

# SPECIAL MEETING AGENDA

Siskiyou County  
Air Pollution Control District  
525 S. Foothill Drive  
Yreka, CA 96097

February 11, 2025

Board of Directors:

Ed Valenzuela  
Supervisor, District 2

Michael N. Kobseff, Chair  
Supervisor, District 3

Nancy Ogren  
Supervisor, District 4

Ray A. Haupt  
Supervisor District 5

Pat Vela, Vice Chair  
City of Montague

Juliana Lucchesi  
City of Dunsmuir

Dana Barton  
Chief Deputy County Counsel

Laura Bynum  
Ex-Officio Clerk to the Board

*This agenda contains a brief general description of each item to be considered. If you wish to speak on an item on the agenda, please complete a Speaker's Card identifying the item(s) and return it to the Board Clerk. If you wish to speak on a matter that does not appear on the agenda, you may do so during the Public Comment period. Persons speaking during Public Comment will be limited to three minutes, or depending on the number of persons wishing to speak, it may be reduced to allow all members of the public the opportunity to address the District Board. Except as otherwise provided by law, no action or discussion shall be taken/conducted on any item not appearing on the agenda. When addressing the District Board, please state your name for the record prior to providing your comments. Please address the District Board as a whole through the Chair. Comments to individual District Board members or staff are not permitted.*

*Availability of Public Records. All public records related to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the County Clerk's Office, 311 Fourth Street, Room 201, Yreka CA 96097 at the same time that the public records are distributed or made available to the members of the District Board. All supporting documentation is available for public review in the office of the County Clerk, 311 Fourth Street, Room 201, Yreka, CA 96097, during regular business hours, 9 a.m. – noon and 1 p.m. to 4 p.m., Monday through Friday.*

*In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the County Clerk's Office 48 hours prior to the meeting at (530) 842.8081, or toll free at 1.888.854.2000, ext. 8081.*

**NOTE: This meeting is being agendized to allow Air Pollution Control District staff and the public to participate in the meeting via teleconference.**

*Conference Call In Number: 1-669-900-6833, Meeting ID :819 1372 0509*

**During the call you may press \*9 on your phone to 'raise your hand' OR click on the "Participants" icon at bottom center of your computer or phone screen, then click the "Raise Hand" button to ask to speak during the meeting.**

*For those wishing to appear in person, the location of the meeting is:  
**Siskiyou County Meeting Chambers, 311 Fourth Street, Yreka CA.***

## 1. 1:30 P.M. – Flag Salute

## 2. Roll Call

## 3. Presentations from the Public

**PLEASE NOTE:** This time slot is for information from the public. No action or discussion will be conducted on matters presented at this time. You will be allowed three (3) minutes for your presentation. Written comments can be presented if so desired, by providing a minimum of 7 copies to the Clerk. When addressing the District Board, please state your name for the record prior to providing your comments. Please address the District Board as a whole through the Chair. Comments should be limited to matters within the jurisdiction of the District Board.

## 4. Consent Agenda - *The following consent agenda items are expected to be routine and non-controversial. They may be acted upon by the District Board at one time without discussion. Any District Board member, staff member, or interested person may request that an item be removed from the Consent Agenda for discussion and consideration. Approval of a consent item means approval of the recommended motion as specified on the Agenda Worksheet.*

A. Air Pollution Control - Adopt Resolution recognizing Air Pollution Control Specialist III Eric Olson upon his retirement from the Siskiyou County Air Pollution Control District.

## 5. Air Pollution Control

A. Discussion, direction and possible action re Resolution providing the time and place for holding the Air Pollution Control District Board's regular meetings.

- B. Discussion, direction and possible action re Resolution authorizing the Air Pollution Control District to participate in the Environmental Protection Agency (EPA) Inflation Reduction Act (IRA) Air Monitoring Grant Program, for enhancement/expansion of existing and construction of new air monitoring sites, in the amount of \$357,431.

**6. Minute Approval – January 28, 2025.**

**7. Air Pollution Control District Board - Presentation of Resolution recognizing Air Pollution Control Specialist III Eric Olson upon his retirement from the Siskiyou County Air Pollution Control District.**

**8. Adjournment**

# Agenda Worksheet

Submit completed worksheet to:  
Siskiyou County Clerk, 311 Fourth St., Rm 201, Yreka, CA 96097

Regular  Time Requested: 5 min Meeting Date: 2/11/25 LA

OR

Consent

Contact Person/Department: Jim Smith/Air Pollution Control District Phone: 5308414033

Address: 525 S. Foothill Drive, Yreka, CA 96097

Person Appearing/Title: Jim Smith/APCO

### Subject/Summary of Issue:

Requesting Board of Directors recognition upon Eric Olson's retirement from the District after 24 years of employment.

### Financial Impact:

NO  Describe why no financial impact:

YES  Describe impact by indicating amount budgeted and funding source below

Amount: \_\_\_\_\_

Fund: \_\_\_\_\_ Description: \_\_\_\_\_ Org.: \_\_\_\_\_ Description: \_\_\_\_\_

Account: \_\_\_\_\_ Description: \_\_\_\_\_

Activity Code: \_\_\_\_\_ Description: \_\_\_\_\_

Local Preference: YES  NO

For Contracts – Explain how vendor was selected:

Additional Information:

### Recommended Motion:

Request the Air Pollution Control District Board to approve the resolution recognizing Eric Olson's 24 years of employment by the District

### Reviewed as recommended by policy:

County Counsel \_\_\_\_\_

Auditor \_\_\_\_\_

Personnel \_\_\_\_\_

CAO \_\_\_\_\_

### Special Requests:

Certified Minute Order(s) X Quantity: 1

Other: \_\_\_\_\_

**NOTE: For consideration for placement on the agenda, the original agenda worksheet and backup material must be submitted directly to the Board Clerk (after reviewing signatures have been obtained) by 10:00 a.m. on the Monday the week prior to the Board Meeting.**

**RESOLUTION OF THE SISKIYOU COUNTY AIR POLLUTION CONTROL DISTRICT BOARD OF DIRECTORS RECOGNIZING**

***AIR POLLUTION CONTROL SPECIALIST III  
ERIC OLSON***

**UPON HIS RETIREMENT FROM THE SISKIYOU COUNTY AIR POLLUTION CONTROL DISTRICT**

**WHEREAS**, Air Pollution Control Specialist Eric Olson was employed by the County of Siskiyou Air Pollution Control District from January 29, 2001, until his retirement on November 30th, 2024, amassing 24-years of dedicated service; and,

**WHEREAS**, Eric Olson started in 2001 as an Air Pollution Control Specialist I, was promoted in 2004 to Air Pollution Control Specialist II, and again promoted in 2022 to Air Pollution Control Specialist III, exhibiting his dedication and hard work for the District and,

**WHEREAS**, Eric Olson is an individual of sound principle and unquestioned honesty, and thoroughly fitted by training, experience and education to perform the duties required by law, and,

**WHEREAS**, Eric was responsible for managing all aspects of the Siskiyou County Air Pollution Control District programs, being solely responsible for purchasing, implementing, maintaining, testing and inspecting all specialized air monitoring equipment; in addition, performing all other duties and obligations required of the Air Pollution Control District, and,

**WHEREAS**, Eric's expertise, knowledge, and skills gave the District the capability to accomplish the goals of the programs; and

**WHEREAS**, Eric Olson was always willing to help out when we had need, even when his workload was overwhelming; and,

**WHEREAS**, In the time that Eric worked as a Air Pollution Control Specialist, he has impacted everyone in the county, and he has done so with integrity, fairness in all things, and with the highest ethical standards; and,

**Therefore**, the Siskiyou County Air Pollution Control District Board of Directors extends immense respect and appreciation to Eric Olson for his many years of dedicated service to the citizens of Siskiyou County and his fellow employees and wish Eric all the best for the future.

Unanimously passed and adopted this 11th day of February 2025:

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Michael N. Kobseff, Chair  
Siskiyou County Air Pollution Control District  
Board of Directors

ATTEST: Laura Bynum, County Clerk

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# Agenda Worksheet

Submit completed worksheet to:  
Siskiyou County Clerk, 311 Fourth St., Rm 201, Yreka, CA 96097

Regular \_\_\_\_\_ Time Requested: 5 min Meeting Date: February 11, 2025

OR

Consent

SA

Contact Person/Department: Dian Collier/Air Pollution Phone: 841-4111

Address: 525 S. Foothill Dr. Yreka CA 96097

Person Appearing/Title: Jim Smith/APCO

### Subject/Summary of Issue:

The Air Pollution Control Officer respectfully requests that the Siskiyou County Air Pollution Control District Board of Directors adopt the attached Resolution changing the District's meeting schedule.

### Financial Impact:

NO  Describe why no financial impact: Presentation only

YES  Describe impact by indicating amount budgeted and funding source below

Amount: \_\_\_\_\_

Fund: \_\_\_\_\_ Description: \_\_\_\_\_ Org.: \_\_\_\_\_ Description: \_\_\_\_\_

Account: \_\_\_\_\_ Description: \_\_\_\_\_

Activity Code: \_\_\_\_\_ Description: \_\_\_\_\_

Local Preference: YES  NO

For Contracts – Explain how vendor was selected:

Additional Information:

### Recommended Motion:

The Siskiyou County Air Pollution Control District Board of Directors hereby adopts the resolution to the new meeting schedule.

#### Reviewed as recommended by policy:

County Counsel \_\_\_\_\_

Auditor \_\_\_\_\_

Personnel \_\_\_\_\_

CAO \_\_\_\_\_

#### Special Requests:

Certified Minute Order(s)  Quantity: 2

Other: \_\_\_\_\_

**NOTE: For consideration for placement on the agenda, the original agenda worksheet and backup material must be submitted directly to the Board Clerk (after reviewing signatures have been obtained) by 10:00 a.m. on the Monday the week prior to the Board Meeting.**

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS FOR THE SISKIYOU COUNTY AIR POLLUTION CONTROL DISTRICT PROVIDING THE TIME AND PLACE FOR HOLDING THE BOARD'S REGULAR MEETINGS**

WHEREAS, California Government Code Section 54954 provides that the Siskiyou County Air Pollution Control District Board of Directors may set the time and place of meetings and adopt rules for such procedure for the District Board of Directors by resolution; and

WHEREAS, the District Board of Directors desires to set the time and place for its regular meeting schedule;

NOW, THEREFORE, BE IT RESOLVED that the Siskiyou County Air Pollution Control District Board of Directors RESOLVES AS FOLLOWS:

That the Siskiyou County Air Pollution Control District Board of Directors' regular meeting schedule be commenced at least once a quarter annually, occurring on the second Tuesday during the following months, except August which will be on the first Tuesday of the month:

- February
- May
- August
- October

PASSED AND ADOPTED by the Siskiyou County Air Pollution Control District Board of Directors at a special meeting of said Board held on the 11<sup>th</sup> day of February, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Michael N. Kobseff, Chair  
Siskiyou County Air Pollution Control District  
Board of Directors

ATTEST: LAURA BYNUM, COUNTY CLERK  
Board of Directors

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By: Deputy



Resolution No. \_\_\_\_ - \_\_\_\_

**A RESOLUTION OF THE SISKIYOU COUNTY AIR POLLUTION CONTROL BOARD  
AUTHORIZING THE DISTRICT TO PARTICIPATE IN THE EPA IRA AIR MONITORING  
GRANT PROGRAM**

**WHEREAS**, the United States Environmental Protection Agency (EPA) under the Inflation Reduction Act of 2022 section 60105(a)(b) has elected to issue grant funding totaling approximately \$81,000,000 for grants and other activities authorized under subsections (a) thru (c) to expand and enhance air agencies' air monitoring across the country; and

**WHEREAS**, the EPA has entered into a grant agreement with the California Air Pollution Control Officers Association (CAPCOA) for the administration of the Program; and

**WHEREAS**, the EPA/CAPCOA grant agreement requires CAPCOA to administer the Program through local air districts, in this case, the Siskiyou County Air Pollution Control District (District); and

**WHEREAS**, CAPCOA to administer the Program in accordance with guidelines established by CARB; and

**WHEREAS**, the District shall receive funding from CAPCOA in the amount of \$357,431.00.

**NOW, THEREFORE, BE IT RESOLVED** that the Siskiyou County Air Pollution Control Board hereby:

- 1) Appoints the Air Pollution Control Officer as signature authority for the District to conduct all negotiations and execute and submit all necessary Program documents;
- 2) Authorizes expenditures which include salaries, benefits, public outreach, education and administrative expenses, associated with and in furtherance of the Program;
- 3) Authorizes a budget amendment for this Fiscal Year 2024-2025 increasing revenues and expenditures for the Program in the amount of \$357,431.00, and budget appropriation for subsequent fiscal years for the duration of the program;



I hereby certify that the foregoing is a full, true and correct copy of the Resolution duly and regularly adopted by the Siskiyou County Air Pollution Control District this 11th day of February, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Michael N. Kobseff, Chair  
Siskiyou County Air Pollution Control District  
Board of Directors

ATTEST: LAURA BYNUM, COUNTY CLERK  
Board of Directors

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By: Deputy



# COUNTY OF SISKIYOU

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## AIR POLLUTION CONTROL DISTRICT

525 SOUTH FOOTHILL DRIVE  
YREKA, CALIFORNIA 96097-3090  
PHONE: (530) 841-4025  
FAX: (530) 842-6690

JAMES E. SMITH  
*Air Pollution Control Officer*

**Project Title:**

New and Existing Multipollutant Monitoring Site Enhancements in Siskiyou County

**Applicant Information:**

Siskiyou County Air Pollution Control District  
525 South Foothill Drive  
Yreka, CA 96097

**Contacts:**

James E. (Jim) Smith Air Pollution Control Officer  
Phone Number: 530-841-4033 / Email: [jsmith@co.siskiyou.ca.us](mailto:jsmith@co.siskiyou.ca.us)  
Dian Collier ASM II  
Phone Number: 530-841-4111 / Email: [dcollier@co.siskiyou.ca.us](mailto:dcollier@co.siskiyou.ca.us)

**Amount of Funding Awarded: \$357,431.00**

**Project Period:**

Existing Sites Fiscal Years 2024/2025 – 2029/2030  
New Site Fiscal Years 2024/2025 – 2026/2027

**Existing air pollutant monitoring stations in Siskiyou County:**

Mt Shasta Elementary School station (site ID pending)  
Yreka Foothill station (site ID: 060902001)

**Proposed new pollutant monitoring station in Siskiyou County:**

Happy Camp Lower Airport station (site ID pending)

**Project Description:**

The proposed project includes these components:

1. Augmenting Siskiyou County ozone and PM<sub>2.5</sub> air monitoring network,
2. Enhancing the data quality assurance for existing and new air monitoring sites,
3. Improving and preserving the operation of the ambient air monitoring network in Siskiyou County.

1. Augmenting Siskiyou County Ozone and PM<sub>2.5</sub> Air Monitoring Network

- a) The Siskiyou County Air Pollution Control District (District) proposes to install, operate, and maintain a new PM<sub>2.5</sub> air monitoring station in Happy Camp, California. The economically disadvantaged residents of the Happy Camp community are consistently subjected to disproportionate emissions from wildfires. Improved ambient air quality measurements can support health-based decision-making. The District has preliminary land manager approvals for installation and operation of a Special Purpose Monitor site PM<sub>2.5</sub>. The Happy Camp monitoring site will include a BAM 1022 PM<sub>2.5</sub> monitor, ozone analyzer, weather station, and Agilaire datalogger. The District proposes that the Happy Camp site have electrical and data service provided to the new air monitoring equipment installed on a stationary trailer.
- b) The District proposes to purchase one (1) T703U ozone calibrator for use with the previously IRA funded ozone analyzer to conduct automatic Quality Control (QC) checks daily.
- c) The District proposes to purchase, install, and maintain secure telemetry system equipment at the Happy Camp site by connecting to the available network with new datalogger, firewall, and necessary service contracts.

- d) The District proposes to purchase and operate portable solar/AC powered AQSync multi-pollutant Special Purpose Monitors and for source monitoring, incident response, and transport study. The FEM designated AQSync will monitor multi-pollutants in disadvantaged communities of Siskiyou County including Tulelake near the Klamath Basin PM<sub>2.5</sub> Maintenance area, Weed near biomass Title V source, and Yreka neighborhood of a synthetic-minor biomass source.

2. Enhancing Data Quality Assurance for Existing and New Air Monitoring Sites

- a) The District proposes that the new Teledyne API T703U ozone calibrator be deployed by District site operators in performing semi-annual multipoint verifications/calibrations on ozone analyzers at monitoring sites. The unit will be stationed at the District's office.
- b) The District also proposes to purchase one (1) portable zero air generator (Teledyne API 751H). This portable zero air generator will be paired with an ozone calibrator for in-person semi-annual multipoint calibrations at sites. It can provide stable zero air flows for instrument calibrations and enhance the zero air checks required by CARB's Quality Assurance Program Plan (QAPP)
- c) The District proposes to purchase one (1) Teledyne API T400 UV photometric ozone analyzer. This analyzer will be used for quarterly verifications of the zero-air generator used for either routine QC checks or semi-annual multipoint verifications. The unit will be stationed at the District's office.
- d) The District proposes the purchase of PM<sub>2.5</sub> service equipment and consumables to keep the Happy Camp, Mt Shasta, and Yreka monitoring sites operable with minimized downtime to better meet data completeness goals for AQS reporting.

The above funding request proposal includes continued quality assurance improvements and support of the District monitoring network operation for up to a 5-year period. The detailed estimated funding request is included in the attachment.

3. Improving and Preserving Monitoring Network Operation

- a) The proposed instrument purchases include annual maintenance kits, consumables, and service parts for 2 to 5-year periods for the Happy Camp and Yreka sites respectively. These instruments and robust inventory of service parts will enhance the District's ozone monitoring operation and ensure the ozone data quality is accurate, reliable, and defensible. The proposed new ozone equipment totals \$63494.60. The detailed estimated funding requests are in the attachment. The funding would support the District to operate the air monitoring network continuously.
- b) The District proposes to purchase two (2) uninterruptible power supply (UPS) units for Happy Camp and Mt Shasta sites. Yreka is already equipped with UPS. Included in the proposal are three (3) UPS replacement batteries. Severe weather conditions often occur in Siskiyou County, leading to unstable supply of power. Frequent power outages not only interrupt the instrument operation but also cause electric damage to the instruments due to power surges. The UPS units can provide temporary power during power outages and protect instruments from power surges.
- c) The District proposes purchase of one (1) Alicat Scientific FP-25 Portable Flow Calibrator to replace one of the District's aging BGI Delta Cal flow standards. The Alicat FP-25 has a much shorter turn-around time for annual calibration certifications at significantly lower costs.
- d) The District proposes continued upgrades to its air quality data management system including purchase and installation of air quality equipment cabinet on permanent foundation with buried electrical service, data logger, UPS, and telemetry at the Mount Shasta Elementary School site. The improvements will help to preserve the Elementary School site's data collection, retention, and transmission.
- e) In addition to the data and software service expenses, the District would also request funding to support the staffing expenses. Currently, the District has two air pollution specialists solely responsible for all monitoring network operation and data reporting. Air monitoring is an important tool for improving air quality, protecting public health, and ensuring compliance with more strengthened ambient air quality standards. The District's operational revenues continue to shrink due to reduced State of California subvention funding that could further strain District air monitoring operations. The District requests additional funding (equal to 25% of staffing operational expenses) that will assist the District to sustain the monitoring network operation for at least a 2-year period.



# COUNTY OF SISKIYOU

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## AIR POLLUTION CONTROL DISTRICT

525 SOUTH FOOTHILL DRIVE  
YREKA, CALIFORNIA 96097-3090  
PHONE: (530) 841-4025  
FAX: (530) 842-6690

**JAMES E. SMITH**  
*Air Pollution Control Officer*

**Conclusion:**

IRA Section 60105 (a) & (b) funding will help improve and sustain the District's air monitoring network. Our constituents increasingly follow reported air quality data. Public Health officials, air quality regulators, and decision makers track compliance with ambient air quality standards to protect public health. The Siskiyou County Air Pollution Control District IRA Grant Proposal when funded and implemented will greatly assist air quality maintenance goals for the betterment of residents and visitors of Siskiyou County.

