



**UPDATED AGENDA**  
**Public Works and Safety Committee**  
**Standing Committee Meeting Agenda**  
**Monday, October 28, 2024**  
**5:00 PM**

**Location: Hybrid**

We invite you to view the meeting in person in the 5<sup>th</sup> Floor Conference Room, Suite 515, Municipal Office Building, 701 N. 7<sup>th</sup> Street, Kansas City, Kansas, or virtually via a Zoom webinar.

Please click this URL to join. <https://us02web.zoom.us/j/81466067789>

**Webinar ID: 814 6606 7789**

**Or One tap mobile:**

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**Or join by phone:**

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US: +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 9128 or +1 719 359 4580 or +1 253 205 0468 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or 888 475 4499 (Toll-Free) or 877 853 5257 (Toll-Free)

International numbers available: <https://us02web.zoom.us/j/81466067789>

Name

Absent

Commissioner Tom Burroughs, Chair

☐

Commissioner Mike Kane

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Commissioner Chuck Stites

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Commissioner Bill Burns

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Commissioner Phil Lopez

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**I. Call to Order/Roll Call**

**II. Revisions to October 28, 2024 Agenda**

Change the order of Items, and Adding Item #5 to the Committee Agenda.

**III. Approval of standing committee minutes from June 26 and September 25, 2023.**

#### **IV. Committee Agenda**

##### **Item No. 1 - RESOLUTION: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – KANSAS CITY KANSAS POLICE DEPARTMENT**

**Synopsis:** Resolution for approval to apply for and accept funding in the amount of \$86,202 under the FY24 Edward Byrne Memorial Justice Assistance Grant program. No match is required.

**Tracking #: 21412**

##### **Item No. 2 - RESOLUTION: KANSAS FIGHTS ADDICTION GRANT FISCAL YEAR 2025**

**Synopsis:** A resolution for approval to apply for and accept grant funding in the amount of \$143,321.94. This grant would allow us to expand treatment, emergency housing, transportation, and defense services for those offenders in our behavioral health and drug courts.

**Tracking #: 21409**

##### **Item No. 3 - RESOLUTION: APPROVING REVISIONS TO COUNTY EMERGENCY OPERATIONS PLAN**

**Synopsis:** Request approval of proposed revisions to the County Emergency Operations Plan (CEOP). (Documents may be viewed at [https://xfer.wycokck.org/public/file/Ph4xw8vgj0Wk84-qc3Oh\\_w/Emergency%20Management%20Updates.zip](https://xfer.wycokck.org/public/file/Ph4xw8vgj0Wk84-qc3Oh_w/Emergency%20Management%20Updates.zip))

**Tracking #: 21415**

##### **Item No. 4 - RESOLUTION: APPROVING EPA CHANGE GRANT AND APPROVING MEMORANDUM OF UNDERSTANDING WITH CENTRAL AVENUE BETTERMENT ASSOCIATION**

**Synopsis:** A resolution authorizing the application and acceptance of the Inter-departmental Grant proposal for the Environmental Change Grant in the amount of \$20 million dollars and authorizing the Memorandum of Understanding with the Central Area Betterment Association. No matching funds are required.

*This item was previously heard by this committee on September 30, 2024.*

**Tracking #: 21411**

**Item No. 5 - RESOLUTION: APPROVING EPA CHANGE GRANT SC019 (ADDED PER AGENDA UPDATE)**

**Synopsis:** Authorizing resolution to allow staff to submit a \$20 Million application for the EPA Change Grant for SC019 with statutory partners. No matching funds are required.

**Tracking #: 21410**

**V.           Public Agenda**

**VI.          Adjourn**

**AGENDA UPDATE  
PUBLIC WORKS & SAFETY  
STANDING COMMITTEE MEETING  
MONDAY, OCTOBER 28, 2024**

**IV. COMMITTEE AGENDA**

**CHANGE ORDER OF ITEMS**

Item #2 will be moved and heard as Item #4.

**ADDING ITEM**

**Item No. 5 – RESOLUTION: APPROVING EPA CHANGE GRANT SC019**

**Synopsis:** Authorizing resolution to allow staff to submit a \$20 million application for the EPA Change Grant for SC019 with statutory partners. No matching funds are required.

**Tracking #: 21410**



**PUBLIC WORKS AND SAFETY  
STANDING COMMITTEE MINUTES  
Monday, June 26, 2023**

The meeting of the Public Works and Safety Standing Committee was held on Monday, June 26, 2023, at 5:00 p.m. The following members were present: Commissioner Bynum, Chairman; BPU Board Member Groneman, Commissioners Kane, Markley, Johnson, Ramirez. The following officials were also in attendance: Daniel Kuhn, Senior Attorney; Wendy Medina, Program Supervisor, KCKPD, Jeff Fisher, Executive Director of Public Works; Troy Shaw, County Engineer; Jeff Miles, Director of Water Pollution Control; and Monica L. Sparks, Deputy UG Clerk.

