

**CITY OF MARATHON, FLORIDA
RESOLUTION 2006-169**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING CITY MANAGER TO ENTER INTO GRANT AGREEMENT XP-96449906-0 WITH U.S. ENVIRONMENTAL PROTECTION AGENCY, TO ACCEPT \$231,400 GRANT FUNDING FOR BOOT KEY MUNICIPAL HARBOR WASTEWATER INFRASTRUCTURE IMPROVEMENTS.

WHEREAS, the City of Marathon (the “City”) is constructing a waste water facilities project at, Boot Key Harbor marina consisting of wastewater mains and collection system, and a treatment plant (the “Project”); and

WHEREAS, the U.S. Environmental Protection Agency has offered to provide \$231,400 in grant funding to the City for the Project; and

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into Agreement No.XP-96449906-0 with the U.S. Environmental Protection Agency to set forth the terms and conditions of the grant funding.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

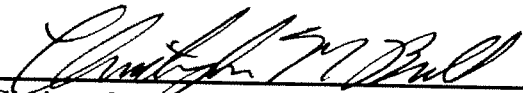
Section 1. The above recitals are true and correct and are incorporated herein

Section 2. The Council hereby approves Agreement No. XP-96449906-0 between the City and the U.S. Environmental Protection Agency that is attached as Exhibit “A” hereto. The City Manager and City Attorney are authorized to finalize the terms and conditions of the Agreement and the City Manager is authorized to execute said Agreement on behalf of the City.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the city of Marathon, Florida, this 14th day of November, 2006.


THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

AYES: Mearns, Pinkus, Tempest, Worthington, Bull
NOES: None
ABSENT: None
ABSTAIN: None

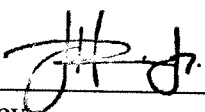
ATTEST:




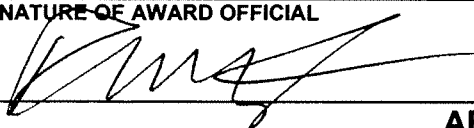

Diane Clavier
City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



City Attorney

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement	ASSISTANCE ID NO.			DATE OF AWARD SEP 29 2006
		PRG	DOC ID	AMEND#	
		XP -	96449906	- 0	ACH#
		TYPE OF ACTION New			
RECIPIENT TYPE: Municipal		Send Payment Request to: Dorothy Rayfield, Water Management Division, 404-562-9278			
RECIPIENT: City of Marathon 10045-55 Overseas Highway Marathon, FL 33050 EIN: 65-0984873		PAYEE: City of Marathon 10045-55 Overseas Highway Marathon, FL 33050			
PROJECT MANAGER Michael H. Puto 10045-55 Overseas Highway Marathon, FL 33050 E-Mail: putom@ci.marathon.fl.us Phone: 305-743-0033		EPA PROJECT OFFICER Mario Machado 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: Machado.Mario@epa.gov Phone: 404-562-9338		EPA GRANT SPECIALIST Shirley Grayer Grants Management Office E-Mail: Grayer.Shirley@epa.gov Phone: 404-562-8416	
PROJECT TITLE AND DESCRIPTION Congressionally Mandated Projects This action approves an award in the amount of \$11,872 for the Development of the Environmental Information Document for the Boot Key Municipal Harbor wastewater infrastructure improvements. This project will upgrade the existing wastewater treatment in the Boot Key Harbor area that will improve coastal marine water quality.					
BUDGET PERIOD 04/10/2006 - 04/15/2011		PROJECT PERIOD 04/10/2006 - 04/15/2011		TOTAL BUDGET PERIOD COST \$21,585.00	
				TOTAL PROJECT PERIOD COST \$21,585.00	
NOTICE OF AWARD					
Based on your application dated 02/21/2006, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$11,872. EPA agrees to cost-share 55.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$11,872. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS		
61 Forsyth Street Atlanta, GA 30303-8960			U.S. EPA, Region 4 Water Management Division 61 Forsyth Street Atlanta, GA 30303-8960		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
SIGNATURE OF AWARD OFFICIAL		TYPED NAME AND TITLE		DATE	
		J. I. Palmer, Jr., Regional Administrator		SEP 29 2006	
AFFIRMATION OF AWARD					
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION					
SIGNATURE		TYPED NAME AND TITLE		DATE	
		Michael H. Puto, City Manager		11/15/06	

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 11,872	\$ 11,872
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 9,713	\$ 9,713
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 21,585	\$ 21,585

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.202 - Congressionally Mandated Projects	Consolidated Appropriations Act of 2004 (PL 108-199)	40 CFR PART 31

Fiscal									
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	VX6137	06	E4C	04VOGDN	202B51E	41.83			11,872
									11,872

Approved Budget	
Program Element Classification (Construction)	Approved Allowable Budget Period Cost
1. Administration Expense	\$0
2. Preliminary Expense	\$0
3. Land Structure, Right Of Way	\$0
4. Architectural Engineering Basic Fees	\$0
5. Other Architectural Engineering Fees	\$21,585
6. Project Inspection Fees	\$0
7. Land Development	\$0
8. Relocation Expenses	\$0
9. Relocation Payments to Individuals & Bus.	\$0
10. Demolition and Removal	\$0
11. Construction and Project Improvement	\$0
12. Equipment	\$0
13. Miscellaneous	\$0
14. Total (Lines 1 thru 13)	\$21,585
15. Estimate Income	\$0
16. Net Project Amount (Line 14 minus 15)	\$21,585
17. Less: Ineligible Exclusions	\$0
18. Add: Contingencies	\$0
19. Total (Share: Recip <u>45.00%</u> Fed <u>55.00%</u>)	\$21,585
20. TOTAL APPROVED ASSISTANCE AMOUNT	\$11,872

Administrative Conditions

1. PROCUREMENT FOR ENGINEERING AND OTHER PROFESSIONAL SERVICES

The costs of professional engineering and any other professional services contracts procured in compliance with the minimum standards for procurement under grants (see 40 CFR 31.36) are allowable costs for reimbursement with grant funds. No grant funds may be used to reimburse the federal share of any engineering or other professional services contract(s) found to be in noncompliance with the grant procurement regulations. (Note: all project expenditures are deemed to include both the federal and nonfederal shares).

The recipient agrees to conduct all procurement for engineering and other professional services in compliance with 40 CFR 31.36(b)-(k) (copy attached). The recipient also agrees to submit to EPA for pre-award and/or post-award review procurement documents including, but not limited to: selection procedures, requests for qualifications and/or proposals, evaluation methodology and results, memorandum of review or negotiation, cost analyses, proposed contract documents, etc.

No payments may be made under this grant until EPA has received and reviewed the procurement documents for compliance with the minimum standards for procurement.

2. PROCUREMENT FOR CONSTRUCTION

The cost of construction contracts procured in compliance with the minimum standards for procurement under grants (see 40 CFR 31.36) are allowable costs for reimbursement with grant funds. No grant funds may be used to reimburse the federal share of any construction contract(s) found to be in noncompliance with the grant procurement regulations. (Note: all project expenditures are deemed to include both the federal and nonfederal shares).

The recipient agrees to conduct all procurement for construction in compliance with 40 CFR 31.36(b)-(k) and include the "EPA Supplemental General Conditions for Federally Assisted Construction Contracts" (enclosed) including Minority Business Enterprise and Women's Business Enterprise Goals in any bidding documents. The recipient also agrees to submit to EPA for pre-award and/or post award review procurement documents including, but not limited to: invitations for bids, independent cost estimates, bid documents, disadvantaged business enterprise documentation, etc.

No payments may be made under this grant until EPA has reviewed the construction procurement documents for compliance with the minimum standards for procurement.

3. LOBBYING - ALL RECIPIENTS

The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

4. LOBBYING AND LITIGATION - ALL RECIPIENTS

Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in

litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, within 90 days after the end of project period.

Recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States. Any Part 30 recipient shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of Federal grant funds to participate in various forms of lobbying or other political activities.

5. RECYCLING TERM AND CONDITION

ALL APPLICANTS:

In accordance with EPA Order 1000.25 and Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration. Please note that Section 901 of E.O. 13101, dated September 14, 1998, revoked E.O. 12873, *Federal Acquisition, Recycling, and Waste Prevention* in its entirety.

STATE AGENCIES AND POLITICAL SUBDIVISIONS:

Any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth in Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

6. EXECUTIVE ORDER 13202

The assistance recipient agrees to comply with Executive Order 13202 (Feb. 22, 2001, 66 Fed. Reg. 11225) of February 17, 2001, entitled "Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects," as amended by Executive Order 13208 (April 11, 2001, 66 Fed. Reg. 18717) of April 6, 2001, entitled "Amendment to Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects."

7. HISTORIC PROPERTIES

The recipient agrees to consult with the appropriate State Office in the identification and evaluation of any pre-1946 structures which may be impacted by scheduled project activities, or properties located adjacent to the activities areas. The recipient agrees to comply with efforts to identify, evaluate and appropriately design project activities to avoid or minimize adverse project impacts to any historic properties listed, or which satisfy the criteria for eligibility for listing (36 CFR 60.4), in the National Register of Historic Places.

8. PROVISIONS

The provisions of the "Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 04 Appropriations Act" dated April 13, 2004 (enclosed) is incorporated herein by reference.

9. SUSPENSION AND DEBARMENT - ALL RECIPIENTS

Recipient shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at <http://epls.arnet.gov>. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

10. EPA PARTICIPATION

This award and the resulting ratio of funding is based on estimated costs requested in the application. EPA participation in the final total allowable program/project costs (outlays) shall not exceed the statutory limitation of 55% of total allowable program/project costs or the total funds awarded, whichever is lower.

11. MBE/WBE AND SMALL BUSINESS CONDITION FOR NON-SRF RECIPIENTS

REQUIREMENTS:

The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority, and Women's Business Enterprises in procurement under assistance agreements.

FAIR SHARE GOALS:

(a) The recipient accepts the Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) "fair share" goals and objectives negotiated with EPA as follows:

FLORIDA

SRF Construction: 11% MBE and 3% WBE
(both SRFs)
A & E Services: 10% MBE and 15% WBE
Commodities: 7% MBE and 17% WBE
Contractual: 14% MBE and 36% WBE
Construction: 10% MBE and 11% WBE
(non SRF)

(b) If the recipient does not want to rely on the applicable State's MBE/WBE goals, the recipient agrees to submit proposed MBE/WBE goals based on availability of qualified minority and women-owned businesses to do work in the relevant market for construction, services, supplies and equipment. "Fair share" objectives must be submitted to the EPA Grants Management Office, 61 Forsyth Street, Atlanta, GA 30303 within 30 days of award and approved by EPA no later than 30 days thereafter.

PURPOSE AND OBJECTIVE:

The recipient agrees to ensure, to the fullest extent possible, that at least the applicable "fair share" objectives of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women and Historically Black Colleges and Universities.

BID DOCUMENTS FOR PRIME AND SUBCONTRACTORS:

The recipient agrees to include in its bid documents the applicable "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontracts the negotiated "fair share" percentages.

REQUIRED STEPS AND DOCUMENTATION:

The recipient agrees to follow the six affirmative steps or positive efforts stated in 40 CFR §30.44(b), 40 CFR §31.36(e), or 40 CFR §35.6580, as appropriate, and retain records documenting compliance.

REPORTING:

The recipient agrees to submit an EPA form 5700-52A "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements," beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted to the Grants Management Office within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30, and October 30). For assistance awards for continuing environmental programs and assistance awards with institutions of higher education, hospitals and other non-profit organizations, the recipient agrees to submit an EPA form 5700-52A to the EPA Grants Management Office, 61 Forsyth Street, Atlanta, GA 30303 by October 30 each year.

RACE AND GENDER NEUTRAL ACTION:

If race and /or gender neutral efforts prove inadequate to achieve a "fair share" objective, the recipient agrees to notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the "fair share" objective.

SMALL AND RURAL BUSINESSES:

In accordance with Section 129 of Public Law 100-590, the Small Business Administration Reauthorization and Amendment Act of 1988, the recipient agrees to utilize and to encourage any prime contractors under the assistance agreement to utilize small business located in rural areas to the maximum extent possible. The recipient agrees to follow the six affirmative steps stated in 40 CFR 30.44(b), 31.36 or 35.6580 as appropriate, in the award of any contracts under this assistance agreement. Compliance with this requirement will be monitored during management review conducted by EPA.

Programmatic Conditions

1. The grantee agrees to use EPA Region 4 guidance included in the current edition of the Special Appropriations projects (SPAP's) Grant Procedure handbook.
2. The grantee shall follow all requirements under 40 CFR 31.36 when procuring construction contracts including: assuring full and open competition; procuring by federally approved methods; performing a cost/price analysis; and ensuring contracts include MBE/WBE requirements, bonding requirements, compliance with federal, state and local laws, inclusion of Part 31.36(i) contract provisions, and subcontractor requirements.
3. The grantee agrees to obtain EPA Project Officer review and concurrence of plans and specifications for all construction contracts prior to the advertisement for bids.
4. The grantee shall notify the EPA Project Officer of any contract awards made as part of this grant and provide a copy to EPA if so requested.
5. In consultation with the EPA Project Officer, the grantee shall conduct a pre-construction conference for each construction contract awarded as part of this grant.
6. The grantee will assure the EPA that all land, easements, and rights-of-way necessary for the construction of the project have been obtained prior to initiating construction.
7. The grantee will obtain all necessary state and local permits, including a "permit to construct" from the appropriate state agency, coverage under the State's NPDES general permit for construction activities, and/or a Corps of Engineers Section 404 permit (if applicable), prior to initiating construction.

8. The grantee shall submit to the EPA Project Officer a quarterly progress report beginning with the award of this grant and a final report pursuant to 40 CFR 31.40. These reports will consist of updated progress toward work objectives, problems encountered, actions taken to resolve problems and discussion of remaining tasks. This report may be as brief as one page so long as all the requested information is provided. The items listed below should be addressed, as appropriate:

Quarterly Progress Report Outline
for
Special Appropriations Grants

Grant Number: _____
Grantee Name: _____
Project Name: _____

Grantee's Authorized Representative: _____

- a. What work was accomplished for this reporting quarter?
- b. What problems, if any, were encountered?
- c. If a problem was encountered, what action was taken to correct it?
- d. Is the project work on schedule?
 - (a) This quarter?
 - (b) For the project?
- e. If the project is not on schedule, what is proposed for a revised schedule?
- f. Does the new schedule require a time extension?
- g. Is there a change in the Grantee's Authorized Representative or any of the key contacts?

9. The EPA, and its delegated representatives, shall have access to the project work site and project records at all times

10. The grantee shall comply with the requirements of 49 CFR Part 24, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," when acquiring land and/or permanent easements as part of this grant.

11. The recipient agrees not to take any action on the project beyond conceptual design, including but not limited to, beginning the preparation of plans and specifications, purchasing land, advertising or awarding design and/or construction contracts, initiating construction or requesting reimbursement from EPA for costs associated with such actions until such time as EPA has completed its environmental review in accordance with NEPA and 40 C.F.R. Parts 6 and 1500. Completion of this review will be evidenced by the issuance of a Categorical Exclusion (CE), the conclusion of the Finding of No Significant Impact (FNSI) process, or the issuance of a Record of Decision (ROD). The recipient agrees that, upon completion of the NEPA review, design and construction shall be undertaken in accordance with the results of that review, including but not limited to, the implementation of measures EPA identifies as reasonable to mitigate the environmental impacts of the project. EPA reserves the right to unilaterally terminate this grant in the event the recipient fails to comply with this condition, in accordance with 40 C.F.R. Section 31.43.

ATTENTION: EPA ASSISTANCE RECIPIENT

If you have received EPA assistance awards in the past, you will notice a change in the format and language of the award document. In August 2006, EPA adopted a new approach to awarding assistance agreements. Under this new approach, the recipient's authorizing official must affirm your organization's intent to carry out the agreement by completing the information under the "*Affirmation of Award*" section of the award document. After making the affirmation, the authorizing official must return the award notice within 21 days of receipt before EPA will make the grant funds available to you. Failure to return the notice within 21 days may result in the termination of your award.

This new approach does not change how you manage your Federal funds. Please read your award document including all terms and conditions very carefully. If you have questions, contact your EPA Grant Specialist.



U. S. ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF AWARD

RECIPIENT NAME AND ADDRESS:

Mr. Michael H. Puto
City Manager
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Grant No. XP-96449906-0

Assistance Agreement

Assistance Amendment

Increase

Decrease

Time Extension

Administrative

Enclosed are two copies of an Assistance Agreement from the U.S. Environmental Protection Agency.

To accept this Notice of Award, please carefully review any terms and conditions, sign¹, and return one original copy to the following address within 21 days² of the mailing date on the Assistance Agreement:

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 4
GRANTS MANAGEMENT OFFICE
61 FORSYTH STREET, SW
ATLANTA, GA 30303

ATTN: Shirley W. Grayer

The other original should be retained for your official records and copies distributed within your organization as needed. Please note, funds will not be available for draw until we receive your countersigned affirmation of the award.

To assist you with your post award management responsibilities, please see "*Reporting Forms and Guidance for Administration of Your Assistance Agreement*"³. This document contains important post-award reporting requirements and instructions on how to receive payments. To view this and other EPA grant-related information, visit our Region 4 Grants Office website at:

www.epa.gov/region4/grants/

Please reference the EPA Assistance Number on all future correspondence regarding this Assistance Agreement. If you have any questions, you may contact the Grants Specialist identified above at

(404)562-8416 or grayer.shirley@epa.gov.

¹ Must be signed by authorized representative as shown on the Affirmation of Award signature block or formally authorized delegate.

² Failure to countersign and return within 21 days of the mailing date may result in withdrawal of this award.

³ Please contact your Grant Specialist if you need a paper copy of this document.

U.S. Environmental Protection Agency
Region 4
Grants Management Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 13 2004

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2004 Appropriations Act

FROM: *James A. Hanlon*
James A. Hanlon, Director
Office of Wastewater Management (4201M)

TO: Water Management Division Directors
Regions I - X

PURPOSE

This memorandum provides information and guidelines on how the Environmental Protection Agency (EPA) will award and administer grants and cooperative agreements for the special projects and programs identified in the State and Tribal Assistance Grants (STAG) account of the Agency's fiscal year (FY) 2004 Appropriations Act.

BACKGROUND

The EPA section of the Consolidated Appropriations Act, 2004, (P. L. 108-199), also referred to as the Agency's FY 2004 Appropriations Act, includes \$325,000,000 in the STAG account for 509 water, wastewater and groundwater infrastructure projects and for the Long Island Sound Restoration Program. In addition, Division H-Miscellaneous Appropriations and Offsets, of the Consolidated Appropriations Act, 2004 provides funds for one additional FY 2004 STAG project and provides increased funding for three previously identified FY 2004 STAG projects. Also included as separate line items in the STAG account were: \$6,600,000 for six alternative decentralized wastewater treatment facilities under the National Decentralized Wastewater Treatment Demonstration Program, \$50,000,000 for the United States-Mexico Border Program and \$43,000,000 for the Alaska Rural and Native Villages Program. The Consolidated Appropriations Act, 2004 also contains an across the board rescission of 0.59 percent except for defense, military construction or supplemental appropriations. The 0.59 percent rescission applies to all of the funds included in the STAG account.

The specific requirements governing the award of the special projects and programs are contained in the following documents: the Consolidated Appropriations Act, 2004, the Conference Report (H. Rept. No. 108-401), the House Report (H. Rept. No. 108-235), and the

Senate Report (S. Rept. No. 108-143). The specific requirements contained in these documents have been incorporated into this memorandum.

THREE PERCENT SET-ASIDE

The Agency's FY 2001 Appropriations Act (P. L. 106-377) included a provision stating that the Administrator may use up to three percent of the amount appropriated for each earmark to fund State, Corps of Engineer or contractor support for the management and oversight of the special projects. This means that the set-aside monies cannot be used to pay for EPA staff or travel expenses. EPA issued a formal policy memorandum on September 27, 2001, that provides information and guidelines on how the Agency will implement the three percent set-aside provision.¹

The three percent set-aside provision is permanent statutory authority which means it applies to all post-FY 2001 STAG projects including those listed in the STAG account of this year's Appropriations Act. However, the three percent set-aside provision does not apply to funds appropriated for specific programs, such as the Long Island Sound Restoration Program, the National Decentralized Wastewater Treatment Demonstration Program, the United States-Mexico Border Program and the Alaska Rural and Native Villages Program.

PROJECTS

The Conference Report that accompanied the Agency's FY 2004 Appropriations Act identified two projects funded from monies appropriated for the United States-Mexico Border Program. These two projects and the six decentralized wastewater treatment demonstration projects will be awarded and administered within the guidelines and provisions contained in this memorandum.

Attachment 1 identifies the 510 earmarks listed in the STAG account, the additional STAG projects and increases included in the Miscellaneous Appropriations and Offsets Division of the Appropriations Act, the six decentralized wastewater treatment demonstration projects, and the two projects funded from monies appropriated for the United States-Mexico Border Program. Attachment 1 also shows the original amount appropriated for each project, as well as the actual amount available for grant award after the reduction due to the 0.59 percent rescission and three percent set-aside provision.²

¹This document is available on the internet at www.epa.gov/owm/mab/owm0318.pdf.

²States that choose to perform the necessary construction oversight activities for the planning, design and building phases of a project at their own expense may request to have the three percent set-aside funds assigned to the respective grant recipients within their States. Headquarters will transfer the necessary funds to the Regions for this purpose after the formal review and approval of the State's request.

With the exception of the six decentralized wastewater treatment demonstration projects which will be awarded and administered by the Office of Water in Headquarters, the special projects identified in Attachment 1 will be awarded and administered by the Regional Offices. The delegation of authority (1200 TN 516), issued on September 28, 2000 (Attachment 2), is listed in Chapter 1, Delegation Number 1-102, of EPA's Delegation Manual. This delegation of authority transferred the authority to award grants and cooperative agreements for funds included in the STAG account to the Assistant Administrator for Water and the Regional Administrators. Accordingly, the Regions and Headquarters have the necessary authority, effective the date of this memorandum, to award grants and cooperative agreements for the special projects and programs identified in the STAG account of the Agency's FY 2004 Appropriations Act.

COST-SHARE REQUIREMENT

The FY 2004 Conference Report language that precedes the listing of the 510 STAG earmarks (H. Rep. No. 108-401, at p. 1131) states that:

The conferees have provided \$325,000,000 for a targeted program making grants to communities for the construction of drinking water, wastewater and storm water infrastructure for water quality protection. As in past years, these grants shall be accompanied by a cost-share requirement whereby 45 percent of a project's cost is to be the responsibility of the community or entity receiving the grant. In those few cases where such cost-share requirement poses a particular financial burden on the recipient community or entity, the conferees support the Agency's use of its long-standing guidance for financial capability assessments to determine reductions or waivers from the match requirement.

With the exception of the limited instances in which an applicant meets the criteria for a waiver, the conferees have provided no more than 55% of an individual projects costs regardless of the amount appropriated below. Consistent with direction in the fiscal year 2003 Conference Report on this bill, the phrase "terms and conditions" reference in the bill language includes the maximum 55% federal share, as well as the intended recipients and specific projects descriptions, as listed below.

The report language only allows the Agency to approve waivers to the 45 percent matching requirement that are based on financial capability issues. Accordingly, our policy for the projects listed in Attachment 1 is that grant applicants will be expected to pay for 45 percent of the project costs unless there is specific language in the Conference Report or Appropriations Act that specifies a different matching requirement or a waiver to the matching requirement is approved based on financial capability issues.

Furthermore, in those situations where the description in the Conference Report explicitly defines the scope of work of the project, the Federal share of the grant will be limited

to 55 percent of the estimated cost for completing the scope of work described, regardless of the amount appropriated for the project, unless a waiver to the matching requirement is approved based on financial capability issues. This means, in some instances, that the grant amount will be less than the amount appropriated for the project and that some funds will not be obligated. The disposition of any such unobligated grant funds will be determined by Congress.

WAIVERS TO THE MATCHING REQUIREMENT

In March 1997, EPA published *Combined Sewer Overflows -- Guidance for Financial Capability Assessment and Schedule Development*.³ This financial guidance document includes a process for measuring the financial impact of current and proposed wastewater treatment facilities and drinking water facilities on the users of those facilities, and establishes a procedure for assessing financial capability. The process for assessing financial capability contained in that document was initially developed in the 1970's and has been extensively revised based on EPA's experience in the construction grants, State Revolving Fund (SRF), enforcement and water quality standards programs. The assessment process requires the calculation of a financial capability indicator. The Agency approves waivers in those cases where the financial capability indicator shows that the project would result in a high financial burden on the users of the facility.

Exceptions to the 45 percent match requirement must be approved by EPA Headquarters. All requests for an exception should be prepared by the EPA Regional Offices using information provided by the grant applicant. The request must include the information contained in Chapters III and IV of the Financial Capability Assessment guidance document.⁴ The requests, including the necessary supporting documentation and appropriate background material, should be submitted to the Director, Office of Wastewater Management, (Mail Code 4201M), USEPA, 1200 Pennsylvania Avenue NW, Washington, D.C. 20460.

FEDERAL FUNDS AS A SOURCE OF MATCHING FUNDS

Federal funds from other programs may be used as all or part of the match for the special projects only if the statute authorizing those programs specifically allows the funds to be used as a match for other Federal grants. Additionally, the other Federal programs must allow their appropriated funds to be used for the planning, design and/or construction of water, wastewater or groundwater infrastructure projects. Listed below are the major Federal programs whose grant or loan funds can be used to provide all or part of the match for the special projects:

Department of Agriculture, Rural Development program,

³This document is available on the internet at www.epa.gov/owm/pdfs/csofc.pdf.

⁴All of the financial data used to calculate the financial capability indicator must be indexed to the same year. The Bureau of Labor Statistics' web site (www.bls.gov/cpi/) contains an "Inflation Calculator" that will automatically perform this function.

Department of Housing and Urban Development, Community Development Block Grant program, and

Appalachian Regional Commission grants.

As previously stated, Federal funds may be used as all or part of the match for other Federal grant programs only if the authorizing legislation includes such authority. Since the FY 2004 Appropriations Act does not include such language, the special Appropriations Act grant funds cannot be used as a source of matching funds for other Federal programs.