Siskiyou APCD IRA Grant 60105 (a) (b) Proposal

Category	Quantity	Description	Vendor	Cost each	Extended	Component #
<b>New Ozone Equipment</b>						
	1	T703U Calibrator	Clipper Controls / Teledyne API	20,000.00	20,000.00	1, 2
	1	T400 Analyzer	Clipper Controls / Teledyne API	11,000.00	11,000.00	1, 2
	1	751H O-Air Supply	Clipper Controls / Teledyne API	10,500.00	10,500.00	1, 2
	5	751H Maint. Kit	Clipper Controls / Teledyne API	600.00	3,000.00	1, 2
	10	25' Roll 0.25" PTFE	Grainger	95.00	950.00	1, 2
	15	1/4" PTFE fittings	Swagelok (Union, Cap, & T, 5-ea.)	139.82	2,097.30	1
	2	PFA Filter housing	Savillex	166.95	333.90	1, 2
	2	94100 Flow Orifice	Clipper Controls / Teledyne API	56.00	112.00	1, 2
	1	O3 Gen. Thermistor	Clipper Controls / Teledyne API	237.00	237.00	1, 2
	2	Internal Pump Assy	Clipper Controls / Teledyne API	1,144.00	2,288.00	1, 2
	5	O3 Scrubber	Clipper Controls / Teledyne API	489.00	2,445.00	1, 2
	1	Press. Reg. Assy.	Clipper Controls / Teledyne API	222.00	222.00	1, 2
	2	751H Pump Rbl'd Kit	Clipper Controls / Teledyne API	536.00	1,072.00	1, 2
	2	607 Pump Rbl'd Kit	Clipper Controls / Teledyne API	269.00	538.00	1, 2
	1	Pump Assembly	Clipper Controls / Teledyne API	1,466.00	1,466.00	1, 2
	4	Charcoal Filter	Clipper Controls / Teledyne API	191.00	764.00	1, 2
	5	9690300 Filter Pk	Clipper Controls / Teledyne API	394.00	1,970.00	1, 2
	4	05240000 UV Lamp	Clipper Controls / Teledyne API	488.00	1,952.00	1, 2
	4	05766000A Filter	Clipper Controls / Teledyne API	96.00	384.00	1, 2
	4	KIT000290	Clipper Controls / Teledyne API	549.00	2,196.00	1, 2
	2	Maint Kit 42A	Clipper Controls / Teledyne API	36.00	72.00	1, 2
	2	08483000 Int. Pump	Clipper Controls / Teledyne API	1,100.00	2,200.00	1, 2
		<b>New Ozone Equipment Subtotal</b>			<b>65,799.20</b>	
<b>New PM2.5 Equipment and Consumables</b>						
	1	FP-25 Flow Standard	Alicat Scientific	3250.00	3250.00	1, 2
	5	680828 Pump Kit	AECOM / Met One Instruments	184.00	920.00	1, 2
	60	Filter Tape	AECOM / Met One Instruments	74.10	4,446.00	1
		<b>New PM2.5 Equipment and Consumables Subtotal</b>			<b>8,616.00</b>	
<b>PM2.5 and Ozone Site Upgrades</b>						
	1	4383T Enclosed Trlr.	2025 EZ Hauler / C-C Trailer Sales	13600.00	13,600.00	1, 3
	2	108F Switch	Fortinet	377.00	754.00	1, 3
	2	40-F Firewall	Fortinet	495.00	990.00	1, 3
	2	APC 3000 UPS	APC	2025.00	4,050.00	1, 3
	3	RBS 43 Battery	APC	489.00	1,467.00	1, 3
	2	18U Cabinet	Amazon / SYSRACKS	319.99	639.98	1, 3
	1	Equipment Shelter	Clipper Controls / Open Channel	5490.00	5,490.00	3
	1	Equipment Cabinet	Shelter1	16875.00	16,875.00	1
	1	AQSync Pkg	2B Technologies	91910.00	91910.00	1
		<b>PM2.5 and Ozone Site Upgrades Subtotal</b>			<b>135,775.98</b>	
<b>PM2.5 and Ozone Data &amp; Service Fees</b>						
	5	Annual Calibrations	Alicat Scientific	400.00	2,000.00	3
	2	Install Elec. Service	SW Maintenance Corp.		27,080.00	1, 3
	1	Install Pad	Prevailing Wage Estimated	1500.00	1,500.00	3
	5	Annual Support	Fortinet & Agilaire	2555.00	12,775.00	1, 3
	7	40F Firewall	1-Year Fortinet Contract	842.00	5,894.00	1, 3
	24	Monthly Data	Siskiyou Telephone Service	90.00	2,160.00	1
	1	Connection Fee	Siskiyou Telephone	41.00	41.00	1
	3	Shipping/Freight	Open Channel, Shelter1, 2B Tech		4,500.00	1, 2, 3
		<b>PM2.5 and Ozone Data &amp; Service Fees Subtotal</b>			<b>\$ 55,950.00</b>	
<b>Staff and Training</b>					<b>Staff and Training Total</b>	<b>\$ 75,000.00</b>
					<b>Total Taxable Categories</b>	<b>\$ 210,191.18</b>
					<b>Sales Tax Total</b>	<b>0.0775 \$ 16,289.82</b>
					<b>IRA Direct Funding 60105 (a) (b) Total</b>	<b>\$ 357,431.00</b>



# Air Monitoring Grants Under the Inflation Reduction Act of 2022

Program Guidance for Air Pollution Control Agencies

United States Environmental Protection Agency  
Office of Air and Radiation

February 2024

## Summary

### Program Guidance for Air Monitoring Grants under the Inflation Reduction Act of 2022 (IRA)

Section 60105(a) of the Inflation Reduction Act (IRA) provides funding for “grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act to deploy, integrate, support, and maintain fence-line air monitoring, screening air monitoring, national air toxics trend stations, and other air toxics and community monitoring.”

Section 60105(b) of the IRA provides funding for “grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (1) to expand the national ambient air quality monitoring network with new multipollutant monitoring stations; and (2) to replace, repair, operate, and maintain existing monitors.”

The EPA has elected to issue noncompetitive grant funding under IRA Sections 60105(a) and 60105(b) totaling approximately \$81,000,000 to eligible state, local, Tribal, and territorial air pollution control agencies under CAA section 103. These funds may be used for air monitoring related activities authorized under CAA section 103. No cost share is required.

The term “grant” in this guidance refers to both grants and cooperative agreements, as defined by 2 CFR 200.1. Eligible state, local, Tribal, and territorial entities will receive a grant or cooperative agreement depending on whether the EPA will be substantially involved in the project(s) funded by the assistance agreement.

These grants may include any cost category (e.g., personnel, supplies, contractual) provided:

- the costs are eligible under both CAA section 103 (a)-(c) and IRA Sections (a) or (b);
- the costs are reasonable<sup>1</sup>; and
- the costs are incurred directly or indirectly to carry out the activities included in the work plan.

Applicants should consult EPA’s How to Develop a Budget website for assistance with developing their budget.

The EPA encourages eligible state, local, Tribal, and territorial air agencies to submit grant applications as soon as possible and no later than April 8, 2024.

<sup>1</sup> A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. Refer to 2 CFR 200.404 for additional details.

## Contents

I. Overview .....	4
II. Assistance Listing.....	4
III. Statutory Authority .....	4
IV. Cost Sharing.....	5
V. Justice40 Initiative and Advancing Environmental Justice .....	5
VI. Eligible Entities .....	6
VII. Allocation of IRA Air Monitoring Grant Funds.....	7
Needs Assessment Background .....	7
Allocation Approach .....	7
VIII. Application Package and Submission Information .....	9
IX. Work Plan Contents .....	10
Eligible Activities.....	10
Period of Performance .....	12
Environmental Results and Strategic Plan Information .....	12
Strategic Plan Linkage .....	12
Outputs.....	12
Outcomes .....	13
X. Reporting Requirements .....	13
XI. Grant Terms and Conditions.....	14



## I. Overview

In August 2022, Congress passed the Inflation Reduction Act (IRA), which provided funding for various air monitoring activities, including funds to be used for fenceline and multipollutant monitoring. In the context of these IRA provisions and this grant program, fenceline and multipollutant monitoring includes screening air monitoring, national air toxics trend stations, other air toxics and community monitoring, and ambient air monitoring stations designed to monitor for more than one air pollutant.

The non-competitive grants to be awarded to air pollution control agencies under this funding opportunity are expected to include activities that will result in either establishing new air monitoring activities and stations or in maintaining, operating, or upgrading existing monitoring activities and stations.

## II. Assistance Listing

The EPA will award these grants under assistance listing 66.034 – Surveys, Studies, Research, Investigations, Demonstrations, and Special Purpose Activities Relating to the Clean Air Act

## III. Statutory Authority

Sections 60105(a) and (b) of the Inflation Reduction Act provide funding for “grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act.”

Section 60105(a) of the IRA provides funding “to deploy, integrate, support, and maintain fenceline air monitoring, screening air monitoring, national air toxics trend stations, and other air toxics and community monitoring.”

Section 60105(b) of the IRA provides funding “(1) to expand the national ambient air quality monitoring network with new multipollutant monitoring stations; and (2) to replace, repair, operate, and maintain existing monitors.”

The statutory authority for this program is Clean Air Act section 103, which authorizes “the coordination and acceleration of, research, investigations, experiments, demonstrations, surveys, and studies relating to the causes, effects (including health and welfare effects), extent, prevention, and control of air pollution.”

The funding covered by this guidance will support activities related to establishing new air monitoring stations or in maintaining, operating, or upgrading existing monitoring stations. Grantees will receive one grant for activities covered by this guidance, which will be funded by section 60105(a) or (b). The allocation in this guidance provides the intended total amount of funding for each Region. OAR will work with the EPA Regions to determine the breakdown of funding between section 60105(a) and (b).

Because this funding comes from a different appropriation, the EPA must award these grants separately from other CAA section 103 and/or 105 grants that the eligible agencies may typically receive from the EPA (*i.e.*, annual state and Tribal assistance grants). However, similarly to the way annual state and

Tribal assistance grants are allocated, these IRA air monitoring grants will be distributed to the ten EPA Regional Offices who will make awards to individual air agencies in their Region.

#### IV. Cost Sharing

These grants will be issued under CAA section 103. No cost share is required by CAA section 103.

#### V. Justice40 Initiative and Advancing Environmental Justice

The goal of the Justice40 Initiative is to ensure that "...40 percent of the overall benefits of certain Federal investments flow to disadvantaged communities that are marginalized, underserved, and overburdened by pollution." This grant program is considered a "covered program" in the Justice40 Initiative. The EPA is committed to meeting the objectives of the Justice40 Initiative set forth in Executive Order 14008. In addition, the EPA is committed to accelerating environmental justice in communities overburdened by pollution through its IRA investments, including through this grant program.

Additionally, this program is responsive to the Administration's call for agencies to advance environmental justice in Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All. Environmental Justice is the just treatment and meaningful involvement of all people regardless of income, race, color, national origin, Tribal affiliation, or disability in agency decision making and other Federal activities that affect human health and the environment so that people:

- a) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
- b) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices with respect to the development, implementation, and enforcement of environmental laws, regulations, policies, and investments.

Disadvantaged communities are more likely to suffer from the disproportionate and adverse environmental, human health, climate-related, and other cumulative impacts, and their adverse economic consequences. These disproportionate and adverse impacts may include:

- Differential proximity and exposure to environmental hazards;
- Greater susceptibility to adverse effects from environmental hazards (due to genetic predisposition, age, chronic medical conditions, lack of health care access, or poor nutrition);
- Unique environmental exposures because of practices linked to cultural background or socioeconomic status (e.g., subsistence fishing or farming);
- Cumulative effects from multiple chemical and non-chemical stressors;
- Reduced ability to effectively participate in decision-making processes due to language barriers, inability to access traditional communication channels, or limited capacity to access technical and legal resources; and

- Degraded physical infrastructure, such as poor housing, poorly maintained public buildings (e.g., schools), or lack of access to transportation.

For the purposes of this guidance, the EPA defines disadvantaged communities as any community that meets at least one of the following criteria:

- Any census tract that is identified as disadvantaged in Climate and Economic Justice Screening Tool (CEJST)<sup>2</sup>;
- Any census block group that is at or above the 90<sup>th</sup> percentile for any of EJScreen’s Supplemental Indexes when compared to the nation or state<sup>3</sup>; and/or,
- Any geographic area within Tribal lands as included in EJScreen<sup>4</sup>.

IRA funding from sections 60105(a) and (b) is covered by the Justice40 initiative. Therefore, workplans should address how the overall outcomes of the workplan support Justice40 using the above criteria, including information about new and existing sites in disadvantaged communities, as shown using the EPA IRA Disadvantaged Communities Map<sup>5</sup>.

<sup>2</sup> <https://screeningtool.geoplatform.gov>

<sup>3</sup> EJScreen is the EPA’s environmental justice mapping and screening tool that uses national datasets for environmental and socioeconomic indicators to show how a selected area compares to the state, the EPA region, or the nation. EJScreen operates at a finer geographic scale of Census block groups than the CEJST, allowing EJScreen Supplemental Indexes to identify smaller areas that may be disadvantaged within a larger non-disadvantaged area. To identify areas in EJScreen that meet one of the above definitions of a low-income or disadvantaged community, applicants should use the “Supplemental Indices” option under the tool’s map layers.

<sup>4</sup> The Tribal Lands category in EJScreen to use for this purpose includes Alaska Native Allotments (EPA Metadata Record), Alaska Native Villages (EPA Metadata Record), American Indian Reservations (EPA Metadata Record), American Indian Off-reservation Trust Lands (EPA Metadata Record), and Oklahoma Tribal Statistical Areas (EPA Metadata Record).

<sup>5</sup> <https://www.epa.gov/environmentaljustice/inflation-reduction-act-disadvantaged-communities-map>

## VI. Eligible Entities

Eligible air agencies for the purpose of this funding opportunity are air pollution control agencies currently involved in air monitoring activities that regularly receive CAA section 103 or 105 grants either annually or every few years. “Air pollution control agencies” as defined by section 302 of the Clean Air Act include air agencies of states (including the District of Columbia, American Samoa, Commonwealth of the Northern Marianas, Guam, Puerto Rico, and the U.S. Virgin Islands), local governments, and federally recognized Tribes. These funds are one-time funds and air agencies should have plans to sustain the work after the period of performance of these grants.

Any subawards must be consistent with the definition of that term in 2 CFR 200.1 and comply with EPA’s Subaward Policy. The pass-through entity that administers the grant will be accountable to the EPA for proper expenditure of the funds and reporting and will be the point of contact for the project. As provided in 2 CFR 200.332, subrecipients are accountable to the pass-through entity for proper use of the EPA funding. For-profit organizations are not eligible for subawards under this grant program but may receive procurement contracts. Any contracts for services or products funded with the EPA financial assistance must be awarded under the competitive procurement procedures of 2 CFR Part 200 and/or 2

CFR Part 1500, as applicable. The regulations at 2 CFR 1500.10 contain limitations on the extent to which the EPA funds may be used to compensate individual consultants. Refer to the [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) for guidance on competitive procurement requirements and consultant compensation. Do not name a procurement contractor (including a consultant) as a “partner” or otherwise in your application unless the contractor has been selected in compliance with competitive procurement requirements.

## VII. Allocation of IRA Air Monitoring Grant Funds

In August 2023, the EPA conducted an air monitoring needs assessment of eligible entities to better understand the fence-line and multipollutant monitoring needs of eligible air agencies to inform the allocation approach.

### **Needs Assessment Background**

Eligible state, local, and Tribal air monitoring agencies submitted to the EPA air monitoring needs and associated details related to several categories. The EPA collected needs related to air monitoring equipment and support equipment for new and existing sites (including National Air Toxics Trends Stations (NATTS) and multipollutant sites), special studies, training, staffing, and contract support. Agencies provided details regarding the total expected cost of addressing these needs, pollutant(s) of focus, geographic location, whether the need is in a disadvantaged community, etc.

The submitted needs of eligible agencies far exceed the funds available under these IRA monitoring provisions. The funding allocation approach is informed by those needs but will not fully satisfy them.

### **Allocation Approach**

A portion of IRA funds from IRA sections 60105(a) and 60105(b) totaling approximately \$81,000,000 will be allocated across the EPA Regions based on priorities identified in the IRA monitoring provisions, results from the IRA monitoring needs assessment, and information about the number of air quality monitors agencies operate. More specifically, the EPA identifies five factors to distribute funds from these two IRA provisions across the Regions:

- 1) **New National Air Toxics Trends Stations (NATTS):** The allocation supports deploying or expanding new NATTS sites and is based on state, local, and Tribal agency interest, communicated via the needs assessment, in establishing and operating a new NATTS site. The Regional allocation includes \$200,000 per new NATTS site along three years of operational support (\$179,000 per year).
- 2) **Existing NATTS sites:** The allocation supports maintenance of existing sites and is based on the number of existing NATTS sites and laboratories operating in each EPA Region. The Regional allocation includes one-time funding of \$50,000 per existing NATTS site, with an additional \$75,000 for agencies that operate NATTS labs.
- 3) **New Multipollutant Monitoring sites:** The allocation supports deploying or expanding new multipollutant monitoring sites and is based on the number of new multipollutant monitoring sites requested by air agencies in the needs assessment, with considerations of future network sustainability. The EPA expects that these funds will be awarded to agencies taking into account their existing monitoring network, regulatory requirements, unmonitored areas, and plans by the air agency to maintain site operation. The Regional allocation includes the amounts

requested via the needs assessment up to \$200,000 in one-time funds for each newly established site, with a maximum of 3 to 4 new sites per agency.

- 4) **Existing Multipollutant Monitoring sites:** The allocation supports maintenance of existing sites and is based on the number of monitors<sup>6</sup> reporting to EPA's Air Quality System (AQS) that eligible state, local, and Tribal agencies operate. The number of AQS monitors was used as an indicator of the amount of existing monitoring conducted by eligible agencies, which is related to the amount of funds the EPA expects to award to agencies for this category. For example, the Regional allocation includes \$75,000 for agencies operating between 0-5<sup>7</sup> monitors, \$355,000 for agencies operating between 6-90 monitors, and \$555,000 for agencies operating more than 90 monitors. The majority of eligible air agencies operate between 0-5 air monitors. Most of the funds allocated to the Regions support this factor.
- 5) **Staffing, Contracts, and/or Training Support:** The allocation supports integration and operation, and maintenance of air monitoring and is based on the number of AQS monitors that eligible state, local, and Tribal agencies operate. The number of AQS monitors was used as an indicator of the amount of existing monitoring conducted by eligible agencies, which is related to the amount of funds that the EPA expects to award to agencies for staffing, contracts, and/or training support. The Regional allocation includes approximately half the level of funding for staffing, contracts, and/or training support as they receive for existing site support (i.e., factor #4 above).

An example of potential funding available to a medium-sized agency, operating 50 monitors, operating 1 NATTS site and lab, and requesting 1 new multipollutant site is shown below<sup>8</sup>:

Category	Funding
New NATTS Site	\$0
Existing NATTS Site and Lab Support	\$125,000
New Multipollutant Site	\$200,000
Existing multipollutant Sites	\$355,000
Staffing, Contracts, and/or Training Support	\$177,500
<b>Grant Total</b>	<b>\$857,500</b>

The resulting planned allocation across the EPA Regions is provided in the table below. It is expected that the minimum award under this program will be approximately \$100,000. The size of awards will be related to the level of ongoing ambient air monitoring work, the number of new sites requested, number of NATTS sites and laboratories, and the air monitoring needs of the agencies. The EPA Regional Offices have discretion regarding final grant distributions and may elect to include proposed grant maximums in their "please apply" letters to air agencies. The total awards and final allocation may differ slightly from the planned allocation upon implementation.

<sup>6</sup> AQS monitors/agency were determined based on the assigned AQS collecting agency, accounting for samplers and analyzers that generate multiple parameters, and excluding meteorological parameters.

<sup>7</sup> The EPA allocated funding for eligible agencies that currently report no data to AQS.

<sup>8</sup>This is provided as an example and assumes that the workplan includes eligible activities consistent with the funding levels.