**Chairman Bynum** said before I call our meeting to order, I want to announce that some of our members, staff, and public are attending remotely by Zoom, as well as on site. Participants joining by phone, please mute your phones when you are not speaking to avoid background noise. During the meeting make sure you announce yourself by name and title when you speak, so the public knows who's speaking. Also, speak directly into a microphone so that our comments are heard and the record of the meeting is accurate. This is critical, given the number of remote participants, and it's also current guidance from the Kansas Attorney General.

Public is allowed to participate by Zoom or submit comments by email prior to the meeting, and those are included in the record of the meeting. The public can also indicate desire to provide remote public comment by contacting the Clerk's Office by 5:00 pm the Thursday prior to the meeting, and then also have an opportunity to provide brief comments, either by phone or Zoom or in person here on this evening.

**Chairman Bynum** called the meeting to order. Roll call was taken and all members were present as shown above.

**Chairman Bynum** said tonight, we have multiple items on our agenda and just for you to make a note, we are going to move Item 7, which is the last agenda item on Public Works and Safety, to Item 3. Other than that, everything else will be the same.

Approval of standing committee minutes from September 26, 2022. **On motion of Commissioner Ramirez, seconded by Commissioner Johnson, the minutes were approved.** Roll call was taken and there were six “Ayes,” Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

### **COMMITTEE AGENDA**

#### **Item No. 1 – 212523...ORDINANCE: ALLOWING GOOGLE TO OPERATE AND MAINTAIN COMMUNICATIONS SERVICES IN THE RIGHTS-OF-WAY**

**Synopsis:** An ordinance allowing Google to operate and maintain communications services in the right-of-way, submitted by Dan Kuhn, Assistant Counsel, Legal Department.

**Daniel Kuhn, Senior Attorney,** said this is an ordinance which would allow Google to operate or basically provide internet services in the Unified Government legal right of way. As noted on, I think, on the slide here they previously had a state video franchise. As many of you are probably aware, Google TV has been discontinued, so they've moved from that to streaming services. If you have any questions, I'm happy to—**Chairman Bynum** said that's just the basic difference. **Mr. Kuhn** said yes.

**Commissioner Kane** said we're going to receive money from them just like some of their surrounding municipalities? **Mr. Kuhn** said yes.

**Commissioner Ramirez** said is it a fixed amount or is it a percentage? **Mr. Kuhn** said it is a percentage. It's 2% of gross profits. I believe the ordinance should be handed to you all, I don't have a copy in front of me. There's a section labeled Compensation, I believe.

**Chairman Bynum** said any other questions?

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve.**

**Chairman Bynum** said okay, there's a motion and a second on this item. Any other comments? Anyone from the public that would like to speak to the item and any one online? **Monica L. Sparks, Deputy UG Clerk,** said no hands were raised and no comments were received. **Chairman**

**Bynum** said thank you very much. Okay, with no further comment, I would have a roll call on the item.

**Roll call** was taken and there were six “Ayes,” Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

**Item No. 2 – 212528...RESOLUTION: DECLARING NECESSITY AND AUTHORIZING A SURVEY AND DESCRIPTION OF LANDS**

**Synopsis:** A resolution declaring the necessity and authorizing a survey and descriptions of lands to be acquired by the right and power of eminent domain for the location, laying-out, reconstruction, expansion, repair, maintenance, operation, and use of 90<sup>th</sup> Street and State Avenue in Kansas City, Wyandotte County, Kansas, submitted by Daniel Kuhn, Legal Department.

**Chairman Bynum** said Mr. Kuhn, Is this one yours also? **Dan Kuhn, Senior Attorney**, said it is, and I believe Ricky Ledgerwood should be here. Oh, Troy's going to speak on it and hopefully can provide much better answers than I could.

**Troy Shaw, County Engineer for Public Works**, said this is a typical property we're having the road widened for development that's going on. They need to add a turn lane to 90th Street between State & Parallel. There's a property that they have to take a temporary easement for to build a sidewalk. They've had conversations with them and they think they're going to get it done, but just to follow the process so we keep things moving, we're going through this process just in case we do have to condemn it in the future. **Chairman Bynum** said so we may not have to. **Mr. Shaw** said we're guessing we won't have to because they have had conversations, but we want to make sure we're moving the process forward. **Chairman Bynum** said okay, questions?

**Action:** **Commissioner Markley made a motion, seconded by Commissioner Ramirez, to approve.**

**Chairman Bynum** said any comments online? **Ms. Sparks** said no hands are raised and no comments were received. **Chairman Bynum** said anyone present that would like to speak to the item? Seeing none, we have a motion and a second. Roll call, please.

**Roll call** was taken and there were six “Ayes,” Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

**Chairman Bynum** said now here's where we're going to move to Item 7 and I believe that it says presentation, but I believe this is an action item, am I right about that? **Mr. Shaw** said correct. **Chairman Bynum** said okay, so this will be an item that we will need to take action on and I will hand it to Troy Shaw, Armourdale Watershed Study.

**Item No.7-212521...PRESENTATION: ARMOURDALE WATERSHED STUDY**

**Synopsis:** Presentation of the Armourdale Watershed Study. The US Army Corp of Engineers (USACE) offers the Planning Assistant to States (PAS) program, which requires a 50/50 participation match, submitted by Jeff Fisher, Executive Director of Public Works.