LOANS FROM A STATE REVOLVING FUND AS A SOURCE OF MATCHING FUNDS

The Agency provides funding for two separate State Revolving Fund (SRF) loan programs, the Clean Water State Revolving Fund (CWSRF) program and the Drinking Water State Revolving Fund (DWSRF) program. The Agency has taken actions that allow particular sources of funds from the two SRF programs to be used as a source of the local match. Specifically, the Agency issued the following two documents:

A class deviation from the regulatory provisions of 40 CFR 35.3125(b)(1). The class deviation (Attachment 3), issued August 16, 2001, pertains to the CWSRF program.

A policy memorandum designated as DWSRF 02-01. The policy memorandum (Attachment 4), issued October 10, 2001, pertains to the DWSRF program.

The class deviation and policy document listed above allow State SRF programs to use the non-Federal and non-State match share of SRF funds to provide loans that can be used as the match for the special projects. The non-Federal funds include repayments, interest earnings and bond proceeds. The non-State match share (i.e., the overmatch) is any State contribution to the SRF above the statutorily required 20 percent match.

The use of a loan from an SRF to provide part or all of the match for a special project is a State SRF program agency decision. However, the action must be consistent with established State policy, guidelines and procedures governing the use of SRF loans. Projects that receive SRF assistance must also adhere to Federal CWSRF or DWSRF program requirements relating to eligibility and prioritization.

PRE-AWARD COSTS

The Grants Administration Division (GAD) issued a policy memorandum (GPI 00-02) on March 30, 2000, that applies to all grants, including special Appropriations Act projects awarded on or after April 1, 2000. Additionally, a clarification to the policy memorandum [GPI 00-2(a)] was issued by GAD on May 3, 2000. The two memorandums revised the Agency's interpretation

of a provision contained in the general grant regulations at 40 CFR 31.23(a) concerning the approval of pre-award costs.

In essence, the GAD memorandums state that:

“Recipients may incur pre-award costs [up to] 90 calendar days prior to award provided they include such costs in their application, the costs meet the definition of pre-award costs and are approved by the EPA Project Officer and EPA Award Official.”

The award official can approve pre-award costs incurred more than 90 calendar days prior to grant award, in appropriate circumstances, if the pre-award costs are in conformance with the requirements set forth in OMB Circular A-87 and with applicable Agency regulations, policies and guidelines.

The GAD memorandums state that the award official can approve pre-award costs incurred prior to grant award in appropriate situations if the approval of the pre-award costs is consistent with the intent of the requirements for pre-award costs set forth in OMB Circular A-87 and are in conformance with Agency regulations, policies and guidelines. The following two situations meet these requirements:

Any allowable costs incurred *after* the start of the fiscal year for which the funds were appropriated but before grant award (*for FY 2004 projects, this date is October 1, 2003*).

Allowable facilities planning and design costs associated with the construction portions of the project included in the grant that were incurred *before* the start of the fiscal year for which the funds were appropriated (*for FY 2004 projects, this date is October 1, 2003*).

Accordingly, effective April 1, 2000, the Regions have the authority to approve pre-award costs for the two situations described above. Any approval, of course, is contingent on the Regional Office determination that the pre-award costs in question are in conformance with the applicable Federal laws, regulations and executive orders that govern EPA grant awards and are allowable, reasonable and allocable to the project.

The Regions should not approve any pre-award costs for special Appropriations Act projects, other than those that involve the two situations discussed above, without written approval from Headquarters. The request, with sufficient supporting documentation, should be submitted to the Director, Office of Wastewater Management, (Mail Code 4201M), USEPA, 1200 Pennsylvania Avenue NW, Washington, D.C. 20460. The Office of Wastewater Management will consult, in appropriate circumstances, with the Grants Administration Division and the Office of General Counsel. If appropriate, a deviation from 40 CFR 31.23(a) will be processed and issued.

LAWS, REGULATIONS AND REQUIREMENTS

A listing of the Federal Laws and Executive Orders that apply to all EPA grants, including the projects authorized by the Agency's FY 2004 Appropriations Act, is contained in Attachment 5. Some of the authorities only apply to grants that include construction, e.g., EO 13202. A more detailed description of the Federal laws, Executive Orders, OMB Circulars and their implementing regulations is contained in Module No. 2 of the EPA Assistance Project Officers Training Course which is available through the Regional Grants Management Offices.

The regulations at 40 CFR Part 31 apply to grants and cooperative agreements awarded to State and local (including tribal) governments. The regulations at 40 CFR Part 30 apply to grants with nonprofit organizations and with non-governmental for profit entities. In appropriate circumstances, such as grants for demonstration projects, the research and demonstration grant regulations at 40 CFR Part 40 can be used to supplement either 40 CFR Part 30 or Part 31.

The Agency issued a memorandum (Attachment 6) in January 1995, concerning the applicability of 40 CFR Part 29 (Intergovernmental Review) to the special projects authorized by the Agency's FY 1995 Appropriations Act. That memorandum also applies to the special projects authorized by the Agency's FY 2004 Appropriations Act.

The Davis-Bacon Act does not apply to grants awarded under the authority of the Agency's FY 2004 Appropriations Act because the Act does not include language that makes it apply. However, if FY 2004 funds are used to supplement funding of a construction contract that includes Clean Water Act title II requirements (e.g., contracts awarded under the construction grants or coastal cities programs), the entire contract is subject to Davis-Bacon Act requirements, including the portion funded with FY 2004 funds.

SPECIFIC ENVIRONMENTAL REQUIREMENTS

The National Environmental Policy Act (NEPA) and other relevant applicable statutes and Executive Orders, such as the Endangered Species Act (ESA), apply to the special projects authorized by the Agency's FY 2004 Appropriations Act. The applicable NEPA regulations are the Council of Environmental Quality's implementing regulations at 40 CFR Parts 1500-1508 and EPA's NEPA regulations at 40 CFR Part 6, Subparts A-D.

The Agency issued a memorandum (Attachment 7) on January 20, 1995, concerning NEPA compliance for the special projects authorized by the Agency's FY 1995 Appropriations Act. That memorandum also applies to the special projects authorized by the Agency's FY 2004 Appropriations Act.

The development of information needed to determine compliance with NEPA and other cross-cutting Federal requirements is an allowable cost that can, and should, be included in the scope of work of the grant if not performed prior to grant award. These activities can be funded

on an incremental basis, by awarding a grant that only includes these activities, or as part of the entire project (i.e., planning, design and construction) with the stipulation, in the form of a grant condition, stating that EPA will not approve or fund any work beyond the conceptual design point⁵ until the applicable requirements of such authorities have been met. The Agency issued a memorandum (Attachment 8) on July, 29, 2003 that contains a model grant condition that should be used in this situation.

It should be noted that NEPA and other cross-cutting Federal requirements that apply to the major Federal action (i.e., the approval and/or funding of work beyond the conceptual design point) cannot be delegated. Although EPA can fund the grantee or state/tribal development of an Environmental Information Document (EID) or other analysis to provide supporting information, EPA has the legal obligation to issue the NEPA documents, to sign NEPA determinations, and to fulfill other cross-cutting Federal requirements before approving or paying for design and/or construction.

When both EPA and another Federal agency are funding the same project, the agencies may negotiate an agreement for one to be the lead agency for performing grant oversight and management activities, including those related to NEPA and other cross-cutting Federal requirements. The lead agency can be the one who is providing the most funds for the project, or the agency that provided the initial funds for the project. If an environmental impact statement (EIS) is required, EPA should be a cooperating agency so that it can adopt the EIS without recirculating it. If the project requires an environmental assessment (EA), EPA may use the other agency's EA as a basis for its finding of no significant impact (FONSI), provided EPA has independently reviewed the EA and agrees with the analysis. Note that EPA may not use a categorical exclusion of another Federal agency unless EPA's regulations at 40 CFR Part 6 also provide for the categorical exclusion.

OPERATING GUIDELINES

The authority for awarding grants for the special projects listed in Attachment 1 and the United States-Mexico Border Program is Consolidated Appropriations Act, 2004, (P. L. 108-199). The authority for awarding grants for the Alaska Rural and Native Villages Program is section 303 of the Safe Drinking Water Act Amendments of 1996 (P. L. 104-182). The authority for awarding grants for the Long Island Sound Restoration Program is section 119 of the Clean Water Act as amended by title IV of the Estuaries and Clean Waters Act of 2000 (P. L. 106-457).

The Catalog of Federal Domestic Assistance (CFDA) number for the special Appropriations Act projects is 66.606 "Surveys, Studies, Investigations, and Special Purpose Grants." The Integrated Grants Management System (IGMS) code for the special projects is XP, titled "Water Infrastructure Grants as authorized by EPA Appropriations." The Object Class

⁵Completion of conceptual design is essentially the same as completion of facility planning as defined in EPA's Construction Grants program.

Code (budget and accounting information) for the special projects is 41.83. Applicants should use Standard Form 424 (Version 7/03) to apply for the grants.

Location of Project

To be able to report on environmental and public health benefits, the Agency has decided to collect, and store in an appropriate database, the geographic location for grant funded infrastructure projects. Accordingly, all STAG grants authorized by the FY 2004 Appropriations Act should include a term and condition stating that locational information must be submitted. For most projects, the specific information needed is the National Pollutant Discharge Elimination System (NPDES) number(s) or the Safe Drinking Water Information System (SDWIS) number(s). EPA's information technology (IT) systems will use the NPDES and the SDWIS numbers to determine the specific geographic parameters of the project. For those situations where NPDES and SDWIS identifiers are not appropriate, the longitude and latitude of the project should be provided.

Grants to Nonprofit Organizations

Funds appropriated under the STAG account can, if the situation warrants, be used for grants to nonprofit organizations. However, grants cannot be awarded to a nonprofit organization classified by the Internal Revenue Service as a §501(c)(4) organization unless that organization certifies that it will not engage in lobbying activities, even with their own funds (see P. L. 104-65 -- Lobbying Disclosure Act of 1995). The rationale for any award to a nonprofit organization should be clearly explained, suitably documented, and included in the project file.

Grants to Private For-Profit Entities

Funds appropriated under the STAG account may be used for grants to private for-profit entities, such as a privately owned drinking water company, when the language contained in the Conference Report clearly indicates that intention. The specific requirements for awarding a grant to a private for-profit entity will be addressed when there is need to award such a grant.

Grant Recipient

The intended recipient of the grant funds listed in Attachment 1 can, in the appropriate circumstances, refer to any of the following: a governmental or non-profit entity, a non-governmental for profit entity, the geographical area where the project will be located, the geographical area that will benefit from the project, or the name of the project. For example, if the earmark designation is a county, the funds could, in certain circumstances and with the consent of the county, be awarded to a governmental entity or entities within the county. In any such situation, the intended recipients, and the amount each is to receive, should be confirmed by the sponsoring congressperson or senator.

Ownership Requirements

With the exception of small, on-site/decentralized wastewater treatment systems, which are discussed later in this section, only wastewater and drinking water infrastructure facilities that are or will be owned by the grant or subgrant recipient are eligible for grant funding. This means that house laterals (the sewer line from the collection system to the house) and drinking water service lines (the line from the drinking water distribution system to the house) must be owned by the grantee or subgrantee in order for these facilities to be eligible for grant funding. The ownership requirement applies to new construction, as well as the rehabilitation of existing facilities, and to infiltration/inflow correction associated with existing sewer lines, including house laterals. The grantee or subgrantee can have ownership by either fee simple title, or by the issuance of an enforceable easement with right of access. Since the grantee or subgrantee has ownership of these facilities, the grantee or subgrantee would be responsible for the operations and maintenance of those facilities for the life of those facilities. Additionally, the grantee or subgrantee could not transfer ownership of the facilities to any entity without written approval from EPA.

In those rare situations where a grant or subgrant is awarded to a governmental or nonprofit entity that does not have the legal authority to own or operate drinking water, wastewater, or groundwater protection infrastructure facilities, and the grant includes the construction or acquisition of infrastructure facilities, that entity can transfer ownership of the grant funded infrastructure facilities with the approval of EPA. In all cases, the receiving entity must have the managerial and legal capability to assume all of the relevant responsibilities associated with the ownership of an EPA grant funded infrastructure facility, including any special conditions contained in the original grant agreement. Generally, EPA's approval to transfer ownership should be incorporated into the grant award document in the form of a special term and condition.

On-Site Systems

For small, privately-owned, on-site/decentralized wastewater treatment systems, such as a septic system, an eligible applicant may apply for a grant to build or renovate these privately-owned systems. In such cases the applicant must:

demonstrate that the total cost and environmental impact of building the decentralized system will be less than the cost of a conventional system,

certify that ownership by a public entity or a suitable non-profit organization (such as a home owners' association or cooperative) is not feasible and list the reasons,

certify that the treatment facilities will be properly operated and maintained for the life of the facilities, and

provide assurance of access to the systems at all reasonable times for such purposes as inspection, monitoring, building, operation, rehabilitation and replacement.

Intermunicipal Projects and Service Agreements

Although a special Appropriations Act grant may be awarded to one entity, the successful operations of the grant funded project may depend on the support and cooperation of other entities, municipalities, or utility districts. This is especially evident when one entity is providing wastewater treatment services or supplying drinking water to another entity. Accordingly, for projects involving interactions between two or more entities, the applicant should provide assurances that the grant funded project will function as intended for its expected life. Adequate assurance may be met through the creation of special service districts, regionalization of systems, or intermunicipal service agreements.

Special service districts and regionalization of systems are considered to be obligations in perpetuity to serve the customers of the newly created authority and automatically meet the expected lifetime requirements. The intermunicipal service agreement or contract is a legal document for cooperative ventures between separate entities, both of which wish to continue functioning with a large degree of independent control in their respective service areas. Such agreements will need to extend for a minimum number of years for an EPA funded project to be considered viable. For the purposes of special Appropriations Act projects, EPA will accept the following contract lifetimes as meeting the minimum standard⁶:

<u>ITEM</u>	<u>LIFE (years)</u>
<u>Land</u>	Permanent
<u>Wastewater/Water Conveyance Structures:</u> collection systems, pipes, interceptors, force mains, tunnels, distribution lines, etc.	40
<u>Other Structures:</u> plant buildings, concrete tankage, basins, lift station and pump station structures, inlet structures, etc.	30
<u>Wastewater and Drinking Water Process Equipment</u>	15
<u>Auxiliary Equipment</u>	10

A shorter time frame may be accepted if suitably justified and approved by EPA.

⁶The anticipated useful life of the facility components is based on the low end of the assumed service life for items in EPA's Construction Grants Program and past experience with the award and administration of special Appropriations Act projects.

Non-Construction Costs

The scope of work of a grant may include planning, design and administrative activities, and the cost of land. Land need not be an "integral part of the treatment process" as in the Clean Water Act title II construction grant program. However, all elements included within the scope of work of the grant must conform to the requirements of 40 CFR Parts 30 or 31. This means, if planning, design and administrative activities are included in the grant, the procurement of those services and the contracts must comply with the applicable sections of Parts 30 or 31. If land is included, there will be a Federal interest in the land regardless of when it was purchased and the purchase must be (must have been) in accordance with the applicable sections of Parts 30 or 31 and the Uniform Relocation Assistance and Real Property Acquisition regulations for Federal and Federally assisted programs at 49 CFR Part 24.

Refinancing

Funds appropriated for the special projects may not be awarded solely to repay loans received from a State Revolving Fund or other indebtedness unless there are explicit instructions to do so in the Appropriations Act or accompanying reports, or the facts of the case are such that this is the only way to award the funds that were appropriated for the project. Any request to use special Appropriations Act grant funds to repay a loan, in whole or in part, must be approved, in writing, by EPA Headquarters. The request, with sufficient supporting documentation, should be submitted to the Director, Office of Wastewater Management, (Mail Code 4201M), USEPA, 1200 Pennsylvania Avenue NW, Washington, D.C. 20460.

Definitions

In the context of determining that the scope of work of the grant is in conformance with the project description contained in Attachment 1, the word "water" can be considered to mean: drinking water, wastewater, storm water or combined sewer overflow. Furthermore, the words "and" & "or" as used in the project description are interchangeable. Additionally, the phrases "sewer project," "sewer improvements," "sewer upgrade," "sewer development," "sewer expansion," "sewer system," "plant project," "plant upgrade," or "plant expansion" are considered broad enough to include all aspects of the upgrade, expansion and development of a complete wastewater treatment system as defined at 40 CFR 35.2005(12). Comparable phrases concerning the project descriptions for drinking water facilities should be similarly interpreted.

DESCRIPTION OF ENVIRONMENTAL AND PUBLIC HEALTH BENEFITS

The Agency is required, through various mechanisms, to assess and report to the public, other governmental Agencies, such as the Office of Management and Budget or the General Accounting Office, and Congress, the environmental and public health benefits that are achieved through the expenditure of EPA grant funds. To obtain the information needed to meet these objectives, all STAG grants authorized by the FY 2004 Appropriations Act should include a term

and condition requiring the applicant to describe the incremental environmental and public health benefits that will be provided by the project. In most cases, the Agency believes that this information already exists.

The description of the incremental environmental and public health benefits could be included in a facilities plan, a preliminary engineering report or an environmental information document. If these reports or documents have been completed, the description should be submitted with the grant application.

The Agency is currently developing instructions concerning the specific information that should be provided for the special projects. The instructions will describe the mechanisms for reporting and recording this information. Listed below are the types of incremental environmental and public health benefits that are being considered:

Number of additional homes (or equivalents) provided adequate wastewater treatment (can be centralized or decentralized).

Number of additional homes (or equivalents) provided safe drinking water.

Percent improvement in infrastructure reliability and maintenance (e.g., collection and distribution system improvements, pump replacement, improvements at wastewater treatment or drinking water facilities plant, upgrade, expansion, integrity, reduction of infiltration/inflow, etc.).

Wet weather improvement:

- Estimated number of combined sewer overflows (CSOs) reduced.
- Estimated amount (e.g., million gallons per year) of untreated wastewater *not* discharged as a result of CSO improvements.
- Number of sanitary sewer overflows reduced.
- Storm water improvements.

Environmental restoration improvements.

Enhanced security improvements to wastewater or drinking water facilities.

On January 14, 2004, EPA disseminated Grants Policy Issuance (GPI) No. 04-02 entitled "Interim Policy on Environmental Results Under EPA Assistance Agreements."⁷ This interim policy requires the Agency program offices to include in all funding packages a discussion of how a proposed grant-funded project supports the goals of the Agency's strategic plan and encourages, but does not require, the Agency program offices to include in the funding package a

⁷The Order is available on the EPA Intranet at: <http://intranet.epa.gov/ogd/policy/7.0-GPI-GPI-04-02.htm>.

discussion of how the project fits within the Agency's Government Performance and Results Act (GPRA) architecture. This policy applies to the projects listed in Attachment 1.

NEW INITIATIVES

This section describes the Agency's plan for implementing two new initiatives.

Conformance with Combined Sewer Overflow Control Policy

EPA's Combined Sewer Overflow Control (CSO) Policy⁸ is a national framework for control of CSOs through the National Pollutant Discharge Elimination System (NPDES). The policy was signed by the Administrator on April 11, 1994, and was incorporated into law by the Wet Weather Water Quality Act of 2000, which was enacted as part of the Consolidated Appropriations Act for FY 2001 (P. L. 106-554). The purpose of the CSO policy is to coordinate the planning, selection, design and implementation of CSO management practices and controls to implement the requirements of the Clean Water Act (CWA). The CSO policy applies to those special Appropriations Act projects that include funding for CSO related work or activities. EPA is developing guidance to support the CSO policy. When additional guidance is issued, it will apply to those special Appropriations Act projects that include funding for CSO related work or activities.

One of the elements of the CSO policy is the development of a long-term control plan. If a long-term control plan has been reviewed and approved by the NPDES permitting agency, then any CSO work or activities included in the scope of work of a special Appropriations Act project must be in conformance with that plan. If a long-term control plan has not been approved by the permitting agency, then any special Appropriations Act project that includes funding for CSO work or activities must address the development, including timing, of a long term CSO control plan.

Asset Management

Asset management is defined as managing infrastructure assets to minimize the costs of owning and operating them while delivering the service customers desire. Asset management is a continuous process that guides the acquisition and use of infrastructure to optimize service and delivery, and reduce costs. Asset management is used extensively in Australia, New Zealand and Europe and is currently being adopted by utilities in the United States. Integral to asset management is the development of an asset management strategy and plan. EPA encourages all wastewater treatment and drinking water utilities to develop an asset management strategy and plan. To promote these efforts, the Agency will provide grantees with the information necessary to understand the benefits of asset management and provide the materials necessary to develop a strategy and plan.

⁸The CSO policy is available on the internet at www.epa/npdes/cso.

PROJECT SPECIFIC GUIDELINES

The Appropriations Act and Conference Report contain a number of provisions related to individual projects. The following discussion describes the Agency's interpretation and planned implementation of these provisions.

Guam and Virgin Islands Projects

Earmark Number 147 and Earmark Number 486 in the Agency's FY 2004 Appropriations Act provides, respectively, "\$300,000 to the Guam Waterworks Authority for water and wastewater infrastructure improvements." and "\$350,000 to the Government of the Virgin Islands for water and wastewater infrastructure improvements."

The Omnibus Territories Act of 1977 (P. L. 95-134) authorizes Departments and Agencies to award grants to Insular Territories, such as Guam and the Virgin Islands, without a matching requirement. Historically, EPA has exercised this discretionary authority and awarded funds to the Insular Territories without any matching requirement. The Agency intends to continue this practice. Accordingly, the FY 2004 special Appropriations Act projects for Guam and the Virgin Islands can be awarded without a matching requirement. However, the FY 2004 Appropriations Act also states that the grant funds for Guam must be used "to continue the Ground Water Chlorination System Replacement and Upgrade Project," and the grant funds for the Virgin Islands must be used "for water and wastewater infrastructure improvements." Accordingly, separate grants must be awarded to Guam and the Virgin Islands specifically for these activities.

PROGRAM SPECIFIC GUIDELINES

The Agency's FY 2004 Appropriations Act and accompanying reports contain a number of requirements for the United States-Mexico Border Program, the Alaska Rural and Native Villages Program, the Long Island Sound Restoration Program and the National Decentralized Wastewater Treatment Demonstration Program. This section describes the Agency's interpretation and planned implementation of those requirements.

United States-Mexico Border Program

The Agency's FY 2004 Appropriations Act provides \$49,705,000, after rescission, for:

architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission.

The scope of work for grants awarded for the United States-Mexico Border Program must conform with the language contained in the Appropriations Act and the grant file should include documentation that describes the results of the discussions and consultations with the appropriate border commissions. In large part, EPA provides grant funding to the Border Environmental Cooperation Commission (BECC) for the project development assistance program (PDAP) and the North American Development Bank (NADBank) for the Border Environmental Infrastructure Fund (BEIF); in these cases, the subgrants from BECC and NADBank should contain similar documentation.

Additionally, the Agency's FY 2004 Appropriations Act contains the following provision:

That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

On January 25, 2001, the Agency revised its criteria for funding the construction of facilities along the United States-Mexico Border to reflect this requirement.

The Conference Report identifies two projects that are to be funded by monies provided for the United States-Mexico Border Program: "\$7,000,000 for continuation of the El Paso, Texas desalination and water supply project, and \$2,000,000 for the Brownsville, Texas water supply project." The Brownsville and El Paso projects will be awarded by the EPA Region VI Office and administered within the provisions, including the 45 percent matching requirement, contained in this memorandum.

EPA cost participation on projects funded from the United States-Mexico Border appropriation item (with the exception of the two projects identified above) will be decided on a project-by-project basis. The EPA cost share will depend on a number of factors which have been separately defined within the context of the United States-Mexico Border Program.

On May 12, 1997, the Agency issued a memorandum (Attachment 9) concerning "Program Requirements for Mexican Border Area Projects Funded under the Authority of this Agency's FY 1995, 1996 and 1997 Appropriations Acts." That memorandum also applies to the United States-Mexico Border Area projects funded under the authority of the Agency's FY 2004 Appropriations Act.

Alaska Rural and Native Villages Program

The Agency's FY 2004 Appropriations Act provides \$42,746,300 after rescission, for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided*, That, of these funds (1) the State of Alaska shall provide a match of 25 percent, (2) no more than 5 percent of the funds may be used for administrative and overhead expenses, and (3) not later than October 1, 2004 and thereafter, a state wide priority list shall be established which shall remain in effect for at least 3 years for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural development Act (7 U.S.C. 1921 et. seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities.

Item (1) above means that the State of Alaska must provide \$14,248,766 as its share for the program. Items (2) and (3) above are self explanatory and do not require any further explanation.

Additionally, the Alaska Rural and Native Villages Program funds may be used to pay for activities specified in the Safe Drinking Water Act of 1996, (P. L. 104-182, Section 303), specifically: "training, technical assistance, and educational programs relating to the operation and management of sanitation services in rural and Native villages."

Long Island Sound Restoration Program

Earmark Number 341 in the STAG account of the Agency's FY 2004 Appropriations Act provides \$4,970,500 after rescission, "for water quality infrastructure improvements for Long Island Sound, New York." The Agency intends to administer this earmark using the Long Island Sound Program Guidelines issued on May 6, 2002. These guidelines entitled "Award of Infrastructure Grants to Implement the Long Island Sound Comprehensive Conversion and Management Plan" were developed to implement the Long Island Restoration Act section which is Title IV of the Estuary and Clean Water Act of 2000 (P. L. 106-457). The \$4,970,500 will be awarded as grants to the States of New York and Connecticut in accordance with allocation procedures established by the Long Island Sound Management Conference. The Long Island Sound Program has a separate Catalog of Federal Domestic Assistance (CFDA) number which is 66.437.

National Decentralized Wastewater Treatment Demonstration Program

The FY 2004 Appropriations Act provides \$6,600,000, before rescission, for the National Decentralized Wastewater Treatment Demonstration Program. The Conference Report identifies the six demonstration projects, specifies the amount of grant funds available for each project and "requires a cost share whereby each grantee must provide 25 percent of the project's costs." The

six projects are identified on the last page of Attachment 1. Language in the FY 1999 Conference Report concerning the National Decentralized Wastewater Treatment Demonstration projects stated that "previous expenditures [are] to be counted toward a local cost share of these projects." The Agency has applied this provision to all subsequent projects funded under the National Decentralized Wastewater Treatment Demonstration Program and will continue to apply this same provision to the six demonstration projects identified in the Agency's FY 2004 Appropriations Act.

