBE/WBE procurement goals.

The following affirmative steps for utilizing MBEs and WBEs are required to be documented:

1. Inclusion of MBEs/WBEs on solicitation lists.

2. Assure MBEs/WBEs are solicited once they are identified.

3. Where feasible, divide total requirements into smaller tasks to permit maximum MBE/WBE participation.

4. Where feasible, establish delivery schedules which will encourage MBE/WBE participation.

5. Encourage use of the services of the U.S. Department of Commerce's Minority Business Development Agency (MBDA) and the U.S. Small Business Administration to identify MBEs/WBEs.

6. Require that each party to subgrant, subagreement, or contract award take the affirmative steps outlined here.

C. Instructions for Part I:

1. Complete Federal fiscal year and check applicable reporting box quarterly or annually. (Federal fiscal year runs from October 1 through September 30).

2. "Will be provided by EPA".

3. Identify the agency, state authority, university or other organization which is the recipient of the Federal financial assistance and the person to contact concerning this report.

4a. Grant/cooperative agreement or Interagency Agreement number assigned by EPA. Refer back to grant document for this information.

4b. Refer back to grant document for this information.

5a. Total grant amount which includes Federal funds plus recipient matching funds and funds from other sources.

5b. Total contracts/procurements awarded this quarter. For example: Actual dollars for procurement from the procuring office; actual contracts let from the contracts office; actual goods, services, supplies, etc., from other sources including the central purchasing/procurement centers).

5c. Portion of the total procurement dollars recipient plans to spend with MBEs and WBEs this fiscal year. With the concurrence of EPA, a fair share goal shall be determined by each recipient.

5d. Dollar amounts awarded under this reporting period. (These amounts include the Federal, State and local shares in the procurement awards).

5e. Check only if no procurements were made this reporting period. (If dollar amounts are shown in 5d. Indicate reason in 6. Comments Section).

6. Additional comments or explanations. Please refer to specific item number(s), if appropriate.

7. Name and title of official administrator or designated reporting official.

8. Signature and month, day, year report submitted.

D. Instructions for Part II:

For each MBE/WBE procurement made under this assistance agreement during the reporting period, provide the following information:

1. Check whether this is a first tier procurement made directly by Federal financial assistance recipient or other second tier procurement made by recipient's subagrantee or prime contractor. Include all qualifying second tier purchases executed this quarter regardless of when the first tier procurement occurred.

2. Check MBE or WBE.

3. Dollar value of procurement.

4. Date of award, shown as month, day, year.

5. Using codes at the bottom of the form, identify type of product or service acquired through this procurement (e.g., enter 1 if agriculture, 2 if mining, etc.).

6. Name and address of MBE/WBE firm. This data is requested to comply with provisions mandated by: statue or regulations (40 CFR Part 30 and 31); OMB Circulars; or added by EPA to ensure sound and effective assistance management. Accurate, complete data are required to obtain funding, while not pledge of confidentiality is provided.

The public reporting and recording burden for this collection of information is estimated to average 1 hour effort, or financial resources expended by persons to generate, maintain, retain, or disclosure or provide information to or for a federal agency. This includes the time needed to review instructions, develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data resources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory information Division, U.S. Environmental Protection Agency (2136), 401 M Street, S.W., Washington, D.C. 20460. Include the OMB Control number in any correspondence. Do not send the completed form to this address.

FINANCIAL STATUS REPORT

(Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted	2. Federal Grant or Other Identifying Number Assigned By Federal Agency	OMB Approval No. **0348-0039**	Page of pages
3. Recipient Organization (Name and complete address, including ZIP code)			
4. Employer Identification Number	5. Recipient Account Number or Identifying Number	6. Final Report ☐ Yes ☐ No	7. Basis ☐ Cash ☐ Accrual
8. Funding/Grant Period *(See instructions)* From: (Month, Day, Year)	To: (Month, Day, Year)	9. Period Covered by this Report From: (Month, Day, Year)	To: (Month, Day, Year)

10. Transactions:	I Previously Reported	I This Period	III Cumulative
a. Total outlays			0.00
b. Refunds, rebates, etc.			0.00
c. Program income used in accordance with the deduction alternative			0.00
d. Net outlays *(Line a, less the sum of lines b and c)*	0.00	0.00	0.00
Recipient's share of net outlays, consisting of: e. Third party (in-kind) contributions			0.00
f. Other Federal awards authorized to be used to match this award			0.00
g. Program income used in accordance with the matching or cost sharing alternative			0.00
h. All other recipient outlays not shown on lines e, f or g			0.00
i. Total recipient share of net outlays *(Sum of lines e, f, g and h)*	0.00	0.00	0.00
j. Federal share of net outlays *(line d less line i)*	0.00	0.00	0.00
k. Total unliquidated obligations			
l. Recipient's share of unliquidated obligations			
m. Federal share of unliquidated obligations			
n. Total Federal share *(sum of lines j and m)*			0.00
o. Total Federal funds authorized for this funding period			
p. Unobligated balance of Federal funds *(Line o minus line n)*			0.00
Program income, consisting of: q. Disbursed program income shown on lines c and/or g above			
r. Disbursed program income using the addition alternative			
s. Undisbursed program income			
t. Total program income realized *(Sum of lines q, r and s)*			0.00