**Troy Shaw, County Engineer for Public Works,** said we're here with a good opportunity. As you know, we've been working on updating our assets. We've done a lot of work on streets over the years and we're starting to move into stormwater and figuring out where our assets are at.



with the study and then any action that would follow that would need to be approved by the standing committee and then commission. **Mr. Shaw** said just for clarification, sorry, I didn't mean to interrupt, we're okay with working with Administrator to sign the agreement with the Corps? Okay, good, thank you.

**Action:**        **For information only.**

**Item No. 3 – 212524...GRANT: VOCA FY 2024 APPLICATION FOR VICTIM SERVICES**

**Synopsis:** Approval to apply for the upcoming VOCA grant in federal VOCA funds of \$380,980. There is no match requirement, submitted by Wendy Medina, Program Supervisor, KCKPD.

**Wendy Medina, Program Supervisor for KCKPD's Victim Services Unit**, said I'm requesting permission to submit an application for the VOCA Victims of Crime Act Grant fiscal year 2024. VOCA has funded our victim services unit since our inception in 1999. Three full-time victim services personnel are currently funded by VOCA at 75% and two full-time positions in the Order of Protection Office at 100%. If VSU was not able to receive VOCA funding, we would be reduced to one advocate, significantly limiting the services available to victims of domestic violence, sexual assault, child abuse, and survivors of homicide. Last year, we were able to provide 10,847 services to 6,437 victims.

Our current VOCA grant for fiscal year 2023, provided us \$362,000 in federal funds. The required match funds were waived that fiscal year under the VOCA Fix legislation due to the pandemic. For 2024, the proposed budget draft I'll be requesting is \$380,980 in VOCA funds and I've already received notification from the Kansas Governor's Grants Office to anticipate another match waiver for the 2024 grant year. Therefore, I'm not asking for any—they're not asking for a match requirement from KCKPD in 2024.

The increase is based on the actual salaries of staff this year and to allow for a potential cost-of-living adjustment and salaries and the respective increase to fringe benefits come 2024. The health insurance line item I estimated using current plan costs because we just don't really know what the plan costs will be for next year until open enrollment. I am not requesting funds for printing brochures, as we have a big order coming up that will likely last us to 2025. I have no

major changes in the program. The budget for emergency shelter for victims was divided in order to allocate some of those funds towards crime scene cleanup. That's the only new service added to the program which we identified would greatly benefit the families of the homicide victims that we serve. In summary, I am requesting the same level of federal funding as I did last year and I come before you each year for the same request.

**Action: Commissioner Johnson made a motion, seconded by Commissioner Markley, to approve.**

**Commissioner Ramirez** said thank you for all that you do and for the program. It is amazing for the work that you do. Just for the public, what does an advocate provide? What services do they provide to a victim? **Ms. Medina** said our unit is dedicated solely to victims of crime. Therefore, anyone that comes in contact with the Kansas City Kansas Police Department as a victim has rights to a victim advocate. Some of the initial things we do are emergency shelter for victims of domestic violence, lock change, safety planning. We also oversee the Orders of Protection for Wyandotte County, so that also includes Edwardsville and Bonner Springs lethality assessments for victims of domestic violence. We also support victims of sexual abuse, crime victims' compensation, accompaniment to any kind of report making or interviews with detectives. Being a victim of crime is deeply traumatic and navigating all of the steps of the criminal justice system can be very challenging. Therefore, having an advocate to guide you, step by step, at your pace, from a trauma informed perspective is very valuable, and we are one of the only law enforcement based victim advocacy service providers in the state of Kansas. We were actually the first in the state of Kansas in 1999 that was law enforcement based. So we're really proud of always being in a role of leadership to provide victim services.

I can just talk on and on about the services that each of my advocates, you know, Maya Banks, Response Advocate, that responds on scene to homicides, she's here. I'm here. We rotate anytime there's a homicide. We are there within 60 minutes to provide immediate crisis intervention, death notification, and support to families. So there are countless ways that people benefit from a Victim Services Unit.

**Commissioner Ramirez** said okay, thank you. I thought it would just be good for the community who's watching and listening to know that there are these services being provided to

victims across, not just our city, our county. **Ms. Medina** said certainly. I also provide outreach services. So anytime there's any kind of community engagement or any agency that would like more information on victim services, that's also something that we do.

**Chairman Bynum** said thank you very much, and thanks for asking the question. I do think it's important for the community to understand the important work you do.

Madam Clerk, any comments online or hands raised? **Ms. Sparks** said no hands raised, no comments were received. **Chairman Bynum** said anyone present that would like to speak to the item? Seeing none, we have a motion and a second. Roll call on the item, please.

**Roll call** was taken and there were six “Ayes,” Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

#### **Item No. 4 – 212520...RESOLUTION: COUNTY FUNDED INFRASTRUCTURE PROGRAM (CIFI)**

**Synopsis:** Approval of a resolution committing a mill in the same fashion each year into the future, submitted by Jeff Fisher, Executive Director of Public Works.