**Table 1.** Planned Allocations to the EPA Regional Offices for Direct Awards under IRA sections 60105(a) and (b).

EPA Region	Planned Allocation
1	\$4,657,500
2	\$2,697,500
3	\$6,665,000
4	\$14,205,000
5	\$7,902,500
6	\$5,127,500
7	\$4,407,500
8	\$8,197,500
9	\$20,945,000
10	\$6,137,000
<b>Total</b>	<b>\$80,942,000</b>

Grantees will receive one grant for activities covered by this guidance, which will be funded by section 60105(a) or (b). The allocation in this guidance provides the intended total amount of funding for each Region. OAR will work with the EPA Regions to determine the breakdown of funding between section 60105(a) and (b).

## VIII. Application Package and Submission Information

Applicants must apply electronically through [Grants.gov](https://www.grants.gov) for IRA Air Monitoring grants based on the Grants.gov instructions in this guidance. The following forms are required for each application and will be accessible through the funding announcement in Grants.gov. Applicants may work with their EPA Region prior to submitting applications via Grants.gov; the EPA Regional Offices will provide “please apply” letters, application instructions, and other information. Eligible air agencies must have both an active SAM.gov and Grants.gov account. Applicants should ensure as soon as possible that their accounts are active. Click this [link](#) for additional information about registering in SAM.gov and Grants.gov.

- Cover Page- The EPA has provided an example cover page template with the posting for this opportunity on Grants.gov. The example template is optional. The EPA will not penalize or withhold a benefit from an applicant who provides information in another format.
- Standard Form 424, *Application for Federal Assistance*. Please note that the organizational Unique Entity Identifier (UEI) must be included on the SF-424
- Standard Form 424A, *Budget Information for Non-Construction Programs*
- EPA Form 4700-4, *Pre-Award Compliance Review Report* (see [EPA Tips for Completing Form 4700-4](#))
- EPA Form 5700-54, *Key Contacts Form*
- Grants.gov Lobbying Form – for any grant over \$100,000

- Project Narrative Attachment Form, *Project Narrative* – see Section IX. Work Plan Contents below
- Budget narrative (Detail budget) – Applicants should consult with “Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance” for assistance with developing their budget.

Use “Other Attachments” Form for any additional supporting documents.

The EPA encourages eligible state, local, Tribal, and territorial air agencies to submit grant applications as soon as possible and no later than April 8, 2024.

## IX. Work Plan Contents

As required under 40 CFR 107(b) for state and local air agencies and 40 CFR 507(b) for Tribal air agencies, all work plans must specify:

- The work plan components (i.e., activities) to be funded under the grant;
- The estimated work years and the estimated funding amounts for each work plan component;
- The work plan commitments for each work plan component and a time frame for their accomplishment;
- A performance evaluation process and reporting schedule; and
- The roles and responsibilities of the recipient and the EPA in carrying out the work plan commitments.

IRA funding from sections 60105(a) and (b) is covered by the Justice40 initiative outlined in Section V of this document. Therefore, workplans should address how the overall outcomes of the workplan support Justice40 goals, using the criteria in Section V of this guidance, including information about new and existing sites in disadvantaged communities, as shown using the EPA’s IRA Disadvantaged Communities Map.

### **Eligible Activities**

Eligible air agencies may use the 60105(a)-(b) IRA Air Monitoring funds for air monitoring related activities under CAA section 103. Within reason, this funding may be used to continue work that began under another federally funded air monitoring project, assuming that there is no duplication of work, and proposed costs must follow the Basic Considerations of the Uniform Grant Guidance (see 2 CFR 200.403 through 411). Any cost category, including staffing and contracting costs, included in the workplan must support the activities outlined in the workplan only and cannot be used for other activities. See the EPA’s Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance for additional details on determining the eligibility of costs and developing a budget.

The primary goal of this program is to expand and enhance air agencies’ air monitoring across the country. The EPA expects primarily to fund new or replace existing eligible air monitoring equipment with these grants. Examples of eligible activities for the Fenceline and Multipollutant Monitoring provisions include but are not limited to the following:

- Establishing and operating new NATTS sites<sup>9</sup>;
- Supporting, maintaining, and upgrading existing NATTS sites or NATTS laboratories;
- Establishing and operating new multipollutant sites<sup>10</sup>;
- Replacing, repairing, operating, and maintaining existing air toxics and multipollutant monitoring operations;
- Fenceline, screening, and/or community air monitoring projects;
- Air monitoring related training courses or activities;
- Air monitoring related staffing needs that result from work identified in the workplan;
- Ambient air monitoring asset management support;
- Maintaining or enhancing data collection-related network security;
- Quality assurance and/or quality control documentation and audit activities.

OAR will work with the EPA Regions to determine the breakdown of funding between section 60105(a) and (b), depending on the eligible activities listed in the workplan.

Applicants should include those activities they choose to undertake in their work plan and provide associated outputs and outcomes for each activity. Grantees will be expected to submit semi-annual progress reports to the EPA on progress in meeting the agreed-upon outputs and outcomes.

Prior to naming a contractor (including consultants) or subrecipient in your application as a “partner,” please carefully review EPA’s Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements, EPA’s Subaward Policy, and EPA’s Subaward Policy Frequent Questions. As provided in 2 CFR 200.317, with limited exceptions, state air agencies follow the same policies and procedures they follow for procurements financed with non-Federal funds. All other grantees must compete contracts for services and products, including consultant contracts, and conduct cost and price analyses, to the extent required by the procurement provisions of the regulations at 2 CFR Part 200. Applicants are not required to identify subrecipients and/or contractors (including consultants) in their grant application. However, if they do, the fact that an applicant selected for award has named a specific subrecipient, contractor, or consultant in the application EPA selects for funding does not relieve the applicant of its obligations to comply with subaward and/or competitive procurement requirements as described in the referenced guidances. **Please note that applicants may not award sole source contracts to consulting, engineering, or other firms assisting applicants with the application solely based on the firm’s role in preparing the application or based on an assertion that the individual or firm has “unique qualifications.”**

The EPA expects recipients of funding to comply with competitive procurement contracting requirements in 2 CFR Parts 200 and 1500 as well as the EPA’s rule on Participation by Disadvantaged Business Enterprises in EPA Programs in 40 CFR Part 33. **The Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace such as consulting, data analysis, or project management.**

For additional guidance, applicants should review EPA’s Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements, EPA’s Subaward Policy, and EPA’s Subaward Policy Frequent Questions.



<sup>9</sup> New NATTS sites must comply with the NATTS Technical Assistance Document, revision 4 available at <https://www.epa.gov/system/files/documents/2022-08/NATTS-TAD-Revision-4-Final-July-2022-508.pdf>.

<sup>10</sup> For the purposes of this grant program, multipollutant sites include sites designed to measure more than one air pollutant.

### **Period of Performance**

The maximum period of performance for these grants is up to five years. The period of performance should be based on the time required to accomplish the workplan components.

### **Environmental Results and Strategic Plan Information**

Pursuant to Section 6.a. of EPA Order 5700.7A1, “Environmental Results under EPA Assistance Agreements,” the EPA must link proposed assistance agreements with the Agency’s Strategic Plan. The EPA also requires that grant applicants and recipients adequately describe environmental outputs and outcomes to be achieved under assistance agreements (see [EPA Order 5700.7A1, Environmental Results under Assistance Agreements](#)). Applicants must include specific statements describing the environmental results of the proposed project in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that will demonstrate how the project will contribute to the Strategic Plan goals listed below.

### **Strategic Plan Linkage**

The activities to be funded under this announcement support the EPA’s Fiscal Year (FY) 2022-2026 Strategic Plan. Awards made under this announcement will support Goal 4: Ensure Clean and Healthy Air for All Communities, Objective 4.1: Improve Air Quality and Reduce Localized Pollution and Health Impacts. For more information see [EPA’s FY 2022 – FY 2026 EPA Strategic Plan](#).

### **Outputs**

The term “output” means an environmental activity, effort, and/or associated work product related to an environmental goal and objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period.

Applicants should identify outputs in their work plan associated with the eligible activities they choose to undertake. Expected outputs from the projects to be funded under this announcement include, but are not limited to:

- Number of new areas measuring air pollution;
- Number of new NATTS monitoring sites;
- Number of new multipollutant air monitoring sites;
- Number of new equipment deployed at existing air monitoring sites;
- Number of existing air monitoring sites and equipment supported and upgraded;
- Number of trainings for air quality monitoring;
- Development of quality assurance/quality control documentation;

- Completion of air monitoring related performance testing and/or audits.

## Outcomes

The term “outcome” means the result, effect or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related, or programmatic in nature, but must also be quantitative. They may not necessarily be achievable within an assistance agreement funding period.

Applicants should identify outcomes in their work plan associated with the eligible activities they chose to undertake. Expected outcomes from the projects to be funded under this announcement may include, but are not limited to:

- Increased disadvantaged communities monitored for air quality;
- Problem identification;
- Increased public awareness of ambient air quality;
- Increased access to information and tools that increase understanding and reduction of environmental and human health risks;
- Information about air quality in previously unmonitored areas;
- Increased sustainability of ambient air monitoring networks;
- Informed policy and decision making by air agencies;
- Mitigation actions from parties responsible for certain air pollution;
- Change in behavior of public based on new air quality information;
- Reduction of ambient concentrations of certain air pollutant(s);
- Reduction of human exposure to certain air pollutant(s);
- Publicly available air quality monitoring data for communities;
- Identification of new ambient air sampling and analysis methods;
- Benefits for disadvantaged communities.

## X. Reporting Requirements

Semi-annual progress reports and a detailed final report are required. Semi-annual progress reports should summarize technical progress, planned activities for the next six months, and expenditures. The final report shall be submitted to the EPA within 120 calendar days of the completion of the period of performance. The final report must include a summary of the project or activity, advances achieved, and costs of the project or activity. In addition, the final report shall discuss the problems, successes, and lessons learned from the project or activity that could help overcome structural, organizational, or technical obstacles to implementing a similar project elsewhere. The schedule for submission of semi-annual reports will be established by the EPA, after the grants are awarded. Award recipients may be provided with additional information and guidance on reporting performance measures and project progress after award.

**Performance Measures.** The applicant should also develop performance measures for key outputs and outcomes they expect to achieve through the proposed activities and describe them in their application. These performance measures will be the mechanism to track progress concerning successful processes as well as output and outcome strategies and will provide the basis for gaining insights and developing lessons to inform future recipients. It is expected that the description of performance measures will directly relate to the project outcomes and outputs (see previous section). The description of the performance measures will directly relate to the project’s planned outputs and outcomes, including but not limited to:

- Overseeing subrecipients, and/or contractors and vendors;
- Tracking and reporting project progress on expenditures and purchases; and
- Tracking, measuring, and reporting accomplishments and proposed timelines/milestones.

The following are questions to consider when developing output and outcome measures of quantitative and qualitative results:

- What are the measurable short-term and longer-term results the project will achieve?
- How does the plan measure progress in achieving the expected results (including outputs and outcomes) and how will the approach use resources effectively and efficiently?
- What are the expected locations of the outputs and outcomes?

## XI. Grant Terms and Conditions

Air agencies should be aware that the EPA’s General Grants Terms and Conditions will apply to these awards. Additional program-specific terms and conditions may also apply. For questions regarding this guidance document and the development of workplans, please contact the following, based on the EPA Region:

EPA Region	Point(s) of Contact	Contact Information
1	Jennifer Brady	617-918-1698; <a href="mailto:brady.jenniferL@epa.gov">brady.jenniferL@epa.gov</a>
2	Emmet Keveney	212-637-3459; <a href="mailto:Keveney.Emmet@epa.gov">Keveney.Emmet@epa.gov</a>
3	Krista Gonzalez AJ McCullough	215-814-3300; <a href="mailto:gonzalez.krista@epa.gov">gonzalez.krista@epa.gov</a> 215-814-2093; <a href="mailto:Mccullough.amanda@epa.gov">Mccullough.amanda@epa.gov</a>
4	Janine Morris Todd Rinck	404-562-9480; <a href="mailto:morris.janine@epa.gov">morris.janine@epa.gov</a> 404-562-9062; <a href="mailto:Rinck.Todd@epa.gov">Rinck.Todd@epa.gov</a>
5	Michelle Becker Nora Suntken	312-886-3901; <a href="mailto:becker.michelle@epa.gov">becker.michelle@epa.gov</a> 312-353-3298; <a href="mailto:suntken.nora@epa.gov">suntken.nora@epa.gov</a>
6	Donnett Patterson Aunjane Gautreaux (Tribal)	214-665-7418; <a href="mailto:Patterson.Donnnett@epa.gov">Patterson.Donnnett@epa.gov</a> 214-665-7127; <a href="mailto:Gautreaux.Aunjane@epa.gov">Gautreaux.Aunjane@epa.gov</a>
7	Stephanie Doolan Andy Hawkins	913- 551-7719; <a href="mailto:Doolan.Stephanie@epa.gov">Doolan.Stephanie@epa.gov</a> 913-551-7179; <a href="mailto:hawkins.andy@epa.gov">hawkins.andy@epa.gov</a>
8	Marisa McPhilliamy Emily Bertram	303-312-6965; <a href="mailto:McPhilliamy.Marisa@epa.gov">McPhilliamy.Marisa@epa.gov</a> 303-312-7057; <a href="mailto:bertram.emily@epa.gov">bertram.emily@epa.gov</a>
9	Angela Latigue Jean Samolis	415- 947-4170; <a href="mailto:latigue.angela@epa.gov">latigue.angela@epa.gov</a> 415-972-3939; <a href="mailto:samolis.jean@epa.gov">samolis.jean@epa.gov</a>

<b>EPA Region</b>	<b>Point(s) of Contact</b>	<b>Contact Information</b>
10	Christina Miller (S/L) Sandra Brozusky (Tribal)	206-553-6512; <a href="mailto:miller.christina@epa.gov">miller.christina@epa.gov</a> 206-553-5317; <a href="mailto:brozusky.sandra@epa.gov">brozusky.sandra@epa.gov</a>

Environmental Protection Agency

# General Terms and Conditions

*Effective October 1, 2024*

**Revision History:**

The Environmental Protection Agency’s General Terms and Conditions ***are published and become effective October 1<sup>st</sup> at the start of the federal fiscal year.*** Any additions, revisions, or changes to the terms and conditions after October 1 will be summarized below.

T&C Number	Effective Date	Description of Changes
#41	4/26/2025	Added a new T&C on the procurement of synthetic nucleic acids and benchtop nucleic acid synthesis equipment.
#18	11/26/2024	Added language on the de minimis rate for grants amended to incorporate the October 2024 Revisions to 2 CFR Part 200.

**Table of Contents**

Preface .....2

Financial Information .....3

Selected Items of Cost .....5

Reporting and Additional Post-Award Requirements.....10

Programmatic General Terms and Conditions.....25

Public Policy Requirements.....34

## Preface

### 1. Introduction

- (a) These terms and conditions are in addition to the assurances and certifications made as part of the award and terms, conditions, and restrictions reflected on the official assistance award document. Recipients **must** review their official award document for additional administrative and programmatic requirements. Failure to comply with the general terms and conditions outlined below and those directly reflected on the official assistance award document may result in enforcement actions as outlined in 2 CFR 200.339 and 2 CFR 200.340.
- (b) If the EPA General Terms and Conditions have been revised, EPA will update the terms and conditions when it provides additional funding (incremental or supplemental) prior to the end of the period of performance of this agreement. The recipient must comply with the revised terms and conditions after the effective date of the EPA action that leads to the revision. Revised terms and conditions do not apply to the recipient's expenditures of EPA funds or activities the recipient carries out prior to the effective date of the EPA action. EPA will inform the recipient of revised terms and conditions in the action adding additional funds.

### 2. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

This award is subject to the requirements of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards; Title 2 CFR Part 200 and 2 CFR Part 1500. 2 CFR 1500.2, Adoption of 2 CFR Part 200, states the EPA adopts the Office of Management and Budget (OMB) guidance Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards to Non-Federal Entities (subparts A through F of 2 CFR Part 200), as supplemented by 2 CFR Part 1500, as the EPA policies and procedures for financial assistance administration. 2 CFR Part 1500 satisfies the requirements of 2 CFR 200.110(a) and gives regulatory effect to the OMB guidance as supplemented by 2 CFR Part 1500. This award is also subject to applicable requirements contained in EPA programmatic regulations located in 40 CFR Chapter 1 Subchapter B.

### 3. Termination

Consistent with 2 CFR 200.340, EPA may terminate this award in part or its entirety:

- (a) If a recipient or subrecipient fails to comply with the terms and conditions of the award, including statutory or regulatory requirements;
- (b) With the consent of the recipient when both the recipient and the EPA agree upon the termination conditions, which include the effective date and, in the case of partial termination, the portion to be terminated;
- (c) If a recipient sends the EPA a written notification of the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated; however, if the EPA determines that the remaining portion of the Federal award will not accomplish the

- purposes for which the Federal award was made, the EPA may terminate the award in its entirety; or
- (d) Pursuant to the programmatic terms and conditions specified in the Federal award.

## **Financial Information**

### **4. Reimbursement Limitation**

EPA's financial obligations to the recipient are limited by the amount of federal funding awarded to date as reflected on the award document. If the recipient incurs costs in anticipation of receiving additional funds from EPA, it does so at its own risk. See 2 CFR 1500.9.

### **5. Automated Standard Application Payments (ASAP) and Proper Payment Draw Down**

**Electronic Payments.** Recipients must be enrolled or enroll in the Automated Standard Application for Payments (ASAP) system to receive payments under EPA financial assistance agreements unless:

- EPA grants a recipient-specific exception;
- The assistance program has received a waiver from this requirement;
- The recipient is exempt from this requirement under 31 CFR 208.4; or,
- The recipient is a fellowship recipient pursuant to 40 CFR Part 46.

EPA will not make payments to recipients until the ASAP enrollment is completed or if recipients fall under one of the above categories. EPA's Research Triangle Park Finance Center (RTPFC) will initiate the ASAP enrollment based on the key contact information on the grant application. The "payee" on the key contacts form will receive an email from ASAP indicating the steps required for completing the enrollment. Recipients may request exceptions using the procedures below.

Under this payment mechanism, the recipient initiates an electronic payment request online via ASAP, which is approved or rejected based on the amount of available funds authorized by EPA in the recipient's ASAP account. Approved payments are credited to the account at the financial institution of the recipient organization set up by the recipient during the ASAP enrollment process.

Additional information concerning ASAP and enrollment can be obtained by contacting the EPA RTPFC, at [rtpfc-grants@epa.gov](mailto:rtpfc-grants@epa.gov), or by visiting: <https://www.fiscal.treasury.gov/asap/>.

EPA will grant exceptions to the ASAP enrollment requirement only in situations in which the recipient demonstrates to EPA that receiving payment via ASAP places an undue administrative or financial management burden on the recipient or EPA determines that granting the waiver is in the public interest. Recipients may request an exception to the requirement by following the procedures specified in RAIN-2018-G06-R.

### **Proper Payment Drawdown (for recipients other than states)**

- (a) As required by 2 CFR 200.305(b), the recipient must draw funds from ASAP only for the minimum amounts needed for actual and immediate cash requirements to pay employees, contractors, subrecipients or to satisfy other obligations for allowable costs under this assistance agreement. The timing and amounts of the drawdowns must be as close as administratively

feasible to actual disbursements of EPA funds. Disbursement within 5 business days of drawdown will comply with this requirement and the recipient agrees to meet this standard when performing this award.

- (b) Recipients may not retain more than 5% of the amount drawn down, or \$1,000 whichever is less, 5 business days after drawdown to materially comply with the standard. Any EPA funds subject to this paragraph that remain undisbursed after 5 business days must be fully disbursed within 15 business days of draw down or be returned to EPA.
- (c) If the recipient draws down EPA funds in excess of that allowed by paragraph b., the recipient must contact [rtpfc-grants@epa.gov](mailto:rtpfc-grants@epa.gov) for instructions on whether to return the funds to EPA. The recipient must comply with the requirements at 2 CFR 200.305(b)(11) regarding depositing advances of Federal funds in interest bearing accounts.
- (d) Returning Funds: Pay.gov is the preferred mechanism to return funds. It is free, secure, paperless, expedient, and does not require the recipient//vendor to create an account. Contact RTPFC-Grants at [rtpfc-grants@epa.gov](mailto:rtpfc-grants@epa.gov) to obtain complete instructions. Additional information is available at the Pay.gov website. Information on how to repay EPA via check is available at <https://www.epa.gov/financial/makepayment>. Instructions on how to return funds to EPA electronically via ASAP are available at <https://www.fiscal.treasury.gov/asap/>.
- (e) Failure on the part of the recipient to materially comply with this condition may, in addition to EPA recovery of the un-disbursed portions of the drawn down funds, lead to changing the payment method from advance payment to a reimbursable basis. EPA may also take other remedies for noncompliance under 2 CFR 200.208 and/or 2 CFR 200.339.
- (f) If the recipient believes that there are extraordinary circumstances that prevent it from complying with the 5-business day disbursement requirement throughout the performance period of this agreement, recipients may request an exception to the requirement by following the procedures specified in RAIN-2018-G06-R. EPA will grant exceptions to the 5-business day disbursement requirement only if the recipient demonstrates that compliance places an undue administrative or financial management burden or EPA determines that granting the exception is in the public interest. EPA will grant exceptions to the 5-business day disbursement requirement only if the recipient demonstrates that compliance places an undue administrative or financial management burden or EPA determines that granting the exception is in the public interest.