GRANTS MANAGEMENT

Grants awarded under the authority of an Appropriations Act are subject to assistance agreement regulations, OMB cost principles and Agency policies. The grants must be awarded and managed as any other assistance agreement.

The Grants Administration Division (GAD) has developed Grants Policy Issuances (GPIs) to assist project officers and program offices in fulfilling and understanding their responsibilities. Two GPIs that are directly related to the award and management of Special Appropriations Act projects are GPI-03-01-Attachment VI "Policy and Procedures for Funding Assistance Agreements" and GPI-00-05 "Cost Review Guidance."⁹

On November 14, 2003, GAD disseminated GPI-04-03 entitled "Performance Standards for Grants Management." This memorandum requires that performance standards established for project officers and their supervisors adequately address grants management responsibilities.

EPA Order 5700.6A1, issued January 8, 2004,¹⁰ streamlines post-award management of assistance agreements and helps ensure effective oversight of recipient performance and management. The Order encompasses both the administrative and programmatic aspects of the Agency's financial assistance programs. It requires each EPA program office providing assistance to develop and carry out a post-award monitoring plan, and conduct basic monitoring for every award. From the programmatic standpoint, this monitoring should ensure satisfaction of five core areas: (1) compliance with all programmatic terms and conditions, (2) correlation of the recipient's work plan/application and actual progress under the award, (3) availability of funds to complete the project, (4) proper management of and accounting for equipment purchased under the award, and (5) compliance with all statutory and regulatory requirements of the program. If during monitoring it is determined that there is reason to believe that the grantee has committed or commits fraud, waste and/or abuse, then the project officer must contact the Office of the Inspector General. Advanced monitoring activities must be documented in the

⁹These GPIs are available at: <http://intranet.epa.gov/ogd/policy/7.0-GPI-GPI-03-01-5.htm> and <http://intranet.epa.gov/ogd/policy/7.0-GPI-GPI-00-05.htm>

¹⁰The Order is available at: http://intranet.epa.gov/rmpolicy/ads/orders/5700_6A1.pdf

official grant file and the grantee compliance database. The EPA Order applies to the projects identified in Attachment 1.

In addition to the general requirements contained in the EPA Order, the following types of activities, which are directly related to construction projects, should be considered in the development of a post-award monitoring plan:

- Review periodic payment requests.
- Conduct interim inspections.
- Review change orders and claims.
- Review and approve final payment requests.
- Determine that the project is capable of meeting the objectives for which it was planned, designed and built.

Many of these activities can be performed by a State, the Corps Of Engineers or a contractor, and as such, are eligible for funding under the three percent set-aside provision.

AGENCY GOALS FOR COMPLETING AND CLOSING OUT PROJECTS

On June 10, 1997, the Agency issued a strategy for administratively completing and closing out the remaining construction grant projects.¹¹ Administrative completion takes place when a final audit is requested, or if a final audit is not required, when the following has been achieved: all the grant conditions have been satisfied, a final inspection has been performed, the final payment has been reviewed and processed, and project performance standards¹² have been achieved. Closeout takes place when a closeout letter is sent to the grant recipient. The June 10, 1997 strategy document established the goal of administratively completing post FY 1991 construction grant *and special Appropriations Act projects* within five years of grant award, and closing out construction grant *and special Appropriations Act projects* within seven years of grant award. Accordingly, all future grant awards, except in those circumstances where the complexities or size of the project dictate otherwise, should include schedules that are in conformance with the national goals.

PROJECT OFFICER RESPONSIBILITIES

The project officers must review the grant application to determine that:

the scope of work of the grant is clearly defined;

¹¹ In a memorandum dated May 6, 1999, the Agency issued supplemental guidance providing clarification to the completion/closeout strategy. The Agency is considering issuing additional guidance that addresses the implementation of the GPRA requirements.

¹² Project performance standards are defined at 40 CFR 35.2005(33).

the scope of work is in conformance with the project description contained in Attachment 1;
there is a clearly stated environmental or public health objective;
there is a reasonable chance that the project will achieve its objective(s); and
the costs are reasonable, necessary and allocable to the project.

Grant applications should be processed in a timely manner, but the applications should be carefully reviewed and the grant awarded only when it is prudent to do so. Additionally, the Regions may impose reasonable requirements through grant conditions in those situations considered necessary.

PROJECT MANAGEMENT RESOURCES

You should invite State agencies to participate as much as possible in the pre-application, application review, and grant administration process.

Legislative language in the Agency's FY 1997 Appropriations Act authorized the use of title II deobligations for State administration of special Appropriations Act *wastewater* projects, coastal/needy cities projects and construction grant projects. The guidance document on the implementation of this provision was issued by the Director, Municipal Support Division, on December 3, 1996 (Attachment 10).

The interagency agreement (IAG) with the Corps of Engineers was recently amended to allow the IAG funds to be used for the administration, oversight and management of all special Appropriations Act projects, including those involving drinking water and other water related projects.

States may also use funds awarded under Section 106 of the Clean Water Act (P. L. 92-500) for activities associated with these special projects provided Section 106 program officials agree.

The Agency's FY 2001 Appropriations Act states that "the Administrator may use up to 3 percent of the amount of each project appropriated to administer the management and oversight of construction of such projects through contracts, allocation to the Corps of Engineers, or grants to States." A discussion of the three percent set-aside provision is contained on page two of this memorandum.

REVISION OF LANGUAGE CONTAINED IN PREVIOUS APPROPRIATIONS ACTS

The Agency's FY 2004 Appropriations Act amended the language for the following STAG earmarks:

The project description for Earmark Number 191 (FY 2003) to the City of Prestonburg, Kentucky was changed to "water infrastructure improvements."

The project description for Earmark Number 223 (FY 2003) to the Town of Indian Head, Maryland was changed to "sewer and water improvements in Woodland Village and for other projects within Indian Head after the needs of Woodland Village are met."

The project description for Earmark Number 255 (FY 2003) to the City of Newton, Mississippi was changed to "water and wastewater infrastructure improvements for an industrial park."

The project description for Earmark Number 256 (FY 2003) to the City of McComb, Mississippi was changed to "water and wastewater infrastructure improvements."

The designated recipient for Earmark Number 263 (FY 2003) was changed from Fayette, Mississippi to Jefferson County, Mississippi. The project description was not changed. It is "the Jefferson County water and sewer improvements project."

The project description for Earmark Number 364 (FY 2003) to the City of Hulbert, Oklahoma was changed to "wastewater infrastructure improvements."

The project description for Earmark Number 383 (FY 2003) to the Borough of Wellsboro Pennsylvania was changed to "combined sewer overflow and water infrastructure improvements."

The project description for Earmark Number 409 (FY 2003) to the City of Elk point, South Dakota was changed to "water infrastructure improvements."

The project description for Earmark Number 469 (FY 2003) for the City of Richmond, Washington was changed to "water infrastructure improvements."

The project description for Earmark Number 219 (FY 2001) for Montgomery, Vermont was changed to "water demonstration project."

The designated recipient and project description for Earmark Number 234 (FY 2001) for the "Huntington, West Virginia . . . Fourpole/Park Sewer project No. 1" was changed to the "Town of Delbarton *[for a]* Wastewater Collection and Treatment Replacement/Upgrade Project."

One of the designated recipients included in Earmark Number 19 (FY 1999) was changed from Wolfe County, Kentucky to the City of Campton, Kentucky. The project description was not changed. It is "for water supply and wastewater needs."

ACTIONS

If you have not already done so, you and your staff should initiate discussions with the appropriate grant applicants to develop a detailed scope of work and to explain the grant application and review process. Additionally, the grant applicant should be provided with a copy of this memorandum prior to grant award to ensure that the applicant is on notice of the applicable requirements before the grant is awarded.

If you have any questions concerning the contents of this memorandum, you may contact me, or have your staff contact Larry McGee, National Special Projects Coordinator, Municipal Assistance Branch, Municipal Support Division, at (202) 564-0619.

Attachments

cc: Municipal Construction Program Managers, Regions I-X
Regional NEPA Contacts, Regions I -X
Mark Tedesco, Long Island Sound Office, Region II
Marcia Combes, Alaska Operations Office, Region X

**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS (STAG ACCOUNT)
INCLUDED IN EPA'S FY 2004 APPROPRIATIONS ACT**

Line Item #	Budget Code	Earmark Designation	Earmark Amount	Rescission Amount	3% Set-aside	Grant Amount	Description
Region 1							
Connecticut							
106	GG6	Prospect, Town of	200,000	1,200	6,000	192,900	for water infrastructure improvements
107	AX1	Southington, Town of	550,000	3,200	16,400	530,400	for water infrastructure improvements
108	GE6	Stamford, City of	500,000	3,000	14,900	482,100	for stormwater management improvements for the restoration of the Mill River ecosystem
109	GBW	East Hampton, Town of	900,000	5,300	26,800	867,800	for water infrastructure improvements
110	AX1	New Britain, City of	500,000	3,000	14,900	482,100	for drinking water infrastructure improvements
Massachusetts							
236	GEU	Boston Groundwater, Trust of	200,000	1,200	6,000	192,900	for its groundwater initiative
237	QQR	Brockton, City of	450,000	2,700	13,400	433,900	for wastewater infrastructure improvements at the Brockton Wastewater Treatment Facility
238	GJR	Essex County, Massachusetts	200,000	1,200	6,000	192,900	for wastewater infrastructure improvement projects
239	GJM	Lowell, City of	250,000	1,500	7,500	241,100	for combined sewer overflow infrastructure
240	AUH	New Bedford and Fall River, Cities of	1,100,000	6,500	32,800	1,060,700	for combined sewer overflow mitigation in Bristol County
241	QBA	Pioneer Valley Planning Commission	500,000	3,000	14,900	482,100	for sewage pollution control projects along the Connecticut River in Massachusetts and Connecticut
Maine							
221	GF4	Gardiner, City of	500,000	3,000	14,900	482,100	for sewer infrastructure improvements
222	GGV	Machias, City of	250,000	1,500	7,500	241,100	for wastewater infrastructure improvements
223	GD4	Indian Township	250,000	1,500	7,500	241,100	for improvements to wastewater facilities
224	GH5	Sanford Sewer District	300,000	1,800	8,900	289,300	for wastewater infrastructure improvements
New Hampshire							
297	ASK	Berlin, City of	500,000	3,000	14,900	482,100	for the Berlin Waterworks water distribution system improvements
298	QUI	Colebrook, Town of	500,000	3,000	14,900	482,100	for drinking water infrastructure improvements
299	GC6	Rollingsford, Town of	300,000	1,800	8,900	289,300	for wastewater treatment improvements
300	GAR	Jaffrey, Town of	350,000	2,100	10,400	337,500	for wastewater treatment improvements
301	AXH	Nashua, City of	900,000	5,300	26,800	867,800	for drinking water and combined sewer overflow infrastructure improvements
302	QBG	Manchester, City of	500,000	3,000	14,900	482,100	for the Phase I Combined Sewer Overflow Abatement project
303	GDT	Rochester Waterworks, City of	350,000	2,100	10,400	337,500	for the extension of Rochester, New Hampshire sewer line
Rhode Island							
424	GDC	Lincoln, Town of	175,000	1,000	5,200	168,700	for water and wastewater infrastructure improvements
425	GBC	North Providence, Town of	175,000	1,000	5,200	168,700	for wastewater and stormwater infrastructure improvements
426	A8I	Narragansett Bay Commission	1,450,000	8,600	43,200	1,398,200	for combined sewer overflow infrastructure
427	GGW	Pascoag Utility District	500,000	3,000	14,900	482,100	for water infrastructure improvements
428	QWP	Providence, City of	440,000	2,600	13,100	424,300	for water infrastructure improvements
429	QVV	Jamestown, Town of	500,000	3,000	14,900	482,100	for water infrastructure improvements
430	QLE	Pawtucket Water Supply Board	500,000	3,000	14,900	482,100	for the renovation of Central Falls Pipe
431	GGU	Prudence Island Water Utility	100,000	600	3,000	96,400	for water infrastructure improvements
432	QVO	East Providence	850,000	5,000	25,400	819,600	for water infrastructure improvements
Vermont							
467	GCJ	Waitsfield, Town of	1,000,000	5,900	29,800	964,300	for water and wastewater infrastructure improvements
468	QN4	Champlain Water District	1,500,000	8,900	44,700	1,446,400	for Chittenden County stormwater infrastructure improvements

**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS (STAG ACCOUNT)
INCLUDED IN EPA'S FY 2004 APPROPRIATIONS ACT**

Line Item #	Budget Code	Earmark Designation	Earmark Amount	Rescission Amount	3% Set-aside	Grant Amount	Description
33		Region 1 Totals	17,240,000	102,500	513,900	16,623,800	
		Region 2 New Jersey					
304	QVL	New Jersey Meadowlands Commission	400,000	2,400	11,900	385,700	for wetlands restoration
305	ATI	Passaic Valley Sewerage Commission	500,000	3,000	14,900	482,100	for its combined sewage overflow reduction program and the Passaic River/Newark Bay Restoration program
306	A7U	Jefferson, Township of	800,000	4,700	23,900	771,400	for wastewater infrastructure improvements to help protect water quality of Lake Hopatcong
307	GEA	Camden, City of	1,000,000	5,900	29,800	964,300	for the Von Neida Park Wastewater Management
		New York					
308	AXW	Rockland County	700,000	4,100	20,900	675,000	for the Western Ramapo Sewer Extension project
316	QOY	Oswego, City of	250,000	1,500	7,500	241,100	for water infrastructure improvements
317	GHX	Corning, City of	250,000	1,500	7,500	241,100	for a reservoir project
318	GAP	Pelham, Village of	113,000	700	3,400	109,000	for sanitary sewer and storm water infrastructure improvement project
319	GCD	Chester, Town of	125,000	700	3,700	120,500	for water infrastructure improvements
320	GF7	Sennett, Town of	200,000	1,200	6,000	192,900	for water infrastructure improvements
321	GF6	Bethel, Town of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
322	QVF	Endicott, Village of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
323	GCX	Babylon, Town of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
324	QX4	Grand Island, Town of	250,000	1,500	7,500	241,100	for wastewater and combined sewer overflow infrastructure improvements
325	GBS	Fulton County	325,000	1,900	9,700	313,400	for water and wastewater infrastructure improvements
326	QNP	North Hempstead, Town of	400,000	2,400	11,900	385,700	for stormwater management infrastructure
327	AXW	Rockland, County of	400,000	2,400	11,900	385,700	for the Western Ramapo Sewer Extension and Water Reuse project
328	GE7	Dunkirk, City of	400,000	2,400	11,900	385,700	for wastewater infrastructure improvements
329	QN2	Hamburg, City of	400,000	2,400	11,900	385,700	for wastewater infrastructure improvements
330	GCU	Greece, Town of	400,000	2,400	11,900	385,700	for sanitary sewer overflow infrastructure
331	GD7	Cayuga County Water and Sewer Authority	1,500,000	8,900	44,700	1,446,400	for wastewater infrastructure improvements for the Village of Fair Haven, New York
332	GCY	Rivers and Estuaries Center on the Hudson	250,000	1,500	7,500	241,100	for facilities construction
333	GEQ	Wayne County Water and Sewer Authority	230,000	1,400	6,900	221,800	for sanitary sewer overflow improvements for the Town of Palmyra, New York
334	QWM	Onondaga County	200,000	1,200	6,000	192,900	for sewage treatment plant improvements for the Village of Jordan
335 + Div.	QBW	Saratoga Water Committee in Saratoga County	3,000,000	17,700	89,500	2,892,800	for construction of a drinking water transport pipeline
336	GHN	Lake Placid, Village of	1,400,000	8,300	41,800	1,350,000	for water and wastewater infrastructure improvements
337	GAG	North Castle, Town of	500,000	3,000	14,900	482,100	for water infrastructure improvements for the Quarry Heights District
338	QWW	Wayne County Water and Sewer Authority	600,000	3,500	17,900	578,600	for construction of a waterline in the Towns of Sodus and Huron, New York
339	GB5	Syracuse, City of	3,000,000	17,700	89,500	2,892,800	for Westcott Reservoir drinking water infrastructure improvements
340	ANI	New York City Watershed	5,000,000	29,500	149,100	4,821,400	for drinking water infrastructure needs
341	QBO	Long Island Sound	5,000,000	29,500	0	4,970,500	for water quality infrastructure improvements
342	AME	Onondaga Lake	12,300,000	72,600	366,800	11,860,600	for continued clean water improvements

**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS (STAG ACCOUNT)
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Line Item #	Budget Code	Earmark Designation	Earmark Amount	Rescission Amount	3% Set-aside	Grant Amount	Description
Puerto Rico							
423	QWR	Barceloneta, Municipality of	1,650,000	9,700	49,200	1,591,100	for water infrastructure improvements in the Palenque and Garrochales communities
Virgin Islands							
486	A80	Government of the Virgin Islands	350,000	2,100	10,400	337,500	for wastewater treatment infrastructure improvements
34		Region 2 Totals	42,493,000	251,300	1,118,400	41,124,400	
Region 3							
District of Columbia							
112	GBE	Metropolitan Washington Council of Governments	400,000	2,400	11,900	385,700	for its Regional Water System Security Enhancement Program
Delaware							
111	QWO	Wilmington, City of	1,100,000	6,500	32,800	1,060,700	for wastewater infrastructure improvements
Maryland							
225	QVY	Westport, Town of	1,000,000	5,900	29,800	964,300	for sewer infrastructure improvements
226	GHU	Chestertown	500,000	3,000	14,900	482,100	for water infrastructure improvements
227	GHS	Delmar, Town of	500,000	3,000	14,900	482,100	for water infrastructure improvements
228	QXL	Crisfield, City of	500,000	3,000	14,900	482,100	for water infrastructure improvements and construction of biological nutrient removal facilities
229	QU5	Hurlock, Town of	500,000	3,000	14,900	482,100	for water infrastructure improvements
230	APF	Pocomoke River in Maryland	500,000	3,000	14,900	482,100	for nutrient control at wastewater treatment plants
231	GCG	Harford County	1,000,000	5,900	29,800	964,300	for the Oaklyn Manor Project
232	QVJ	Maryland Department of Natural Resources	500,000	3,000	14,900	482,100	for water quality restoration projects on the Stoney Run and Dorsey Run in Howard and Anne Arundel
233	QQM	Elkton, Town of	200,000	1,200	6,000	192,900	for construction of biological nutrient removal
234	QCP	Cambridge, City of	350,000	2,100	10,400	337,500	for combined sewer overflow infrastructure
235	QJG	Washington Suburban Sanitary Commission	400,000	2,400	11,900	385,700	for wastewater disinfection system upgrades for Montgomery and Prince George's Counties, Maryland
Pennsylvania							
396	QWT	Paint Borough	125,000	700	3,700	120,500	for stormwater and sanitary sewer infrastructure improvements
397	GE8	Cheltenham Township	200,000	1,200	6,000	192,900	for water and wastewater infrastructure improvements
398	GA8	Downingtown Borough	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
399	QMT	Lycoming County	450,000	2,700	13,400	433,900	for water infrastructure improvements for the Jersey Shore Borough
400	GFH	Avondale, Borough of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
401	QWZ	Springettsbury Township	100,000	600	3,000	96,400	for a Biosolids Treatment Facility Replacement
402	QCI	York City Sewer Authority	250,000	1,500	7,500	241,100	for infiltration and inflow removal infrastructure improvements
403	GD5	Matamoras Municipal Authority of the Borough of Matamoras, Pike County	200,000	1,200	6,000	192,900	for water infrastructure improvements
404	QXG	Somerset County Redevelopment Authority	250,000	1,500	7,500	241,100	for water and wastewater infrastructure improvements for development of the Windber Business Park
405	GAX	Forward Township	275,000	1,600	8,200	265,200	for the Gallatin-Sunnyside Area Sewer Project
406	GFM	Harrisburg, City of	300,000	1,800	8,900	289,300	for the Mish Run Sewer Improvement Project
407	QVQ	Hanover Township Sewage Authority	300,000	1,800	8,900	289,300	for extension of sewer lines for Starpoint Business and Industrial Park

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408	QKG	Lancaster, City of	625,000	3,700	18,600	602,700	for water infrastructure improvements
409	GCS	Philadelphia, City of	400,000	2,400	11,900	385,700	Pennsylvania Water Department for the planning, design, and construction of stormwater management
410 + Div.	QC2	Wyoming Valley Sanitation Authority	2,400,000	14,200	71,600	2,314,300	for combined sewer overflow infrastructure improvements
411	GG2	Kulpmont-Marion Heights Joint Municipal Authority, Northumberland County	400,000	2,400	11,900	385,700	for wastewater infrastructure improvements
412	QCU	Coudersport, Borough of	600,000	3,500	17,900	578,600	for water and wastewater infrastructure improvements
413	AN4	Allegheny County	3,200,000	18,900	95,400	3,085,700	for the Three Rivers Wet Weather Demonstration program to develop innovative, cost-effective solutions to assist municipalities to eliminate sewer
414	QO1	Cambria Somerset Authority	750,000	4,400	22,400	723,200	for the Quemahoning Reservoir water supply project to provide water to communities in Somerset and Cambria Counties
415	GFC	Summit Township Sewer Authority	250,000	1,500	7,500	241,100	for a public sanitary sewer system extension in Erie County
416	GDB	Tuscarora Township	250,000	1,500	7,500	241,100	for East Waterford sanitary sewer system upgrades in Juniata County
417	GBV	Newport Borough Water Authority	200,000	1,200	6,000	192,900	for a river filtration system and distribution line replacement in Perry County
418	GGF	Penn Hills, Municipality of	350,000	2,100	10,400	337,500	for sewer infrastructure improvements
419	GJK	Mid-Cameron Authority	150,000	900	4,500	144,600	for wastewater treatment plant upgrades in Emporium Borough and Shippen Township
420	GD2	Laporte Borough	150,000	900	4,500	144,600	for the waterline replacement project in Sullivan
421	GCT	Granville Township	200,000	1,200	6,000	192,900	for wastewater transfer station improvements in Mifflin County
422	GJD	Mercer County Regional Council of Governments	150,000	900	4,500	144,600	for the Shenango Valley Joint Sewer/Water Infrastructure Project in Mercer County

Virginia

469	GES	Phoebe Needles System in Franklin County	125,000	700	3,700	120,500	for a secondary sewage treatment system
470	GAU	Chatham, Town of	150,000	900	4,500	144,600	for water and wastewater infrastructure improvements
471	GAF	Portsmouth	250,000	1,500	7,500	241,100	for the Prentis Park Water and Sewer Rehabilitation project
472	QJJ	Chesterfield County	400,000	2,400	11,900	385,700	for drainage and wastewater infrastructure improvements for Rayon Park
473	QT2	Alexandria City and Arlington County, to be divided equally between	400,000	2,400	11,900	385,700	for water quality improvements in the Four Mile Run watershed
474	GA5	Henry County and the City of Martinsville	440,000	2,600	13,100	424,300	for a wastewater treatment plant upgrade and the conversion of two wastewater plants to pumping
475	QSR	Nelson County	500,000	3,000	14,900	482,100	for the Piney River Wastewater Improvement Project
476	QCX	Fluvanna County	500,000	3,000	14,900	482,100	for water and sewer projects
477	QJ5	Kenbridge, Town of	500,000	3,000	14,900	482,100	for the expansion of a wastewater treatment plant
478	QCB	Franklin County	785,000	4,600	23,400	757,000	for a drinking water infrastructure project
479	AQ9	Richmond, City of	800,000	4,700	23,900	771,400	for combined sewer overflow infrastructure
480	QW4	Appomattox County and the Town of Appomattox, to be divided equally between	1,000,000	5,900	29,800	964,300	for water and sewer projects
481	QMP	Dale Service Corporation in	1,200,000	7,100	35,800	1,157,100	wastewater infrastructure improvements
482	A1F	Fairfax County Water Authority	750,000	4,400	22,400	723,200	for water infrastructure security improvements
483	GEE	Fairfax County	300,000	1,800	8,900	289,300	for wastewater infrastructure improvements
484	QVI	Norfolk, City of	400,000	2,400	11,900	385,700	for the Prentis Park Water and Sewer Rehabilitation

**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS (STAG ACCOUNT)
INCLUDED IN EPA'S FY 2004 APPROPRIATIONS ACT**

Line Item #	Budget Code	Earmark Designation	Earmark Amount	Rescission Amount	3% Set-aside	Grant Amount	Description
485	AQ9	Lynchburg, City of	300,000	1,800	8,900	289,300	for combined sewer overflow controls

West Virginia

498	QSB	Moundsville Sanitary Department, City of	380,000	2,200	11,300	366,400	for storm sewer and sanitary improvements on Jefferson Avenue
499	GEG	Petersburg, City of	671,000	4,000	20,000	647,000	for water and wastewater infrastructure improvements
500	GBA	Harrisville, Town of	750,000	4,400	22,400	723,200	for water and wastewater infrastructure improvements
501	GBG	Mineral County Commission in Mineral County	750,000	4,400	22,400	723,200	for sewer system design and construction
502	QWA	Philippi, City of	824,000	4,900	24,600	794,600	for water and wastewater infrastructure improvements
503	GDD	Marshall County Sewerage District	875,000	5,200	26,100	843,700	for water and wastewater infrastructure improvements
504	GB9	Gilmer County Public Service District	1,617,000	9,500	48,200	1,559,200	for water and wastewater infrastructure improvements
505	GAN	Sun Valley Public Service	2,000,000	11,800	59,600	1,928,600	for water and wastewater infrastructure improvements
506	GHA	Parkersburg, City of	5,000,000	29,500	149,100	4,821,400	for water and wastewater infrastructure improvements