**Jeff Fisher, Executive Director of Public Works**, said you might recall late last year or early this year, the Commission decided to allocate about half a million dollars to infrastructure that was to be shared by KCK, Bonner Springs, and Edwardsville, and then the intent was to follow that up with discussion around committing a mill, county mill, to infrastructure to be shared in the same way. We've engaged with both of those jurisdictions and they are supportive of this, so we're bringing it to Commission for your consideration. County mill would be around \$1.8 million, I'm told, so KCK would get 50% of that.

**Chairman Bynum** said so the breakdown would be in the packet. It talks about what we divided last year. **Mr. Fisher** said right. **Chairman Bynum** said so it would be higher because we would dedicate a county—a full county mill. **Mr. Fisher** said that's right. **Chairman Bynum** said questions anybody? It's just a continuation of what we put back in the budget last year. **Mr. Fisher** said then Commissioner Stites suggested we rename it, so that's why you have a different name.



That was formerly CIFI. **Chairman Bynum** said I see County Funded Infrastructure—so now it's CFIP? **Mr. Fisher** said that's right. I'm glad you said it first. **Chairman Bynum** said so much better, so much better than CIFI. **Mr. Fisher** said I agree. **Chairman Bynum** said this is a resolution, so we are going to take a vote.

**Commissioner Ramirez** said because I cannot remember from reading the reso, is this an indefinite change until, we'll say, a future Commission team wants to change that? **Mr. Fisher** said that's correct. It'll carry forward. Isn't that the way it's written, Dan? **Mr. Kuhn** said yes, it is.

**Action:** **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to approve.**

**Chairman Bynum** said any comments online or hands raised? **Ms. Sparks** said no hands raised, no comments received. **Chairman Bynum** said anyone in the public that would like to speak? Seeing none, we have a motion and a second. Roll call, please.

**Roll call** was taken and there were six “Ayes,” Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

#### **Item No. 5 - 212518...APPROVAL: EDWARDSVILLE WHOLESALE WASTEWATER RATE AGREEMENT**

**Synopsis:** Public Works staff will present a new and updated 5-year agreement with wholesale rates that align with Kansas City, Kansas ratepayers, submitted by Jeff Fisher, Executive Director of Public Works.

**Jeff Fisher, Executive Director of Public Works**, said as Jeff Miles walks up here, he's our Water Pollution Control Director. He has been working real closely with Edwardsville on this and was involved in their council meeting here recently, I'll let him speak to this.

**Jeff Miles, Water Pollution Control Director**, said we're looking for approval tonight. To give you a little bit of background, our five-year agreement with the city of Edwardsville expired January 1st. We hired Black and Veatch the middle of last year. They did a rate study for a

complete program, then definitely part of Edwardsville as well. We established increase in prices that better match our consent decree, along with flows, fixed rates, and as Jeff mentioned, we went in front of their commission two weeks ago and it got a unanimous approval. We're looking for a five-year agreement again. It steps it up this year with the rates and then from this year forward, it matches the same rate increases, what KCK residents would experience. That's the same scale.

**Chairman Bynum** said I just have a question. How will it be billed? **Mr. Miles** said they bill it, so they bill it directly, and then we build them once a month. We take those totals, there's two pump stations, two meters. They give us the flows, we charge off of a fixed rate as well as per gallon. So we send them a bill once a month, we receive it, and goes right into the Enterprise Fund.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve and fast-track to 6/29/23 meeting.**

**Chairman Bynum** said any online comments or hands raised? **Ms. Sparks** said no comments were received, no hands raised. Commissioner, I would remind everyone there is a request to fast track this item. **Chairman Bynum** said okay, thank you. We will fast track this to our June 29 meeting. **Commissioner Ramirez** said I agree to the fast track. **Chairman Bynum** said anyone present that would like to discuss? Seeing none, roll call, please.

**Roll call** was taken and there were six "Ayes," Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

#### **Item No. 6 - 212517...PRESENTATION: SOLID WASTE RATE STUDY**

**Synopsis:** Presentation of a Solid Waste Rate Study including a cost allocation strategy that captures capital, debt, operations, and maintenance costs, as well as indirect costs for each of the program components, submitted by Jeff Fisher, Executive Director of Public Works.

**Jeff Fisher, Executive Director of Public Works,** said as you might recall, last year's budget adoption included the creation of an Enterprise Fund for solid waste and recycling and to provide the basis for a budget and rates going forward, UG partnered with Burns and Mac to do a cost

service study for us. Scott Pasternak and Julie Davis of Burns and Mac are here with us, and Scott's going to do the bulk of the presentation here tonight.

**Scott Pasternak, Burns and McDonnell**, said we're here, as Jeff just mentioned, to present the results of our cost of service and rate design study. Whenever we're presenting this type of information before a Commission such as yours, I think it's really important for you to have an appreciation that this really should be considered as a financial planning tool to have an understanding of what your costs look like presently, as well as how they're forecasted to change over the next several years. During this presentation tonight, I'm going to provide a real brief overview of the methodology that we utilize to develop the study that I'm going to walk you through at a pretty high level, the financial analysis, and then from there to talk with you about what would happen if you would not have any rate increases, as well as what the recommendations are for some rate increases that we want to be considered tonight and into the future.