#### **Proper Payment Drawdown for State Recipients**

In accordance with 2 CFR 200.305(a), payments are governed by Treasury-State Cash Management Improvement Act (CMIA) agreements and default procedures codified at 31 CFR Part 205, Subparts A and B and Treasury Financial Manual (TFM) 4A-2000, "Overall Disbursing Rules for All Federal Agencies" unless a program specific regulation (e.g. 40 CFR 35.3160 or 40 CFR 35.3560) provides otherwise. Pursuant to 31 CFR Part 205, Subpart A—Rules Applicable to Federal Assistance Programs Included in a Treasury-State Agreement, States follow their Treasury-State CMIA Agreement for major Federal programs listed in the agreement. For those programs not listed as major in the Treasury-State agreement, the State follows the default procedures in 31 CFR Part 205, Subpart B—Rules Applicable to Federal Assistance Programs Not Included in a Treasury-State Agreement, which directs State recipients to draw-down and disburse Federal financial assistance funds in anticipation



of immediate cash needs of the State for work under the award. States must comply with 2 CFR 200.302(a) in reconciling costs incurred and charged to EPA financial assistance agreements at time of close out unless a program specific regulation provides otherwise.

### **Selected Items of Cost**

#### **6. Prohibition on Certain Telecommunications and Video Surveillance Service Equipment or Services**

As required by 2 CFR 200.216, EPA recipients and subrecipients, including borrowers under EPA-funded revolving loan fund programs, are prohibited from obligating or expending Federal loan or grant funds to procure or obtain covered telecommunications equipment or services; extend or renew a contract to procure or obtain covered telecommunications equipment or services; or enter into a contract (or extend or renew a contract) to procure or obtain covered telecommunications equipment or services. As described in section 889 of Public Law 115-232, “covered telecommunications equipment or services” means any of the following:

1. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);
2. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
3. Telecommunications or video surveillance services provided by such entities or using such equipment;
4. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

Pursuant to 2 CFR 200.216(c), “covered telecommunications equipment or services” also include systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Consistent with 2 CFR 200.471, costs incurred for telecommunications and video surveillance services or equipment such as phones, internet, video surveillance, and cloud servers are allowable except for the following circumstances:

- (a) Obligating or expending EPA funds for covered telecommunications and video surveillance services or equipment or services as described in 2 CFR 200.216 to:
  - (1) Procure or obtain, extend or renew a contract to procure or obtain;
  - (2) Enter into a contract (or extend or renew a contract) to procure; or
  - (3) Obtain the equipment, services, or systems.

Certain prohibited equipment, systems, or services, including equipment, systems, or services produced or provided by entities identified in section 889 of Public Law 115-232, are recorded in the System for Award Management exclusion list.

## **7. Consultant Cap**

EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, available at: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>, to be adjusted annually. This limit 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 (the recipient will pay these in accordance with their normal travel reimbursement practices).

Information on how to calculate the maximum daily rate and the daily pay limitation is available at the Office Of Personnel Management's Fact Sheet: How to Compute Rates of Pay and Fact Sheet: Expert and Consultant Pay. Specifically, to determine the maximum daily rate, follow these steps:

- (1) Divide the Level IV salary by 2087 to determine the hourly rate. Rates must be rounded to the nearest cent, counting one-half cent and over as the next higher cent (e.g., round \$18.845 to \$18.85).
- (2) Multiply the hourly rate by 8 hours. The product is the maximum daily rate.

Contracts and subcontracts with firms for services that are awarded using the procurement requirements in Subpart D of 2 CFR Part 200 are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 2 CFR 1500.10.

## **8. Establishing and Managing Subawards**

If the recipient chooses to pass funds from this assistance agreement to other entities, the recipient must comply with applicable subaward provisions of 2 CFR Part 200 and the EPA Subaward Policy.

As a pass-through entity, the recipient agrees to:

1. Select subrecipients and conduct subaward competitions, as appropriate, using a system that properly differentiates between subrecipients and procurement contractors consistent with the differentiating characteristics explained in 2 CFR 200.331 and EPA's supplemental guidance in Appendix A of the EPA Subaward Policy.
2. Verify that the potential subrecipient is not excluded or disqualified in accordance with the verification methods provided in 2 CFR 180.300, such as confirming in SAM.gov that a potential subrecipient is not suspended, debarred, or otherwise excluded from receiving Federal funds.
3. Establish and follow a system that ensures all subaward agreements are in writing and contain all of the elements required by 2 CFR 200.332(b). EPA has developed a

template for subaward agreements that is available in Appendix D of the EPA Subaward Policy.

4. Prior to making subawards, ensure that each subrecipient has a “Unique Entity Identifier” (UEI). The UEI is required by 2 CFR Part 25 and 2 CFR 200.332(b). Subrecipients are not required to complete full System for Award Management (SAM.gov) registration to obtain a UEI. Information regarding obtaining a UEI is available at the System for Award Management (SAM.gov) Internet site: <http://www.sam.gov/SAM/> and in the General Condition of the pass-through entity’s agreement with EPA entitled **“System for Award Management and Universal Identifier Requirements”** T&C of the pass-through entity’s agreement with the EPA.
5. Ensure that subrecipients are aware of the requirements that apply to the subaward, including those that flow down from the recipient, as required by 2 CFR 200.332(b) and monitor the activities of the subrecipient to ensure compliance with these requirements per 2 CFR 200.332(e). These requirements include, among others:
  - a. Title VI of the Civil Rights Act and other Federal statutes and regulations prohibiting discrimination in Federal financial assistance programs, as applicable, including provisions protecting free speech, religious liberty, public welfare, and the environment per 2 CFR 200.300(a), as well as regulations, including 2 CFR 200.300(b) prohibiting discrimination based on sex, sexual orientation, or gender identity.
  - b. Reporting Subawards and Executive Compensation under Federal Funding Accountability and Transparency Act (FFATA) set forth in the General Condition pass-through entity’s agreement with EPA entitled **“Reporting Subawards and Executive Compensation.”**
  - c. Limitations on individual consultant fees as set forth in 2 CFR 1500.10 and the General Condition of the pass-through entity’s agreement with EPA entitled **“Consultant Fee Cap.”**
  - d. EPA’s prohibition on paying management fees as set forth in General Condition of the pass-through entity’s agreement with EPA entitled **“Management Fees.”**
  - e. The Procurement Standards in 2 CFR Part 200 including those requiring competition when the subrecipient acquires goods and services from contractors (including consultants) and Domestic preferences for procurements at 2 CFR 200.322.
  - f. Other statutes, regulations and Executive Orders that may apply to subawards are described at Information on Requirements that Pass-Through Entities must “Flow Down” to Subrecipients. Many Federal requirements are agreement- or program-specific, and EPA encourages pass-through entities to review the terms of their assistance agreement carefully and consult with their EPA Project Officer for advice if necessary.
6. Establish and follow a system for evaluating subrecipient fraud risk and risk of noncompliance with a subaward to determine the appropriate monitoring described at 2

CFR 200.332(c) and consider whether, based on the evaluation of risk, additional monitoring tools may be useful as described in 2 CFR 200.332(f). When evaluating a subrecipient's risk, a pass-through entity should consider:

- a. The subrecipient's prior experience with same or similar subawards;
  - b. Results of previous audits, including considering whether the subrecipient receives a Single Audit, in accordance with 2 CFR Part 200, Subpart F and the extent to which the same or similar subawards have been audited as a major program;
  - c. Whether the subrecipient has new personnel or new or substantially change systems, and
  - d. The extent and results of any Federal agency monitoring (for example, if the subrecipient also receives Federal awards directly from the Federal agency).
7. Establish and follow a process for deciding whether to implement specific conditions in subawards based on risk factors, as described in 2 CFR 200.208, and notify EPA of the specific conditions as required by 2 CFR 200.332(d). Examples of specific conditions, per 2 CFR 200.208, may include:
- a. Requiring payments as reimbursements rather than advance payments;
  - b. Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance;
  - c. Requiring additional or more detailed financial reports;
  - d. Requiring additional or project monitoring;
  - e. Requiring the recipient or subrecipient to obtain technical or management assistance; or
  - f. Establishing additional prior approvals.
8. Establish and follow a system for monitoring subrecipient performance that includes the elements required at 2 CFR 200.332(e), such as reviewing financial and performance reports, and report the results of the monitoring in performance reports as provided in the reporting terms and conditions of this agreement.
9. Ensure that a subrecipient provides a plan for and takes corrective action on all significant developments that negatively affect the subaward. Per 2 CFR 200.332(e)(2), significant developments include Single Audit findings related to the subaward, other audit findings, site visits, and written notifications from a subrecipient of adverse conditions that will impact their ability to meet the milestones or objectives of the subaward.
10. Establish and maintain an accounting system which ensures compliance with the \$50,000 limitation at 2 CFR 200.1, Modified Total Direct Costs, if applicable, on including subaward costs in *Modified Total Direct Costs* for the purposes of distributing indirect costs. Recipients with Federally approved indirect cost rates that use a different basis for distributing indirect costs to subawards must comply with their Indirect Cost Rate Agreement.
11. Work with EPA's Project Officer to obtain the written consent of EPA's Office of International and Tribal Affairs (OITA) prior to awarding a subaward to a foreign or international organization or a subaward to be performed in a foreign country, even if that subaward is described in a

proposed scope of work.

12. Obtain prior written approval from the EPA's Award Official for any subawards or subaward activities that are not described in the approved work plan in accordance with 2 CFR 200.308. As provided in 2 CFR 200.308(f)(6), recipients must obtain prior approval to change a named subrecipient from the EPA Award Official if the pass-through entity described the original subrecipient's qualifications and/or performance history in the competitive application. Recipients must contact their Project Officer to begin the prior approval process.
13. Obtain prior written approval from the EPA's Award Official before awarding a subaward to an individual if the EPA-approved scope of work does not include a description of subawards to individuals.
14. Establish and follow written procedures under 2 CFR 200.302(b)(7) for determining that subaward costs are allowable in accordance with 2 CFR Part 200, Subpart E and the terms and conditions of this award. These procedures may provide for allowability determinations on a pre-award basis, through ongoing monitoring of costs that subrecipients incur, or a combination of both approaches provided the pass-through entity documents its determinations.
15. Verify that the subrecipient is audited, as applicable, per 2 CFR part 200, Subpart F, and establish and maintain a system under 2 CFR 200.332(g) and 2 CFR 200.521 for issuing management decisions for audits of subrecipients that relate to the Federal award from the recipient. The recipient remains accountable to EPA for ensuring that unallowable subaward costs initially paid by EPA are either reimbursed or offset with allowable costs, regardless of whether the recipient recovers those costs from the subrecipient.
16. As provided in 2 CFR 200.333, pass-through entities must obtain EPA approval to make fixed amount subawards. Recipients should consult with their EPA Project Officer regarding how to obtain EPA approval.

By accepting this award, the recipient is certifying that it either has systems in place to comply with the requirements described in Items 1 through 16 above or will refrain from making subawards until the systems are designed and implemented.

**Subawards to Federal Agencies – Clarity on Applicable EPA Terms and Conditions:** If the subrecipient is a Federal agency, the only provisions of the EPA General Terms and Conditions implementing 2 CFR Part 200 on subawards that apply are: (1) the requirement for the Federal agency to obtain a Unique Entity Identifier (UEI) in accordance with 2 CFR Part 25 as described in Item 4 above and (2) the requirement for the recipient to report on first-tier subawards as described in EPA General Term and Condition 15.1, "Reporting of first tier subawards."

As provided within 2 CFR 200.101(a)(2), all other provisions of 2 CFR Part 200, Subparts A through E, do not apply to subawards with federal agencies. Transactions between the recipient and the

Federal agency subrecipient will be governed by the Federal agency subrecipient's cost reimbursement agreement with the recipient.

#### **9. Management Fees**

Management Fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses; unforeseen liabilities; or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

#### **10. Federal Employee Costs**

The recipient understands that none of the funds for this project (including funds contributed by the recipient as cost sharing) may be used to pay for the travel of Federal employees or for other costs associated with Federal participation in this project unless a Federal agency will be providing services to the recipient as authorized by a Federal statute.

#### **11. Foreign Travel**

**EPA policy requires that all foreign travel must be approved by its Office of International and Tribal Affairs.** The recipient agrees to obtain prior EPA approval before using funds available under this agreement for international travel unless the trip(s) are already described in the EPA approved budget for this agreement. Foreign travel includes trips to Mexico and Canada but does not include trips to Puerto Rico, the U.S. Territories or possessions. Recipients that request post-award approval to travel frequently to Mexico and Canada by motor vehicle (e.g., for sampling or meetings) may describe their proposed travel in general terms in their request for EPA approval. Requests for prior approval must be submitted to the Project Officer for this agreement.

#### **12. The Fly America Act and Foreign Travel**

The recipient understands that all foreign travel **funded under this assistance agreement** must comply with the Fly America Act. All travel must be on U.S. air carriers certified under 49 U.S.C. Section 40118, to the extent that service by such carriers is available even if foreign air carrier costs are less than the American air carrier.

#### **13. Union Organizing**

Grant funds may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

### **Reporting and Additional Post-Award Requirements**

#### **14. System for Award Management and Universal Identifier Requirements**

- 14.1 Requirement for System for Award Management (SAM)** Unless exempted from this requirement under 2 CFR 25.110, the recipient must maintain current and active registrationSAM.gov. The recipient’s registration must always be current and active until it submits all final reports required under this Federal award or receive the final payment, whichever is later. The recipient must review and update its information in SAM.gov at least annually from the date of its initial registration or any subsequent updates to ensure it is current, accurate, and complete. If applicable, this includes identifying the recipient’s immediate and highest-level owner and subsidiaries and providing information about the recipient’s predecessors that have received a Federal award or contract within the last three years.
- 14.2 Requirement for Unique Entity Identifier (UEI).** If the recipient is authorized to make subawards under this award, the recipient:
- a. Must notify potential subrecipients that no entity may receive a subaward unless the entity has provided its UEI to the recipient.
  - b. Must not make a subaward to an entity unless the entity has provided its UEI. Subrecipients are not required to complete full registration in SAM.gov to obtain a UEI.
- 14.3 Definitions.** For the Purpose of this award term:
- a. **System for Award Management (SAM.gov)** means the Federal repository into which an entity must provide the information required for the conduct of business as a recipient. Additional information about registration procedures may be found in SAM.gov (currently at: <https://www.sam.gov>).
  - b. **Unique Entity Identifier** means the universal identifier assigned by SAM.gov to uniquely identify an entity.
  - c. **Entity** is defined at 2 CFR 25.400 and includes all of the following types as defined in 2 CFR 200.1:
    - 1) Non-federal entity,
    - 2) Foreign organization;
    - 3) Foreign public entity;
    - 4) Domestic for-profit organization; and
    - 5) Federal agency.
  - d. **Subaward** has the meaning given in 2 CFR 200.1
  - e. **Subrecipient** has the meaning given in 2 CFR 200.1

## **15. Reporting Subawards and Executive Compensation**

- 15.1 Reporting of first tier subawards.**
- a. **Applicability.** Unless the recipient is exempt as provided in paragraph 15.4. of this award term, the recipient must report each action that obligates \$30,000 or more in Federal funds for a subaward to an entity or Federal agency. The recipient must also report a subaward if a modification increases the Federal funding to an amount that equals or exceeds \$30,000.

- b. **Reporting Requirements.** (1) The entity or Federal agency must report each subaward described in paragraph 15.1.a of this award term to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) at <https://www.fsrs.gov>. (2) For subaward information, report no later than the end of the month following the month in which the subaward was made. (For example, if the subaward was made on any date during the month of November of a given year, the obligation must be reported by no later than December 31 of that year.)

**15.2 Reporting Total Compensation of Recipient Executives.**

- a. **Applicability.** The recipient must report the total compensation for each of its five most highly compensated executives for the preceding completed fiscal year, if:
  - 15.2.a.1. The total Federal funding authorized to date under this award is \$30,000 or more;
  - 15.2.a.2. In the preceding fiscal year, the recipient received: (i.) 80 percent or more of their annual gross revenues from Federal procurement contracts (and subcontracts) and Federal awards (and subawards) subject to the Transparency Act); (ii.) and \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal awards (and subawards) subject to the Transparency Act; and
  - 15.2.a.3. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986 after receiving this subaward. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at: <http://www.sec.gov/answers/excomp.htm>.)
- b. **Reporting Requirements.** The recipient must report executive total compensation described in paragraph 15.2.a of this award term: (i.) As part of the recipient's registration profile at <https://www.sam.gov/SAM/> (ii.) No later than the end of the month following the month in which this award is made, and annually thereafter (For example if this award was made on any date of November in a given year, the executive total compensation must be reported by no later than December 31 of that year.)

**15.3 Reporting Total Compensation of Subrecipient Executives.**

- a. **Applicability.** Unless a first-tier subrecipient is exempt as provided in paragraph 15.4. of this award term, the recipient must report the executive total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if:
  - 15.3.a.1. The total federal funding authorized to date under the subaward equals or exceeds \$30,000; and
  - 15.3.a.2. In the subrecipient's preceding fiscal year, the subrecipient received: (i.) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal awards subject to the Transparency Act; and (ii.)



\$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal awards (and subawards) subject to the Transparency Act; and

**15.3.a.3.** The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986 after receiving this subaward. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at:

<http://www.sec.gov/answers/execomp.htm>.)

- b. Reporting Requirements.** Subrecipients must report their executive total compensation described in paragraph 15.3.a. of this award term to the recipient. The recipient is required to submit this information to FSRS at <http://www.fsrs.gov> no later than the end of the month following the month in which the subaward was made. (For example, if a subaward was made on any date during the month of October of a given year, the subaward must be reported no later than November 30 of that year).

**15.4 Exemptions**

- a.** If, in the previous tax year, the recipient had gross income, from all sources, under \$300,000, the recipient is exempt from the requirements to report:

**15.4.a.1.** (i) subawards, and (ii) the total compensation of the five most highly compensated executives of any subrecipient.

**15.5 Definitions.** For purposes of this award term:

- a. Entity:** includes:
- (1) whether for profit or nonprofit: (i) A corporation; (ii) An association; (iii) A partnership; (iv) A limited liability company; (v) A limited liability partnership; (vi) A sole proprietorship; (vii) Any other legal business entity; (viii) Another grantee or contractor that is not excluded by subparagraph (2); and (ix) Any State or locality.
  - (2) It does not include: (i) An individual recipient of Federal financial assistance; or (ii) A Federal employee.
- b. Executive** means an officer, managing partner, or any other employee holding a management position.
- c. Subaward:** has the meaning given in 2 CFR 200.1
- d. Subrecipient** has the meaning given in 2 CFR 200.1.
- e. Total compensation** means the cash and noncash dollar value an executive earns during the recipient's or subrecipient's preceding fiscal year. This includes all items of compensation as prescribed in 17 CFR 229.402(c)(2).

**16. Recipient Integrity and Performance Matters – Reporting of Matters Related to Recipient Integrity and Performance**

**16.1 General Reporting Requirement**

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to SAM.gov that is made available in the designated integrity and performance system (currently the responsibility/qualification information) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

## **16.2 Proceedings About Which You Must Report**

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent five-year period; and
- c. Is one of the following:

**16.2.c.1.** A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;

**16.2.c.2.** A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;

**16.2.c.3.** An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or

**16.2.c.4.** Any other criminal, civil, or administrative proceeding if:

**16.2.c.4.1.** It could have led to an outcome described in paragraph 16.2.c.1, 16.2.c.2, or 16.2.c.3 of this award term and condition;

**16.2.c.4.2.** It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

**16.2.c.4.3.** The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

## **16.3 Reporting Procedures**

Enter in SAM.gov Entity Management area the information that SAM.gov requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM.gov because you were required to do so under Federal procurement contracts that you were awarded.