66 **Region 3 Totals** **42,042,000 249,200 1,253,700 40,540,100**

Region 4

Alabama

1	GEH	Cedar Bluff, City of	85,000	500	2,500	82,000	for wastewater infrastructure improvements
2	GAH	Pennington, Town of	90,000	500	2,700	86,800	for water and wastewater infrastructure improvements
3	QLV	Fayette Water Works Board	100,000	600	3,000	96,400	for water system infrastructure improvements
4	QER	Limestone County Water and Sewer Authority	100,000	600	3,000	96,400	for drinking water improvements
5	QN5	Athens, City of	100,000	600	3,000	96,400	for wastewater system improvements
6	QRC	Lawrence County	100,000	600	3,000	96,400	for the Bankhead Forest Water project
7	QUN	New Hope, City of	100,000	600	3,000	96,400	for wastewater system improvements
8	QLB	Coosa Valley Water Supply District	850,000	5,000	25,400	819,600	for development of a surface water supply in St. Clair County, Alabama
9	QEO	West Morgan-East Lawrence Water and Sewer Authority	175,000	1,000	5,200	168,700	for water infrastructure improvements
10	QVR	Lineville, City of	175,000	1,000	5,200	168,700	for purchase and construction of a water tank
11	GA7	Walker County Commission	200,000	1,200	6,000	192,900	for water line extensions in isolated areas
12	GJU	Colbert County	200,000	1,200	6,000	192,900	for water system improvements
13	QEF	Utilities Board of the Town of Citronelle	200,000	1,200	6,000	192,900	for water infrastructure improvements
14	GAV	West Lawrence Water Co-Op of Mount Hope	225,000	1,300	6,700	217,000	for water system infrastructure improvements
15	OII	Atalla	250,000	1,500	7,500	241,100	for sewerage system improvements
16	GFL	Gordo, Town of	300,000	1,800	8,900	289,300	for sanitary sewer expansion project
17	GFK	Guntersville Water and Sewer Board	300,000	1,800	8,900	289,300	for the Sand Mountain water storage system project
18	QUB	Waterworks Board for the Towns of Section and Dutton	550,000	3,200	16,400	530,400	for water system improvements
19	QK4	Berry, Town of	350,000	2,100	10,400	337,500	for construction of a wetlands treatment facility
20	GGR	Chilton Water Authority in Chilton County	350,000	2,100	10,400	337,500	for water infrastructure improvements
21	AQ3	Jackson County	400,000	2,400	11,900	385,700	for water system improvements
22	QVB	West Lauderdale County Water and Fire Protection Authority	400,000	2,400	11,900	385,700	for construction of a water treatment plant
23	QDO	Franklin County	475,000	2,800	14,200	458,000	for water system infrastructure improvements
24	GE9	Hartselle Utilities in the City of Hartselle	500,000	3,000	14,900	482,100	for wastewater infrastructure improvements

**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS (STAG ACCOUNT)
INCLUDED IN EPA'S FY 2004 APPROPRIATIONS ACT**

Line Item #	Budget Code	Earmark Designation	Earmark Amount	Rescission Amount	3% Set-aside	Grant Amount	Description
25	QJ9	Lawrence County	700,000	4,100	20,900	675,000	for construction of a wastewater treatment facility
26	GGP	Upper Bear Creek Water Treatment Plant in Haleyville	850,000	5,000	25,400	819,600	for water treatment plant improvement project
27	GAM	CREMS (Carlisle, Rockledge, Egypt, Mountainboro, and Shady Grove) Water Authority	875,000	5,200	26,100	843,700	for water system infrastructure improvements
28	QX3	Florence, City of	1,000,000	5,900	29,800	964,300	for the rehabilitation of the Canal/Jones Hollow Interceptor sewer lines
29	QVK	Brent Water and Sewer Board and the Centreville Water and Sewer Board in Bibb County, to be shared equally between	250,000	1,500	7,500	241,100	for water and wastewater infrastructure improvements
30	GA6	Tom Bevell Reservoir Management Area Authority	2,000,000	11,800	59,600	1,928,600	for construction of a drinking water reservoir in Fayette County
31	GB7	Southwest Alabama Regional Water Supply District	450,000	2,700	13,400	433,900	for regional water supply distribution in Thomasville
32	GGY	Hodges, Town of	100,000	600	3,000	96,400	for the Hodges water improvement project
33	GBN	Double Springs, Town of	150,000	900	4,500	144,600	for water system improvements
34	GAD	Smith's Sewer and Water	250,000	1,500	7,500	241,100	for sewer system expansion in Smith
35	QX5	Water and Sewer Boards of the Cities of Brent and Centreville	100,000	600	3,000	96,400	for court ordered repairs to the system to mitigate water pollution in Centreville
36	GB2	Athens Utilities, City of	250,000	1,500	7,500	241,100	for commercial sewage extension in Athens
37	QVT	Wilcox County Industrial Authority in Camden	100,000	600	3,000	96,400	for water and sewer infrastructure improvements in Wilcox County
38	QUZ	Cherokee County Commission	150,000	900	4,500	144,600	for Weiss Lake Area system improvements in Centre

Florida

113	QS7	Solid Waste Authority of Palm Beach County	1,000,000	5,900	29,800	964,300	for continued construction of the Tri-County Biosolids Pelletization Facility
114	GAB	Key Biscayne	1,000,000	5,900	29,800	964,300	for wastewater infrastructure improvements
115	GFY	Miami Gardens, City of	175,000	1,000	5,200	168,700	for drinking water, wastewater, stormwater and sewer infrastructure improvements
116	QW9	Citrus County	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements for the Homosassa and Chassahowitzka Water Collection
117	GBM	Hollywood, City of	200,000	1,200	6,000	192,900	for water infrastructure improvements
118	QX8	Palm Beach County	200,000	1,200	6,000	192,900	for improvements at the Lake Okeechobee Regional Water Treatment Plant
119	QXS	Southwest Florida Management District	200,000	1,200	6,000	192,900	for water and wastewater infrastructure improvements for Weeki Wachee Springs
120	QXS	Northwest Florida Management District	300,000	1,800	8,900	289,300	for the Escambia County Utility Authority Water Reclamation Project
121	GDN	Marathon, City of	240,000	1,400	7,200	231,400	for water and wastewater infrastructure improvements for the Boot Key Municipal Harbor Development
122	QT5	Orange County	300,000	1,800	8,900	289,300	for wastewater infrastructure improvements in Holden Heights
123	QMO	Tampa, City of	350,000	2,100	10,400	337,500	for the South Tampa Area Reclaimed Project
124	QDV	St. Johns County	350,000	2,100	10,400	337,500	for the Stormwater and Septic Tank Replacement
125	QD9	Sarasota County	400,000	2,400	11,900	385,700	for the Phillipi Creek Septic Tank Replacement
126	QWS	Key West, City of	400,000	2,400	11,900	385,700	for stormwater infrastructure improvements
127	GB6	Oakland Park, City of	400,000	2,400	11,900	385,700	for the Kimberly Lake Drainage Project;
128	GHI	Riviera Beach, City of	400,000	2,400	11,900	385,700	for stormwater infrastructure improvements for Lake Worth Lagoon
129	GFU	Orange Park, Town of	400,000	2,400	11,900	385,700	for wastewater infrastructure improvements for the St. Johns River
130	GCF	Putnam, County of	650,000	3,800	19,400	626,800	for a Regional Water System project

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Line Item #	Budget Code	Earmark Designation	Earmark Amount	Rescission Amount	3% Set-aside	Grant Amount	Description
131	QPM	Sweetwater, City of	800,000	4,700	23,900	771,400	for stormwater and wastewater infrastructure improvements
132	GJN	Homestead, City of	800,000	4,700	23,900	771,400	for water and wastewater infrastructure improvements
133	GHV	Southwest Florida Water Management District	800,000	4,700	23,900	771,400	for the Upper Peace River Watershed Restoration Initiative
134	GEW	St. Johns Rivers Water Management District	2,000,000	11,800	59,600	1,928,600	to integrate alternative water supplies in east-central Florida to reduce the regional water supply deficit
135	QXB	St. Johns Rivers Water Management District	450,000	2,700	13,400	433,900	for the Northeast Florida Integrated Water Resources Project
136	AY6	Southwest Florida Water Management District	10,000,000	59,000	298,200	9,642,800	for continuation of the Tampa Bay Reservoir Project

Georgia

137	GF9	Helena, City of	110,000	600	3,300	106,100	for water and wastewater infrastructure improvements
138	QKH	Liberty County Development Authority	350,000	2,100	10,400	337,500	for water and wastewater infrastructure improvements for the Liberty County Coastal Megapark
139	AXX	Roswell, City of	400,000	2,400	11,900	385,700	for the Big Creek Watershed Project
140	GEC	Forsyth, City of	1,250,000	7,400	37,300	1,205,300	for wastewater infrastructure improvements
141	GDS	Atlanta, City of	700,000	4,100	20,900	675,000	for the West Area Combined Sewer project
142	QR8	Gwinnett County	600,000	3,500	17,900	578,600	for water and wastewater infrastructure improvements for the Liberty Heights revitalization project
143	QKU	Metropolitan North Georgia Water Planning District	1,100,000	6,500	32,800	1,060,700	for water and wastewater infrastructure improvement projects
144	GGD	Metropolitan North Georgia Water Planning District	1,000,000	5,900	29,800	964,300	for water and wastewater infrastructure improvements for the City of Atlanta Nancy Creek project;
145	QAG	Columbus Water Works, Columbus	2,250,000	13,300	67,100	2,169,600	for its Biosolids Flow-Through Thermophilic Treatment Demonstration Project
146	QXO	Meriweather County	350,000	2,100	10,400	337,500	for water infrastructure improvements

Kentucky

198	GGL	Frankfort, City of	500,000	3,000	14,900	482,100	for the Schenkel Lane Sewer Replacement project
199	QXZ	Grant County	200,000	1,200	6,000	192,900	for the Grant County/Bullock Pen Waterline Extension project
200	GDY	Wickliffe, City of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
201	QUU	Boyle County Fiscal Court	500,000	3,000	14,900	482,100	for wastewater infrastructure improvements
202	QXE	Whitesburg, City of	350,000	2,100	10,400	337,500	for wastewater infrastructure improvements
203	QVU	Mt. Vernon, City of	480,000	2,800	14,300	462,900	for wastewater infrastructure improvements
204	QWG	Martin County	800,000	4,700	23,900	771,400	for wastewater infrastructure improvements and extension of wastewater lines
205	QVC	Louisville/Jefferson County Metropolitan Sewer District	1,000,000	5,900	29,800	964,300	to construct a wet weather storage basin to control sewer overflows
206	GFA	South Woodford Water District in Woodford County	500,000	3,000	14,900	482,100	for the South Woodford Water District System Improvement Project
207	GG4	Hardin County Water District No. 2 in Hardin County	500,000	3,000	14,900	482,100	for the Elizabethtown Loop Project
208	QXV	Intermodal Transportation Authority in Bowling Green	2,000,000	11,800	59,600	1,928,600	for Kentucky TriModal Transpark Water and Sewer Improvements
209	GHB	Sanitation District Number One	1,000,000	5,900	29,800	964,300	for water infrastructure improvements
210	QC8	Ohio County Regional Wastewater District	700,000	4,100	20,900	675,000	for wastewater infrastructure improvements
211	GDL	State of Kentucky	300,000	1,800	8,900	289,300	for water infrastructure improvements in Union

Mississippi

258	GDJ	Pascagoula, City of	450,000	2,700	13,400	433,900	for stormwater and wastewater infrastructure
259	GHH	Forest, City of	1,000,000	5,900	29,800	964,300	for water infrastructure improvements

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260	QNK	Gulfport, City of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
261	AYE	West Rankin Metropolitan Water and Sewer Authority, Rankin County	1,000,000	5,900	29,800	964,300	for water infrastructure improvements
262	QW2	Tchula	500,000	3,000	14,900	482,100	for wastewater infrastructure improvements
263	GC9	Meridian, City of	500,000	3,000	14,900	482,100	for wastewater infrastructure improvements
264	AWR	Jackson, City of	500,000	3,000	14,900	482,100	for wastewater system improvements
265	GAT	Franklin County	400,000	2,400	11,900	385,700	for water and wastewater infrastructure improvements for the Okissa Lake Community development
266	QU4	Farmington, Town of	620,000	3,700	18,500	597,900	for wastewater infrastructure improvements

North Carolina

343	QWJ	Erwin, Town of	110,000	600	3,300	106,100	to enhance its water and wastewater infrastructure through the renovation and repair of treatment facilities at the former Swift Denim textile plant
344	GGN	Shelby, Town of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
345	QMI	Neuse Regional Water and Sewer Authority	1,000,000	5,900	29,800	964,300	for water infrastructure improvements for Lenoir County
346	GFZ	Creedmoor, City of	400,000	2,400	11,900	385,700	for water quality and infrastructure improvements for Lake Rogers
347	GEL	Bryson City, Town of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvement
348	GFT	Hillsborough, Town of	250,000	1,500	7,500	241,100	for wastewater system maintenance and upgrades
349	GDU	Durham, City of	550,000	3,200	16,400	530,400	for water security improvements
350	GD9	Cherryville, City of	250,000	1,500	7,500	241,100	for renovation of the Sunbeam Industrial Park Water Tank and Water Line
351	GDK	Hoke County	250,000	1,500	7,500	241,100	for water and wastewater infrastructure improvements
352	QV9	Belmont, City of	150,000	900	4,500	144,600	for wastewater infrastructure improvements
353	GG7	Bessemer City, City of	75,000	400	2,200	72,300	for water and wastewater infrastructure improvements
354	QVE	Stanley, City of	75,000	400	2,200	72,300	for water and wastewater infrastructure improvements
355	GHM	Marion, City of	400,000	2,400	11,900	385,700	for water and wastewater infrastructure improvements
356	GFP	Holly Springs, Town of	750,000	4,400	22,400	723,200	for water and wastewater infrastructure improvements according to the Master Water Reuse Plan
357	QLG	Richmond County	150,000	900	4,500	144,600	for water and wastewater infrastructure improvements

South Carolina

433	QTQ	Greenville, City of	175,000	1,000	5,200	168,700	for water and wastewater infrastructure improvements
434	GDV	Estill, Town of	250,000	1,500	7,500	241,100	for water infrastructure improvements
435	GCL	Calhoun County	300,000	1,800	8,900	289,300	for water infrastructure improvements for the Fort Motte Water System
436	GCB	Alligator Rural Water Company	300,000	1,800	8,900	289,300	for water infrastructure improvements in Chesterfield County
437	QPO	Charleston Commissioners of Public Works	1,400,000	8,300	41,800	1,350,000	for wastewater infrastructure improvements
438	QQX	Myrtle Beach Downtown Redevelopment Corporation	400,000	2,400	11,900	385,700	for stormwater infrastructure improvements according to the Pavilion Area Master Plan
439	QWB	Kershaw County	250,000	1,500	7,500	241,100	for water and wastewater infrastructure development for an industrial park
440	QXH	Ravenel, Town of	1,200,000	7,100	35,800	1,157,100	for construction of a main sewer transmission line along U.S. Hwy 17

Tennessee

446	GBP	Meigs County	250,000	1,500	7,500	241,100	for extension of water lines
447	QXP	Decatur, City of	500,000	3,000	14,900	482,100	for water infrastructure improvements
448	QVZ	Jackson, City of	600,000	3,500	17,900	578,600	for the Sandy Creek Sanitary Sewer Overflow Project
449	GGE	Tesculum, City of	300,000	1,800	8,900	289,300	for wastewater infrastructure improvements

**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS (STAG ACCOUNT)
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450	GBK	Newport, City of	1,400,000	8,300	41,800	1,350,000	for the Newport Utility District to expand drinking water services and improve wastewater treatment

123 **Region 4 Totals** **70,260,000** **416,100** **2,095,400** **67,750,400**

**Region 5
Illinois**

154	GDP	Carbon Hill, Village of	100,000	600	3,000	96,400	for water infrastructure improvements
155	GEX	Romeoville, Village of	125,000	700	3,700	120,500	for stormwater infrastructure improvements
156	GFG	Lisbon, Village of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
157	GJH	Cortland, Town of	200,000	1,200	6,000	192,900	for construction of an elevated water storage tower
158	GJB	Burlington, Village of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
159	GFE	Genoa, City of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
160	GBY	Oreana, Village of	250,000	1,500	7,500	241,100	for water and wastewater infrastructure improvements
161	QXY	Shelbyville, City of	300,000	1,800	8,900	289,300	for wastewater infrastructure improvements
162	QMY	Breese, City of	300,000	1,800	8,900	289,300	for water infrastructure improvements
163	GCR	Downs, Village of	325,000	1,900	9,700	313,400	for wastewater infrastructure improvements
164	QX9	Delavan, City of	350,000	2,100	10,400	337,500	for the construction of new water service lines and storage tanks
165	GGJ	Springfield, City of	350,000	2,100	10,400	337,500	for the replacement of the First Street Sanitary Sewer and stormwater management for Memorial Medical
166	A9Q	Lake County Stormwater Management Committee	350,000	2,100	10,400	337,500	for stormwater detention, infrastructure, modeling, design and management activities in the upper Des Flames River watershed
167	QV4	Lake County	500,000	3,000	14,900	482,100	for water and wastewater infrastructure improvements
168	A2T	Johnsburg, Village of	350,000	2,100	10,400	337,500	for wastewater infrastructure improvements
169	QRB	LaGrange Park, Village of	400,000	2,400	11,900	385,700	for a water main replacement project
170	QX7	Washington, Village of	401,500	2,400	12,000	387,200	for improvements to the School Street Sewer
171	QV5	Virginia, City of	500,000	3,000	14,900	482,100	for the construction of a water treatment facility
172	QXN	Lincoln, City of	500,000	3,000	14,900	482,100	for upgrades for its wastewater treatment plant
173	GB4	Armington, Village of	500,000	3,000	14,900	482,100	for the construction of a sanitary sewer project
174	GBH	Forsyth, City of	500,000	3,000	14,900	482,100	for construction of a new water treatment plant
175	GBX	Port Barrington, Village of	500,000	3,000	14,900	482,100	for wastewater infrastructure improvements
176	QU6	Peoria, City of	648,500	3,800	19,300	625,300	for the installation of sanitary sewer infrastructure in Growth cells 2 and 3
177	QWI	Galesburg Sanitary District	500,000	3,000	14,900	482,100	for wastewater infrastructure improvements
178	GDF	Franklin Park, Village of	500,000	3,000	14,900	482,100	for water and wastewater infrastructure improvements
179	QF1	Galena, City of	500,000	3,000	14,900	482,100	to expand and improve wastewater facilities
180	QIU	Wilmington, City of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements

Indiana

181	GEK	Martinsville, City of	900,000	5,300	26,800	867,800	for water supply, water storage, and other water infrastructure improvements
182	QVM	Jeffersonville, City of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
183	QXM	Richmond, City of	200,000	1,200	6,000	192,900	for wastewater and stormwater infrastructure improvements
184	QJ4	Vanderburgh County and the City of Evansville, to be divided equally between	250,000	1,500	7,500	241,100	for Pigeon Creek wastewater system improvements
185	A8K	Carmel, City of	400,000	2,400	11,900	385,700	for water and wastewater infrastructure improvements
186	QEZ	Fort Wayne, City of	1,200,000	7,100	35,800	1,157,100	for the Camp Scott Program for water and wastewater infrastructure improvements
187	QU9	Rensselaer	750,000	4,400	22,400	723,200	for wastewater infrastructure improvements
188	GG5	Delaware County Commissioners, Eaton	200,000	1,200	6,000	192,900	for water system improvements

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Line Item #	Budget Code	Earmark Designation	Earmark Amount	Resclssion Amount	3% Set-aside	Grant Amount	Description
189	GAC	Elwood, City of	200,000	1,200	6,000	192,900	for sewer infrastructure improvements
Michigan							
242	GCH	Saginaw Chippewa Tribe	200,000	1,200	6,000	192,900	for the Saginaw Chippewa Water Main Extension
243	AQE	Huron Regional Water Authority	1,000,000	5,900	29,800	964,300	for water infrastructure improvements
244	QWV	Grand Traverse County Board of Public Works, Water and Sewer Committee	250,000	1,500	7,500	241,100	for wastewater infrastructure improvements
245	QVD	Negaunee, City of	300,000	1,800	8,900	289,300	for wastewater infrastructure improvements
246	GFV	Genesee County Drain Commission	725,000	4,300	21,600	699,100	for the NorthEast Relief Sewer and Kearsley Creek Interceptor project
247	QFU	Detroit, City of	400,000	2,400	11,900	385,700	for wastewater infrastructure improvements at the Belle Isle Sewerage Pumping Station and Combined Sewer Overflow Facility
248	ASX	Grand Rapids, City of	750,000	4,400	22,400	723,200	for combined sewer overflow infrastructure
249	AK9	Wayne County	1,000,000	5,900	29,800	964,300	for continuation of the Rouge River National Wet Weather Demonstration Project
250	QQZ	Oakland County Drain Commission in Evergreen	1,375,000	8,100	41,000	1,325,900	to address sanitary sewer overflows
251	GFD	Benton Harbor, City of	1,000,000	5,900	29,800	964,300	for water infrastructure improvements
252	GAI	Crystal Falls Township	400,000	2,400	11,900	385,700	for water infrastructure improvements
253	QQI	Saginaw, City of	1,000,000	5,900	29,800	964,300	for sewer infrastructure improvements
Minnesota							
254	GDZ	Mille Lacs Band of Ojibwe located on the Mille Lacs Indian Reservation, as established in the Treaty of 1855. 10 Stat. 1165	1,050,000	6,200	31,300	1,012,500	for construction of the Mille Lacs Regional Wastewater Treatment Facility in Minnesota
255	GHK	Moorhead, City of	500,000	3,000	14,900	482,100	for water infrastructure improvements
256	GB8	Roseau, City of	300,000	1,800	8,900	289,300	for water and wastewater infrastructure improvements
257	GH2	Minneapolis, City of	750,000	4,400	22,400	723,200	for combined sewer overflow infrastructure
Ohio							
363	GC8	Haskins, Village of	300,000	1,800	8,900	289,300	for wastewater infrastructure improvements
364	GD6	New Riegel, Village of	350,000	2,100	10,400	337,500	for wastewater infrastructure improvements
365	QJ3	Gallon, City of	350,000	2,100	10,400	337,500	for the Galion Bio_Solids Handling Replacement
366	AQD	Northeast Ohio Regional Sewer District	400,000	2,400	11,900	385,700	for the Doan Brook Pollution Abatement Project
367	GJQ	Ashland, City of	700,000	4,100	20,900	675,000	for water infrastructure improvements
368	GHT	Somerset, Pery County, Village	500,000	3,000	14,900	482,100	to rehabilitate its existing water treatment plant
369	QUA	Kirtland, Village of	500,000	3,000	14,900	482,100	for water and wastewater infrastructure improvements
370	QUM	Vermilion, City of	600,000	3,500	17,900	578,600	for wastewater infrastructure improvements and sanitary sewer rehabilitations
371	GFB	Guernsey County	1,650,000	9,700	49,200	1,591,100	for a water line extension project in Eastern Guernsey County
372	GGI	Springfield	800,000	4,700	23,900	771,400	for the establishment of water and sewer infrastructure in preparation for and economic development project
373	GEI	Metropolitan Sewer District of Greater Cincinnati	800,000	4,700	23,900	771,400	for sanitary sewer overflow infrastructure improvements
374	QFD	Delphos, City of	1,750,000	10,300	52,200	1,687,500	to construct a reservoir, surface water treatment plant, associated piping
375	GCN	Urbana, City of	900,000	5,300	26,800	867,800	for construction of a new well field
376	AY7	Toledo, City of	1,000,000	5,900	29,800	964,300	for wet weather flow and wastewater infrastructure improvements
377	QW6	Amherst, Village of	1,200,000	7,100	35,800	1,157,100	for wastewater treatment plant improvements

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378	AXT	Port Clinton, City of	1,200,000	7,100	35,800	1,157,100	for wastewater treatment plant improvements
379	QSG	Shawnee Hills subdivision of Greene County	2,000,000	11,800	59,600	1,928,600	for a central sewer system
380	QXW	Millersburg, Village of	300,000	1,800	8,900	289,300	to upgrade the Millersburg Wastewater Treatment Plant
381	AXT	Van Wert, City of	900,000	5,300	26,800	867,800	to increase the size of the drinking water reservoir
382	GCA	Fulton County	500,000	3,000	14,900	482,100	to prevent landfill leachate flows into surface water by improving the cap and leachate collection system at the Fulton County Landfill

Wisconsin

507	AQ7	Milwaukee Metropolitan Sewerage District	2,000,000	11,800	59,600	1,928,600	for its Central Metropolitan Interceptor System project
508	QFI	Racine, City of	500,000	3,000	14,900	482,100	for water infrastructure improvements
509	GHI	Chipewa Falls, City of	1,800,000	10,600	53,700	1,735,700	for sewer and water infrastructure enhancements
510	GH3	Port Edwards, Village of	2,150,000	12,700	64,100	2,073,200	for replacement of a sewage treatment plant
76		Region 5 Totals	48,200,000	285,700	1,437,000	46,478,200	

Region 6

Arkansas

51	GEJ	Baxter County Water Facilities Board	100,000	600	3,000	96,400	for water and wastewater infrastructure improvements
52	GF1	Jonesboro, City of	125,000	700	3,700	120,500	for developing drainage plans
53	GAY	Faulkner County Public Utilities Board	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements for Lake Conway
54	QUC	Fort Chaffee Redevelopment Authority	300,000	1,800	8,900	289,300	for water infrastructure improvements
55	QRT	Community Water System Public Water Authority	650,000	3,800	19,400	626,800	of Arkansas in Lonoke and White Counties for the Greers Ferry drinking water project
56	QOM	Fayetteville, City of	650,000	3,800	19,400	626,800	for wastewater infrastructure improvements

Louisiana

212	GCM	Denham Springs, City of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
213	QJC	Military Department of Louisiana	300,000	1,800	8,900	289,300	for wastewater infrastructure improvements at the Gillis W. Long Center in St. Gabriel
214	GJY	New Orleans, City of	400,000	2,400	11,900	385,700	for wastewater infrastructure improvements
215	QMJ	Shreveport, City of	800,000	4,700	23,900	771,400	for the installation of backflow preventers within the water distribution system
216	GCZ	South Central Planning and Development Commission	800,000	4,700	23,900	771,400	for water and wastewater infrastructure improvements
217	AQ8	Baton Rouge, City of	1,000,000	5,900	29,800	964,300	for water infrastructure improvements
218	GGT	Monroe, City of	750,000	4,400	22,400	723,200	for wastewater infrastructure improvements
219	QF8	Gramercy, Town of	750,000	4,400	22,400	723,200	for drinking water infrastructure improvements
220	QUF	St. Martinville, City of	700,000	4,100	20,900	675,000	for wastewater infrastructure improvements