In terms of our methodology overview, this is consistent with how we do cost of service studies for all of our municipal clients. So from left to right, it starts with our initiation of the project and data collection efforts. From there, we help to conduct the actual cost of service. For the items that are listed there in the in the middle box, I'm going to walk through those in more detail on the next slides. Ultimately, where we want to go with this is to help you all to get an understanding of what needs to be developed, as far as the cost-of-service driven rates. Ultimately, the rate

recommendations are important to be able to support the transition to the recently created Enterprise Fund.

#### Develop “Test Year” Revenue Requirement

- ▶ Revenue Requirement represents the total revenue that the UG Solid Waste Enterprise Fund (SWEF) will need to recover during a year to fund all expenses associated with the provision of services
- ▶ Reviewed financial data and worked with UG staff to adjust costs to be representative of a typical year, establishing the Test Year Revenue Requirement
- ▶ Test Year based on 2023 Budget
- ▶ Resulting Test Year used as the basis for forecasting expenses for the five-year forecast, 2024 through 2028

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2

Then on the next slide, this is where it gets into some of the detailed terminology. I don't want to spend a lot of time on this, but it's just important to have an appreciation for some of this key information, and that is when we look to develop a test year revenue requirement, what does that mean? That's where it's really important to make sure that the foundation for the financial analysis is representative of a typical year, so we spent a significant amount of time working with Jeff and his team to understand what are the costs that are incurred and any potential adjustments that need to be made now or for the next few years so that those costs are reflective of a typical year. So our test year is based on the current 2023 budget and once we establish that as the foundation or a typical year, we then develop projections for the next five years after that for 2024 through 2028.

## Allocation of Costs to Cost Centers



\*Costs related to City facility collection will be recovered by the General Fund in 2023 and 2024, then will gradually be recovered by the SWEF. By 2027, City facility collection costs will be fully funded by the SWEF.

On the next slide is really a graphical representation of this process to where we work through with the UG to start with those gross revenue requirements, made adjustments so that again we came up with a test year revenue requirement that's reflective of a typical year. Then, the next step was then to allocate those costs into the major service categories that are provided by the Unified Government. So those are listed at the bottom of this slide and then I'm going to walk through those on the next slide as well, so that you can see in more detail what those include.

## Annual (2023) Solid Waste Costs (All Customers)

| Cost Center                      | Annual (2023) Cost | Cost Center Description                                                  |
|----------------------------------|--------------------|--------------------------------------------------------------------------|
| Public Works Dept Admin          | \$114,500          | KCK Staff time to support solid waste and recycling operations           |
| Contract Residential Services    | \$8,707,700        | Contract with WM for residential collection services                     |
| Recycling & YW Center            | \$20,800           | Recycling processing, staff time, and operational costs                  |
| Closed Landfill                  | \$828,000          | Ongoing maintenance, monitoring and repair for the closed landfill       |
| Public Education and Outreach    | \$30,000           | Education related to solid waste and recycling services                  |
| Household Hazardous Waste Center | \$269,700          | Disposal, staff time, and operational costs                              |
| Residential Contract Support     | \$457,100          | KCK staff time and operational costs for residential collection contract |
| Dumpster Days                    | \$114,800          | Costs of clean up events                                                 |
| City Facility Collection*        | -                  | WM collection for KCK facilities (e.g., City Hall)                       |
| General Fund Admin               | \$261,000          | Legal, HR, and other General Fund services                               |
| <b>Total Revenue Requirement</b> | <b>\$10.8 M</b>    |                                                                          |

\*Costs related to City facility collection (\$383,300 in 2023) will be recovered by the General Fund in 2023 and 2024, then will gradually be recovered by the SWEF. By 2027, City facility costs will be fully funded by the SWEF.

On the next slide, this gives you a sense of not only a listing of each of those cost centers, but then also what the annual amounts are for 2023 and then a description of what those are. In total, it adds up to about \$10.8 million. By far the most significant part of this is from the contract with Waste

Management, but the Unified Government definitely provides a number of very important solid waste and related services that are all accounted for here.