#### **16.4 Reporting Frequency**

During any period of time when you are subject to the requirement in paragraph 16.1 of this award term and condition, you must report proceedings information through SAM.gov for the most recent five-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

#### **16.5 Definitions**

For purposes of this award term and condition:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (*e.g.*, Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of *nolo contendere*.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes –
  - 16.5.c.1.** Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
  - 16.5.c.2.** The value of all expected funding increments under a Federal award and options, even if not yet exercised.

#### **17. Federal Financial Reporting (FFR)**

Pursuant to 2 CFR 200.328 and 2 CFR 200.344, EPA recipients must submit the Federal Financial Report (SF-425) at least annually and no more frequently than quarterly. EPA's standard reporting frequency is annual unless an EPA Region has included an additional term and condition specifying greater reporting frequency within this award document in accordance with 2 CFR 200.208. EPA recipients must submit the SF-425 no later than 30 calendar days after the conclusion of each specified reporting period for quarterly and semi-annual reports and 90 calendar days for annual reports. Final reports are due no later than 120 calendar days after the conclusion of the period of performance of the award. Extension of reporting due dates may be approved by EPA when requested and justified by the recipient. The FFR form is available on the internet at: <https://www.epa.gov/grants/sf-425-federal-financial-report>. All FFRs must be submitted to the Research Triangle Park Finance Center (RTPFC) via email at [rtpfc\\_grants@epa.gov](mailto:rtpfc_grants@epa.gov) or mail it to:

US Environmental Protection Agency  
RTP-Finance Center (Mail Code AA216-01)  
4930 Page Rd.  
Durham, NC 27703

The RTPFC will make adjustments as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

### 18. Indirect Cost Rate Agreements

This term and condition provides requirements for recipients using EPA funds for indirect costs and applies to all EPA assistance agreements unless there are statutory or regulatory limits on IDCs. See also EPA's Indirect Cost Policy for Recipients of EPA Assistance Agreements (IDC Policy).

In order for the assistance agreement recipient to use EPA funding for indirect costs, the IDC category of the recipient's assistance agreement award budget must include an amount for IDCs and at least one of the following must apply:

- With the exception of "exempt" agencies and Institutions of Higher Education as noted below, all recipients must have one of the following current (not expired) IDC rates, including IDC rates that have been extended by the cognizant agency:
  - Provisional
  - Final
  - Fixed rate with carry-forward
  - Predetermined
  - Grants awarded before October 1, 2024 - 10% de minimis rate of modified total direct costs authorized by 2 CFR 200.414(f)
  - Grants awarded on or after October 1, 2024 – up to a 15% de minimis rate of modified total direct costs authorized by 2 CFR 200.414(f)
  - Grants amended to incorporate the October 2024 Revisions to 2 CFR 200 – up to a 15% de minimis rate of modified total direct costs authorized by 2 CFR 200.414(f), effective as of the date of the amendment and going forward, cannot be applied retroactively
  - EPA-approved use of an expired fixed rate with carry-forward on an exception basis, as detailed in section 6.4.a. of the IDC Policy
- "Exempt" state of local governmental departments or agencies are agencies that receive up to and including \$35,000,000 in Federal funding per the department or agency's fiscal year and must have an IDC rate proposal developed in accordance with 2 CFR Part 200, Appendix VII, with documentation maintained and available for audit.
- Institutions of Higher Education must use the IDC rate(s) on the approved rate agreement in place at the time of award during the life of the assistance agreement (unless the rate was provisional at time of award, in which case the rate will change once it becomes final). As provided by 2 CFR Part 200, Appendix III(C)(7), the term "life of the assistance agreement",

means each competitive segment of the project. If negotiated rate agreements do not extend through the life of the Federal award at the time of the initial award, then the negotiated rate for the last year of the Federal award must be extended through the end of the award. Additional information is available in the regulation.

IDCs incurred during any period of the assistance agreement that are not covered by the provisions above are not allowable costs and must not be drawn down by the recipient. Recipients may budget for IDCs if they have submitted a proposed IDC rate to their cognizant Federal agency, or requested an exception from EPA under subsection 6.4 of the IDC Policy. However, recipients may not draw down IDCs until their rate is approved, if applicable, or EPA grants an exception. IDC drawdowns must comply with the indirect rate corresponding to the period during which the costs were incurred. If the recipient's indirect cost rate has not been finalized within one year after the period of performance ends, the EPA Grants Management Officer is authorized to close the recipient's award using their most recently negotiated rate per 2 CFR 200.344(h).

This term and condition does not govern indirect rates for subrecipients or recipient procurement contractors under EPA assistance agreements. Pass-through entities are required to comply with 2 CFR 200.332(b)(4)(i) and (ii) when establishing indirect cost rates for subawards.

#### **19. Audit Requirements**

In accordance with 2 CFR 200.501(a), the recipient hereby agrees to obtain a single audit from an independent auditor, if their organization expends \$1,000,000 or more in total Federal funds in their fiscal year for that year.

The recipient must submit a single audit report within 9 months of the end of the recipient's fiscal year or 30 days after receiving the report from an independent auditor. The single audit report MUST be submitted using the Federal Audit Clearinghouse available at: <https://fac.gov/>.

For complete information on how to accomplish the single audit submissions, the recipient will need to visit the Federal Audit Clearinghouse Web site: <https://fac.gov/>

#### **20. Closeout Requirements**

Reports required for closeout of the assistance agreement must be submitted in accordance with this agreement. Submission requirements and frequently asked questions can also be found at: <https://www.epa.gov/grants/frequent-questions-about-closeouts>

#### **21. Suspension and Debarment**

Recipient shall fully comply with Subpart C of 2 C.F.R. Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business With Other Persons," as implemented and supplemented by 2 C.F.R. Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 C.F.R. Part 180, entitled "Covered Transactions," and 2 C.F.R. § 1532.220, includes a term or condition requiring compliance with 2 C.F.R. Part 180, Subpart C. Recipient is responsible for further requiring the inclusion of a similar term and condition

in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 2 C.F.R. § 180.335 to the EPA office that is entering into the transaction with the recipient may result in the delay or negation of this assistance agreement, or pursuance of administrative remedies, including suspension and debarment. Recipients may access the SAM.gov exclusion list at <https://sam.gov/SAM/> to determine whether an entity or individual is presently excluded or disqualified.

## **22. Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law**

This award is subject to the provisions contained in an appropriations act(s) which prohibits the Federal Government from entering into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation having a delinquent Federal tax liability or a felony conviction under any Federal law, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government. A “corporation” is a legal entity that is separate and distinct from the entities that own, manage, or control it. It is organized and incorporated under the jurisdictional authority of a governmental body, such as a State or the District of Columbia. A corporation may be a for-profit or non-profit organization.

As required by the appropriations act(s) prohibitions, the Government will not enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee with any corporation that — (1) Has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless an agency has considered suspension or debarment of the corporation and made a determination that suspension or debarment is not necessary to protect the interests of the Government; or (2) Was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless an agency has considered suspension or debarment of the corporation and made a determination that this action is not necessary to protect the interests of the Government.

By accepting this award, the recipient represents that it is not a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and it is not a corporation that was convicted of a felony criminal violation under a Federal law within the preceding 24 months.

Alternatively, by accepting this award, the recipient represents that it disclosed unpaid Federal tax liability information and/or Federal felony conviction information to the EPA. The recipient may accept this award if the EPA Suspension and Debarment Official has considered suspension or

debarment of the corporation based on tax liabilities and/or Federal felony convictions and determined that suspension or debarment is not necessary to protect the Government's interests.

If the recipient fails to comply with this term and condition, EPA will annul this agreement and may recover any funds the recipient has expended in violation of the appropriations act(s) prohibition(s). The EPA may also pursue other administrative remedies as outlined in 2 CFR 200.339 and 2 CFR 200.340 and may also pursue suspension and debarment.

### **23. Disclosing Conflict of Interest**

#### **23.1 For Awards to Recipients, Subrecipients, and Individuals (other than states and fellowship recipients under 40 CFR Part 46)**

As required by 2 CFR 200.112, EPA has established a policy (COI Policy) for disclosure of conflicts of interest (COI) that may affect EPA financial assistance awards. EPA's COI Policy is posted at <https://www.epa.gov/grants/epas-financial-assistance-conflict-interest-policy>. The posted version of EPA's COI Policy is applicable to new funding (initial awards, supplemental and incremental funding) awarded on or after October 1, 2015.

For competitive awards, recipients must disclose any competition related COI described in section 4.0(a) of the COI Policy that are discovered after award to the EPA Grants Specialist listed on the Assistance Agreement/Amendment within 30 calendar days of discovery of the COI. The Grant Specialist will respond to any such disclosure within 30 calendar days.

EPA's COI Policy requires that recipients have systems in place to address, resolve and disclose to EPA COIs described in sections 4.0(b), (c) and/or (d) of the COI Policy that affect any contract or subaward regardless of amount funded under this award. The recipient's COI Point of Contact for the award must disclose any COI to the EPA Grants Specialist listed on the Assistance Agreement/Amendment within 30 calendar days of the discovery of the potential COI and their approach for resolving the COI.

EPA's COI Policy requires that subrecipients have systems in place to address, resolve and disclose COI's described in section 4.0(b)(c) and (d) of the COI Policy regardless of the amount of the transaction. Recipients who are pass-through entities as defined at 2 CFR 200.1 must require that subrecipients being considered for or receiving subawards disclose COI to the pass-through entities in a manner that, at a minimum, is in accordance with sections 5.0(d) and 7.0(c) of EPA's COI Policy. Pass-through entities must disclose the subrecipient COI along with the approach for resolving the COI to the EPA Grants Specialist listed on the Assistance Agreement/Amendment within 30 calendar days of receiving notification of the COI by the subrecipient.

EPA only requires that recipients and subrecipients disclose COI's that are discovered under their systems for addressing and resolving COI. If recipients or subrecipients do not discover a COI, they do not need to advise EPA or the pass-through entity of the absence of a COI.

Upon notice from the recipient of a potential COI and the approach for resolving it, the Agency will then make a determination regarding the effectiveness of these measures within 30 days of receipt of the recipient's notice unless a longer period is necessary due to the complexity of the matter. Recipients may not request payment from EPA for costs for transactions subject to the COI pending notification of EPA's determination. Failure to disclose a COI may result in cost disallowances.

Disclosure of potential COI will not necessarily result in EPA disallowing costs, with the exception of procurement contracts that the Agency determines violate 2 CFR 200.318(c)(1) or (2), provided the recipient notifies EPA of measures the recipient or subrecipient has taken to eliminate, neutralize or mitigate the conflict of interest when making the disclosure.

### **23.2 For Awards to States Including State Universities that are State Agencies or Instrumentalities**

As required by 2 CFR 200.112, EPA has established a policy (COI Policy) for disclosure of conflicts of interest (COI) that may affect EPA financial assistance awards. EPA's COI Policy is posted at: <https://www.epa.gov/grants/epas-financial-assistance-conflict-interest-policy>. The posted version of EPA's COI Policy is applicable to new funding (initial awards, supplemental, incremental funding) awarded on or after October 1, 2015.

For competitive awards, recipients must disclose any competition related COI described in section 4.0(a) of the COI Policy that are discovered after award to the EPA Grants Specialist listed on the Assistance Agreement/Amendment within 30 calendar days of discovery of the COI. The Grants Specialist will respond to any such disclosure within 30 calendar days.

States including state universities that are state agencies and instrumentalities receiving funding from EPA are only required to disclose subrecipient COI as a pass-through entity as defined by 2 CFR 200.1. Any other COI are subject to state laws, regulations, and policies. EPA's COI Policy requires that subrecipients have systems in place to address, resolve and disclose COIs described in section 4.0(b)(c) and (d) of the COI Policy that arise after EPA made the award regardless of the amount of the transaction. States who are pass-through entities as defined at 2 CFR 200.1 must require that subrecipients being considered for or receiving subawards disclose COI to the state in a manner that, as a minimum, in accordance with sections 5.0(d) and 7.0(c) of EPA's COI Policy. States must disclose the subrecipient COI along with the approach for resolving the COI to the EPA Grants Specialist listed on the Assistance Agreement/Amendment within 30 calendar days of receiving notification of the COI by the subrecipient.

EPA only requires that subrecipients disclose COI's to state pass-through entities that are discovered under their systems for addressing, resolving, and disclosing COI. If subrecipients



do not discover a COI, they do not need to advise state pass-through entities of the absence of a COI.

Upon receiving notice of a potential COI and the approach for resolving it, the Agency will make a determination regarding the effectiveness of these measures within 30 days of receipt of the state's notice of a subrecipient COI unless a longer period is necessary due to the complexity of the matter. States may not request payment from EPA for costs for transactions subject to the COI pending notification of EPA's determination. A subrecipient's failure to disclose a COI to the state and EPA may result in cost disallowances.

Disclosure of potential subrecipient COI will not necessarily result in EPA disallowing costs, with the exception of procurement contracts that the Agency determines violate 2 CFR 200.318(c)(1) or (2), provided the subrecipient has taken measures that EPA and the state agree eliminate, neutralize or mitigate the conflict of interest.

## **24. Transfer of Funds**

### **24.1 Transfer of Funds**

**Applicable to all assistance agreements other than Continuing Environmental Program Grants subject to 40 CFR 35.114 and 40 CFR 35.514 when EPA's share of the total award exceeds the Simplified Acquisition Threshold. Simplified Acquisition Threshold is defined at 2 CFR 200.1 and is currently set at \$250,000 but the amount is subject to adjustment.**

- (1) As provided at 2 CFR 200.308(i), the recipient must obtain prior approval from EPA's Grants Management Officer if the cumulative amount of funding transfers among direct budget categories or programs, functions and activities exceeds 10% of the total budget, as last approved by EPA, including cost share. Recipients must submit requests for prior approval to the Grant Specialist and Grants Management Officer with a copy to the Project Officer for this agreement.
- (2) Recipients must notify EPA's Grant Specialist and Project Officer of cumulative funding transfers among direct budget categories or programs, functions and activities that do not exceed 10% of the total budget for the agreement. Prior approval by EPA's Grants Management Officer is required if the transfer involves any of the items listed in 2 CFR 200.407 that EPA did not previously approve at time of award or in response to a previous post-award request by the recipient.

### **24.2 Post-Award Changes for Continuing Environmental Program Grants**

**Applicable to Continuing Environmental Program Grants subject to 40 CFR 35.114 and 40 CFR 35.514 when EPA's share of the total project costs exceeds the Simplified Acquisition Threshold. Simplified Acquisition Threshold is defined at 2 CFR 200.1 and is currently set at \$250,000 but the amount is subject to adjustment.**

To determine if a post-award change in work plan commitments is significant and requires prior written approval for the purposes of 40 CFR §35.114(a) or 40 CFR §35.514(a), the recipient agrees to consult the EPA Project Officer (PO) before making the change. The term work plan commitments is defined at 40 CFR §35.102. If the PO determines the change is significant, the

recipient cannot make the change without prior written approval by the EPA Award Official or Grants Management Officer.

The recipient must obtain written approval from the EPA Award Official prior to transferring funds from one budget category to another if the EPA Award Official determines that such transfer significantly changes work plan commitment(s). All transfers must be reported in required performance reports. In addition, unless approved with the budget at the time of award, Continuing Environmental Program (CEP) recipients must also obtain prior written approval from the EPA Award Official or Grants Management Officer to use EPA funds for directly charging compensation for administrative and clerical personnel under 2 CFR 200.413(c) and the General Provisions for Selected Items of Cost allowability at 2 CFR 200.420 through 2 CFR 200.476 as supplemented by EPA's Guidance on Selected Items of Cost. The recipient is not required to obtain prior written approval from the EPA Award Official for other items requiring prior EPA approval listed in 2 CFR 200.407.

#### **25. Electronic/Digital Signatures on Financial Assistance Agreement Form(s)/Document(s)**

Throughout the life of this assistance agreement, the recipient agrees to ensure that any form(s)/document(s) required to be signed by the recipient and submitted to EPA through any means including but not limited to hard copy via U.S. mail or express mail, hand delivery or through electronic means such as e-mail are: (1) signed by the individual identified on the form/document, and (2) the signer has the authority to sign the form/document for the recipient. Submission of any signed form(s)/document(s) is subject to any provisions of law on making false statements (e.g., 18 U.S.C. 1001).

#### **26. Extension of Project/Budget Period Expiration Date**

EPA has not exercised the waiver option to allow automatic one-time extensions for non-research grants under 2 CFR 200.308(g)(2). Therefore, if a no-cost time extension is necessary to extend the period of availability of funds, the recipient must submit a written request to the EPA at least 10 calendar days before the conclusion of the period of performance as required by 2 CFR 200.308(f)(10). **The written request must include:** a justification describing the need for additional time, an estimated date of completion, and a revised schedule for project completion including updated milestone target dates for the approved workplan activities. In addition, if there are overdue reports required by the general, administrative, and/or programmatic terms and conditions of this assistance agreement, the recipient must ensure that they are submitted along with or prior to submitting the no-cost time extension request.

#### **27. Utilization of Disadvantaged Business Enterprises**

##### **General Compliance, 40 CFR, Part 33**

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33.

The following text provides updates to 40 CFR Part 33 based upon the associated class exception or highlights a requirement.

**1) EPA MBE/WBE CERTIFICATION, 40 CFR, Part 33, Subpart B**

EPA no longer certifies entities as Minority-Owned Business Entities (MBEs) or Women-Owned Business Entities (WBEs) pursuant to a class exception issued in October 2019. The class exception was authorized pursuant to the authority in 2 CFR, Section 1500.4(b).

**2) SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C**

Pursuant to 40 CFR Section 33.301, the recipient agrees to make good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained. The specific six good faith efforts can be found at: 40 CFR Section 33.301 (a)-(f).

However, in EPA assistance agreements that are for the benefit of Native Americans, the recipient must solicit and recruit Native American organizations and Native American-owned economic enterprises and give them preference in the award process prior to undertaking the six good faith efforts (40 CFR Section 33.304). If recruiting efforts are unsuccessful, the recipient must follow the six good faith efforts.

**3) CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302**

The recipient agrees to comply with the contract administration provisions of 40 CFR Section 33.302 (a)-(d) and (i).

**4) BIDDERS LIST, 40 CFR Section 33.501(b) and (c)**

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR Section 33.501 (b) and (c) for specific requirements and exemptions.

**5) FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D**

Recipients must negotiate with the appropriate EPA Award Official, or their designee, fair share objectives/goals for MBE and WBE participation in procurement under financial assistance agreements. The recipient is exempted if this agreement meets one or more of the exemptions outlined in 40 CFR 33.411.

**Applicability of Fair Share Objectives:**

- If the total dollar amount of the agreement or all the recipient's EPA agreements in a fiscal year is \$250,000 or more.
- The applicable MBE/WBE fair share objectives/goals are those negotiated with EPA for the State-lead environmental entity where the majority of the procurement activity will occur. This applies unless the recipient has been specially identified, to the year in which the procurement activity occurred.

The negotiated fair share objectives/goals are located at: <https://www.epa.gov/grants/fair-share-objectives>

By accepting this financial assistance agreement, the recipient is accepting the fair share objectives/goals negotiated with the State-lead environmental entity and attests to the fact that they are purchasing the same or similar construction, supplies, services, and equipment, in the same or similar relevant geographic buying market.

#### **Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404**

The recipient has the option to negotiate their own MBE/WBE fair share objectives/goals. If the recipient elects to negotiate their own MBE/WBE fair share objectives/goals, the recipient agrees to submit the proposed MBE/WBE fair share objectives/goals with the supporting availability analysis or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies, and equipment, to the Regional MBE/WBE Coordinator within 120 days of their acceptance of the assistance agreement. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. Failure to respond within this time frame may be considered an agreement by EPA to the fair share objectives/goals submitted by the recipient. MBE and WBE fair share objectives/goals must be agreed upon by the recipient and EPA before funds may be expended for procurement under the recipient's assistance agreement.