New Mexico

309	QF9	Gallup, City of	300,000	1,800	8,900	289,300	for wastewater infrastructure improvements
310	AVK	Albuquerque and Bernalillo County, City of	2,000,000	11,800	59,600	1,928,600	for the Valley Utilities Project
311	AVK	Espaola, City of	1,000,000	5,900	29,800	964,300	for water and wastewater system improvements
312	A2Y	Los Lunas, City of	1,000,000	5,900	29,800	964,300	for the interceptor sewer line project
313	QX2	Dona Ana Mutual Domestic Water Consumers Association	125,000	700	3,700	120,500	for wastewater management and treatment infrastructure improvements in northern Dona Ana County, New Mexico
314	GHZ	Elephant Butte, City of	300,000	1,800	8,900	289,300	for wastewater infrastructure improvements in North Sierra County

**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS (STAG ACCOUNT)
INCLUDED IN EPA'S FY 2004 APPROPRIATIONS ACT**

Line Item #	Budget Code	Earmark Designation	Earmark Amount	Rescission Amount	3% Set-aside	Grant Amount	Description
315	Q GK	Bernalillo County	600,000	3,500	17,900	578,600	for water and wastewater infrastructure improvements for South and North Valley

Oklahoma

383	QPQ	Midwest City, City of	200,000	1,200	6,000	192,900	for water infrastructure improvements
384	QF4	Norman, City of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
385	GG5	Seminole, City of	200,000	1,200	6,000	192,900	for water and wastewater infrastructure improvements
386	QUR	Arcadia, Town of	325,000	1,900	9,700	313,400	for water supply and wastewater handling systems upgrades
387	GEN	Choctaw, City of	325,000	1,900	9,700	313,400	for wastewater infrastructure improvements
388	QF7	Lawton, City of	1,500,000	8,900	44,700	1,446,400	for the Southwest Water Treatment Plant

Texas

451	GGX	Harris County	200,000	1,200	6,000	192,900	for water quality planning and design to provide water and wastewater infrastructure improvements
452	QVN	El Paso Water Utilities	200,000	1,200	6,000	192,900	for water infrastructure improvements
453	GEY	Austin, City of	2,150,000	12,700	64,100	2,073,200	for sanitary sewer overflow mitigation and infrastructure improvements
454	QW8	San Antonio Water Systems, San Antonio	1,300,000	7,700	38,800	1,253,600	for Brooks City-Base water infrastructure improvements
455	GFQ	Leonard, City of	350,000	2,100	10,400	337,500	for wastewater infrastructure improvements
456	GB3	Texas Water Development Board	400,000	2,400	11,900	385,700	for the Texas Water Desalination Initiative in Freeport
457	GDR	Waco, City of	400,000	2,400	11,900	385,700	for the Waco-McLennan County Regional Water
458	QT7	Brazos River Authority	500,000	3,000	14,900	482,100	for water infrastructure improvements in West Fort Bend County
459	QVI	Goldthwaite, City of	200,000	1,200	6,000	192,900	for drinking water needs
US-M		El Paso	7,000,000	41,300	0	6,958,700	for continuation of the desalination and water supply project
US-M		Brownsville	2,000,000	11,800	0	1,988,200	for the water supply project

39 **Region 6 Totals** **30,500,000** **180,200** **641,200** **29,679,300**

Region 7

Iowa

190	QJ2	Sioux City, City of	1,700,000	10,000	50,700	1,639,300	for improvements at the Sioux City Regional Wastewater Treatment Facility
191	QXU	Postville, City of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
192	QA2	Ottumwa, City of	2,500,000	14,800	74,600	2,410,700	for the separation of combined sewers
193	A7P	Mason City Water Treatment	600,000	3,500	17,900	578,600	for water infrastructure improvements
194	GH9	Carroll, City of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
Div. H	GBT	Des Moines, City of	300,000	1,800	8,900	289,300	for the Des Moines River Outfall and Overflow Sanitary Sewer Project

Kansas

195	GHD	Hutchinson, City of	2,000,000	11,800	59,600	1,928,600	for groundwater remediation
196	QUT	Roeland Park, City of	1,250,000	7,400	37,300	1,205,300	for stormwater infrastructure improvements
197	GC7	Newton, City of	450,000	2,700	13,400	433,900	for wastewater infrastructure improvements

Missouri

267	GF5	Joplin	1,500,000	8,900	44,700	1,446,400	for the Shoal Creek Pre-treatment facility and Silver Creek parallel relief
268	QPZ	Joplin	1,000,000	5,900	29,800	964,300	for the Jasper County Crossroads Relief Sewer No. 1 Phase Two
269	QO9	St. Joseph, City of	1,000,000	5,900	29,800	964,300	for sewer infrastructure improvements
270	GGC	Monroe City	750,000	4,400	22,400	723,200	for water main replacement and water line extension

**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS (STAG ACCOUNT)
INCLUDED IN EPA'S FY 2004 APPROPRIATIONS ACT**

Line Item #	Budget Code	Earmark Designation	Earmark Amount	Rescission Amount	3% Set-aside	Grant Amount	Description
271	GHE	Peculiar and Raymore, Cities of	1,000,000	5,900	29,800	964,300	for the Cass County Watershed Expansion Project
272	GJS	Pacific, City of	700,000	4,100	20,900	675,000	for water and sewer infrastructure improvements
273	GGA	Northwest Missouri Regional Council of Governments	750,000	4,400	22,400	723,200	for regional drinking water projects
274	GH6	Lebanon, City of	750,000	4,400	22,400	723,200	for sewer infrastructure improvements
275	GG9	Wright City	400,000	2,400	11,900	385,700	for the construction of an elevated water storage tank
276	QVW	Steelville	150,000	900	4,500	144,600	for completion of its water service project, well and water storage tank
277	GCE	St. Louis Department of Public Utilities Water Division	500,000	3,000	14,900	482,100	for the Columbia Bottoms Wellfield Development Project in St. Louis
278	GD8	Belton, City of	175,000	1,000	5,200	168,700	for stormwater and wastewater infrastructure improvements
279	GJF	Duckett Creek Sanitary District	300,000	1,800	8,900	289,300	for the design, permitting and construction of wastewater treatment facilities, sanitary sewers, and other related work as necessary to document the impact of these facilities in St. Charles County
280	QLC	Springfield, City of	350,000	2,100	10,400	337,500	for feasibility studies, preliminary and final designs and for stormwater infrastructure improvements for the Upper James River

Nebraska

289	QGU	Omaha, City of	1,275,000	7,500	38,000	1,229,500	for wastewater infrastructure improvements and combined sewer overflow separation systems
290	QGI	Lincoln, City of	375,000	2,200	11,200	361,600	for the construction of combined sewer separation systems
291	QXT	South Sioux City, City of	400,000	2,400	11,900	385,700	for the Bi-State Missouri River Sewer Crossing project between Nebraska and Iowa

26 **Region 7 Totals** 20,575,000 121,600 613,500 19,840,100

Region 8

Colorado

103	GAW	Rico, Town of	1,000,000	5,900	29,800	964,300	for the construction of a wastewater treatment plant and sewer system
104	QSH	Brownsville Water District	1,000,000	5,900	29,800	964,300	for the construction of a sanitary sewer collection system and interceptor line
105	QV3	Englewood/Littleton Bi-City Wastewater Treatment Plant	1,000,000	5,900	29,800	964,300	for wastewater infrastructure improvements

Montana

281	GBZ	Helena, City of	300,000	1,800	8,900	289,300	for Phase I of Helena's Missouri River Water Treatment Plant reconstruction
282	QW3	Missouri River Water Project, Helena	1,000,000	5,900	29,800	964,300	for a water treatment project
283	GBL	Kalispell, City of	600,000	3,500	17,900	578,600	for water treatment improvements
284	QVA	Missoula, City of	500,000	3,000	14,900	482,100	for the Rattlesnake Water Project
285	GJT	Red Lodge, City of	350,000	2,100	10,400	337,500	for a water treatment facility
286	QV8	Manhattan, City of	350,000	2,100	10,400	337,500	for a water treatment facility
287	GJC	Wisdom, City of	300,000	1,800	8,900	289,300	for water infrastructure improvements
288	GA2	Hamilton, City of	400,000	2,400	11,900	385,700	for water infrastructure improvements

North Dakota

358	GFX	Devils Lake, City of	550,000	3,200	16,400	530,400	for water infrastructure improvements
359	QHF	Grafton, City of	900,000	5,300	26,800	867,800	for the Grafton Water Treatment Plant
Div.	QND	Park River, City of	500,000	3,000	14,900	482,100	for water infrastructure improvements
361	QWE	Riverdale, City of	550,000	3,200	16,400	530,400	for the Riverdale Regional Water Treatment Facility

**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS (STAG ACCOUNT)
INCLUDED IN EPA'S FY 2004 APPROPRIATIONS ACT**

Line Item #	Budget Code	Earmark Designation	Earmark Amount	Rescission Amount	3% Set-aside	Grant Amount	Description
362	GGM	Dickey Rural Water Users Association in Southeast	300,000	1,800	8,900	289,300	for the Southeast Regional Expansion Project
South Dakota							
441	QU7	Corsica, City of	1,000,000	5,900	29,800	964,300	for water infrastructure improvements
442	GJJ	Lennox, City of	1,000,000	5,900	29,800	964,300	for water infrastructure improvements
443	QUP	Sisseton, City of	200,000	1,200	6,000	192,900	for water infrastructure improvements
444	GH7	Hartford, City of	1,000,000	5,900	29,800	964,300	for drinking water infrastructure improvements
445	QUX	DeSmet, City of	100,000	600	3,000	96,400	for water infrastructure improvements
Utah							
460	GG8	Daggett County	600,000	3,500	17,900	578,600	for the Dutch John Water and Wastewater Infrastructure Improvements
461	GA9	Riverton, City of	500,000	3,000	14,900	482,100	for water infrastructure improvements
462	QJ7	Iron County	650,000	3,800	19,400	626,800	for wastewater infrastructure improvements
463	QG6	Jordan Valley Water Conservancy District	250,000	1,500	7,500	241,100	for a groundwater extraction and treatment remedial project
464	QP8	Park City	900,000	5,300	26,800	867,800	for water infrastructure improvements associated with the Spiro and Judge Water Tunnels
465	QHD	Sandy City	675,000	4,000	20,100	650,900	for water and stormwater infrastructure improvements
466	GCI	Orem, City of	500,000	3,000	14,900	482,100	for water infrastructure improvements
28		Region 8 Totals	16,975,000	100,400	505,800	16,368,800	
Region 9							
Arizona							
45	GE3	White Mountain Apache Tribe	300,000	1,800	8,900	289,300	to prepare a master plan for drinking water infrastructure on the Fort Apache Indian Reservation
46	QK8	Scottsdale, City of	1,000,000	5,900	29,800	964,300	for the Scottsdale Arsenic Removal Pilot Project
47	QQ1	Safford, City of	602,000	3,600	18,000	580,500	for wastewater treatment plant construction costs
48	QJ6	Avondale, City of	600,000	3,500	17,900	578,600	for wastewater infrastructure improvements
49	QOZ	Huachuca, Town of	750,000	4,400	22,400	723,200	for the Effluent Recharge Project
50	GED	Tucson, City of	750,000	4,400	22,400	723,200	for water security infrastructure improvements
California							
57	QTM	Chino Hills, City of	100,000	600	3,000	96,400	for a needs assessment study for 39 improvements to the Los Serranos storm water drainage system
58	GEF	East Palo Alto, City of	110,000	600	3,300	106,100	for the East Palo Alto Master Water Plan including water, wastewater and stormwater infrastructure
59	QSQ	Brisbane, City of	475,000	2,800	14,200	458,000	for water and wastewater infrastructure improvements
60	QHX	Colton, City of	200,000	1,200	6,000	192,900	for stormwater infrastructure improvements as part of the Comprehensive 3-5 Storm Drain Plan
61	QWC	Los Osos Community Services District	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
62	QH6	Modesto, City of	200,000	1,200	6,000	192,900	for the Ninth Street Corridor Storm Drain project
63	QMH	Norwalk, City of	200,000	1,200	6,000	192,900	for the Norwalk Reservoir Project
64	QSL	Cudahy, City of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements
65	GA4	Bell, City of	200,000	1,200	6,000	192,900	for wastewater infrastructure improvement
66	QMK	Marin County	200,000	1,200	6,000	192,900	for the Tomales Bay Wastewater Treatment Facility
67	GCW	Long Beach, City of	250,000	1,500	7,500	241,100	for storm water infrastructure improvements
68	GER	Westminster, City of	450,000	2,700	13,400	433,900	for a water quality improvement pilot project
69	GHQ	Fort Bragg, City of	250,000	1,500	7,500	241,100	for wastewater infrastructure improvements
70	GHL	Gardena, City of	250,000	1,500	7,500	241,100	for wastewater and stormwater infrastructure improvements
71	QUL	Santa Ana, City of	500,000	3,000	14,900	482,100	for the West Pump Station Facility Upgrade project

**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS (STAG ACCOUNT)
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Line Item #	Budget Code	Earmark Designation	Earmark Amount	Rescission Amount	3% Set-aside	Grant Amount	Description
72	A3P	Murrieta, City of	300,000	1,800	8,900	289,300	for wastewater infrastructure improvements
73	QQQ	El Segundo, City of	300,000	1,800	8,900	289,300	for sanitary sewer overflow infrastructure
74	GAA	Santa Monica, City of	300,000	1,800	8,900	289,300	for water infrastructure improvements
75	QXA	Monterey County Water Resource Agency	350,000	2,100	10,400	337,500	for planning and design of the Salinas Valley Water Project
76	GE5	Roseville, City of	350,000	2,100	10,400	337,500	for water infrastructure improvements
77	AX8	Vallejo, City of	350,000	2,100	10,400	337,500	for infrastructure improvements for the Mare Island Sanitary Sewer and Storm Drain System
78	AWO	Huntington Beach, City of	475,000	2,800	14,200	458,000	for the Alabama Storm Drain project
79	QT8	Irvine Ranch Water District	400,000	2,400	11,900	385,700	for the San Diego Creek Watershed Natural Treatment System
80	ANJ	Ventura, County of	400,000	2,400	11,900	385,700	for implementation of the Calleguas Creek Watershed Management Plan
81	GD1	United Water Conservation District	400,000	2,400	11,900	385,700	for the River Park Reclamation and Recharge Authority Groundwater Project
82	QHO	Redding, City of	400,000	2,400	11,900	385,700	for water and wastewater infrastructure improvements for the Stillwater Business Park
83	QH9	Victorville, City of	400,000	2,400	11,900	385,700	for water and wastewater infrastructure improvements
84	QQ8	Whittiera, City of	400,000	2,400	11,900	385,700	for water and wastewater infrastructure improvements
85	QVJ	Folsom, City of	400,000	2,400	11,900	385,700	for wastewater infrastructure improvements
86	QWF	Lodi, City of	400,000	2,400	11,900	385,700	for wastewater infrastructure improvements
87	QUW	Fresno, City of	500,000	3,000	14,900	482,100	for a water conveyance project
88	AQ6	Placer County	650,000	3,800	19,400	626,800	for wastewater infrastructure improvements
89	GDA	San Diego Water Authority	750,000	4,400	22,400	723,200	for a water desalination program
90	ATH	Olivenhain Municipal Water District in Encinitas	800,000	4,700	23,900	771,400	for water infrastructure improvements
91	QQ5	Sacramento, City of	800,000	4,700	23,900	771,400	for the Sacramento Combined Sewer System Improvement and Rehabilitation Project
92	GJE	Castaic Lake Water Agency	800,000	4,700	23,900	771,400	for wastewater infrastructure improvements
93	GCK	Mojave Water Agency	1,100,000	6,500	32,800	1,060,700	for the Mojave Desert Arsenic Demonstration project
94	AVN	Arcadia and Sierra Madre, Cities	1,650,000	9,700	49,200	1,591,100	for water infrastructure improvements
95	QJ8	Orange County Sanitation	1,000,000	5,900	29,800	964,300	for a wastewater treatment program
96	A3I	Mission Springs	500,000	3,000	14,900	482,100	for water infrastructure improvements
97	QAY	San Bernardino, City of	500,000	3,000	14,900	482,100	for the Lakes and Streams project
98	GC4	Santa Clara Valley Water District	1,000,000	5,900	29,800	964,300	for perchlorate groundwater clean-up
99	QUY	Ukiah, City of	500,000	3,000	14,900	482,100	for wastewater infrastructure improvements
100	GJZ	West Valley Water District	500,000	3,000	14,900	482,100	for the Inland Empire Perchlorate Force Wellhead Treatment;
101	QI3	Madera County	500,000	3,000	14,900	482,100	for wastewater infrastructure improvements
102	QHV	Ventura County	200,000	1,200	6,000	192,900	for sewer infrastructure improvements

Guam

147	QHW	Guam Waterworks Authority	300,000	1,800	8,900	289,300	for water and wastewater infrastructure improvements
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Hawaii

148	QU8	Oahu County and Kauai County	1,000,000	5,900	29,800	964,300	for water infrastructure improvements
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Nevada

292	AWL	Henderson, City of	175,000	1,000	5,200	168,700	for water and wastewater infrastructure improvements
293	GCV	Hawthorne, Town of	100,000	600	3,000	96,400	for sewer infrastructure improvements

**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS (STAG ACCOUNT)
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Line Item #	Budget Code	Earmark Designation	Earmark Amount	Rescission Amount	3% Set-aside	Grant Amount	Description
294	QTN	Virgin Valley Water District	1,600,000	9,400	47,700	1,542,800	for drinking water infrastructure improvements
295	GJP	Washoe County	1,000,000	5,900	29,800	964,300	for the North American Valley Municipal Recharge Project
296	GEM	Clark County	600,000	3,500	17,900	578,600	for water infrastructure improvements
59		Region 9 Totals	29,937,000	177,500	892,800	28,867,700	
		Region 10					
		Alaska					
39	QRD	Anchorage	2,000,000	11,800	59,600	1,928,600	for water and sewer upgrades in West Anchorage
40	ATG	Fairbanks	1,500,000	8,900	44,700	1,446,400	for water system upgrades
41	GCP	North Pole	1,000,000	5,900	29,800	964,300	for water and sewer improvements
42	QSA	Palmer	985,000	5,800	29,400	949,800	for a water main
43	QXD	Sitka	768,000	4,500	22,900	740,600	for Japonski Island water supply improvements
44	QIQ	Wasilla	925,000	5,500	27,600	892,000	for water and sewer improvements
		Idaho					
149	GDX	Middleton, City of	400,000	2,400	11,900	385,700	for its water and sewer utility extension and regional lift station project
150	GBD	McCammon, City of	500,000	3,000	14,900	482,100	for wastewater system improvements
151	GDM	Jerome, City of	900,000	5,300	26,800	867,800	for extension of sewer lines
152	GD3	Shoshone County	2,000,000	11,800	59,600	1,928,600	for Burke Canyon Water and Sewer Improvements
153	A2S	Burley, City of	500,000	3,000	14,900	482,100	for construction on its Wastewater Treatment System Project
		Oregon					
389	QUG	Warrenton, City of	950,000	5,600	28,300	916,100	for wastewater infrastructure improvements
390	QXK	Irrigon, City of	500,000	3,000	14,900	482,100	for water infrastructure improvements
391	GBF	Wilsonville, City of	200,000	1,200	6,000	192,900	for the installation of a rain and stormwater management system for the Villebois project
392	QM1	Tillamook County	200,000	1,200	6,000	192,900	for wastewater infrastructure improvements including construction of an animal waste composting facility
393	QPX	Albany, City of	100,000	600	3,000	96,400	for the Albany-Millersburg Joint Water Project
394	GAK	Odell Sanitary District	250,000	1,500	7,500	241,100	for wastewater infrastructure improvements
395	QIW	Portland, City of	900,000	5,300	26,800	867,800	for its wet weather demonstration project
		Washington					
487	QUS	Tacoma, City of	200,000	1,200	6,000	192,900	for water and stormwater infrastructure improvements for the Salishan housing development
488	GEB	Grand Coulee, City of	200,000	1,200	6,000	192,900	for water infrastructure improvements
489	QWU	Skagit Public Utility District	750,000	4,400	22,400	723,200	for sewer improvements for Similk Beach
490	GCC	Seattle, City of	200,000	1,200	6,000	192,900	for the High Point Natural Drainage System project
491	QXI	Lakewood, City of	500,000	3,000	14,900	482,100	for wastewater infrastructure improvements
492	GGH	Carnation, City of	400,000	2,400	11,900	385,700	for wastewater infrastructure improvements
493	GBR	Duval, City of	400,000	2,400	11,900	385,700	for wastewater infrastructure improvements
494	QLL	Shelton, City of	600,000	3,500	17,900	578,600	for water and wastewater infrastructure improvements
495	QWD	Ione, Town of	100,000	600	3,000	96,400	for water infrastructure improvements
496	GFS	Sunnyside, City of	1,000,000	5,900	29,800	964,300	for wastewater infrastructure improvements
497	GFV	Vashon Sewer District	450,000	2,700	13,400	433,900	for wastewater infrastructure improvements
29		Region 10 Total	19,378,000	114,800	577,800	18,685,900	
513		National Totals	337,600,000	1,999,300	9,649,500	325,958,700	

Headquarters FY 2004 earmarks for DCT Demo Projects

None		Seattle, Washington	1,350,000	8,000	0	1,342,000	For alternatives to decentralized wastewater treatment facilities
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**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS (STAG ACCOUNT)
INCLUDED IN EPA'S FY 2004 APPROPRIATIONS ACT**

Line Item #	Budget Code	Earmark Designation	Earmark Amount	Rescission Amount	3% Set-aside	Grant Amount	Description
None		Blackstone Watershed, Massachusetts and Rhode Island	1,350,000	8,000	0	1,342,000	For alternatives to decentralized wastewater treatment facilities
None		Boise, Idaho	1,000,000	5,900	0	994,100	For alternatives to decentralized wastewater treatment facilities
None		Pasquotank River Watershed, North Carolina	1,350,000	8,000	0	1,342,000	For alternatives to decentralized wastewater treatment facilities
None		Washington, D.C.	800,000	4,700	0	795,300	For alternatives to decentralized wastewater treatment facilities
None		Chagrin River Watershed, Ohio	750,000	4,400	0	745,600	For alternatives to decentralized wastewater treatment facilities
6		Headquarters Totals	6,600,000	39,000	0	6,561,000	
519		Combined National Totals	344,200,000	2,038,300	9,649,500	332,519,700	

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GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS

- 102. Grants and Cooperative Agreements for Water Infrastructure Projects or Other Water Resource Projects from Funds Appropriated for the State and Tribal Assistance Grant Account or the Environmental Programs and Management Account

AUTHORITY. To approve and administer grants and cooperative agreements for water infrastructure projects or other water resource projects from funds appropriated for the State and Tribal Assistance Grant Account or the Environmental Programs and Management Account or any successor accounts, including a project authorized by Section 510 of the Water Quality Act of 1987, P.L. 100-4, 101 Stat. 7,80, EPA's FY 1991 Appropriations Act (P.L. 101-507), and any subsequent public law; and to perform other activities necessary for the effective administration of those grants and cooperative agreements.

2. **TO WHOM DELEGATED.** The Assistant Administrator for Water and Regional Administrators.
3. **REDELEGATION AUTHORITY.**
 - a. The authority granted to the Regional Administrator may be redelegated to the Division Director level, or equivalent, and no further.
 - b. The authority granted to the Assistant Administrator for Water may be redelegated to the Office Director level, or equivalent, and no further.
4. **LIMITATIONS.**
 - a. Except as provided in c. below, this delegation applies only to those grants and cooperative agreements for which authority is provided exclusively in a statute other than the Clean Water Act or the Safe Drinking Water Act (e.g., a statute making appropriations to the State and Tribal Assistance Grant Account or the Environmental Programs and Management Account or any successor accounts).
 - b. Awards are subject to guidance issued by the Office of the Comptroller or by the Office of Water or its Component Offices.
 - c. This delegation also applies to grants and cooperative agreements for projects described in, and pursuant to the 1987 Water Quality Act Section 510, as amended by EPA's 1991 Appropriations Act (P.L. 101-507), as amended.

5. **ADDITIONAL REFERENCES.**

- a. Authority to execute (sign) these financial assistance agreements is delegated to the Regional Administrators under Delegation 1-14, Assistance Agreements;
- b. 40 CFR Part 31;
- c. 40 CFR Part 40 for Demonstration grants;
- d. 40 CFR Part 35, Subpart K; and
- e. EPA Assistance Administration Manual.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 16 2001

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

MEMORANDUM

SUBJECT: Class Deviation from the Provisions of 40 CFR 35.3125(b)(1)

FROM: Marty Monell, Director
Grants Administration Division (3903R)

TO: Richard Kuhlman, Director
Municipal Support Division (4204M)

A handwritten signature in black ink, appearing to read "Marty Monell", written over the "FROM:" line of the memorandum.

SUMMARY

I am approving a class deviation from the provisions of 40 CFR 35.3125(b)(1) for the Clean Water State Revolving Fund (CWSRF) program. My approval will allow States to use non-Federal, non-State match CWSRF funds to provide loans that can be used to satisfy the local matching requirement for most EPA grant funded treatment works projects, including special Appropriations Act projects. The prohibition on the use of CWSRF loans as the match for Title II construction grant projects will continue.

BACKGROUND

This class deviation concerns the use of Clean Water State Revolving Fund (CWSRF) loans as the match for EPA grant funded treatment works projects. In 1990, EPA issued regulations implementing the CWSRF program authorized by Title VI of the Clean Water Act (CWA) Amendments of 1987. The regulations at 40 CFR 35.3125(b)(1) contain a requirement based on CWA section 603(h), which prohibits the use of CWSRF loans as the non-Federal share of the costs of a treatment works project for which a recipient is receiving assistance from the Agency under any authority.

In issuing its regulations at 40 CFR 35.3125(b)(1), EPA interpreted section 603(h) broadly and applied the restriction to all EPA grant funded treatment works projects. At that time, EPA believed that replacing the CWA Title II construction grants program with the CWSRF program would significantly decrease Federal grant funds for treatment works projects. However, since fiscal year (FY) 1992, Congress has authorized and appropriated more than \$3.5 billion in grant funds for more than 700 infrastructure projects in the State and Tribal Assistance

Grants (STAG) account of the various Appropriations Acts. Consistent with legislative history, EPA has generally required these grant recipients to provide a 45 percent match for the special Appropriations Act projects.