### Residential Cost per Household per Month (2023)

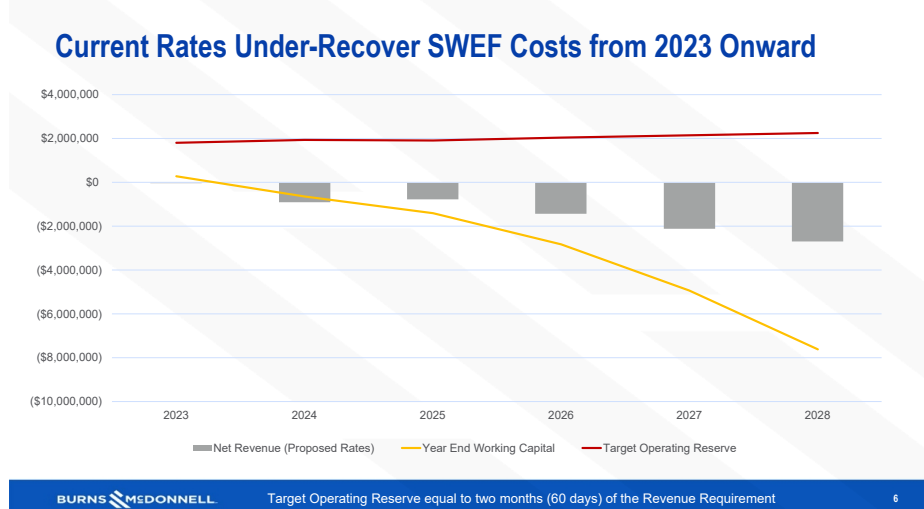
| Cost Center                                       | KCK/<br>Bonner Springs/<br>Allocation | Basis for Cost Allocation                            | Cost/Households (HHs)/Month |                                 |
|---------------------------------------------------|---------------------------------------|------------------------------------------------------|-----------------------------|---------------------------------|
|                                                   |                                       |                                                      | KCK<br>(50K HHs)            | Bonner<br>Springs<br>(2.4K HHs) |
| Public Works Dept Admin                           | 95/5                                  | Proportion of collection contract households         | \$0.18                      | \$0.18                          |
| Contract Residential Services                     | 95/5                                  | Proportion of collection contract households         | \$13.74                     | \$13.74                         |
| Recycling & YW Center                             | 100/0                                 | KCK residents are the primary beneficiary of service | \$0.03                      |                                 |
| Closed Landfill                                   | 100/0                                 | KCK residents are the primary beneficiary of service | \$1.37                      |                                 |
| Public Education and Outreach                     | 100/0                                 | KCK residents are the primary beneficiary of service | \$0.05                      |                                 |
| Household Hazardous Waste Center                  | 100/0                                 | KCK residents are the primary beneficiary of service | \$0.45                      |                                 |
| Residential Contract Support                      | 100/0                                 | KCK residents are the primary beneficiary of service | \$0.76                      |                                 |
| Dumpster Days                                     | 100/0                                 | KCK residents are the primary beneficiary of service | \$0.19                      |                                 |
| City Facility Collection*                         | 100/0                                 | KCK residents are the primary beneficiary of service | -                           |                                 |
| General Fund Admin                                | 95/5                                  | Proportion of collection contract households         | \$0.41                      | \$0.41                          |
| Total (May Not Calculate Exactly Due to Rounding) |                                       |                                                      | \$17.18                     | \$14.33                         |

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\*Costs related to City facility collection (\$383,300 in 2023) will be recovered by the General Fund in 2023 and 2024, then will gradually be recovered by the SWEF. By 2027, City facility costs will be fully funded by the SWEF.

5

This next slide gives you a sense of what the residential cost per household, per month is and allocated out between services that are provided to residents of KCK as well as to Bonner Springs. In the second column from the left-hand side, that gives you the information as far as what the basis is for those allocations. So any place where you see a 95/5 allocation that means that those costs are shared between the residents of KCK and Bonner Springs, and the 95/5 percentages are simply based on the number of households that are in each of those two communities, about 50,000 in KCK and roughly 2,400 within Bonner Springs. So, based on those percentages and then the dollar amounts from the prior slide, we then did the math to essentially allocate those costs out on a per household, per month basis. In the case of KCK your cost of service for 2023 is \$17.18. Right now your rate is \$17 per household, so what that means that there's about \$100,000 that you will under recover in the year 2023. Then, for Bonner Springs residents the cost of service there is \$14.33 per household, per month.

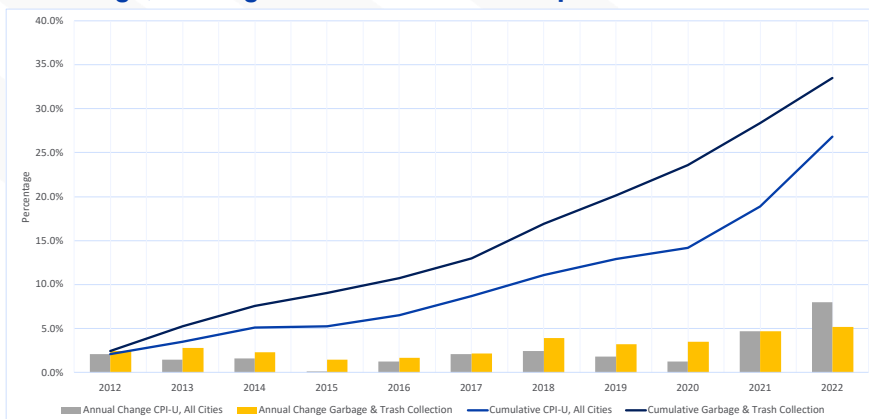


One of the standard approaches that we take when we do a cost-of-service study is to look at what would happen to your Solid Waste Enterprise Fund if you would not have any rate increases for the next five years. So as we all, I think, have really come to appreciate inflation is very real and it is especially very real within the solid waste industry. Our expectation is that your costs are going to continue to increase over the next several years. With those increases, if you don't have a rate increase what that's going to mean, as shown by the gray bars, the amount of your under recovery is going to become greater year by year. In this year, where I mentioned a moment ago, that you under recovery is about \$100,000 per year, if you do not have any rate increases those gray bars are just going to continue to get larger and larger as time goes on. **Mr. Fisher** said this graph might look familiar as we walk through the stormwater fund a couple years ago, and no rate increases, insolvent fund eventually.