In accordance with 40 CFR, Part 33, Subpart D, established fair share objectives/goals remain in effect for three fiscal years unless there are significant changes to the data supporting the fair share objectives. The recipient is required to follow requirements as outlined in 40 CFR Part 33, Subpart D when renegotiating the fair share objectives/goals.

#### **Fair Share Objectives/Goals of Loan Recipients**

As a recipient of an EPA financial assistance agreement to capitalize revolving loan funds, the recipient agrees to either apply their fair share objectives/goals negotiated with EPA to identified loans using a substantially similar relevant geographic market or negotiate separate fair share objectives with their identified loan recipients. These separate fair share objectives/goals must be based on demonstrable evidence of the availability of MBEs and WBEs in accordance with 40 CFR, Part 33, Subpart D.

The recipient agrees that if procurements will occur over more than one year, the recipient may choose to apply the fair share objectives/goals in place either for the year in which the identified loan is awarded or for the year in which the procurement action occurs. The recipient must specify this choice in the financial assistance agreement or incorporate it by reference therein.

The recipient is not required to apply the fair share objectives requirements to an entity receiving an identified loan of \$250,000 or less or to an entity receiving more than one identified loan with a combined total of \$250,000 or less in any one fiscal year.

**6) MBE/WBE REPORTING, 40 CFR, Part 33, Subpart E**

When required, the recipient agrees to complete and submit a “MBE/WBE Utilization Under Federal Grants and Cooperative Agreements” report (EPA Form 5700-52A) on an annual basis. The current EPA Form 5700-52A can be found at the EPA Grantee Forms Page at [https://www.epa.gov/system/files/documents/2021-08/epa\\_form\\_5700\\_52a.pdf](https://www.epa.gov/system/files/documents/2021-08/epa_form_5700_52a.pdf).

Reporting is required for assistance agreements where funds are budgeted for procuring construction, equipment, services and supplies (including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the “Other” category) with a cumulative total that exceed the Simplified Acquisition Threshold (SAT) (currently, \$250,000 however the threshold will be automatically revised whenever the SAT is adjusted; See 2 CFR Section 200.1), including amendments and/or modifications. When reporting is required, all procurement actions are reportable, not just the portion which exceeds the SAT.

**Annual reports are due by October 30<sup>th</sup> of each year. Final reports are due 120 days after the conclusion of the period of performance.**

This provision represents an approved exception from the MBE/WBE reporting requirements as described in [40 CFR Section 33.502](#).

**7) MBE/WBE RECORDKEEPING, 40 CFR, Part 33, Subpart E**

The recipient agrees to comply with all recordkeeping requirements as stipulated in [40 CFR Part 33, Subpart E](#) including creating and maintain a bidders list, when required. Any document created as a record to demonstrate compliance with any requirements of 40 CFR Part 33 must be maintained pursuant to the requirements stated in this Subpart.

**Programmatic General Terms and Conditions**

**28. Sufficient Progress**

EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for performance within the project period and/or the availability of funds necessary to complete the project. EPA may terminate the assistance agreement for failure to ensure reasonable completion of the project within the project period.

**29. Copyrighted Material and Data**

In accordance with [2 CFR 200.315](#), EPA has the right to reproduce, publish, use and authorize others to reproduce, publish and use copyrighted works or other data developed under this assistance agreement for Federal purposes. This includes the right to require recipients and subrecipients to make such works available through agency-designated public access repositories.

Examples of a Federal purpose include but are not limited to: (1) Use by EPA and other Federal employees for official Government purposes; (2) Use by Federal contractors performing specific tasks for [i.e., authorized by] the Government; (3) Publication in EPA documents provided the document does not disclose trade secrets (e.g. software codes) and the work is properly attributed to the recipient through citation or otherwise; (4) Reproduction of documents for inclusion in Federal depositories; (5) Use by State, Tribal and local governments that carry out delegated Federal environmental programs as “co-regulators” or act as official partners with EPA to carry out a national environmental program within their jurisdiction and; (6) Limited use by other recipients to carry out Federal grants provided the use is consistent with the terms of EPA’s authorization to the other recipient to use the copyrighted works or other data.

Under Item 6, the recipient acknowledges that EPA may authorize another recipient(s) to use the copyrighted works or other data developed under this grant as a result of:

- The selection of another recipient by EPA to perform a project that will involve the use of the copyrighted works or other data, or
- Termination or expiration of this agreement.

In addition, EPA may authorize another recipient to use copyrighted works or other data developed with Agency funds provided under this grant to perform another grant when such use promotes efficient and effective use of Federal grant funds.

### **30. Patents and Inventions**

Rights to inventions made under this assistance agreement are subject to federal patent and licensing regulations, which are codified at Title 37 CFR Part 401 and Title 35 USC Sections 200-212.

Pursuant to the Bayh-Dole Act (set forth in 35 USC 200-212), EPA retains the right to a worldwide, nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention owned by the assistance agreement holder, as defined in the Act. To streamline the invention reporting process and to facilitate compliance with the Bayh-Dole Act, the recipient must utilize the Interagency Edison extramural invention reporting system at <https://www.nist.gov/iedison>. Annual utilization reports must be submitted through the system. The recipient is required to notify the Project Officer identified on the award document when an invention report, patent report, or utilization report is filed at <https://www.nist.gov/iedison>. EPA elects not to require the recipient to provide a report prior to the close-out of a funding agreement listing all subject inventions or stating that there were none.

In accordance with Executive Order 12591, as amended, government owned and operated laboratories can enter into cooperative research and development agreements with other federal laboratories, state and local governments, universities, and the private sector, and license, assign, or waive rights to intellectual property “developed by the laboratory either under such cooperative research or development agreements and from within individual laboratories.”

### **31. Acknowledgement Requirements for Non-ORD Assistance Agreements**

The recipient agrees that any reports, documents, publications, or other materials developed for public distribution supported by this assistance agreement shall contain the following statement: “This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement (number) to (recipient). The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does the Environmental Protection Agency endorse trade names or recommend the use of commercial products mentioned in this document, as well as any images, video, text, or other content created by generative artificial intelligence tools, nor does any such content necessarily reflect the views and policies of the Environmental Protection Agency.”

Recipients of EPA Office of Research Development (ORD) research awards must follow the acknowledgement requirements outlined in the research T&Cs available at: <https://www.nsf.gov/awards/managing/rtc.jsp>. In accordance with the Research Terms and Conditions Overlay to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Guidance), 2 CFR §200, recipients of EPA ORD research must abide by the research T&Cs.

### **32. Electronic and Information Technology Accessibility**

Recipients are subject to the program accessibility provisions of Section 504 of the Rehabilitation Act, codified in 40 CFR Part 7, which includes an obligation to provide individuals with disabilities reasonable accommodations and an equal and effective opportunity to benefit from or participate in a program, including those offered through electronic and information technology (“EIT”). In compliance with Section 504, EIT systems or products funded by this award must be designed to meet the diverse needs of users (e.g., U.S. public, recipient personnel) without barriers or diminished function or quality. Systems shall include usability features or functions that accommodate the needs of persons with disabilities, including those who use assistive technology. At this time, the EPA will consider a recipient’s websites, interactive tools, and other EIT as being in compliance with Section 504 if such technologies meet standards established under Section 508 of the Rehabilitation Act, codified at 36 CFR Part 1194. While Section 508 does not apply directly to grant recipients, we encourage recipients to follow either the 508 guidelines or other comparable guidelines that concern accessibility to EIT for individuals with disabilities.

Recipients may wish to consult the latest Section 508 guidelines issued by the U.S. Access Board or W3C’s Web Content Accessibility Guidelines (WCAG) 2.0 (see <https://www.access-board.gov/about/policy/accessibility.html>).

### **33. Human Subjects**

Human subjects research is any activity that meets the regulatory definitions of both research AND human subject. Research is a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. Human subject means a living individual about whom an investigator (whether professional or student) conducting research:

(i) Obtains information or biospecimens through intervention or interaction with the individual, and uses, studies, or analyzes the information or biospecimens; or (ii) Obtains, uses, studies, analyzes, or generates identifiable private information or identifiable biospecimens 40 CFR 26.102(e)(1).

No research involving human subjects shall be conducted under this agreement without prior written approval of the EPA Human Subject Research Review Official (HSRRO) to proceed with that research. If engaged in human subjects' research as part of this agreement, the recipient agrees to comply with all applicable provisions of EPA Regulation 40 CFR 26 (Protection of Human Subjects). This includes, at Subpart A, the Basic Federal Policy for the Protection of Human Research Subjects, also known as the Common Rule. It also includes, at Subparts B, C, and D, prohibitions and additional protections for children, nursing women, pregnant women, and fetuses in research conducted or supported by EPA.

The recipient further agrees to comply with EPA's procedures for oversight of the recipient's compliance with 40 CFR 26, as given in EPA Order 1000.17A (Policy and Procedures on Protection of Human Research Subjects in EPA Conducted or Supported Research). As per this order, no human subject may be involved in any research conducted under this assistance agreement, including recruitment, until the research has been approved or determined to be exempt by the EPA HSRRO after review of the approval or exemption determination of the Institutional Review Board(s) (IRB(s)) with jurisdiction over the research under 40 CFR 26.

For HSRRO approval, the recipient must forward to the Project Officer: (1) copies of all documents upon which the IRB(s) with jurisdiction based their approval(s) or exemption determination(s), (2) copies of the IRB approval or exemption determination letter(s), (3) copy of the IRB-approved consent forms and subject recruitment materials, if applicable, and (4) copies of all supplementary IRB correspondence.

Following the initial approvals indicated above, the recipient must, as part of the annual report(s), provide evidence of continuing review and approval of the research by the IRB(s) with jurisdiction, as required by 40 CFR 26.109(e). Materials submitted to the IRB(s) for their continuing review and approval are to be provided to the EPA HSRRO via the Project Officer upon IRB approval. During the course of the research, investigators must promptly report any unanticipated problems involving risk to subjects or others according to requirements set forth by the IRB. In addition, any event that is significant enough to result in the removal of the subject from the study should also be reported to the EPA HSRRO via the Project Officer, even if the event is not reportable to the IRB of record.

#### **34. Animal Subjects**

The recipient agrees to comply with the Animal Welfare Act of 1966 (P.L. 89-544), as amended, 7 USC 2131- 2156. Recipient also agrees to abide by the "U.S. Government Principles for the Utilization and Care of Vertebrate Animals used in Testing, Research, and Training." (Federal Register 50(97): 20864-20865. May 20,1985). The nine principles can be viewed at <https://olaw.nih.gov/policies-laws/phs-policy.htm>. For additional information about the Principles,



the recipient should consult the *Guide for the Care and Use of Laboratory Animals*, prepared by the Institute of Laboratory Animal Resources, National Research Council.

### **35. Light Refreshments and/or Meals**

#### **(a) APPLICABLE TO ALL AGREEMENTS EXCEPT STATE CONTINUING ENVIRONMENTAL PROGRAMS (AS DESCRIBED BELOW):**

Unless the event(s) and all of its components are described in the approved workplan, the recipient agrees to obtain prior approval from EPA for the use of grant funds for light refreshments and/or meals served at meetings, conferences, training workshops and outreach activities (events). The recipient must send requests for approval to the EPA Project Officer and include:

- (1) An estimated budget and description for the light refreshments, meals, and/or beverages to be served at the event(s)
- (2) A description of the purpose, agenda, location, length, and timing for the event, and
- (3) An estimated number of participants in the event and a description of their roles

Costs for light refreshments and meals for recipient staff meetings and similar day-to-day activities are not allowable under EPA assistance agreements.

Recipients may address questions about whether costs for light refreshments, and meals for events may be allowable to the recipient's EPA Project Officer; however, the Agency Award Official or Grant Management Officer will make final determinations on allowability. Agency policy prohibits the use of EPA funds for receptions, banquets and similar activities that take place after normal business hours unless the recipient has provided a justification that has been expressly approved by EPA's Award Official or Grants Management Officer.

EPA funding for meals, light refreshments, and space rental may not be used for any discrete portion of an event or meeting, such as a reception, banquet, or another similar entertainment-oriented activity, where alcohol is served, purchased, or otherwise available as part of the discrete portion of the event or meeting, even if EPA funds are not used to purchase the alcohol. This restriction does not prohibit a recipient from using its own funds, private donations, or separate fees charged to the meeting attendees (that are not program income) for discrete portions of events or meetings, such as receptions, banquets, or another similar entertainment-oriented activity where alcohol is served.

Note: U.S. General Services Administration regulations define light refreshments for morning, afternoon, or evening breaks to include, but not be limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, or muffins. (41 CFR 301-74.7)

#### **(b) FOR STATE CONTINUING ENVIRONMENTAL PROGRAM GRANT RECIPIENTS EXCLUDING STATE UNIVERSITIES:**

If the state maintains systems capable of complying with federal grant regulations at 2 CFR 200.432 and 2 CFR 200.438, EPA has waived the prior approval requirements for the use of EPA funds for

light refreshments and/or meals served at meetings, conferences, and training, as described in paragraph (a) above. The state may follow its own procedures without requesting prior approval from EPA. However, notwithstanding state policies, EPA funds may not be used for (1) Meetings (e.g. routine staff meetings) that do not meet the definition of "Conference" in 2 CFR 200.432, (2) evening receptions, or (2) other evening events (with the exception of working meetings). Examples of working meetings include those evening events in which small groups discuss technical subjects on the basis of a structured agenda or there are presentations being conducted by experts. EPA funds for meals, light refreshments, and space rental may not be used for any portion of an event (including evening working meetings) where alcohol is served, purchased, or otherwise available as part of the event or meeting, even if EPA funds are not used to purchase the alcohol.

By accepting this award, the state is certifying that it has systems in place (including internal controls) to comply with the requirements described above.

### **36. Tangible Personal Property**

#### **36.1 Reporting**

Pursuant to 2 CFR 200.312 and 2 CFR 200.314, property reports, if applicable, are required for Federally-owned property in the custody of a recipient or subrecipient upon completion of the Federal award or when the property is no longer needed. Additionally, upon termination or completion of the project, residual unused supplies with a total aggregate fair market value exceeding \$10,000 not needed for any other Federally-funded programs or projects must be reported. For Superfund awards under Subpart O, refer to 40 CFR 35.6340 and 40 CFR 35.6660 for property reporting requirements. Recipients should utilize the Tangible Personal Property Report form series (SF-428) to report tangible personal property.

#### **36.2 Disposition**

**36.2.1. Most Recipients or Subrecipients.** Consistent with 2 CFR 200.313, unless instructed otherwise on the official award document, this award term, or at closeout, the recipient or subrecipient, including a subrecipient of a State or an Indian Tribe, may keep the equipment and continue to use it on the project originally funded through this assistance agreement or on other federally funded projects whether or not the project or program continues to be supported by Federal funds.

**36.2.2. State Agencies.** Per 2 CFR 200.313(b), recipients that are State agencies must manage and dispose of equipment acquired under this assistance agreement in accordance with state laws and procedures.

**36.2.3. Indian Tribes.** Per 2 CFR 200.313(b), recipients that are Indian Tribes must manage and dispose of equipment acquired under this assistance agreement in accordance with tribal laws and procedures. If such laws and procedures do not exist, Indian Tribes, unless instructed otherwise on the official award document or at closeout, may keep the equipment and continue to use it on the project originally funded through this assistance agreement or on other federally funded projects whether or not the project or program continues to be supported by Federal funds.

**36.2.4. Superfund Recipients.** Equipment purchased for Superfund projects under Subpart O is subject to specific disposal options in accordance with 40 CFR Part 35.6345.

### **37. Dual Use Research of Concern (DURC)**

The recipient agrees to conduct all life science research\* in compliance with EPA's Order on the Policy and Procedures for Managing Dual Use Research of Concern (EPA DURC Order) and United States Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern (iDURC Policy). If the recipient is an institution within the United States that receives funding through this agreement, or from any other source, the recipient agrees to comply with the iDURC Policy if they conduct or sponsor research involving any of the agents or toxins identified in Section 6.2.1 of the iDURC Policy. If the institution is outside the United States and receives funding through this agreement to conduct or sponsor research involving any of those same agents or toxins, the recipient agrees to comply with the iDURC Policy. The recipient agrees to provide any additional information that may be requested by EPA regarding DURC and iDURC. The recipient agrees to immediately notify the EPA Project Officer should the project use or introduce use of any of the agents or toxins identified in the iDURC Policy. The recipient's Institution/Organization must also comply with USG iDURC policy and EPA DURC Order and will inform the appropriate government agency if funded by such agency of research with the agents or toxins identified in Section 6.2.1 of the iDURC Policy. If privately funded the recipient agrees to notify the National Institutes of Health at DURC@od.nih.gov.

\* "*Life Sciences Research*," for purposes of the EPA DURC Order, and based on the definition of research in 40 CFR §26.102(d), is a systematic investigation designed to develop or contribute to generalizable knowledge involving living organisms (e.g., microbes, human beings, animals, and plants) and their products. EPA does not consider the following activities to be research: routine product testing, quality control, mapping, collection of general-purpose statistics, routine monitoring and evaluation of an operational program, observational studies, and the training of scientific and technical personnel. [Note: This is consistent with Office of Management and Budget Circular A-11.]

### **38. Research Misconduct**

In accordance with 2 CFR 200.329, the recipient and subrecipient agree to notify the EPA Project Officer in writing about research misconduct involving research activities that are supported in whole or in part with EPA funds under this project. EPA defines research misconduct as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results [65 FR 76262. I], or ordering, advising or suggesting that subordinates engage in research misconduct. The recipient agrees to:

- (1) Immediately notify the EPA Project Officer who will then inform the EPA Office of Inspector General (OIG) if, at any time, an allegation of research misconduct falls into one of the categories listed below:
  - A. Public health or safety is at risk
  - B. Agency resources or interests are threatened

- C. Circumstances where research activities should be suspended
  - D. There is a reasonable indication of possible violations of civil or criminal law
  - E. Federal action is required to protect the interests of those involved in the investigation
  - F. The research entity believes that the inquiry or investigation may be made public prematurely so that appropriate steps can be taken to safeguard evidence and protect the rights of those involved
  - G. Circumstances where the research community or public should be informed. [65 FR 76263.III]
- (2) Report other allegations to the OIG when they have conducted an inquiry and determined that there is sufficient evidence to proceed with an investigation. [65 FR 76263. III]

### **39. Scientific Integrity Terms and Conditions**

The recipient agrees to comply with EPA's Scientific Integrity Policy when conducting, supervising, and communicating science and when using or applying the results of science. For purposes of this award condition scientific activities include, but are not limited to, computer modelling, economic analysis, field sampling, laboratory experimentation, demonstrating new technology, statistical analysis, and writing a review article on a scientific issue. The recipient agrees to:

#### **39.1 Scientific Products**

**39.1.1.** Produce scientific products of the highest quality, rigor, and objectivity, by adhering to applicable EPA information quality guidelines, quality policy, and peer review policy.

**39.1.2.** Prohibit all recipient employees, contractors, and program participants, including scientists, managers, and other recipient leadership, from suppressing, altering, or otherwise impeding the timely release of scientific findings or conclusions.

**39.1.3.** Adhere to EPA's Peer Review Handbook, 4<sup>th</sup> Edition, for the peer review of scientific and technical work products generated through EPA grants or cooperative agreements which, by definition, are not primarily for EPA's direct use or benefit.

#### **39.2 Scientific Findings**

**39.2.1.** Require that reviews regarding the content of a scientific product that are conducted by the project manager and other recipient managers and the broader management chain be based only on scientific quality considerations, e.g., the methods used are clear and appropriate, the presentation of results and conclusions is impartial.

**39.2.2.** Ensure scientific findings are generated and disseminated in a timely and transparent manner, including scientific research performed by employees, contractors, and program participants, who assist with developing or applying the results of scientific activities.

**39.2.3.** Include, when communicating scientific findings, an explication of underlying assumptions, accurate contextualization of uncertainties, and a description of the probabilities associated with both optimistic and pessimistic projections, if applicable.

**39.2.4.** Document the use of independent validation of scientific methods.

**39.2.5.** Document any independent review of the recipient's scientific facilities and testing activities, as occurs with accreditation by a nationally or internationally recognized sanctioning body.

**39.2.6.** Make scientific information available online in open formats in a timely manner, including access to data and non-proprietary models.