Over the last several years, the Agency has been asked by a number of States to reexamine section 603(h) of the Clean Water Act and reevaluate the prohibition of using a loan from a CWSRF program as the match for EPA grant funded treatment works projects, especially special Appropriations Act projects. In response to these requests, the Agency reviewed the legislative history and facts associated with section 603(h) and concluded that the initial reading of section 603(h) was unnecessarily broad, and the intent of Congress was to prohibit the use of CWSRF loans as the match for Title II construction grants only. Accordingly, the Agency has initiated action to revise the regulation at 40 CFR 35.3125(b)(1). Since this change may take a considerable period of time to finalize, this class deviation will avoid the need to process individual requests for a deviation from 40 CFR 35.3125(b)(1) during this interim period.

ACTION

Under the authority of 40 CFR § 31.6(d), I am approving a class deviation from 40 CFR 35.3125(b)(1). This class deviation will allow the non-Federal, non-State match CWSRF funds to be used to provide loans that can be used as the match for all EPA grant funded treatment works projects, except construction grant projects authorized by section 201 of the Clean Water Act.

As a general rule, funds received under one Federal grant may not be used for the matching share required by another Federal grant, unless the statute specifically authorizes it. However, Title VI of the Clean Water Act, which is the authorizing authority for the CWSRF program, does not contain such language. Accordingly, the EPA capitalization grant funds that are provided for the CWSRF program cannot be used to provide loans for EPA grant funded treatment works projects, if the loan funds are to be used to satisfy the local share matching requirement for these projects. Similarly, the statutory mandated 20 percent State contribution to the CWSRF (i.e., the State match) cannot be used to provide loans for EPA grant funded treatment works projects, if these loans are to be used as the local match, as this action would result in the same funds being used to match two separate programs.

For the reason listed above, this class deviation only allows the non-Federal, non-State CWSRF funds to be used to provide loans for EPA grant funded treatment works projects, other than construction grant projects, if the loan funds are to be used to satisfy the local share matching requirement for these projects. Non-Federal, non-State match funds include repayments, interest earnings, bond proceeds and other State contributions.

The use of a loan from the CWSRF to provide part or all of the match for EPA grant funded treatment works projects is a State CWSRF program agency decision. However, the action must be consistent with established State policy, guidelines and procedures governing the use of CWSRF loans. Projects that receive assistance must also adhere to Federal CWSRF

program requirements relating to eligibility and prioritization within an Intended Use Plan (i.e. included on a project priority list that has been subject to public review).

There is no implementation date for this class deviation. This change can be applied to any EPA grant funded treatment works project, other than a construction grant project, regardless of the date of grant award, or the date that the funds were appropriated for the project. The application of the provisions of this class deviation is at the discretion of the State agencies responsible for issuing CWSRF loans.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 0

OFFICE OF
WATER

DWSRF 02-01

MEMORANDUM

SUBJECT: Change in Agency Policy Concerning the Use of a Loan from a Drinking Water State Revolving Fund (DWSRF) as Part of the Local Match for EPA Appropriations Act Projects

FROM: Cynthia C. Dougherty, Director
Office of Ground Water and Drinking Water (OGWDW)
Michael B. Cook, Director
Office of Wastewater Management (OWM)

TO: Water Program Managers
Regions I - X

This purpose of this memorandum is to notify regions and states of a change in policy regarding the use of state Drinking Water State Revolving Fund (DWSRF) monies for providing local match for special projects authorized by Appropriations Acts. These special appropriation projects (SAPs) are funded from the Environmental Protection Agency's (EPA) State and Tribal Assistance Grant account. **This policy will allow state DWSRF programs to use the non-federal and non-state match share of DWSRF funds for match on these projects.** The Office of General Counsel (OGC) has indicated this interpretation is consistent with the Safe Drinking Water Act (SDWA) and our implementing regulations.

Because this memorandum modifies previous guidance issued on SAPs by the Office of Wastewater Management (OWM), it should be viewed as supplemental guidance to the February 21, 2001, memorandum signed by Michael B. Cook on the *Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2001 Appropriations Act and the FY 2001 Consolidated Appropriations Act* (see attached). However, the policy will apply to all new awards for eligible drinking water projects funded through Appropriations Acts since 1995.

BACKGROUND

The Agency manages two separate State Revolving Fund (SRF) loan programs, the Clean Water State Revolving Fund (CWSRF) and the DWSRF loan programs. Although the two programs were authorized by different statutes, many aspects of the two programs are similar. One of the similarities was a prohibition on using a loan from either SRF program as all or part of the 45 percent local match for special projects authorized by Appropriations Acts.

Implementing regulations for the CWSRF program include a requirement based on Section 603(h) of the Clean Water Act (CWA) which precludes the use of a loan from a CWSRF for providing all or part of the local share of EPA's grant-funded treatment works project. Consistent with the CWSRF regulations, the Agency's initial FY 1995 Guidance Memorandum concerning the award and management of the SAPs contained a provision that prohibited the use of a CWSRF loan as all or part of the 45 percent local matching requirement associated with those projects.

The SDWA, which established the DWSRF in 1996, does not have a statutory provision similar to Section 603(h) of the CWA. Additionally, DWSRF regulations do not specifically address the issue of using a loan from a DWSRF as a match for EPA grant-funded projects. However, the FY 1998 and subsequent Guidance Memorandums on how the Agency will award and administer the special projects authorized by Appropriations Acts included a provision prohibiting the use of DWSRF loans as a match for the special projects. The reason for establishing such a requirement was to provide consistency between the two SRF programs. However, the DWSRF prohibition was based on policy and not regulation.

RATIONALE FOR CHANGE TO DWSRF POLICY

Over the last several years, the Agency has been asked by a number of states to reconsider the prohibition against using loans from the two SRF programs as the match for the SAPs. States indicated that allowing DWSRF low interest loans would allow special projects for small, disadvantaged or financially depressed communities to proceed without overly stressing the resources of the community. Since DWSRF loans are restricted to projects that address present or prevent future violations of health-based standards (40 CFR 35.3520), the special projects that are coupled with a DWSRF loan would be restricted to projects with that purpose. The ultimate goal is to have DWSRF loans and SAP grants complement each other and provide for better projects and more efficient management of both the loan and grant programs.

Since the prohibition of using a DWSRF loan as a match for the SAPs is based on policy, this prohibition can be removed by revising the Agency's Guidance Memorandum that includes this restriction. This memorandum will supercede the information included in the Agency's Guidance Memorandums with respect to this issue. The Agency has also initiated efforts to revise the regulation that prohibits the use of non-federal CWSRF funds as the match for EPA grant-funded projects, other than Title II construction grant projects. In the interim, a class deviation issued on August 16, 2001, will allow states to use non-federal, non-state CWSRF funds to provide loans that can be used to satisfy the local matching requirement for most EPA grant funded treatment works projects, including SAPs.

POLICY

The Office of Management and Budget's (OMB) grants management common rule is reflected in specific regulations codified by individual federal agencies. EPA's codification of the OMB common rule can be found at 40 CFR Part 31, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." EPA's regulations indicate that funds received under one federal grant may not be used for the matching share required by another federal grant, unless provided for through federal statute [40 CFR 31.24(b)(1)]. The regulations also indicate that contributions that count towards satisfying the matching requirements of one federal grant may not be counted towards the matching requirements of other awards of federal funds [40 CFR 31.24(b)(3)].

Accordingly, this policy allowing the use of DWSRF funds to provide match on SAPs is limited to non-federal and non-state match funds within the program. Non-federal funds include repayments, earnings, bond proceeds and other state contributions (beyond the required 20 percent DWSRF state match).

The use of a loan from the DWSRF to provide part or all of the match for the SAPs is at the discretion of the state agency. However, the action must be consistent with established state policy, guidelines and procedures governing the use of DWSRF loans. Projects that receive assistance must also adhere to federal DWSRF program requirements relating to eligibility and prioritization within an Intended Use Plan (i.e., included on a fundable list that has been subject to public review).

The Office of Groundwater and Drinking Water (OGWDW) has made the determination that DWSRF funds used to provide the local match for SAPs cannot carry negative interest rates or take the form of principal forgiveness. Allowing states to provide "grants" using disadvantaged assistance through the DWSRF program would allow recipients to circumvent procedures currently in place to manage SAP grants. OWM has procedures in place to waive local match requirements for projects funded through special appropriations in order to address financial hardship.

Although SAPs that are co-funded with DWSRF monies can be managed by state DWSRF programs, they are still subject to other requirements (e.g., environmental review) included in the Agency's Guidance Memorandum for such projects.

If you have any questions related to this policy, the DWSRF or CWSRF programs, you may contact William Diamond, Director, Drinking Water Protection Division (OGWDW), or Richard Kuhlman, Director, Municipal Support Division (OWM), respectively.

Attachment

cc: Regional Coordinators for the DWSRF Programs and Special Appropriations Projects
Ken Redden, OGC
Howard Corcoran, OGD
Regional Grants Division Directors

**LISTING OF CROSS-CUTTING
FEDERAL AUTHORITIES
FOR SPECIAL APPROPRIATIONS ACT PROJECTS**

Environmental Authorities

Archeological and Historic Preservation Act, Pub. L. 93-291, as amended

Clean Air Act, Pub. L. 95-95, as amended

Clean Water Act, Titles III, IV and V, Pub. L. 92-500, as amended

Coastal Barrier Resources Act, Pub. L. 97-348

Coastal Zone Management Act, Pub. L. 92-583, as amended

Endangered Species Act, Pub. L. 93-205, as amended

Environmental Justice, Executive Order 12898

Flood Plain Management, Executive Order 11988 as amended by Executive Order 12148

Protection of Wetlands, Executive Order 11990 as amended by Executive Order 12608

Farmland Protection Policy Act, Pub. L. 97-98

Fish and Wildlife Coordination Act, Pub. L. 85-624, as amended

Magnunson-Stevens Fishery Conservation and Management Act, Pub. L. 94-265

National Environmental Policy Act, Pub. L. 91-190

National Historic Preservation Act, Pub. L. 89-655, as amended

Safe Drinking Water Act, Pub. L. 93-523, as amended

Wild and Scenic Rivers Act, Pub. L. 90-54, as amended

Economic and Miscellaneous Authorities

Debarment and Suspension, Executive Order 12549

Demonstration Cities and Metropolitan Development Act, Pub. L. 89 -754,
as amended, and Executive Order 12372

Drug-Free Workplace Act, Pub. L. 100-690

Government Neutrality Toward Contractor's Labor Relations, Executive Order 13202 as
amended by Executive Order 13208

New Restrictions on Lobbying, Section 319 of Pub. L. 101-121

Prohibitions relating to violations of the Clean Water Act or Clean Air Act with respect to
Federal contracts, grants, or loans under Section 306 of the Clean Air Act and Section
508 of the Clean Water Act, and Executive Order 11738.

Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91-646, as
amended

Civil Rights, Nondiscrimination, Equal Employment Opportunity Authorities

Age Discrimination Act, Pub. L. 94-135

Equal Employment Opportunity, Executive Order 11246

Section 13 of the Clean Water Act, Pub. L. 92-500

Section 504 of the Rehabilitation Act, Pub. L 93-112 supplemented by Executive Orders
11914 and 11250

Title VI of the Civil Rights Act, Pub. L 88-352

Disadvantaged Business Enterprise Authorities

EPA's FY 1993 Appropriations Act, Pub. L. 102-389

Section 129 of the Small Business Administration Reauthorization and Amendment Act,
Pub. L. 100-590

Small, Minority and Women Owned Business Enterprises, Executive Orders 11625,
12138 and 12432



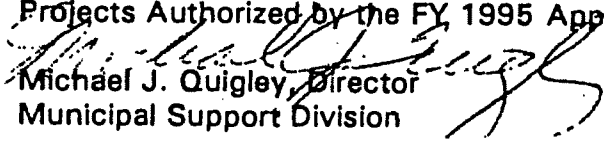
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 3 1995

FF-002
WATER

MEMORANDUM

SUBJECT: Applicability of 40 CFR Part 29 to the Special
Projects Authorized by the FY 1995 Appropriations Act

FROM: 
Michael J. Quigley, Director
Municipal Support Division

TO: Municipal Construction Program Managers
Region I - X

We have been informed by the Office of General Counsel that 40 CFR Part 29 (Intergovernmental Review of EPA Programs and Activities) is applicable to the special projects authorized by the FY 1995 Appropriations Act.

The regulatory provision that will have the greatest impact is 40 CFR 29.8(c) which states that:

Applicants for programs and activities subject to section 204 of the Demonstration Cities and Metropolitan Development Act shall allow areawide agencies a 60 day opportunity for review and comment.

The above requirement can be satisfied in these three ways:

- 1) is to allow the areawide agencies the full 60 day period for review and comment.
- (2) is to request an expedited review by the responsible areawide agencies.
- (3) is to obtain a waiver declining the opportunity to review from the single point of contact (SPOC) clearinghouse. If a waiver is obtained, the SPOC must have the authority to act on behalf of the areawide agencies or obtain the concurrence of the responsible areawide agencies.



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The Regions should inform the potential grant applicants that their applications must include documentation that satisfies the requirements of 40 CFR Part 29.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 20 1995

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: NEPA Guidance for Special Wastewater Treatment Projects
in the FY95 Appropriation Bill

FROM: Richard E. Sanderson *Richard Sanderson*
Director
Office of Federal Activities (2252)

TO: NEPA Coordinators

The purpose of this memorandum is to provide guidance on the requirements for compliance with the National Environmental Policy Act (NEPA) for special projects authorized for EPA grant funding by the FY95 Appropriations Act (Act). The Act appropriated "no-year" money to fund special wastewater treatment projects identified by Congress. Each region has projects on this list. The list is included in the attached copy of the guidance memorandum prepared by the Office of Water Management (OWM).

The OWM memorandum indicates that NEPA applies to all of these projects except the three to be funded as Clean Water Act (CWA) section 104(b)(3) demonstration projects. These three are exempted from NEPA under the CWA section 511(c). The Office of General Counsel (OGC) has prepared an "Analysis of NEPA applicability to special grants authorized by FY 1995 Appropriations Act." This analysis is also attached.

OFA Guidance to Regional NEPA Coordinators

An independent EPA NEPA analysis for the non-demonstration projects is required. In addition, other cross-cutting federal statutes, such as the Endangered Species Act and the National Historic Preservation Act, also apply to these projects. The Council on Environmental Quality's (CEQ) NEPA regulations do not allow EPA to adopt a state analysis. However, the NEPA regulations do require agencies to "cooperate with State and local agencies to the fullest extent possible to reduce



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duplication between NEPA and State and local requirements ..." (40 CFR 1506.2). There are several ways the regions can use the existing information and assessments for these projects as summarized below and as discussed in greater detail in the attached OGC analysis. In all cases, EPA must independently evaluate the state documentation and review process and is responsible for the accuracy of the NEPA documentation and the adequacy of the process (40 CFR 1506.5).

- Where states have performed environmental reviews under NEPA-like statutes or pursuant to State Revolving Fund regulations, EPA can incorporate, but not simply adopt, the state analysis into the Agency's NEPA analysis.
- Where state reviews have found no significant impacts and EPA approves of that finding and the state process, EPA may issue an environmental assessment (EA) summarizing and referencing the state analysis and an accompanying Finding of No Significant Impact (FONSI).
- Where state reviews have found significant impacts or EPA independently determines that there are significant impacts, EPA must issue a notice of intent and proceed with an environmental impact statement (EIS) and record of decision (ROD) in accordance with the Agency's regulations at 40 CFR Part 6.
- Where construction of projects is complete or nearly completed, a NEPA analysis will not have to be done.
- Where construction has started and the project is not nearly completed, a NEPA analysis is required and a notification of intent to pursue an independent analysis must be sent to the grantee.
- Where projects to be funded have been ongoing for several years, additional assessment may not be required if prior federal NEPA documentation has addressed the portions of the project to be funded by the FY95 grant. The region will need to assure that since the previous assessment: 1) there are no substantial changes in the proposed action relevant to environmental concerns, or 2) there are no significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

If the NEPA analysis was carried out under an earlier construction grant action and is no longer adequate or the project has not previously been assessed by EPA, it will be necessary to issue either an EA/FONSI or an EIS/ROD. The regulations applicable to these special project grants are the CEQ regulations (40 CFR Parts 1500-1508) and EPA's NEPA regulations (40 CFR Part 6, Subparts A-D). EPA's regulations at 40 CFR Part 6, Subpart E, while they do not apply to these special project grants, may provide additional guidance.

We anticipate that additional issues or sub-issues may arise which are not fully treated in this general guidance memorandum. These should be brought to our attention as soon as possible. In addition, we have scheduled a teleconference on Tuesday, January 24, 1995 from 11:00 a.m. to 12:00 noon eastern standard time to discuss this guidance and additional issues or concerns with the process. The call in number is (202) 260-4257. We look forward to your participation. Please inform John Gerba (202/260-5910) if you or your staff will not be on the call.

Attachments

cc: Jim Havard, OGC
Ed Gross, OWM



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 29 2003

MEMORANDUM

SUBJECT: Conditioning Grants for Water Infrastructure Projects Prior to NEPA Reviews

FROM: Anne Norton Miller, Director *[Signature]*
Office of Federal Activities

James A. Hanlon, Director *[Signature]*
Office of Wastewater Management

TO: EPA NEPA Compliance Coordinators, Regions I - X
Water Division Directors, Regions I - X

The purpose of this memorandum is to alert you to the outcome of a recent court case that will affect how you manage grants for the special projects awarded under the authority of the Agency's Appropriations Acts.

In the January 20, 1995 memorandum, "NEPA Guidance for Special Wastewater Projects in the FY 1995 Appropriation Bill," Richard E. Sanderson provided guidance on how EPA would comply with the National Environmental Policy Act (NEPA) for the special water infrastructure projects authorized in the Agency's FY 1995 Appropriations Act. With Congress providing funding in the State and Tribal Assistance Grants (STAG) account of the Agency's Appropriations Acts annually since FY 1995, this guidance continues to be the primary source of policy direction for NEPA compliance for all of the special projects, including drinking water, stormwater and groundwater protection infrastructure projects.

Following the issuance of the 1995 memorandum, the Office of Federal Activities (OFA) determined that Regions could award grants for special Appropriations Act projects before completing a NEPA review if the grant award contained a condition stating that EPA would not fund any work beyond the conceptual design point until completion of the applicable requirements of NEPA and other cross-cutting statutes such as the Endangered Species Act. This guidance has been memorialized in the "STAG Guidelines" issued annually by the Office of Wastewater Management (OWM). We have developed the attached model grant condition (with optional language depending on the situation of a specific grant) that can be used to set out the specific restrictions the grantee would agree to when EPA awards a grant that includes activity beyond conceptual design before the NEPA review is completed.

In a recent court case, CARE v. EPA, No. 03-0417 (D.D.C. April 15, 2003) involving a NEPA challenge to a local sewer project to be funded in part by an EPA grant, the court suggested that if EPA had awarded the special Appropriations Act grant prior to completing the NEPA review, the entire project, even the part being constructed with local funds, might have been considered a Federal project and subject to the NEPA requirements. This could have resulted in the court enjoining the entire project pending completion of the NEPA review. This court case raises the risk that projects could successfully be challenged under NEPA when EPA awards grants that include a grant condition stating that EPA will not fund any work beyond the conceptual design point until the NEPA process is completed. Accordingly, we recommend that you inform grantees of this potential issue if a conditioned grant is being considered.

Under the STAG Guidelines Regions may make separate planning grants to special Appropriations Act project recipients. The courts consistently have held that Federal actions that involve only planning activities are not subject to NEPA. Although awarding two separate grants (one for planning activities and one for all other activities) involves more paperwork, we recommend that the Regions consider using this approach.

The Office of General Counsel (OGC) has concurred in this memorandum. If you have any questions concerning the contents of this memorandum, you may contact us, or have your staff contact Joe Montgomery (202-564-7157) in OFA, Marilyn Kuray (202-564-3449) in OGC, or Larry McGee (202-564-0619) in OWM.

Attachment

cc: Richard Kuhlman

MODEL GRANT CONDITIONS

To Be Included in STAG Grants Awarded Before Completion of Environmental Review under the National Environmental Policy Act

Instructions for Project Officers:

For projects that have not progressed beyond conceptual design¹ prior to grant award, include the introductory paragraphs and, as appropriate, the two paragraphs labeled "Option 1."

For projects that have started detailed design or construction prior to the start of the fiscal year for which the funds were appropriated, include the introductory paragraphs and the paragraph labeled "Option 2."

For projects that started detailed design or construction after the start of the fiscal year for which the funds were appropriated but before completion of the environmental review process, the Region should either:

Award an incremental grant that only includes planning activities. A grant for the remainder of the project would be awarded after the NEPA requirements and other relevant authorities have been met, or;

Wait and award a grant for all of the project after the NEPA requirements and other relevant authorities have been met.

NEPA Compliance:

In accordance with the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.*, EPA is required to conduct an environmental review on the project funded by this grant. Accordingly:

The recipient agrees to provide EPA, in a timely fashion, an environmental information document (EID) containing all the necessary information on the project including a written analysis of the alternatives and the environmental impacts of the project. The EID must be of sufficient scope and detail to enable EPA to perform an environmental review under NEPA and other Federal environmental statutes.

¹Conceptual design is essentially the same as facility planning as defined in EPA's Construction Grants program.

Option 1: (To be used for projects that have not progressed beyond conceptual design prior to grant award)

The recipient agrees not to take any action on the project beyond conceptual design, including but not limited to, beginning the preparation of plans and specifications, purchasing land, advertising or awarding design and/or construction contracts, initiating construction or requesting reimbursement from EPA for costs associated with such actions until such time as EPA has completed its environmental review in accordance with NEPA and 40 C.F.R. Parts 6 and 1500 et seq. Completion of this review will be evidenced by the issuance of a Categorical Exclusion (CE), the conclusion of the Finding of No Significant Impact (FONSI) process, or the issuance of a Record of Decision (ROD).

The recipient agrees that, upon completion of the NEPA review, design and construction shall be undertaken in accordance with the results of that review, including but not limited to, the implementation of measures EPA identifies as reasonable to mitigate the environmental impacts of the project. EPA reserves the right to unilaterally terminate this grant in the event the recipient fails to comply with this condition, in accordance with 40 C.F.R. Section 31.43.

Option 2: (To be used for projects that have started detailed design or construction prior to the start of the fiscal year for which the funds were appropriated)

The recipient agrees to cooperate with the EPA project officer to establish the appropriate procedures to be followed to ensure that the NEPA environmental review process is completed in accordance with NEPA and 40 C.F.R. Parts 6 and 1500 et seq. Completion of this review will be evidenced by the issuance of a Categorical Exclusion (CE), the conclusion of the Finding of No Significant Impact (FONSI) process, or the issuance of a Record of Decision (ROD). Furthermore, the recipient agrees to implement reasonable measures to mitigate the environmental impacts of the project.

EPA will not approve or fund any work beyond the conceptual design point until the NEPA requirements and other relevant authorities have been met. Additionally, EPA reserves the right to unilaterally terminate this grant in the event the recipient fails to comply with this condition, in accordance with 40 C.F.R. Section 31.43.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 12 1997

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Program Requirements for Mexican Border Area Projects Funded under the Authority of this Agency's FY 1995, 1996 and 1997 Appropriations Acts

FROM: *for Michael B. Cook*
Michael B. Cook, Director
Office of Wastewater Management

TO: William B. Hathaway, Director
Water Quality Protection Division
Region VI

Alexis Strauss, Acting Director
Water Management Division
Region IX

PURPOSE

The purpose of this memorandum is to establish consistent requirements for Mexican Border Area projects funded under the authority of this Agency's FY 1995, FY 1996, and FY 1997 Appropriations Acts.

BACKGROUND

Over the past three fiscal years the Office of Wastewater Management has issued the following memorandums concerning program requirements for Mexican Border Area projects:

- 10/20/94 - initial guidance memorandum on how the Agency will award and administer grants authorized by this Agency's FY 1995 Appropriations Act. (Did not include a separate section for Mexican Border Area projects.)
- 3/21/95 - a waiver to the match requirement that allowed the Region to vary the cost sharing arrangements, on a project by project basis, for facility planning and design projects funded under the authority of the FY 1995 Appropriations Act.

- 7/19/96 - guidance memorandum on how the Agency will award and administer grants authorized by this Agency's FY 1996 Appropriations Act (included a separate section for Mexican Border Area projects.)
- 9/13/96 - additional specific guidance on Mexican Border Area projects funded under the Authority of the FY 1996 Appropriations Act.
- 1/6/97 - guidance memorandum on how the Agency will award and administer grants authorized by this Agency's FY 1997 Appropriations Act (included a separate section for Mexican Border Area projects.)

The inclusion of guidance in five separate memoranda, with each memorandum covering a single fiscal year, has caused unnecessary complexity within the Mexican Border Area Program. The intent of this memorandum is to correct that problem.

GUIDANCE

Effective immediately, the attached 9/13/96 and 1/6/97 memoranda are the applicable guidance documents for new awards in the Mexican Border Area Program funded under the authority of any of the following Appropriations Acts: FY 1995, FY 1996 or FY 1997. However, the appropriate Appropriations Act must be cited as the statutory authority for awarding the grant.

I would also like to confirm the fact that the 1/6/97 memorandum allows the award of grants in the Mexican Border Area Program without any match requirement, if the circumstances warrant.

If you have any questions concerning this memorandum, you can contact me or have your staff contact Steve Allbee, Chief, Municipal Assistance Branch, Municipal Support Division, at (202) 260-5856.

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 3 1996

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Use of Title II Deobligations to Administer Construction Grant and Special Appropriation Projects

FROM: *Michael J. Quigley*
Michael J. Quigley, Director
Municipal Support Division

TO: Water Management Division Directors
Regions I - X

I am pleased to advise you of the availability of deobligated Title II funds for State administration of construction grant and Special Appropriation projects. The Environmental Protection Agency's (EPA) FY 1997 Appropriations Act (P. L. 104-204) permits EPA to make grants to the States for the administration of completion and closeout of a State's Title II construction grants program and for Special Appropriation wastewater grant projects* funded by appropriations since FY 1991, as well as those funded by appropriations after the date of this memorandum.

The FY 1997 Appropriations Act adopted the following Conference Report item:

"Amendment No. 71: Inserts language as proposed by the Senate which permits the Administrator of EPA to make grants to States, from funds available for obligation in the State under title II of the Federal Water Pollution Control Act, as amended, for administering the completion and closeout of a State's construction grants program. The conferees agree that this provision is needed in many States due to the appropriation of over \$1,800,000,000 since 1991 for wastewater grant projects and in view of the expiration of the section 205(g) reserve for such management activities."

* Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal wastewater or industrial wastewater, including waste in combined; storm water and sanitary sewer systems.

The language to which Amendment No. 71 refers is as follows:

"Provided further, That notwithstanding any other provision of law, beginning in fiscal year 1997 the Administrator may make grants to States, from funds available for obligation in the State under title II of the Federal Water Pollution Control Act, as amended, for administering the completion and closeout of the State's construction grants program, based on a budget annually negotiated with the State."

The following guidelines will apply to the award of Title II deobligations for the above stated purposes:

1. Beginning in fiscal year 1997 assistance may be awarded to States from any funds available for obligation in the State under Title II of the Federal Water Pollution Control Act. The first priority for the use of these funds is completion/closeout of the construction grants program.
2. Assistance will be awarded using the mechanisms and procedures employed for the award of State Management Assistance Grants under section 205(g).
3. Existing State delegation agreements may be used for State administration of construction grant projects. For Special Appropriation wastewater grant projects, you may amend the State delegation agreement or enter into a separate Memorandum of Agreement with the State.
4. Deobligated funds awarded under the provisions of the FY 1997 Appropriations Act may not be used for purposes other than those stipulated above, nor may these funds be used to free-up existing 205(g) reserves for use in non-construction grant activities that were eligible under section 205(g). However, 205(g) reserves on hand prior to October 1, 1996 may be used to administer Special Appropriation wastewater grant projects, provided sufficient 205(g) funds are retained for completion/closeout of the construction grants program.
5. While the legislation does not limit the dollar amount which may be awarded in any Fiscal Year, the award amount should reflect an annual budget negotiated with the State. Assistance may be awarded to cover only the reasonable costs of administering functions which are necessary to manage construction grant projects and Special Appropriation wastewater projects. Eligible costs incurred prior to grant award may be included in the initial award, if the funding period established in the grant includes the period for which the costs were incurred. Multi-year assistance may be awarded to take advantage

of available Title II deobligations, provided the out-year budget estimates support the award of additional funds and the State is not using these funds to finance personnel and other costs beyond those clearly justified by the remaining workload.

6. Title II deobligations continue to be covered by the August 18, 1995 class deviation which "extends the reallocation date of deobligated Title II funds reissued on or after October 1, 1990, and before October 1, 1997, until September 30, 1998. Title II deobligations reissued on or after October 1, 1997, will remain available for obligation until September 30 of the following fiscal year in accordance with 40 CFR 35.2010(d)."

Please call me if you have questions. Questions may also be referred to Arnold Speiser at 202-260-7377 or via E-Mail.

cc: Municipal Construction Program Managers, Regions I-X
Grants Administration Division

Revised: MARCH 10, 2004

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

SUPPLEMENTAL GENERAL CONDITIONS

FOR

FEDERALLY ASSISTED CONSTRUCTION CONTRACTS

EPA SPECIAL CONDITIONS

The attached instructions and regulations as listed below shall be incorporated into the Specifications and comprise EPA's Special Conditions.

- ▶ EPA Special Provisions **Attachment Number 1**
- ▶ Requirements for Subagreements Awarded by Prime Contractors **Attachment Number 2**
- ▶ 40 CFR 31.36 (Procurement) **Attachment Number 3**
- ▶ Equal Employment Opportunity (EEO) Documents:
 - Notice of Requirement for Affirmative Action **Attachment Number 4**
 - Contract Specifications (Executive Order 11246) **Attachment Number 5**
 - EEO Goals for Region 4 Economic Areas **Attachment Number 6**
 - Special Notice #1 - Check List of EEO Documentation **Attachment Number 7**
 - Employer Information Report EEO-1 (SF 100) **Attachment Number 8**
- ▶ Labor Standards Provisions for Federally Assisted Construction, EPA Form 5720-4 **Attachment Number 9**
- ▶ Certifications
 - Debarment, Suspension and Other Responsibility Matters **Attachment Number 10**
 - Anti-lobbying **Attachment Number 11**
- ▶ Utilization of Small, Minority and Women's Businesses **Attachment Number 12**
- ▶ Region 4 Disadvantaged Business Enterprise (DBE) Negotiated Rates **Attachment Number 13**
- ▶ Bonds and Insurance **Attachment Number 14**

These special conditions shall supersede any conflicting provisions of this contract.

EPA SPECIAL PROVISIONS

- (a) The construction of the project shall conform to the applicable requirements for state, territorial and local laws and ordinances to the extent that such requirements do not conflict with Federal laws.
- (b) The EPA shall have access to the site and the project.
- (c) Any contract(s) awarded under this invitation for Bids are expected to be funded in part by a grant from the U.S. Environmental Protection Agency. Neither the United States nor any of its departments, agencies or employees are or will be a part to this Invitation for Bids or any resulting contract.
- (d) The "Method of Award" is to the lowest responsible responsive bidder
- (e) A statement that the bidder must make positive efforts to use small and minority owned business and women business enterprises.

REQUIREMENTS FOR SUBAGREEMENTS AWARDED BY A PRIME CONTRACTOR

A contractor must comply with the following provisions in its award of subagreements. (This section does not apply to a supplier's procurement of materials to produce equipment, materials and catalog, off-the-shelf, or manufactured items.)

- (a) 40 CFR Part 32 (Debarment and Suspension Under EPA Assistance Programs);
- (b) The limitations and subagreement award in 40 CFR 31.35, and 31.36(i) (3,4,6,10,12) ;
- (c) The requirement for small, small rural, minority, women's and labor surplus area business in 40 CFR 31.36(e);
- (d) The specifications requirements of 40 CFR 31.36(c) (1);
- (e) The Federal cost principles in 40 CFR 31.22 and 31.36(f)(3);
- (f) The prohibited types of subagreements in 40 CFR 31.36(f)(4);
- (g) 40 CFR Part 34 (Anti-Lobbying under EPA Assistance Programs).

TITLE 40--PROTECTION OF ENVIRONMENT
CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY

PART 31--UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND
COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Subpart C--Post-Award Requirements

Sec. 31.36 Procurement.

(a) States. When procuring property and services under a grant, a State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Other grantees and subgrantees will follow paragraphs (b) through (i) in this section.

(b) Procurement standards. (1) Grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable federal law, the standards identified in this section, and if applicable, Sec. 31.38.

(2) Grantees and subgrantees will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(3) Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- (i) The employee, officer or agent,
- (ii) Any member of his immediate family,
- (iii) His or her partner, or

(iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

(4) Grantee and subgrantee procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where

appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(5) To foster greater economy and efficiency, grantees and subgrantees are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

(6) Grantees and subgrantees are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(7) Grantees and subgrantees are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(8) Grantees and subgrantees will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(9) Grantees and subgrantees will maintain records sufficient to detail the significant history of a procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(10) Grantees and subgrantees will use time and material type contracts only--

(i) After a determination that no other contract is suitable, and

(ii) If the contract includes a ceiling price that the contractor exceeds at its own risk.

(11) Grantees and subgrantees alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards do not relieve the grantee or subgrantee of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the grantee or subgrantee unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

(12) Grantees and subgrantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protestor must exhaust all administrative remedies with the grantee and subgrantee before pursuing a protest with the Federal agency. Reviews of protests by the Federal agency will be limited to:

(i) Violations of Federal law or regulations and the standards of this section (violations of State or local law will be under the jurisdiction of State or local authorities) and

(ii) Violations of the grantee's or subgrantee's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the grantee or subgrantee.

(c) Competition. (1) All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of Sec. 31.36. Some of the situations considered to be restrictive of competition include but are not limited to:

- (i) Placing unreasonable requirements on firms in order for them to qualify to do business,
- (ii) Requiring unnecessary experience and excessive bonding,
- (iii) Noncompetitive pricing practices between firms or between affiliated companies,
- (iv) Noncompetitive awards to consultants that are on retainer contracts,
- (v) Organizational conflicts of interest,
- (vi) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance of other relevant requirements of the procurement, and
- (vii) Any arbitrary action in the procurement process.

(2) Grantees and subgrantees will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts State licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(3) Grantees will have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:

(i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and

(ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(4) Grantees and subgrantees will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, grantees and subgrantees will not preclude potential bidders from qualifying during the solicitation period.

(5) Construction grants awarded under Title II of the Clean Water Act are subject to the following "Buy American" requirements in paragraphs (c)(5) (i)-(iii) of this section. Section 215 of the Clean Water Act requires that contractors give preference to the use of domestic material in the construction of EPA-funded treatment works.

(i) Contractors must use domestic construction materials in preference to nondomestic material if it is priced no more than 6 percent higher than the bid or offered price of the nondomestic material, including all costs of delivery to the construction site and any applicable duty, whether or not assessed. The grantee will normally base the computations on prices and costs in effect on the date of opening bids or proposals.

(ii) The award official may waive the Buy American provision based on factors the award official considers relevant, including:

(A) Such use is not in the public interest;

(B) The cost is unreasonable;

(C) The Agency's available resources are not sufficient to implement the provision, subject to the Deputy Administrator's concurrence;

(D) The articles, materials or supplies of the class or kind to be used or the articles, materials or supplies from which they are manufactured are not mined, produced or manufactured in the United States in sufficient and reasonably available commercial quantities or satisfactory quality for the particular project; or

(E) Application of this provision is contrary to multilateral government procurement agreements, subject to the Deputy Administrator's concurrence.

(iii) All bidding documents, subagreements, and, if appropriate, requests for proposals must contain the following "Buy American" provision: In accordance with section 215 of the Clean Water Act (33 U.S.C. 1251 et seq.) and implementing EPA regulations, the contractor agrees that preference will be given to domestic construction materials by the contractor, subcontractors, materialmen and suppliers in the performance of this subagreement.

(d) Methods of procurement to be followed--(1) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other properties that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

(2) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in 31.36(d)(2)(i) apply.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively and for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;

(B) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

(C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;

(D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(3) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;

(ii) Proposals will be solicited from an adequate number of qualified sources;

(iii) Grantees and subgrantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;

(iv) Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

(v) Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(4) Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

(i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

(A) The item is available only from a single source;

(B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(C) The awarding agency authorizes noncompetitive proposals; or

(D) After solicitation of a number of sources, competition is determined inadequate.

(ii) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

(iii) Grantees and subgrantees may be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with paragraph (g) of this section.

(e) Contracting with small and minority firms, women's business enterprise and labor surplus area firms.

(1) The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

(2) Affirmative steps shall include:

(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority businesses, and women's business enterprises are

solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

(f) Contract cost and price.

(1) Grantees and subgrantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

(2) Grantees and subgrantees will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(3) Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see Sec. 31.22). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.

(4) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

(g) Awarding agency review.

(1) Grantees and subgrantees must make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the grantee or subgrantee desires to have the review accomplished after a solicitation has been developed, the awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(2) Grantees and subgrantees must on request make available for awarding agency pre-award

review procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc. when:

(i) A grantee's or subgrantee's procurement procedures or operation fails to comply with the procurement standards in this section; or

(ii) The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; or

(iii) The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product; or

(iv) The proposed award is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

(3) A grantee or subgrantee will be exempt from the pre-award review in paragraph (g)(2) of this section if the awarding agency determines that its procurement systems comply with the standards of this section.

(i) A grantee or subgrantee may request that its procurement system be reviewed by the awarding agency to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews shall occur where there is a continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

(ii) A grantee or subgrantee may self-certify its procurement system. Such self-certification shall not limit the awarding agency's right to survey the system. Under a self-certification procedure, awarding agencies may wish to rely on written assurances from the grantee or subgrantee that it is complying with these standards. A grantee or subgrantee will cite specific procedures, regulations, standards, etc., as being in compliance with these requirements and have its system available for review.

(h) Bonding requirements. For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the awarding agency may accept the bonding policy and requirements of the grantee or subgrantee provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(i) Contract provisions. A grantee's and subgrantee's contracts must contain provisions in paragraph (i) of this section. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses

approved by the Office of Federal Procurement Policy.

(1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)

(2) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)

(3) Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)

(4) Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3). (All contracts and subgrants for construction or repair)

(5) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts in excess of \$2000 awarded by grantees and subgrantees when required by Federal grant program legislation)

(6) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)

(7) Notice of awarding agency requirements and regulations pertaining to reporting.

(8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

(9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.

(10) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

(11) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.

(12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$100,000)

(13) Mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

(j) Payment to consultants.

(1) EPA will limit its participation in the salary rate (excluding overhead) paid to individual consultants retained by grantees or by a grantee's contractors or subcontractors to the maximum daily rate for a GS-18. (Grantees may, however, pay consultants more than this amount). This limitation applies to consultation services of designated individuals with specialized skills who

are paid at a daily or hourly rate. This rate does not include transportation and subsistence costs for travel performed; grantees will pay these in accordance with their normal travel reimbursement practices. (Pub. L. 99-591).

(2) Subagreements with firms for services which are awarded using the procurement requirements in this part are not affected by this limitation.

(k) Use of the same architect or engineer during construction.

(1) If the grantee is satisfied with the qualifications and performance of the architect or engineer who provided any or all of the facilities planning or design services for a waste-water treatment works project and wishes to retain that firm or individual during construction of the project, it may do so without further public notice and evaluation of qualifications, provided:

(i) The grantee received a facilities planning (Step 1) or design grant (Step 2), and selected the architect or engineer in accordance with EPA's procurement regulations in effect when EPA awarded the grant; or

(ii) The award official approves noncompetitive procurement under Sec. 31.36(d)(4) for reasons other than simply using the same individual or firm that provided facilities planning or design services for the project; or

(iii) The grantee attests that:

(A) The initial request for proposals clearly stated the possibility that the firm or individual selected could be awarded a subagreement for services during construction; and

(B) The firm or individual was selected for facilities planning or design services in accordance with procedures specified in this section.

(C) No employee, officer or agent of the grantee, any member of their immediate families, or their partners have financial or other interest in the firm selected for award; and

(D) None of the grantee's officers, employees or agents solicited or accepted gratuities, favors or anything of monetary value from contractors or other parties to subagreements.

(2) However, if the grantee uses the procedures in paragraph (k)(1) of this section to retain an architect or engineer, any Step 3 subagreements between the architect or engineer and the grantee must meet all of the other procurement provisions in Sec. 31.36.

[53 FR 8068 and 8087, Mar. 11, 1988, and amended at 53 FR 8075, Mar. 11, 1988; 60 FR 19639, 19644, Apr. 19, 1995; 66 FR 3794, Jan. 16, 2001]

Attachment Number 4

**NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE
EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)**

The following excerpts are from 45 FR 65984 (October 3, 1980):

“The minority and female goals apply to Federal and federally assisted construction contractors and subcontractors which have covered contracts. The goals are expressed as a percentage of the total hours worked by such a covered’s or subcontractor’s entire onsite construction workforce which is working on any construction site within a relevant area. The goal applies to each construction craft and trade in the contractor’s entire workforce in the relevant area including those employees working on private nonfederally involved projects.

Until further notice, the following goals for minority utilization in each construction craft and trade shall be included in all Federal or federally assisted construction contracts and subcontracts in excess of \$10,000 to be performed in the respective geographic area. The goals are applicable to each nonexempt contractor’s total onsite construction workforce, regardless of whether or not part of that workforce is performing work on a Federal, federally assisted or nonfederally related project, contract or subcontract.

Construction contractors which are participating in an approved Hometown Plan (see 41 CFR 60-4.5) are required to comply with the goals of the Hometown Plan with regard to construction work they perform in the area covered by the Hometown Plan. With regard to all their other covered construction work, such contractors are required to comply” as follows:

- Goals for female participation in each trade.....6.9%
- Goals for minority participation in each trade.....Insert goals for each year
(see Attachment Number 6)

These goals are applicable to all the Contractor’s construction work (whether or not it is Federal or Federally assisted) performed in the covered area.

The following excerpts are from 45 FR 65977 (October 3, 1980):

“The Contractor’s compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor

shall make a good faith effort to employ minority and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.

4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is (insert description of the geographical areas where the contract is to be performed giving the state, country, and city, if any)."

Attachment Number 5

STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION

CONTRACT SPECIFICATIONS (EXECUTIVE ORDER 11246)

EEO Specifications

Following is the standard language which must be incorporated into all solicitations for offers and bids on all Federal and Federally assisted construction contracts or subcontracts in excess of \$10,000 to be performed in designated geographical areas:

1. As used in these specifications:

- a. “Covered Area” means the geographical area described in the solicitation from which this contract resulted.
- (b) “Director” means Director, Office of Federal Contract Compliance Program, United States Department of Labor, or any person to whom the Director delegates authority;
- (c) “Employer identification number” means the Federal Social Security number used on the Employer’s Quarterly Federal Tax Return, U.S. Treasury Department Form 941.
- (d) “Minority” includes:
 - (i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
 - (ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
 - (iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and
 - (iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

2. Whenever the Contractor or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.
3. If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take a good faith efforts to achieve the Plan goals and timetables.
4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7-a through p of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. The Contractor is expected to make substantially uniform progress toward its goals in each craft during the period specified.
5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.
6. In order for the non-working training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.

7. The Contractor shall take specific affirmative action to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative actions steps at least as extensively as the following:
- a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.
 - b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.
 - c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the contractor, this shall be documented in the file with the reason therefor, along with whatever additional actions the contractor may have taken.
 - d. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligation.
 - e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources compiled under 7-b above.
 - f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the

Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

- g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, lay-off, termination or other employment decisions including specific review of these items with on-site supervisory personnel such as Superintendents, General Foreman, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.
- h. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.
- i. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.
- j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's workforce.
- k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.
- l. Conduct, at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.

- m. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that EEO policy and the Contractor's obligations under these specifications are being carried out.
 - n. Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
 - o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
 - p. Conduct a review, at least annually, of all supervisor's adherence to and performance under the Contractor's EEO policies and affirmative action obligations.
8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative actions obligations (7 a through p). The efforts of a contractor association, joint contractor-union, contractor-community, of other similar group of which the contractor is a member and participant may be asserted as fulfilling any one or more of its obligations under 7 a through p of these specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be defense for the Contractor's noncompliance.
9. A single goal for minorities and a separate single goal for women have been established. The contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example: even though the Contractor has achieved its goal for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).
10. The Contractor shall not use the goals and timetables for affirmative action standards to discriminate against any person because of race, color, religion, sex or national origin.

11. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.
12. The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and executive Order 11246, as amended.
13. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.
14. The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation, if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.
15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

Attachment Number 6

EEO Goals for Economic Areas in Region 4

Source: Appendix B-80 in 45 FR 65984 (October 3, 1980)

Alabama:

047 Mobile, AL	
SMSA Counties:	
5160 Mobile, AL	26.9
AL Baldwin; AL Mobile.	
6026 Pascagoula - Moss, Point MS	16.9
MS Jackson.	
Non-SMSA Counties	26.4
AL Choctaw; AL Clarke; AL Conecuh; AL Escambia; AL Monroe; AL Washington; AL Wilcox;	
MS George; MS Greene.	
048 Montgomery, AL:	
SMSA Counties	
5240 Montgomery, AL	29.9
AL Autauga; AL Elmore; AL Montgomery.	
Non-SMSA Counties	29.9
AL Barbour; AL Bullock; AL Butler; AL Coffee; AL Coosa; AL Covington;	
AL Crenshaw; AL Dale; AL Dallas; AL Geneva; AL Henry; AL Houston.;	
AL Lowndes; AL Macon; AL Perry; AL Pike; AL Tallapoosa.	
049 Birmingham, AL:	
SMSA Counties:	
0450 Anniston, AL	14.3
AL Calhoun	
1000 Birmingham, AL	24.9
AL Jefferson, AL St- Clair; AL Shelby; AL Walker; AL Etowah	
8600 Tuscaloosa, AL	20.6
AL Tuscaloosa.	
Non-SMSA Counties	20.7
AL Bibb; AL Blount AL Cherokee; AL Chilton; AL Clay; AL Cleburne; AL Cullman;	
AL Fayette; AL Greene; AL Hale; AL Lamar; AL Marion; AL Pickens; AL Randolph;	
AL Sumter; AL Talladega; AL Winston.	
050 Huntsville - Florence, AL:	
SMSA Counties:	
2650 Florence, AL	11.9
AL Colbert; AL Lauderdale.	
3440 Huntsville, AL	12.0
AL Limestone; AL Madison; AL Marshall.	
Non-SMSA Counties	11.2
AL Franklin; AL Lawrence AL Morgan; TN Lincoln.	

Georgia:

035 Augusta, GA:	
SMSA Counties:	
0600 Augusta, GA - SC	27.2
GA Columbia; GA Richmond; SC Aiken	
Non-SMSA Counties	32.8
GA Burke; GA Emanuel; GA Glascock; GA Jefferson; GA Jenkins; GA Lincoln; GA	
McDuffie; GA Taliaferro; GA Warren; GA Wilkes; SC Allendale, SC Bamberg;	
SC Barnwell; SC Edgefield; SC McCormick	
036 Atlanta, GA	
SMSA Counties	
0520 Atlanta	21.2
GA Butts; GA Cherokee; GA Clayton; GA Cobb; GA DeKalb; GA Douglas; GA Fayette;	
GA Forsyth; GA Fulton; GA Gwinnett; GA Henry, GA Newton; GA Paulding; GA Rockdale;	
GA Walton	

Non-SMSA Counties	19.5
GA Banks; GA Barrow; GA Bartow; GA Carroll; GA Clarke; GA Coweta; GA Dawson; GA Elbert; GA Fannin; GA Floyd; GA Franklin; GA Gilmer; GA Gordon; GA Greene; GA Habersham; GA Hall; GA Haralson; GA Hart; GA Heard; GA Jackson; GA Jasper; GA Lamar, GA Lumpkin; GA Madison, GA Morgan; GA Oconee, GA Oglethorpe; GA Pickens; GA Pike; GA Polk; GA Rabun, GA Spalding; GA Stephens; GA Towns; GA Union; GA Upson; GA White.	
037 Columbus, GA:	
SMSA Counties	
1800 Columbus	29.6
AL Russell; GA Chattahoochee; GA Columbus.	
Non-SMSA Counties	31.6
AL Chambers; AL Lee; GA Harris; GA Marion; GA Meriwether; GA Quitman; GA Schley; GA Stewart; GA Sumter; GA Talbot; GA Troup; GA Webster.	
038 Macon, GA:	
SMSA Counties	
4660 Macon, GA	27.5
GA Bibb; GA Houston; GA Jones; GA Twiggs.	
Non-SMSA Counties	31.7
GA Baldwin; GA Bleckley; GA Crawford; GA Crisp; GA Dodge; GA Dooly; GA Hancock; GA Johnson; GA Laurens; GA Macon; GA Monroe; GA Peach; GA Pulaski; GA Putnam. GA Taylor; GA Telfair; GA Treutlen; GA Washington; GA Wheeler; GA Wilcox; GA Wilkinson.	
039 Savannah, GA:	
SMSA Counties:	
7520 Savannah, GA	30.6
GA Bryan; GA Chatham; GA Effingham	
Non-SMSA Counties	29.8
GA Appling; GA Atkinson; GA Bacon; GA Bullock; GA Candler; GA Coffee; GA Evans; GA Jeff Davis; GA Liberty; GA Long; GA McIntosh; GA Montgomery; GA Screven; GA Tattinall; GA Toombs; GA Wayne; SC Beaufort; SC Hampton; SC Jasper.	
040 Albany, GA	
SMSA Counties	
0120 Albany, GA	32.1
GA Dougherty; GA Lee.	
Non-SMSA Counties	31.1
GA Baker; GA Ben Hill; GA Berrien; GA Brooks; GA Calhoun; GA Clay; GA Clinch; GA Colquitt; GA Cook; GA Decatur; GA Early; GA Echols; GA Grady; GA Irwin; GA Lanier, GA Lowndes; GA Miller; GA Mitchell; GA Randolph; GA Seminole, GA Terrell; GA Thomas; GA Tift; GA Turner; GA Worth	
Florida:	
041 Jacksonville, FL:	
SMSA Counties	
2900 Gainesville, FL	20.6
FL Alachua	
3600 Jacksonville, FL	21.8
FL Baker; FL Clay; FL Duval; FL Nassau; FL St. Johns.	
Non-SMSA Counties	22.2
FL Bradford; FL Columbia; FL Dade; FL Gilchrist; FL Hamilton; FL LaFayette; FL Levy; FL Marion; FL Putnam; FL Suwannee; FL Union; GA Brantley; GA Camden; GA Charlton; GA Glynn; GA Pierce; GA Ware.	
042 Orlando - Melbourne - Daytona Beach, FL.	
SMSA Counties:	
2020 Daytona Beach, FL	15.7
FL Volusia.	
4900 Melbourne - Tutusville - Cocoa, FL	10.7
FL Brevard.	
5960 Orlando, FL	15.5
FL Orange; FL Osceola; FL Seminole.	