**Mr. Pasternak** said then what we also wanted to compare on this graph is, if you would not have any rate increases how much of a deficit would you go into over the next several years? That's shown by the yellow line. So that would show that on a cumulative basis, you would be running a deficit of about \$8 million over the next five years. Then the red line at the top represents, based on your fiscal policies, what you would need to be at if you would achieve a 60-day operating reserve, which is again the policy of the UG. In two slides from now, that'll be the last slide of the presentation. We're going to then show what's the minimum amount of rates that would be needed by the year 2028 have it where those two lines intersect with each other because we think that's the prudent fiscal approach to over time reach those reserve requirements, but to do that in a way

where you're still going to have rate increases, but to do that in the most fiscally responsible manner that we think is possible.

### On Average, Garbage and Trash Costs Outpace Overall CPI



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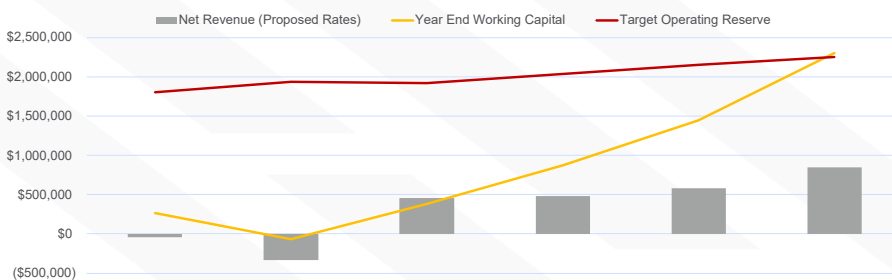
Source: U.S. Bureau of Labor Statistics, Consumer Price Index for All Urban Consumers: All Items in U.S. City Average (CPIAUCSL) and Garbage and trash collection in U.S. city average (CUSR0000SEHG02), retrieved from FRED, Federal Reserve Bank of St. Louis.

7

Before we do that, I did want to just show on this next slide just really quickly, when we say that inflation is a real issue especially for the solid waste industry, this shows different inflation metrics since 2012. On the bottom the gray bar represents just typical CPI, the one that we are constantly hearing about in the news, and then the yellow bar represents an index that tracks with the garbage and trash industry. So you can see historically that yellow bar has been higher than typical inflation and so we think that's important and that factored into the projections that we've developed as a part of this study with the expectation that in the future, your pricing for Solid Waste Services is likely to increase at a rate higher than typical inflation.



## Proposed Rates Meet Target Operating Reserve by 2028



| Proposed Rate  | 2023    | 2024    | 2025    | 2026    | 2027    | 2028    |
|----------------|---------|---------|---------|---------|---------|---------|
| Rate*          | \$17.00 | \$17.94 | \$19.01 | \$20.15 | \$21.46 | \$22.86 |
| Increase (\$)* | -       | \$0.94  | \$1.08  | \$1.14  | \$1.31  | \$1.40  |

\*Rate increases may not calculate exactly due to rounding

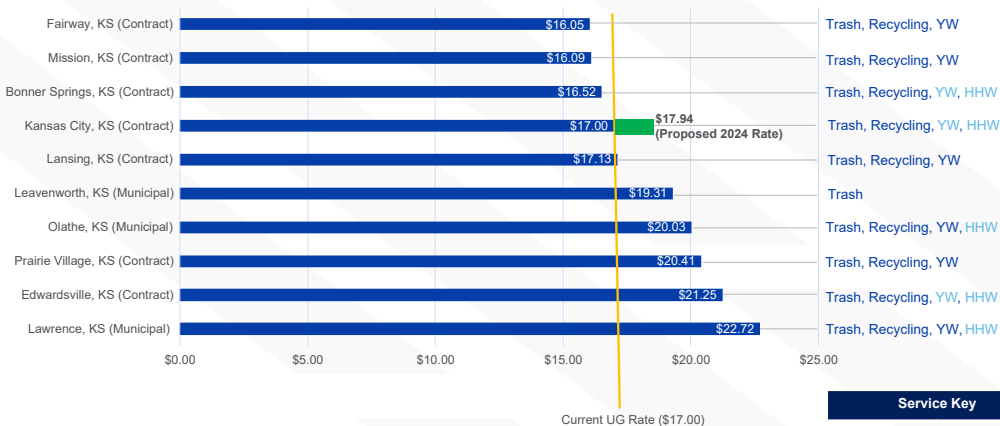
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Target Operating Reserve equal to two months (60 days) of the Revenue Requirement

8

This is a slide that does communicate, as I mentioned a moment ago, what would be the minimum amount of rate increases that would be needed to have it so that when you get to that year 2028 those two lines intersect, so that you would achieve your 60-day operating reserve by the year 2028. At the bottom of the slide, it communicates what your current rate is which is \$17 per household per month. We are recommending that in 2024 that go up by 94 cents per household per month and then in the year 2025 by another \$1.08 per household per month and then a little bit more than \$1 each additional year for the five-year forecast. Again, this will place you in a position so that you can then meet that reserve requirement by the end of 2028.