### **39.3 Scientific Misconduct**

**39.3.1.** Prohibit intimidation or coercion of scientists to alter scientific data, findings, or professional opinions or non-scientific influence of scientific advisory boards. In addition, recipient employees, contractors, and program participants, including scientists, managers, and other leadership, shall not knowingly misrepresent, exaggerate, or downplay areas of scientific uncertainty.

**39.3.2.** Prohibit retaliation or other punitive actions toward recipient employees who uncover or report allegations of scientific and research misconduct, or who express a differing scientific opinion. Employees who have allegedly engaged in scientific or research misconduct shall be afforded the due process protections provided by law, regulation, and applicable collective bargaining agreements, prior to any action. Recipients shall ensure that all employees and contractors of the recipient shall be familiar with these protections and avoid the appearance of retaliatory actions.

**39.3.3.** Require all recipient employees, contractors, and program participants to act honestly and refrain from acts of research misconduct, including publication or reporting, as described in EPA's Policy and Procedures for Addressing Research Misconduct, Section 9.C. Research misconduct does not include honest error or differences of opinion. While EPA retains the ultimate oversight authority for EPA-supported research, grant recipients conducting research bear primary responsibility for prevention and detection of research misconduct and for the inquiry, investigation, and adjudication of research misconduct alleged to have occurred in association with their own institution.

**39.3.4.** Take the actions required on the part of the recipient described in the EPA's Policy and Procedures for Addressing Research Misconduct, Sections 6 through 9, when research misconduct is suspected or found.

### **39.4 Additional Resources**

For more information about the Scientific Integrity Policy, an introductory video can be accessed at: <https://youtu.be/FQJCy8BXXq8>. A training video is available at: <https://youtu.be/Zc0T7foot8>.

## **40. Post-Award Disclosure of Current and Pending Support on Research Grants**

The recipient is required to notify EPA if there has been a change in support for senior/key persons since submission of its application or the last reporting period in the performance report. If there has been a change, the recipient must report the change within 30 calendar days to the EPA Project Officer. The information should also be included in the next due performance report. If there has been a change, submit a revised current and pending support form (see 'EPA Current and Pending Support'). Senior/key persons must certify that the information contained in the updated current and pending support form is current, accurate, and complete. For additional details on what information needs to be disclosed, please see NSTC Pre-award and Post-award disclosures Relating to the Biographical Sketch and Current and Pending (Other) Support at NSTC Research Security Subcommittee NSPM-33 Implementation Guidance Disclosure Requirements & Standardization.

EPA may consult with the Lead/Contact PI and the Authorized Organization Representative (AOR), if necessary, to determine the impact of the new information on the EPA-funded research grant and, where necessary, take appropriate action.

If the recipient discovers that a senior/key person on an active EPA grant failed to disclose current and pending support information or provided inaccurate information as part of the proposal submission process, it must submit a revised current and pending support form (see 'EPA Current and Pending Support') to the EPA Project Officer within 30 calendar days of the identification of the undisclosed or inaccurate current and pending information.

#### **41. Procurement of Synthetic Nucleic Acids and Benchtop Nucleic Acid Synthesis Equipment**

Beginning on April 26, 2025, the recipient must procure synthetic nucleic acids and benchtop nucleic acid synthesis equipment, as defined in the 2024 Office of Science and Technology Policy (OSTP) Framework for Nucleic Acid Synthesis Screening (Framework), from providers or manufacturers that attest to adhering to the Framework. The attestation may be posted on a public website or provided directly to the recipient upon request. The recipient must include this requirement in all lower tier agreements (for example subrecipients or subcontractors).

### **Public Policy Requirements**

#### **42. Civil Rights Obligations**

This term and condition incorporates by reference the signed assurance provided by the recipient's authorized representative on: 1) EPA Form 4700-4, "Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance"; and 2) Certifications and Representations in SAM.gov or Standard Form 424D, as applicable.

These assurances and this term and condition obligate the recipient to comply fully with applicable civil rights statutes and implementing federal and EPA regulations.

##### **(a) Statutory Requirements**

- i. In carrying out this agreement, the recipient must comply with:
  - 1) Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin, by entities receiving Federal financial assistance.
  - 2) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with disabilities by entities receiving Federal financial assistance; and
  - 3) The Age Discrimination Act of 1975, which prohibits age discrimination by entities receiving Federal financial assistance.
- ii. If the recipient is an education program or activity (e.g., school, college, or university) or if the recipient is conducting an education program or activity under this agreement, it must also comply with:
  - 1) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities operated by entities receiving Federal

financial assistance. For further information about your compliance obligations regarding Title IX, see <https://www.justice.gov/crt/title-ix>

iii. If this agreement is funded with financial assistance under the Clean Water Act (CWA), the recipient must also comply with:

- 1) Section 13 of the Federal Water Pollution Control Act Amendments of 1972, which prohibits discrimination on the basis of sex in CWA-funded programs or activities.

**(b) Regulatory Requirements**

i. The recipient agrees to comply with all applicable EPA civil rights regulations, including:

- 1) For Title IX obligations, 40 C.F.R. Part 5; and
- 2) For Title VI, Section 504, Age Discrimination Act, and Section 13 obligations, 40 C.F.R. Part 7.

**Note that for financial assistance awarded to any entity, including any subrecipient, in the State of Louisiana**, pursuant to a permanent injunction issued by the U.S. District Court for the Western District of Louisiana, EPA will not impose any disparate-impact or cumulative-impact-analysis requirements under Title VI of the Civil Rights Act of 1964 in any pre-award assurances or terms and conditions accompanying the application for and receipt of this grant award.

- 3) The statutory and national policy requirements at 2 CFR 200.300(a).
- 4) For Federal awards that are subject to a Federal statute prohibiting discrimination based on sex, the Federal agency or pass-through entity must ensure that the award is administered in a way that does not unlawfully discriminate based on sexual orientation or gender identity consistent with the Supreme Court's reasoning in *Bostock v Clayton County*, 140 S. Ct. 1731 (2020), in accordance with 2 CFR 200.300.
- 5) As noted on the EPA Form 4700-4 signed by the recipient's authorized representative, these regulations establish specific requirements as applicable, including, but not limited to collecting, maintaining, and providing upon request compliance information, establishing grievance procedures, designating a Civil Rights Coordinator, and providing notices of non-discrimination.

**(c) Title VI – Limited English Proficiency (LEP), Public Participation and Affirmative Compliance Obligation**

i. As a recipient of EPA financial assistance, you are required by Title VI of the Civil Rights Act to take reasonable steps to provide meaningful access to LEP individuals. In implementing that requirement, the recipient may refer to the EPA document entitled "Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." The Guidance can be found at:

<https://www.federalregister.gov/documents/2004/06/25/04-14464/guidance-to-environmental-protection-agency-financial-assistance-recipients-regarding-title-vi>.

ii. If the recipient is administering permitting programs under this agreement, the recipient may refer to EPA's "Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs." The Guidance can be found at:

<https://www.govinfo.gov/content/pkg/FR-2006-03-21/pdf/06-2691.pdf>.

- iii. In accepting this assistance agreement, the recipient acknowledges it has an affirmative obligation to implement effective federal civil rights compliance programs, as required by EPA's nondiscrimination regulations at 40 C.F.R. Parts 5 and 7, and ensure that it does not discriminate in its programs and activities in violation of federal civil rights laws and regulations. The recipient must be prepared to demonstrate to EPA that such compliance programs exist and are being implemented, or to otherwise demonstrate how it is meeting its federal civil rights obligations. For further assistance on civil rights compliance, the recipient may refer to the EPA document entitled, "Civil Rights Guidance on Procedural Safeguards: Requirements and Best Practices." The Guidance can be found at: [www.epa.gov/system/files/documents/2024-08/civil-rights-guidance-on-procedural-safeguards-august-2024.pdf](http://www.epa.gov/system/files/documents/2024-08/civil-rights-guidance-on-procedural-safeguards-august-2024.pdf).

#### **43. Drug-Free Workplace**

The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 2 CFR Part 1536 Subpart B. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 2 CFR Part 1536 Subpart C.

The consequences for violating this condition are detailed under Title 2 CFR Part 1536 Subpart E. Recipients can access the Code of Federal Regulations (CFR) Title 2 Part 1536 at [www.ecfr.gov/](http://www.ecfr.gov/).

#### **44. Hotel-Motel Fire Safety**

Pursuant to U.S.C. 2225a, the recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <https://apps.usfa.fema.gov/hotel/> to see if a property is in compliance, or to find other information about the Act.

#### **45. Lobbying Restrictions**

**a) This assistance agreement is subject to lobbying restrictions as described below. Applicable to all assistance agreements:**

- i. The chief executive officer of this recipient agency shall ensure that no grant funds awarded under this assistance agreement are used to engage in lobbying of the Federal Government or in litigation against the U.S. unless authorized under existing law. The recipient shall abide by the Cost Principles available at 2 CFR Part 200 which generally prohibits the use of federal grant funds for litigation against the U.S. or for lobbying or other political activities.
- ii. 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.

- iii. 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.
  - iv. Contracts awarded by a recipient shall contain, when applicable, the anti-lobbying provision as stipulated in the contract provisions provided in Appendix II to Part 200.
  - v. By accepting this award, the recipient affirms that it is not a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986 as required by Section 18 of the Lobbying Disclosure Act; or that it is a nonprofit organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act. Nonprofit organizations exempt from taxation under section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities are ineligible for EPA subawards.
- b) Applicable to assistance agreements when the amount of the award is over \$100,000:**
- i. By accepting this award, the recipient certifies, to the best of its knowledge and belief that:
    - 1) No Federal appropriated funds have been or will be paid, by or on behalf of the recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
    - 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or any employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the recipient shall complete and submit the linked Standard Form -- LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
    - 3) The recipient shall require that the language of this certification be included in the award documents for all subawards exceeding \$100,000 at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
  - ii. 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 failure.

#### **46. Recycled Paper**

When directed to provide paper documents, the recipient agrees to use recycled paper and double-sided printing 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.

#### **47. Resource Conservation and Recovery Act**

Consistent with goals of section 6002 of RCRA (42 U.S.C. 6962), State and local institutions of higher education, hospitals and non-profit organization recipients agree to give preference in procurement programs to the purchase of specific products containing recycled materials, as identified in 40 CFR Part 247.

- a) Consistent with section 6002 of RCRA (42 U.S.C. 6962) and 2 CFR 200.323, the recipient or subrecipient that is a State agency or agency of a political subdivision of a State and its contractors are required to purchase certain items made from recycled materials, as identified in 40 CFR Part 247, when the purchase price exceeds \$10,000 during the course of a fiscal year or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. Pursuant to 40 CFR 247.2(d), the recipient or subrecipient may decide not to procure such items if they are not reasonably available in a reasonable period of time; fail to meet reasonable performance standards; or are only available at an unreasonable price.
- b) The recipient or subrecipient should, to the greatest extent practicable and consistent with law, purchase, acquire, or use products and services that can be reused, refurbished, or recycled; contain recycled content, are biobased, or are energy and water efficient; and are sustainable. This may include purchasing compostable items and other products and services that reduce the use of single-use plastic products per Executive Order 14057, section 101, Policy.

#### **48. Trafficking in Persons**

- a) **Provisions applicable to a recipient that is a private entity receiving funds under the award.**
  - i. The recipient, the recipient's employees, subrecipients under this award, and subrecipients' employees may not engage in:
    - 1) Severe forms of trafficking in persons
    - 2) The procurement of a commercial sex act during the period of time that this award or any subaward is in effect;
    - 3) The use forced labor in the performance of this award or any subaward; or
    - 4) Acts that directly support or advance trafficking in persons, including the following acts:
      - i. Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents;
      - ii. Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless:

- A. Exempted from the requirement to provide or pay for such return transportation by the Federal department or agency providing or entering into the grant or cooperative agreements; or
      - B. The employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action;
    - iii. Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment;
    - iv. Charging recruited employees a placement or recruitment fee; or
    - v. Providing or arranging housing that fails to meet the host country's housing and safety standards.
  - ii. EPA may unilaterally terminate this award or take any remedial actions authorized by 22 U.S.C. 7104b(c), without penalty, if any private entity under this award:
    - 1) Is determined to have violated a prohibition in paragraph 47.a.i. of this award term; or
    - 2) Has an employee that is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph 47.a.i. of this award term through conduct that is either:
      - i. Associated with the performance under this award; or
      - ii. Imputed to the recipient or subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non- procurement)," as implemented by EPA at 2 CFR Part 1532.
- b) Provision applicable to a recipient other than a private entity.** EPA may unilaterally terminate this award or take any remedial actions authorized by 22 U.S.C. 7104b(c), without penalty, if a subrecipient that is a private entity under this award:
- i. Is determined to have violated an applicable prohibition in paragraph 47.a.i. of this award term; or
  - ii. Has an employee that is determined to have violated a prohibition in paragraph 47.a.i. of this award term through conduct that is either:
    - 1) Associated with the performance under this award; or
    - 2) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by EPA at 2 CFR Part 1532.
- c) Provisions applicable to any recipient**
- i. The recipient must inform the EPA and the EPA's Office of Inspector General immediately of any information received from any source alleging a violation of a prohibition in paragraph 47.a.i. of this award term.
  - ii. The EPA's right to terminate unilaterally that is described in paragraphs 47.a. and 47.b.:

- 1) Implements the requirements of 22 U.S.C. Chapter 78, and
  - 2) Is in addition to all other remedies for noncompliance that are available to the EPA under this award.
- iii. The recipient must include the requirements of paragraph 47.a.1. of this award term in any subaward made to a private entity.
  - iv. If applicable, the recipient must also comply with the compliance plan and certification requirements in 2 CFR 175.105(b).
- d) **Definitions.** For purposes of this award term:
- i. "Employee" means either:
    - 1) An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
    - 2) Another person engaged in the performance of the project or program under this award and not compensated by the recipient including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing requirements.
  - ii. "Private Entity" means any entity, including for-profit organizations, nonprofit organizations, institutions of higher education, and hospitals. The term does not include foreign public entities, Indian Tribes, local governments, or states as defined in 2 CFR 200.1
  - iii. The terms "severe forms of trafficking in persons," "commercial sex act," "sex trafficking," "Abuse or threatened abuse of law or legal process," "coercion," "debt bondage," and involuntary servitude" have the meanings given at section 103 of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7102).

**49. Build America, Buy America – Required Use of American Iron, Steel, Manufactured Products, and Construction Materials (effective October 23, 2023, and forward)**

**Buy America Preference.** Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for an infrastructure project unless:

- (1) All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- (2) All manufactured products used in the project are produced in the United States— this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and

(3) All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The construction material standards are listed below.

***Incorporation into an infrastructure project.*** The Buy America Preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

***Categorization of articles, materials, and supplies.*** An article, material, or supply should only be classified into one of the following categories: (i) Iron or steel products; (ii) Manufactured products; (iii) Construction materials; or (iv) Section 70917(c) materials. An article, material, or supply should not be considered to fall into multiple categories. In some cases, an article, material, or supply may not fall under any of the categories listed in this paragraph. The classification of an article, material, or supply as falling into one of the categories listed in this paragraph must be made based on its status at the time it is brought to the work site for incorporation into an infrastructure project. In general, the work site is the location of the infrastructure project at which the iron, steel, manufactured products, and construction materials will be incorporated.

***Application of the Buy America Preference by category.*** An article, material, or supply incorporated into an infrastructure project must meet the Buy America Preference for only the single category in which it is classified.

***Determining the cost of components for manufactured products.*** In determining whether the cost of components for manufactured products is greater than 55 percent of the total cost of all components, use the following instructions:

(a) For components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or

(b) For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a), plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product.

***Construction material standards.*** The Buy America Preference applies to the following construction materials incorporated into infrastructure projects. Each construction material is followed by a

standard for the material to be considered “produced in the United States.” Except as specifically provided, only a single standard should be applied to a single construction material.

- (1) Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
- (2) Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.
- (3) Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.
- (4) Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.
- (5) Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.
- (6) Lumber. All manufacturing processes, from initial debarking through treatment and planing, occurred in the United States.
- (7) Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.
- (8) Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

**Waivers.** When supported by rationale provided in IIA §70914, the recipient may submit a waiver request in writing to EPA. Recipients should request guidance on the submission instructions of an EPA waiver request from the EPA Project Officer for this agreement. A list of approved EPA waivers (general applicability and project specific) is available on the [EPA Build America, Buy America website](#).

EPA may waive the application of the Buy America Preference when it has determined that one of the following exceptions applies:

- (1) applying the Buy America Preference would be inconsistent with the public interest;
- (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

For questions regarding the Build America, Buy America Act requirements for this assistance agreement or to determine if there is an approved waiver in place, please contact the EPA Project Officer for this agreement.

**Definitions.** For legal definitions and sourcing requirements, the recipient must consult the EPA Build America, Buy America website, 2 CFR Part 184, and the Office of Management and Budget's (OMB) Memorandum M-24-02 Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

#### **50. Required Certifications and Consequences of Fraud**

Per 2 CFR 200.415(a), financial reports must include a certification that must be signed by an official who is authorized to legally bind the recipient which reads as follows:

“By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).”

As outlined in 2 CFR 200.415(b), subrecipients of all tiers under the Federal award must certify to the pass-through entity whenever applying for funds, requesting payment, and submitting financial reports as follows:

“I certify to the best of my knowledge and belief that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812.”

The certifications must be maintained in accordance with the record retention requirements at 2 CFR 200.334.

#### **51. Reporting Waste, Fraud and Abuse**

Consistent with 2 CFR 200.113, the recipient and any subrecipients of this award must promptly report in writing whenever there is credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729-3733) to the EPA Project Officer, the pass-through entity (if applicable), and the EPA Office of Inspector General (OIG). The methods to contact the EPA OIG are (1) online submission via the EPA OIG Hotline Complaint Form; (2) email to OIG\_Hotline@epa.gov; (3) phone 1-888-546-8740; or (4) mail directed to Environmental Protection Agency, Office of Inspector General, 1200 Pennsylvania Avenue, N.W. (2410T), Washington, DC 20460.

To support awareness of the OIG hotline, recipients and/or subrecipients receiving an EPA award or subaward of \$1,000,000 or more must display EPA OIG Hotline posters in facilities where the work is

performed under the grant. EPA OIG Hotline posters may be downloaded or printed or may be obtained by contacting the OIG at 1- 888-546-8740. Recipients and subrecipients need not comply with this requirement if they have established a mechanism, such as a hotline, by which employees may report suspected instances of improper conduct and have provided instructions that encourage employees to make such reports.

Recipients and subrecipients are also required to report matters related to recipient integrity and performance in accordance with Appendix XII to 2 CFR Part 200.

## **52. Whistleblower Protections**

This award is subject to whistleblower protections, including the protections established at 41 U.S.C. 4712 and 2 CFR 200.217 providing that an employee of the recipient or subrecipient may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (a)(2) of 41 U.S.C. 4712 information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract, grant, or subaward, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract), grant. These covered persons or bodies include:

- a. A member of Congress or representative of a committee of Congress.
- b. An Inspector General.
- c. The Government Accountability Office.
- d. A Federal employee responsible for contract or grant oversight or management at the relevant agency.
- e. An authorized official of the Department of Justice or other law enforcement agency.
- f. A court of grand jury.
- g. A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

Consistent with 41 U.S.C. 4712(d), the recipient and subrecipients must inform their employees in writing, in the predominant language of the workforce or organization, of employee whistleblower rights and protections under 41 U.S.C. 4712. Additional information about whistleblower protections, including protections for such employees may be found at the EPA Office of Inspector General's Whistleblower Protection page.

## **53. Access to Records**

In accordance with 2 CFR 200.337, EPA, the pass-through entity, the EPA Office of Inspector General (OIG), and the Comptroller General of the United States have the right to access any records of the recipient and subrecipient pertinent to this award, to perform audits, execute site visits, or for any other official use. This right of access also includes timely and reasonable access to the recipient and subrecipient's personnel for the purpose of interview and discussion related to such documents or the Federal award in general. This right of access shall continue as long as the records are retained.