Non-SMSA Counties	14.9
FL Flagler; FL Lake; FL Sumter.	
043 Miami - Fort Lauderdale, FL:	
SMSA Counties:	
2680 Fort Lauderdale - Hollywood, FL	15.5
FL. Broward.	
5000 Miami, FL	39.5
FL Dade.	
8960 West Palm Beach - Boca Raton, FL	22.4
FL Palm Beach.	
Non-SMSA Counties	30.4
FL Glades; FL Hendry; FL Indian River, FL Martin; FL Monroe;	
FL Okeechobee; FL St. Lucie.	
044 Tampa - St Petersburg, FL	
SMSA Counties:	
1140 Bradenton, FL	15.9
FL Manatee.	
2700 Fort Myers, FL	15.3
FL Lee.	
3980 Lakeland - Winter Haven, FL	18.0
FL Polk	
7510 Sarasota, FL	10.5
FL Sarasota.	
8280 Tampa - St. Petersburg, FL	17.9
FL Hillsborough, FL Pasco; FL Pinellas	
Non-SMSA Counties	17.1
FL Charlotte; FL Citrus; FL Collier, FL Desoto; FL Hardee; FL Hernando; FL Highlands.	
045 Tallahassee, FL:	
SMSA Counties:	
8240 Tallahassee, FL	24.3
FL Leon; FL Wakulla.	
Non-SMSA Counties:	29.5
FL Calhoun; FL Franklin; FL Gadsden; FL Jackson; FL Jefferson; FL Liberty;	
FL Madison; FL Taylor.	
046 Pensacola - Panama City, FL	
SMSA Counties:	
8615 Panama City, FL	14.1
FL Bay.	
6080 Pensacola, FL	18.3
FL Escambia; FL Santa Rosa.	
Non-SMSA Counties	15.4
FL Gulf, FL Holmes; FL Okaloosa; FL Walton; FL Washington.	
Kentucky:	
056 Paducah, KY:	
Non-SMSA Counties	5.2
IL Hardin; IL Massac; IL Pope; KY Ballard; KY Caldwell; KY Calloway. KY Carlisle;	
KY Crittenden; KY Fulton; KY Graves; KY Hickman; KY Livingston; KY Lyon. KY	
McCracken; KY Marshall.	
057 Louisville, KY:	
SMSA Counties:	
4520 Louisville, KY-IN	11.2
IN Clark; IN Floyd; KY Bullitt; KY Jefferson; KY Oldham.	
Non-SMSA Counties	9.6
IN Crawford; IN Harrison; IN Jefferson; IN Orange; IN Scott; IN Washington;	
KY Breckinridge; KY Grayson; KY Hardin; KY Hart; KY Henry; KY Larue; KY Marion;	
KY Meade; KY Nelson; KY Shelby; KY Spencer; KY Trimble; KY Washington.	
058 Lexington, KY	
SMSA Counties	
4280 Lexington-Fayette, KY	10.8
KY Bourbon; KY Clark; KY Fayette; KY Jessamine; KY Scott; KY Woodford.	

Non-SMSA Counties	7.0
KY Adair KY Anderson; KY Bath; KY Boyle; KY Breathitt; KY Casey; KY Clay; KY Estill; KY Franklin- KY Garrard; KY Green; KY Harrison- KY Jackson; KY Knott; KY Lee; KY Leslie; KY Letcher; KY Lincoln; KY Madison; KY Magoffin; KY Menifee; KY Mercer; KY Montgomery; KY Morgan. KY Nicholas; KY Owsley; KY Perry; KY Powell; KY Pulaski; KY Rockcastle; KY Russell; KY Taylor; KY Wolfe.	
Mississippi:	
112 Jackson, MS:	
SMSA Counties;	
3560 Jackson, MS	30.3
MS Hinds; MS Rankin.	
Non-SMSA Counties	32.0
MS Attala; MS Choctaw; MS Choctaw; MS Clarke; MS Copiah; MS Covington; MS Franklin; MS Holmes; MS Humphreys; MS Issaquena; MS Jasper; MS Jefferson; MS Jefferson Davis; MS Jones; MS Kemper; MS Lauderdale; MS Lawrence; MS Leake; MS Lincoln; MS Lowndes; MS Madison; MS Neshoba; MS Newton; MS Noxubee,- MS Oktibbeha; MS Scott; MS Sharkey; MS Simpson; MS Smith; MS Warren; MS Wayne; MS Winston; MS Yazoo.	
North Carolina:	
024 Rocky Mount - Wilson - Greenville NC:	
Non-SMSA Counties	31.7
NC Beaufort; NC Carteret; NC Craven,- NC Dare; NC Edgecombe; NC Greene; NC Halifax; NC Hyde; NC Jones; NC Lenoir, NC Martin; NC Nash; NC Northampton; NC Pamlico; NC Pitt; NC Tyrrell; NC Washington; NC Wayne; NC Wilson	
025 Wilmington, NC:	
SMSA Counties:	
9200 Wilmington, NC	20.7
NC Brunswick; NC New Hanover.	
Non-SMSA counties	23.5
NC Columbus; NC Duplin; NC Onslow; NC Pender.	
026 Fayetteville, NC:	
SMSA Counties:	
2560 Fayetteville, NC	26.2
NC Cumberland.	
Non-SMSA Counties	33.5
NC Bladen; NC Hoke; NC Richmond; NC Robeson; NC Sampson; NC Scotland.	
027 Raleigh - Durham, NC.	
SMSA Counties:	
6640 Raleigh - Durham	22.8
NC Durham; NC Orange; NC Wake.	
Non-SMSA Counties	24.7
NC Chatham; NC Franklin; NC Granville; NC Harnett; NC Johnston; NC Lee; NC Person; NC Vance; NC Warren.	
028 Greensboro - Winston Salem - High Point, NC:	
SMSA Counties:	
1300 Burlington, NC	16.2
NC Alamance.	
3120 Greensboro - Winston Salem - High Point NC	16.4
NC Davidson; NC Forsyth; NC Guilford,- NC Randolph; NC Stokes; NC Yadkin.	
Non-SMSA Counties	15.5
NC Alleghany; NG Ashe; NC Caswell; NC Davie; NC Montgomery; NC Moore; NC Rockingham; NC Surry; NC Watauga; NC Wilkes.	
029 Charlotte, NC:	
SMSA Counties:	
1520 Charlotte - Gastonia, NC	18.5
NC Gaston; NC Mecklenburg; NC Union.	
Non-SMSA Counties	15.7
NC Alexander; NC Anson; NC Burke; NG Cabarrus; NC Caldwell; NC Catawba;	

NC Cleveland; NC Iredell; NC Lincoln; NC Rowan; NC Rutherford; NC Stanley; SC Chester; SC Lancaster SC York.	
030 Asheville, NC	
Non-SMSA Counties:	
0480 Asheville, NC	8.5
NC Buncombe; NC Madison.	
Non-SMSA Counties	6.3
NC Avery,- NC Cherokee; NC Clay; NC Graham; HC Heywood, NC Henderson; NC Jackson; NC McDowell; NC Macon; NC Mitchell; NC Swain; NC Transylvania; NC Yancey.	

South Carolina:

031 Greenville -Spartanburg, SC:	
SMSA Counties:	
316b Greenville -Spartanburg, SC	16.0
SC Greenville; SC Pickens; SC Spartanburg.	
Non-SMSA Counties	17.8
SC Polk; SC Abbeville; SC Anderson; SC Cherokee', SC Greenwood; SC Laurens; SC Oconee; SC Union.	
.032 Columbia, SC	
SMSA Counties:	
1760 Columbia, SC	23.4
SC Lexington; SC Richland.	
No'n-SMSA Counties	32.0
SC Calhoun SC Clarendon; SC Fairfield; SC Kershaw; SC Lee; SC Newberry; SC Orangeburg; SC Saluda; SC Sumter	
033 Florence, SC	
Non-SMSA Counties	33.0
SC Chesterfield; SC Darlington; SC Dillon; SC Florence; SC Georgetown; SC Horry; SC Marion; SC Marlboro; SC Williamsburg.	
034 Charleston - North Charleston, SC	
SMSA Counties	
1440 Charleston - North Charleston, SC	30.0
SC Berkeley; SC Charleston; SC Dorchester.	
Non-SMSA Counties	30.7
SC Collection	

Tennessee:

051 Chattanooga, TN:	
SMSA Counties	
1560 Chattanooga, TN - GA	12.6
GA Catoosa; GA Dade; GA Walker; TN Hamilton; TN Marion; TN Sequatchie.	
Non-SMSA Counties	8.6
AL De Kalb; AL Jackson; GA Chattooga; GA Murray; GA Whitfield; TN Bledsoe; TN Bradley; TN Grundy; TN McMinn; TN Meigs; TN Monroe; TN Polk; TN Rhea.	
052 Johnson City - Kingsport - Bristol, TN-VA:	
SMSA Counties'	
3660 Johnson City - Kingsport - Bristol. TN - VA	2.6
TN Carter; TN Hawkins- TN Sullivan; TN Unicoi; TN Washington; VA Scott; VA Washington; VA Bristol.	
Non-SMSA Counties	3.2
TN Greene; TN Hancock; TN Johnson; VA Buchanan; VA Dickenson; VA Lee; VA Russell; VA Smyth; VA Tazewell; VA Wise; VA Norton; WV McDowell, WV Mercer.	
053 Knoxville, TN	
SMSA Counties:	
3840 Knoxville, TN	6.6
TN Anderson; TN Blount; TN Knox; TN Union.	
Non-SMSA Counties	4.5
KY Bell; KY Harlan; KY Knox; KY Laurel; KY McCreary; KY Wayne; KY Whitley; TN Campbell; TN Claiborne; TN Cocke; TN Cumberland; TN Fentress; TN Grainger,	

TN Hamblen; TN Jefferson; TN Loudon; TN Morgan; TN Roane; TN Scott; TN Sevier.	
054 Nashville, TN:	
SMSA Counties:	
1660 Clarksville - Hopkinsville, TN - KY	18.2
KY Christian; TN Montgomery.	
5360 Nashville - Davidson, TN	15.8
TN Cheatham, TN Davidson; TN Dickson; TN Robertson; TN Rutherford; TN Sumner; TN Williamson; TN Wilson.	
Non-SMSA Counties	12.0
KY Allen; KY Barren; KY Butler; KY Clinton; KY Cumberland; KY Edmonson; KY Logan; KY Metcalfe; KY Monroe; KY Simpson; KY Todd; KY Trigg; KY Warren; TN Bedford; TN Cannon; TN Clay; TN Coffee; TN DeKalb; TN Franklin; TN Giles; TN Hickman; TN Houston; TN Humphreys; TN Jackson; TN Lawrence; TN Lewis; TN Macon; TN Marshall; TN Maury; TN Moore; TN Overton; TN Perry; TN Pickett; TN Putnam; TN Smith,, TN Stewart; TN Trousdale; TN Van Buren; TN Warren; TN Wayne; TN White.	
055 Memphis, TN:	
SMSA Counties:	
4920 Memphis, TN-AR-MS	32.3
AR Critteriden; MS Do Soto; TN Shelby; TN Tipton.	
Non-SMSA Counties	26.5
AR Clay; AR Craighead; AR Cross; AR Greene; AR Lawrence; AR Lee; AR Mississippi; AR Phillips- AR. Poinsett; AR Randolph; AR St. Francis; MS Alcorn, MS Benton; MS Bolivar; MSCalhoun; MS Carroll; MS Chickasaw, MS Clay; MS Coahoma; MS Grenada; MS Itawamba; MS Lafayette; MS Lee; MS Leflore; MS Marshall; MS Monroe; MS Montgomery; MS Panola; MS Pontotoc; MS Prentiss; MS Quitman; MS Sunflower; MS Tallahatchie; MS Tate; MS Tippah; MS Tishomingo; MS Union; MS Washington; MS Webster. MS Yalobusha; MO Dunklin; MO New Madrid; MO Perniscot; TN Benton; TN Carroll; TN Chester; TN Crockett; TN Decatur; TN Dyer; TN Fayette; TN Gibson; TN Hardeman; TN Hardin; TN Haywood; TN Henderson- TN Henry; TN Lake; TN Lauderdale; TN McNairy; TN Madison; TN Obion; TN Weakley.	

Attachment Number 7

CHECK LIST OF EEO DOCUMENTATION FOR BIDDERS ON EPA ASSISTED CONSTRUCTION

(Required by Executive Order 11246 as amended)

The low, responsive responsible bidder must forward the following items, in duplicate, to the owner (grantee) no later than ten (10) days after bid opening. The owner (grantee) shall have one (1) copy available for inspection by the Office of Federal Contracts Compliance within 14 days after the bid opening. The web site for the OFCC is http://www.dol.gov/esa/ofcp_org.htm.

1. EPA Project Number. Project Location. Type of Construction.
2. Proof of registration with the Joint Reporting Commission. (See Attachment Number 8.)
3. Copy of Affirmative Action Plan of contractor. Indicate company official responsible for EEO.
4. List of current construction contracts, with dollar amount. List contracting Federal Agency, if applicable.
5. Statistics concerning company percent workforce, permanent and temporary, by sex, race, trade, handicapped, and age. 40 CFR Part 7.
6. List of employment sources for project in question. If union sources are utilized, indicate percentage of minority membership within the union crafts.
7. Anticipated employment needs for this project, by sex, race and trade, with estimate of minority participation in specific trades.
8. List of subcontractors (name, address and telephone) with dollar amount and duration of subcontract. Subcontractor contracts over \$10,000 must submit items 1- 8.
9. List of any subcontract work yet to be committed with estimate of dollar amount and duration of contract.
10. Contract Price. Duration of prime contract.
11. DBE Documents - See special instructions regarding use of Minority, and Women Owned, and Small Businesses.

Attachment Number 8

Employer Information Report EEO-1

Under the direction of the US Equal Employment Opportunity Commission, the Joint Reporting Committee is responsible for the full-length, multi-phase processing of employment statistics collected on the Employer Information Report EEO-1. This report, also termed Standard Form 100, details the sex and race/ethnic composition of an employer's work force by job category.

The Employer Information EEO-1 survey is conducted annually under the authority of Public Law 88-352, Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972. All employers with 15 or more employees are covered by Public Law 88-352 and are required to keep employment records as specified by Commission regulations. Based on the number of employees and federal contract activities, certain large employers are required to file an EEO-1 Report on an annual basis.

The EEO-1 Report must be filed by—

(A) All private employers who are: (1) subject to Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act of 1972) with 100 or more employees EXCLUDING State and local governments, primary and secondary school systems, institutions of higher education, Indian tribes and tax-exempt private memberships clubs other than labor organizations; OR (2) subject to Title VII who have fewer than 100 employees if the company is owned or affiliated with another company, or there is centralized ownership, control or management (such as central control of personnel policies and labor relations) so that the group legally constitutes a single enterprise and the entire enterprise employs a total of 100 or more employees.

(B) All federal contractors (private employers), who: (1) are not exempt as provided for by 41 CFR 60-1.5, (2) have 50 or more employees, and (a) are prime contractors or first-tier subcontractors, and have a contract, subcontract, or purchase order amounting to \$50,000 or more; or (b) serve as depository of Government funds in any amount, or (c) is a financial institution which is an issuing or paying agent for U.S. Savings Bonds and Notes.

Only those establishments located in the District of Columbia and the 50 states are required to submit the EEO-1 Report. No Reports should be filed for establishments in Puerto Rico, the Virgin Islands or other American Protectorates.

When filing for the EEO-1 Report for the first time, go to the web site at: <http://www.mimdms.com/jrc.html> and select "Filing for the first time" from the box labeled INFORMATION. File out the electronic questionnaire to enter your company into Joint Reporting Committee (JRC) system. Once you have completed the registration process, you will be contacted on how to proceed with the EEO-1 Report. **If you have previously registered with the JRC**, follow their instructions to update your information.

Labor Standards Provisions For Federally Assisted Construction

Labor standards provisions applicable to contracts covering federally financed and assisted construction (29 CFR 5.5, Contract Provisions and Related Matters) that apply to EPA Special Appropriations Projects grants are:

(a)(4)(iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

(a)(5) Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR Part 3, which are incorporated by reference in this contract.

(a)(6) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5 (a) (1) through (10) and such other clauses as the U.S. Environmental Protection Agency may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(a)(7) Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(b) Contractor Work Hours and Safety Standards Act. The Administrator, EPA shall cause or require the contracting officer to insert the following clauses set forth in paragraph (b)(1),(2),(3), and (4) of this section in full in any contract subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by *Section 5.5(a) of this title. As used in this paragraph, the terms "laborers" and "mechanics" include watchmen and guards.

(1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any work week in which he or she is employed on such work to in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (b) (1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for unliquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (b)(1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (b)(1) of this section.

(3) Withholding for unpaid wages and liquidated damages. The U.S. Environmental Protection Agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other Federally- assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b) (2) of this section.

(4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (b)(1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (b)(1) through (4) of this section.

(c) In addition to the clauses contained in paragraph (b), in any contract subject only to the Contract Work Hours and Safety Standards Act and not to any of the other statutes cited in section 5.1, the Administrator of EPA shall cause or require the contracting officer to insert a clause requiring that the contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly worked, deductions made, and actual wages paid. Further, the Administrator of EPA shall cause or require the contracting officer to insert in any such contract a clause providing that the records to be maintained under this paragraph shall be made available by the contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the U.S. Environmental Protection Agency and the Department of Labor, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job. (Approved by the Office of Management and Budget under OMB control numbers 1215-0140 and 1215-0017.)

CERTIFICATIONS

DEBARRED FIRMS

All prime Construction Contractors shall certify that Subcontractors have not and will not be awarded to any firm that is currently on the EPA Master List of Debarred, Suspended and Voluntarily Excluded Persons in accordance with the provisions of 40 CFR 32.500(c). Debarment action is taken against a firm for noncompliance with Federal Law.

All bidders shall complete the attached certification (Attachment Number 10) in duplicate and submit both copies to the owner with the bid proposal. The owner (grantee) shall transmit one copy to EPA within 14 days after bid opening.

ANTI-LOBBYING CERTIFICATION

All prime Construction Contractors must certify (Attachment Number 11) that no appropriated funds were or will be expended for the purpose of lobbying the Executive or Legislative Branches of the Federal Government or Federal Agency concerning this contract (contract in excess of \$100,000). If the Contractor has made or agreed to make payment to influence any member of Congress in regard to award of this contract, a Disclosure Form must be completed and submitted to the owner (grantee) with the bid proposal. The owner must transmit one copy to the EPA Grants Management Office.

All prime Contractors must require all Subcontractors to submit the certification which must also be submitted to the owner (grantee).

**CERTIFICATION REGARDING DEBARMENT,
SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

The prospective participant certifies to the best of its knowledge and belief that it and its 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 judgement 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 or 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 for cause or default.

I understand that a false statement on this certification may be grounds 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.

Instructions for Certification Regarding Debarments

Under Executive Order 12549, an individual or organization debarred or excluded from participation in Federal assistance or benefit programs may not receive any assistance award under a Federal program, or a subagreement thereunder for \$25,000 or more.

Accordingly, each prospective recipient of an EPA grant, loan, or cooperative agreement and any contract or subagreement participant thereunder must complete the attached certification or provide an explanation why they cannot. For further details, see 40 CFR 32.510, Participants' responsibilities, in the attached regulation.

Where To Submit:

The prospective EPA grant, loan, or cooperative agreement recipient must return the signed certification or explanation with its application to the appropriate EPA Headquarters or Regional office, as required in the application instructions.

A prospective prime contractor must submit a completed certification or explanation to the individual or organization awarding the contract.

Each prospective subcontractor must submit a completed certification or explanation to the prime contractor for the project.

How To Obtain Forms:

EPA includes the certification form, instructions, and a copy of its implementing regulation (40 CFR Part 32) in each application kit. Applicants may reproduce these materials as needed and provide them to their prospective prime contractor, who, in turn, may reproduce and provide them to prospective subcontractors.

Additional copies/assistance may be requested from:

Compliance Branch
Grants Administration Division (PM-216F)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460
(Telephone: 202/475-8025)

Attachment Number 11

**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 an 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, an officer or employee of Congress, or an employee of 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 subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients 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

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

Attachment Number 12

UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESSES

The provisions of PL 102-389 and EPA's implementing regulation 40 CFR 31.36(e) require recipients of Federal assistance to award a fair share of subagreements to small, small rural, minority and women's businesses on contracts and subagreement performed under EPA Assistance Agreements.

The following procedures are to be followed for procurement under EPA Assistance Agreements.

The successful bidder must submit to the grantee within 10 days after bid opening, evidence of the positive steps taken to utilize small, minority and women's businesses. Information should include the following:

- ▶ EPA Project Number. Project Location. Type of Construction.
- ▶ List of current construction contracts, with dollar amount. List contracting Federal Agency, if applicable.
- ▶ List of subcontractors (name, address and telephone) with dollar amount and duration of subcontract.
- ▶ List of any subcontract work yet to be committed with estimate of dollar amount and duration of contract.
- ▶ Contract Price. Duration of prime contract.

Such positive efforts shall include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

- (5) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring each party to a subagreement to take the affirmative steps listed in paragraphs 1 through 5 of this section.

For purposes of clarification:

- This requirement applies to any EPA Financially assisted procurement.
- This requirement mandates three responsibilities. Separate solicitations must be made of small, small rural, minority and women's businesses enterprises.
- A minority business is a business, at least 51 percent of which is owned and controlled by minority group members (Black; Hispanic; Asian American; American Indian; and any other designations approved by the Office of Management and Budget that are U.S. citizens. Any specific clarification concerning the ownership and/or control issues will be provided by the EPA Regional Office.
- A women's business is a business, at least 51 percent of which is owned and controlled by one or more women who are U.S. citizens.
- The control determination will revolve around the minority or women owner's involvement in the day-to-day management of the business enterprise.
- Solicitation should allow adequate time for price analysis; EPA recommends that contact be made no later than 15 days before bid opening.
- Efforts taken to comply with this requirement must be documented in detail; maintain records of firms contacted, including any negotiation efforts to reach competitive price levels, and awards to the designated firms.
- Any proposed changes from the approved Minority/Women/Small business participation after EEO/MBE approval shall be reported to EPA prior to initiation of the action, with the reason for the proposed deviation.
- The EPA recommends that the grantee as well as the prime contractor utilize the services of the following agencies to find information on certified Minority/Women/Small business. Use of these services does not absolve the prime contractors from pursuing additional efforts to comply with this requirement.
 - ▶ Minority Business Development Service Centers These Centers are funded by the U.S. Department of Commerce to provide technical, financial and contracting assistance to minority, women's and small rural business enterprises. The locations of the Centers are

available by selecting the appropriate Minority Business Development Agency regional office from: <http://www.mbda.gov/>.

- ▶ U.S. Small Business Administration Central Contractor Registration (procurement marketing and access network) at <http://www.ccr.gov/> .
- ▶ U.S. Small Business Administration (SBA) Online Women's Business Center. For the Women's Business Center nearest you, go to: <http://www.onlinewbc.gov/> and select "Women's Business Centers".

For additional information on listings of certified MBE/WBE contractors and subcontractors in the States of Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, contact Rafael Santamaria in EPA Region 4 at 404 562-8312.

For the State of Alabama, MBE/WBE contacts include:

Governor's Office of Minority and Women's Business Enterprises
401 Adams Avenue, Suite 360
Montgomery, AL 36130
1-800-477-4191 334/242-2220 334/242-4203 FAX

Alabama Small Business Development Consortium
ATTN: Charles Hopson
1717 11th Avenue, Suite 419
Birmingham, AL 35294 205/934-7260 205/934-7645

U.S. Small Business Administration
<http://www.ccr.gov/>

Alabama Department of Transportation
ATTN: Chester Thomas
1409 Coliseum Boulevard, Room N-101
Montgomery, AL 36130 1-800-247-3618

U.S. Department of Commerce
Minority Business Development Agency
401 West Peachtree Street NW - Suite 1715
Atlanta, GA 30308 404/730-3300 404/730/3313 FAX
<http://www.mbda.gov>

Birmingham MBOC
City of Birmingham
710 20th Street North
Birmingham, AL 35203 205/254-2799 205/254-7741 FAX
ajmayo@ci.birmingham.al.us

Birmingham Construction Industrial Authority
Michael Bell, Executive Director
David Merrida, Associate Director
3600 4th Avenue South
Birmingham, AL 35222 205/324-6202 205/324-6210 FAX

Attachment Number 13

REGION 4 DISADVANTAGED BUSINESS ENTERPRISE (DBE) NEGOTIATED RATES
(Subject to change - refer to grant award for specific fair share objectives)

ALABAMA

Supplies (commodities)	2% MBE and 2.6% WBE
Services (contractual)	4% MBE and 4.9% WBE
Equipment	3.3% MBE and 3.3% WBE
Construction	3.1% MBE and 2.4% WBE

FLORIDA

SRF Construction (both SRF)	11% MBE and 3% WBE
A & E Services:	10% MBE and 15% WBE
Commodities:	7% MBE and 17% WBE
Contractual:	14% MBE and 36% WBE
Construction: (non SRF)	10% MBE and 11% WBE

GEORGIA

GA DNR

Construction: (includes all SRF)	4% MBE and 4% WBE
All Other Categories:	4.75% MBE and 1% WBE

GA EFA

SRF Construction: (Drinking & Clean Water Program)	4.6% MBE and 2.7% WBE
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KENTUCKY

SRF Construction: (both programs)	3% MBE and 5% WBE
Equipment:	1.5% MBE and 6.4% WBE
Services:	4% MBE and 1.8% WBE
Supplies:*	2% MBE and 5% WBE

* As explained elsewhere, this goal applies to only non-State grantees in Kentucky as State recipients are already contractually committed to an exclusive supplier.

MISSISSIPPI

SRF Construction	
Drinking Water:	2.9% MBE and 0.64% WBE
Clean Water:	5.9% MBE and 1.6% WBE
Equipment:	3.7% MBE and 3.0% WBE
Commodities: (supplies)	1.1% MBE and 1.8% WBE
Contractual: (services)	1.7% MBE and 2.3% WBE

NORTH CAROLINA

SRF Construction: (both programs)	8% MBE and 5% WBE
Agriculture (only)	
Supplies:	1.5% MBE and 1.5% WBE
Services:	0% MBE and 8.8% WBE
Professional Services: (statewide)	4% MBE and 10% WBE
Goods & Services: (includes all equipment, supplies & services)	7% MBE and 9% WBE

SOUTH CAROLINA

Construction: (all SRF)	3.6% MBE and 2.4% WBE
Services:	11% MBE and 11% WBE
Equipment:	10% MBE and 10% WBE
Supplies:	9% MBE and 9% WBE
UST Services:	0% MBE and 1.44% WBE

TENNESSEE

All Categories: (includes all SRF)	7% MBE	1% WBE
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Attachment Number 14

BONDS AND INSURANCE

Bonding requirements for contracts of \$100,000 or less are contained in 40 CFR 31.36(h).

Bond requirements for contracts in excess of \$100,000 are:

- ▶ Bid guarantee equivalent to five percent of the bid price. The bid guarantee shall consist of a firm commitment such as a certified check or bid bond submitted with the bid;
- ▶ Performance bond equal to 100 percent of the contract price, and
- ▶ Payment bond equal to 100 percent of the contract price. Bonds must be obtained from companies holding Certificates of Authority as acceptable sureties, issued by the U.S. Treasury.

Insurance requirements are contained in the General Conditions of the contract. In addition to the other required insurance, the owner or the contractor, as appropriate, must acquire any flood insurance made available by the Federal Emergency Management Agency as required by 44 CFR Parts 59-79, if construction will take place in a flood hazard area identified by the Federal Emergency Management Agency. The owner's requirements on Flood Insurance are contained in the Special Conditions Section of the Contracts Documents.