11. Indirect Expense	a. Type of Rate *(Place "X" in appropriate box)* ☐ Provisional ☐ Predetermined ☐ Final ☐ Fixed			
	b. Rate	c. Base	d. Total Amount	e. Federal Share

12. *Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.*

13. Certification: **I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.**

Typed or Printed Name and Title	Telephone (Area code, number and extension)
Signature of Authorized Certifying Official	Date Report Submitted February 25, 2010

FINANCIAL STATUS REPORT
(Long Form)

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0039), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET.

Please type or print legibly. The following general instructions explain how to use the form itself. You may need additional information to complete certain items correctly, or to decide whether a specific item is applicable to this award. Usually, such information will be found in the Federal agency's grant regulations or in the terms and conditions of the award (e.g., how to calculate the Federal share, the permissible uses of program income, the value of in-kind contributions, etc.). You may also contact the Federal agency directly.

Item	Entry
1, 2 and 3.	Self-explanatory.
4.	Enter the Employer Identification Number (EIN) assigned by the U.S. Internal Revenue Service.
5.	Space reserved for an account number or other identifying number assigned by the recipient.
6.	Check *yes* only if this is the last report for the period shown in item 8.
7.	Self-explanatory.
8.	Unless you have received other instructions from the awarding agency, enter the beginning and ending dates of the current funding period. If this is a multi-year program, the Federal agency might require cumulative reporting through consecutive funding periods. In that case, enter the beginning and ending dates of the grant period, and in the rest of these instructions, substitute the term "grant period" for "funding period."
9.	Self-explanatory.
10.	The purpose of columns, I, II, and III is to show the effect of this reporting period's transactions on cumulative financial status. The amounts entered in column I will normally be the same as those in column III of the previous report *in the same funding period*. If this is the first or only report of the funding period, leave columns I and II blank. If you need to adjust amounts entered on previous reports, footnote the column I entry on this report and attach an explanation.
10a.	Enter total gross program outlays. Include disbursements of cash realized as program income if that income will also be shown on lines 10c or 10g. Do not include program income that will be shown on lines 10r or 10s. For reports prepared on a cash basis, outlays are the sum of actual cash disbursements for direct costs for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subrecipients. For reports prepared on an accrual basis, outlays are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase or decrease in the amounts owed by the recipient for goods and other property received, for services performed by employees, contractors, subgrantees and other payees, and other amounts becoming owed under programs for which no current services or performances are required, such as annuities, insurance claims, and other benefit payments.
10b.	Enter any receipts related to outlays reported on the form that are being treated as a reduction of expenditure rather than income, and were not already netted out of the amount shown as outlays on line 10a.
10c.	Enter the amount of program income that was used in accordance with the deduction alternative.
Note:	Program income used in accordance with other alternatives is entered on lines q, r, and s. Recipients reporting on a cash basis should enter the amount of cash income received; on an accrual basis, enter the program income earned. Program income may or may not have been included in an application budget and/or a budget on the award document. If actual income is from a different source or is significantly different in amount, attach an explanation or use the remarks section.
10d,	e, f, g, h, i and j. Self-explanatory.
10k.	Enter the total amount of unliquidated obligations, including unliquidated obligations to subgrantees and contractors. Unliquidated obligations on a cash basis are obligations incurred, but not yet paid. On an accrual basis, they are obligations incurred, but for which an outlay has not yet been recorded. Do not include any amounts on line 10k that have been included on lines 10a and 10j. On the final report, line 10k must be zero.
10l.	Self-explanatory.
10m.	On the final report, line 10m must also be zero.
10n,	o, p, q, r, s and t. Self-explanatory.
11a.	Self-explanatory.
11b.	Enter the indirect cost rate in effect during the reporting period.
11c.	Enter the amount of the base against which the rate was applied.
11d.	Enter the total amount of indirect costs charged during the report period.
11e.	Enter the Federal share of the amount in 11d.
Note:	If more than one rate was in effect during the period shown in item 8, attach a schedule showing the bases against which the different rates were applied, the respective rates, the calendar periods they were in effect, amounts of indirect expense charged to the project, and the Federal share of indirect expense charged to the project to date.