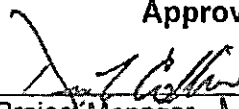

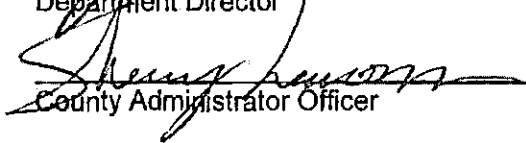
# County of Siskiyou

## Notice of Intent (NOI)

Department:	Air Pollution Control District
Project Manager/Contact No.	Dian Collier
Department Director/Contact No.	Jim Smith
Project Name:	EPA IRA 60105 a b
Amount of Grant:	\$357,431.00
Last Updated:	11/26/24

**Project Description:** New and Existing Multipollutant Monitoring Site Enhancements. We have submitted a workplan to the EPA to participate in their survey with the possibility of a grant award. We would like to apply for the grant and accept the grant if offered and awarded.

**Summary:** The EPA has asked for all counties to submit workplans for Air District needs as part of their survey to establish grant fund availability to help Air Districts meet those needs.

Approvals	
Prepared by:	 Project Manager
Approved by:	 Department Director
	 County Administrator Officer



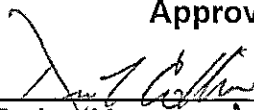
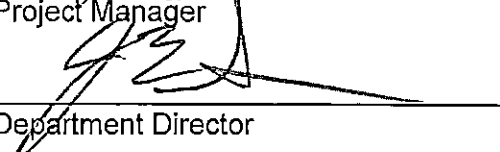
# County of Siskiyou

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Approvals	
Prepared by:	 Project Manager
Approved by:	 Department Director
	_____ County Administrator Officer

**ATTACHMENT  
Grant Summary Form**

*This form is available on the County's Intranet.*

County of Siskiyou  
**GRANT SUMMARY FORM**

**GENERAL INFORMATION**

Grant Title		Grant No.(CFDA)	
EPA IRA 60105 a b			
General Description of Grant Work scope			
New and Existing Multi-pollutant Monitoring site enhancements			
Granting Agency <input type="checkbox"/> FED <input checked="" type="checkbox"/> STATE <input type="checkbox"/> OTHER		Agency Contact	Phone No.
EPA		Laura Gutierrez	916-441-5700
Responsible Department		Department Contact	Extension No.
Air Pollution Control District		Dian Collier	
Board Approval Date	Application Date	Award Date	Est'd Completion Date

**GRANT COST AND REVENUE SUMMARY**

Program Cost Summary	Total	Grant Portion
Revenue (Please display with brackets <>)	-357,431.00	-357,431.00
Soft/hard cash match or In kind (<>)		
Staffing	75,000.00	75,000.00
Contract Services		
Supplies & Other Operating Expenditures	282,431.00	282,431.00
Capital Outlay		
Indirect Cost@      % of Direct Costs		
<b>TOTAL GRANT COSTS AND REVENUES</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>
How Was Grant Portion Determined?		
Workplans were requested by Air Districts to be used in a survey by CARB to develop their grant and award/offer amounts. We have participated in the survey.		

Budget Amendment Request Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      If yes, please attach copy of Budget Appropriation Transfer
This will need it's own fund established, it will be new.

Does this grant allow for supplanting?  Yes  No  
Does this grant allow for program income?  Yes  No  
Will this require an advance of grant dollars?  Yes  No

OTHER COMMENTS (note any significant or unusual compliance requirements)


*Use reverse side if necessary to provide additional information*

Prepared By: David C. Collier  
Date: 1/8/25

\*\*\*\*Please attach a copy of the grant guidelines and all supporting documents that relate to the program cost summary section.



# COUNTY OF SISKIYOU

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## AIR POLLUTION CONTROL DISTRICT

525 SOUTH FOOTHILL DRIVE  
YREKA, CALIFORNIA 96097-3090  
PHONE: (530) 841-4025  
FAX: (530) 842-6690

JAMES E. SMITH  
*Air Pollution Control Officer*

**Project Title:**

New and Existing Multipollutant Monitoring Site Enhancements in Siskiyou County

**Applicant Information:**

Siskiyou County Air Pollution Control District  
525 South Foothill Drive  
Yreka, CA 96097

**Contacts:**

James E. (Jim) Smith Air Pollution Control Officer  
Phone Number: 530-841-4033 / Email: [jsmith@co.siskiyou.ca.us](mailto:jsmith@co.siskiyou.ca.us)  
Dian Collier ASM II  
Phone Number: 530-841-4111 / Email: [dcollier@co.siskiyou.ca.us](mailto:dcollier@co.siskiyou.ca.us)

**Amount of Funding Awarded: \$357,431.00**

**Project Period:**

Existing Sites Fiscal Years 2024/2025 – 2029/2030  
New Site Fiscal Years 2024/2025 – 2026/2027

**Existing air pollutant monitoring stations in Siskiyou County:**

Mt Shasta Elementary School station (site ID pending)  
Yreka Foothill station (site ID: 060902001)

**Proposed new pollutant monitoring station in Siskiyou County:**

Happy Camp Lower Airport station (site ID pending)

**Project Description:**

The proposed project includes these components:

1. Augmenting Siskiyou County ozone and PM<sub>2.5</sub> air monitoring network,
  2. Enhancing the data quality assurance for existing and new air monitoring sites,
  3. Improving and preserving the operation of the ambient air monitoring network in Siskiyou County.
1. Augmenting Siskiyou County Ozone and PM<sub>2.5</sub> Air Monitoring Network
    - a) The Siskiyou County Air Pollution Control District (District) proposes to install, operate, and maintain a new PM<sub>2.5</sub> air monitoring station in Happy Camp, California. The economically disadvantaged residents of the Happy Camp community are consistently subjected to disproportionate emissions from wildfires. Improved ambient air quality measurements can support health-based decision-making. The District has preliminary land manager approvals for installation and operation of a Special Purpose Monitor site PM<sub>2.5</sub>. The Happy Camp monitoring site will include a BAM 1022 PM<sub>2.5</sub> monitor, ozone analyzer, weather station, and Agilair datalogger. The District proposes that the Happy Camp site have electrical and data service provided to the new air monitoring equipment installed on a stationary trailer.
    - b) The District proposes to purchase one (1) T703U ozone calibrator for use with the previously IRA funded ozone analyzer to conduct automatic Quality Control (QC) checks daily.
    - c) The District proposes to purchase, install, and maintain secure telemetry system equipment at the Happy Camp site by connecting to the available network with new datalogger, firewall, and necessary service contracts.

- d) The District proposes to purchase and operate portable solar/AC powered AQSync multi-pollutant Special Purpose Monitors and for source monitoring, incident response, and transport study. The FEM designated AQSync will monitor multi-pollutants in disadvantaged communities of Siskiyou County including Tulelake near the Klamath Basin PM<sub>2.5</sub> Maintenance area, Weed near biomass Title V source, and Yreka neighborhood of a synthetic-minor biomass source.

2. Enhancing Data Quality Assurance for Existing and New Air Monitoring Sites

- a) The District proposes that the new Teledyne API T703U ozone calibrator be deployed by District site operators in performing semi-annual multipoint verifications/calibrations on ozone analyzers at monitoring sites. The unit will be stationed at the District's office.
- b) The District also proposes to purchase one (1) portable zero air generator (Teledyne API 751H). This portable zero air generator will be paired with an ozone calibrator for in-person semi-annual multipoint calibrations at sites. It can provide stable zero air flows for instrument calibrations and enhance the zero air checks required by CARB's Quality Assurance Program Plan (QAPP)
- c) The District proposes to purchase one (1) Teledyne API T400 UV photometric ozone analyzer. This analyzer will be used for quarterly verifications of the zero-air generator used for either routine QC checks or semi-annual multipoint verifications. The unit will be stationed at the District's office.
- d) The District proposes the purchase of PM<sub>2.5</sub> service equipment and consumables to keep the Happy Camp, Mt Shasta, and Yreka monitoring sites operable with minimized downtime to better meet data completeness goals for AQS reporting.

The above funding request proposal includes continued quality assurance improvements and support of the District monitoring network operation for up to a 5-year period. The detailed estimated funding request is included in the attachment.

3. Improving and Preserving Monitoring Network Operation

- a) The proposed instrument purchases include annual maintenance kits, consumables, and service parts for 2 to 5-year periods for the Happy Camp and Yreka sites respectively. These instruments and robust inventory of service parts will enhance the District's ozone monitoring operation and ensure the ozone data quality is accurate, reliable, and defensible. The proposed new ozone equipment totals \$63494.60. The detailed estimated funding requests are in the attachment. The funding would support the District to operate the air monitoring network continuously.
- b) The District proposes to purchase two (2) uninterruptible power supply (UPS) units for Happy Camp and Mt Shasta sites. Yreka is already equipped with UPS. Included in the proposal are three (3) UPS replacement batteries. Severe weather conditions often occur in Siskiyou County, leading to unstable supply of power. Frequent power outages not only interrupt the instrument operation but also cause electric damage to the instruments due to power surges. The UPS units can provide temporary power during power outages and protect instruments from power surges.
- c) The District proposes purchase of one (1) Alicat Scientific FP-25 Portable Flow Calibrator to replace one of the District's aging BGI Delta Cal flow standards. The Alicat FP-25 has a much shorter turn-around time for annual calibration certifications at significantly lower costs.
- d) The District proposes continued upgrades to its air quality data management system including purchase and installation of air quality equipment cabinet on permanent foundation with buried electrical service, data logger, UPS, and telemetry at the Mount Shasta Elementary School site. The improvements will help to preserve the Elementary School site's data collection, retention, and transmission.
- e) In addition to the data and software service expenses, the District would also request funding to support the staffing expenses. Currently, the District has two air pollution specialists solely responsible for all monitoring network operation and data reporting. Air monitoring is an important tool for improving air quality, protecting public health, and ensuring compliance with more strengthened ambient air quality standards. The District's operational revenues continue to shrink due to reduced State of California subvention funding that could further strain District air monitoring operations. The District requests additional funding (equal to 25% of staffing operational expenses) that will assist the District to sustain the monitoring network operation for at least a 2-year period.



# COUNTY OF SISKIYOU

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## AIR POLLUTION CONTROL DISTRICT

525 SOUTH FOOTHILL DRIVE  
YREKA, CALIFORNIA 96097-3090  
PHONE: (530) 841-4025  
FAX: (530) 842-6690

JAMES E. SMITH  
*Air Pollution Control Officer*

**Conclusion:**

IRA Section 60105 (a) & (b) funding will help improve and sustain the District's air monitoring network. Our constituents increasingly follow reported air quality data. Public Health officials, air quality regulators, and decision makers track compliance with ambient air quality standards to protect public health. The Siskiyou County Air Pollution Control District IRA Grant Proposal when funded and implemented will greatly assist air quality maintenance goals for the betterment of residents and visitors of Siskiyou County.

Siskiyou APCD IRA Grant 60105 (a) (b) Proposal

Category	Quantity	Description	Vendor	Cost each	Extended	Component #
<b>New Ozone Equipment</b>						
	1	T703U Calibrator	Clipper Controls / Teledyne API	20,000.00	20,000.00	1, 2
	1	T400 Analyzer	Clipper Controls / Teledyne API	11,000.00	11,000.00	1, 2
	1	751H O-Air Supply	Clipper Controls / Teledyne API	10,500.00	10,500.00	1, 2
	5	751H Maint. Kit	Clipper Controls / Teledyne API	600.00	3,000.00	1, 2
	10	25' Roll 0.25" PTFE	Grainger	95.00	950.00	1, 2
	15	1/4" PTFE fittings	Swagelok (Union, Cap, & T, 5-ea.)	139.82	2,097.30	1
	2	PFA Filter housing	Saville	166.95	333.90	1, 2
	2	94100 Flow Orifice	Clipper Controls / Teledyne API	56.00	112.00	1, 2
	1	O3 Gen. Thermistor	Clipper Controls / Teledyne API	237.00	237.00	1, 2
	2	Internal Pump Assy	Clipper Controls / Teledyne API	1,144.00	2,288.00	1, 2
	5	O3 Scrubber	Clipper Controls / Teledyne API	489.00	2,445.00	1, 2
	1	Press. Reg. Assy.	Clipper Controls / Teledyne API	222.00	222.00	1, 2
	2	751H Pump Rbld Kit	Clipper Controls / Teledyne API	536.00	1,072.00	1, 2
	2	607 Pump Rbld Kit	Clipper Controls / Teledyne API	269.00	538.00	1, 2
	1	Pump Assembly	Clipper Controls / Teledyne API	1,466.00	1,466.00	1, 2
	4	Charcoal Filter	Clipper Controls / Teledyne API	191.00	764.00	1, 2
	5	9690300 Filter Pk	Clipper Controls / Teledyne API	394.00	1,970.00	1, 2
	4	05240000 UV Lamp	Clipper Controls / Teledyne API	488.00	1,952.00	1, 2
	4	05766000A Filter	Clipper Controls / Teledyne API	96.00	384.00	1, 2
	4	KIT000290	Clipper Controls / Teledyne API	549.00	2,196.00	1, 2
	2	Maint Kit 42A	Clipper Controls / Teledyne API	36.00	72.00	1, 2
	2	08483000 Int. Pump	Clipper Controls / Teledyne API	1,100.00	2,200.00	1, 2
		<b>New Ozone Equipment Subtotal</b>			<b>65,799.20</b>	
<b>New PM2.5 Equipment and Consumables</b>						
	1	FP-25 Flow Standard	Alicat Scientific	3250.00	3250.00	1, 2
	5	680828 Pump Kit	AECOM / Met One Instruments	184.00	920.00	1, 2
	60	Filter Tape	AECOM / Met One Instruments	74.10	4,446.00	1
		<b>New PM2.5 Equipment and Consumables Subtotal</b>			<b>8,616.00</b>	
<b>PM2.5 and Ozone Site Upgrades</b>						
	1	4383T Enclosed Trlr.	2025 EZ Hauler / C-C Trailer Sales	13600.00	13,600.00	1, 3
	2	108F Switch	Fortinet	377.00	754.00	1, 3
	2	40-F Firewall	Fortinet	495.00	990.00	1, 3
	2	APC 3000 UPS	APC	2025.00	4,050.00	1, 3
	3	RBS 43 Battery	APC	489.00	1,467.00	1, 3
	2	18U Cabinet	Amazon / SYSRACKS	319.99	639.98	1, 3
	1	Equipment Shelter	Clipper Controls / Open Channel	5490.00	5,490.00	3
	1	Equipment Cabinet	Shelter1	16875.00	16,875.00	1
	1	AQSync Pkg	2B Technologies	91910.00	91910.00	1
		<b>PM2.5 and Ozone Site Upgrades Subtotal</b>			<b>135,775.98</b>	
<b>PM2.5 and Ozone Data &amp; Service Fees</b>						
	5	Annual Calibrations	Alicat Scientific	400.00	2,000.00	3
	2	Install Elec. Service	SW Maintenance Corp.		27,080.00	1, 3
	1	Install Pad	Prevailing Wage Estimated	1500.00	1,500.00	3
	5	Annual Support	Fortinet & Agilaire	2555.00	12,775.00	1, 3
	7	40F Firewall	1-Year Fortinet Contract	842.00	5,894.00	1, 3
	24	Monthly Data	Siskiyou Telephone Service	90.00	2,160.00	1
	1	Connection Fee	Siskiyou Telephone	41.00	41.00	1
	3	Shipping/Freight	Open Channel, Shelter1, 2BTech		4,500.00	1, 2, 3
		<b>PM2.5 and Ozone Data &amp; Service Fees Subtotal</b>			<b>\$ 55,950.00</b>	
<b>Staff and Training</b>						
		<b>Staff and Training Total</b>			<b>\$ 75,000.00</b>	
		<b>Total Taxable Categories</b>			<b>\$ 210,191.18</b>	
		<b>Sales Tax Total</b>	0.0775		<b>\$ 16,289.82</b>	
		<b>IRA Direct Funding 60105 (a) (b) Total</b>			<b>\$ 357,431.00</b>	



# State of California, County of Siskiyou

6

## Air Pollution Control District Minutes, January 28, 2025

The Honorable Directors of the Air Pollution Control District Board of Siskiyou County, California, met in regular session this 28<sup>th</sup> day of January 2025; there being present Directors Ray Haupt, Ed Valenzuela, Michael N. Kobseff, Nancy Ogren and Juliana Lucchesi and County Clerk and ex-Officio Clerk of the Air Pollution Control District Laura Bynum by Deputy County Clerk Wendy Winningham. Director Pat Vela was absent. Chief District Counsel Dana Barton participated via ZOOM/teleconference phone.

The meeting was called to order by Chair Lucchesi who led in the salute to the flag of the United States of America.

**Air Pollution Control District Governing Board** - Election of a Chair and Vice Chair for the Air Pollution Control District for 2025. Directors Kobseff and Vela elected Chair and Vice Chair respectively.

It was moved by Director Haupt, seconded by Director Ogren and carried, with Directors Haupt, Kobseff, Valenzuela, Ogren and Lucchesi voting YES and Director Vela ABSENT to elect Director Kobseff as Chair for 2025.

It was moved by Director Valenzuela, seconded by Director Kobseff and carried, with Directors Haupt, Kobseff, Valenzuela, Ogren and Lucchesi voting YES and Director Vela ABSENT to elect Director Vela as Vice Chair for 2025.

### Public Comment

There were no public comments received.

**Air Pollution** – Discussion, direction and possible action re Resolution to commence post-retirement employment within the exception to the 180-day wait period pursuant to California Government Code Sections 7522.56 & 21224, for retired Air Pollution Specialist III Eric Olson. Resolution APCD 25-01 adopted.

Chief Air Pollution Specialist Jim Smith provided an overview of the request to allow the Air Pollution Department to hire now retired Air Pollution Specialist III Eric Olson as Extra Help.

It was moved by Director Haupt and seconded by Director Lucchesi to adopt the Resolution to appoint Mr. Eric Olson as Extra Help Air Pollution Specialist III.

Following discussion between members of the District Board, Mr. Smith and Chief District Counsel Dana Barton regarding review of the draft Resolution by the County's Personnel Office and the need for a similar Resolution to be considered and adopted by the Board of Supervisors in order to meet CalPERs requirements, the Chair called for the question and the motion carried with Directors Haupt, Kobseff, Valenzuela, Ogren and Lucchesi voting YES and Director Vela ABSENT.

**Minute Approval** – October 28, 2024. Approved.

It was moved by Director Lucchesi, seconded by Director Valenzuela and carried, with Directors Haupt, Kobseff, Valenzuela and Lucchesi voting YES, Director Ogren ABSTAINING and Director Vela ABSENT to approve the October 28, 2024 minutes as presented.

**Adjournment** - There being no further business to come before the Air Pollution Control District, the meeting was adjourned.

Attest:

Laura Bynum, County Clerk

Michael N. Kobseff, Chair

By: \_\_\_\_\_

Deputy

January 28, 2025

# Agenda Worksheet

Submit completed worksheet to:  
Siskiyou County Clerk, 311 Fourth St., Rm 201, Yreka, CA 96097

Regular  Time Requested: 5 min Meeting Date: 2/11/25 7

OR

Consent

Contact Person/Department: APCD Board Phone: 5308414033

Address: 525 S. Foothill Drive, Yreka, CA 96097

Person Appearing/Title: Air Pollution Control District Board

### Subject/Summary of Issue:

Presentation of a Resolution recognizing Eric Olson's retirement from the District after 24 years of employment.

### Financial Impact:

NO  Describe why no financial impact:

YES  Describe impact by indicating amount budgeted and funding source below

Amount: \_\_\_\_\_

Fund: \_\_\_\_\_ Description: \_\_\_\_\_ Org.: \_\_\_\_\_ Description: \_\_\_\_\_

Account: \_\_\_\_\_ Description: \_\_\_\_\_

Activity Code: \_\_\_\_\_ Description: \_\_\_\_\_

Local Preference: YES  NO

For Contracts – Explain how vendor was selected:

Additional Information:

### Recommended Motion:

No action necessary, presentation only.

#### Reviewed as recommended by policy:

County Counsel \_\_\_\_\_

Auditor \_\_\_\_\_

Personnel \_\_\_\_\_

CAO \_\_\_\_\_

#### Special Requests:

Certified Minute Order(s)  Quantity: 1

Other: \_\_\_\_\_

**NOTE: For consideration for placement on the agenda, the original agenda worksheet and backup material must be submitted directly to the Board Clerk (after reviewing signatures have been obtained) by 10:00 a.m. on the Monday the week prior to the Board Meeting.**