## Proposed 2024 Rate Remains Competitive Among Benchmark Cities



Current UG Rate (\$17.00)

Service Key

Curbside Facility Drop-Off

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All benchmark city rates shown are for 2023

9

I think it's also important to keep in mind, how would these prices compare to other communities here in the greater Kansas City area. The Kansas City row is the fourth one from the top. What that is showing is that at \$17 per household per month, you're definitely at the lower end of the costs that are charged to communities. Even if you would decide to adopt that proposed 2024 rate, to increase it to \$17.94 you're still going to be in the lower half of costs that are charged within this greater metro area. Over on the right-hand side it gives you an understanding of what are some of the key services that are provided within those rates. Just about all the communities provide trash and recycling, as is provided here in the Unified Government, but there's also some other services that are either provided or not provided by some of the communities as well and those are indicated based on the darker color of blue is their curbside service, whereas the lighter color communicates that it's a facility drop off. The Unified Government does provide a combination of those services, but you all definitely are able to provide all of those services within that pricing that is shown here on this slide. With that, I'll be happy to answer any questions that you may have.

**Chairman Bynum** said I just have a question on this last bar graph, but out of curiosity, are you indicating here that Leavenworth city does not have a curbside or any form of recycling program?

**Mr. Pasternak** said yes, that is what that is showing. So their rate is just for trash collection only.

**Chairman Bynum** said okay, questions? It's information only, but I mean, from where I stand it appears to be one of the more modest sets of increases that we're going to be dealing with, just an observation.

**Commissioner Markley** said I guess I'm just looking for—so is this going to come back potentially as part of our budget package? Is that when we will see this again? **Mr. Fisher** said that's correct, with the rate schedule to go with it, like we do with stormwater

**Chairman Bynum** said okay, information only. We thank you very much. Thanks for the efforts on the study too. It's appreciated.

**Action:**        **For information only.**

**Public Agenda**

No items of business.

**Adjourn**

**Chairman Bynum** said no further items on our committee agenda tonight. With thanks to BPU Board Member Groneman, I would accept a motion to adjourn, please.

**Action:**        **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to adjourn.** Roll call was taken and there were six “Ayes,” Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

The meeting was adjourned at 5:41 p.m.

RM

**PUBLIC WORKS AND SAFETY  
STANDING COMMITTEE MINUTES  
Monday, September 25, 2023**

The meeting of the Public Works and Safety Standing Committee was held on Monday, September 25, 2023, at 5:00 p.m. The following members were present: Commissioner Markley, Acting Chairman; Commissioners Ramirez, Johnson, Kane, and BPU Board Member Groneman. Commissioner Davis attended on behalf of Commissioner Bynum, who was absent. The following officials were also in attendance: Laura Cromwell, Fiscal Manager, Police Department; Angelina Maxville, Administrative Manager, Sheriff's Office; Jeff Miles, Public Works, Water Pollution Control; Tiffany Butler, FOG Coordinator; Scott Craig, Environmental Compliance Manager; and Monica L Sparks, Deputy UG Clerk.

**Acting Chairman Markley** said before I call the meeting to order, I want to announce that some committee members, staff, and the public are attending remotely via Zoom as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows who is speaking. When speaking, be sure to speak directly into a microphone so that all comments are heard and the recording of the meeting is accurate. This is critical given the number of remote participants and is the current guidance from the Kansas Attorney General.

The public is allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments will be included in the record of this meeting. The public may also indicate their intent to provide remote public comments by contacting the Clerk's Office by 5:00 p.m. the Thursday before the meeting. The public also will have an opportunity to provide brief comments either by telephone or via Zoom from the 5<sup>th</sup> Floor Conference Room of the Municipal Office building.

**Acting Chairman Markley** called the meeting to order. Roll call was taken and all members were present as shown above.

**Acting Chairman Markley** said there are no revisions to the agenda this evening and there are no minutes to approve.

### **COMMITTEE AGENDA**

#### **Item No. 1 – 212712...GRANT: FY24 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

**Synopsis:** Approval to apply for funding under the FY 24 Edward Byrne Memorial Justice Assistance Grant Program jointly by the Kansas City Kansas Police Department and the Wyandotte County Sheriff's Office, submitted by Laura Cromwell, Kansas City, Kansas Police Department. No matching funds are required.

**Laura Cromwell, Fiscal Manager, Police Department,** said we, along with the Sheriff's Office, are requesting approval to apply for the Fiscal Year 2024 Edward Byrne Memorial Justice Assistance Grant overseen by the Kansas Governor's Grants Program and the Kansas Criminal Justice Coordinating Council at the state level. The state has been allocated \$2.2 million for fiscal year '24 and they are seeking pass through entities to award portions of this funding, making this a competitive grant process. Funds will be provided to units of local government or organizations supporting a unit of local government to address crime and improve public safety. The project period for this award will extend from October 1, 2023 through September 30, 2024. If awarded, these projects would be funded at 100% as there is no match requirement from the UG. Only one application can be submitted per unit of local government, so the Police Department and the Sheriff's Office will be submitting a joint application as we've done in previous years.

The Police Department will be requesting funding to support fentanyl education programs and enforcement efforts. Specific budget items include educational pamphlets, Facebook video ads, Narcan, and covert cameras. The total cost for the PD portion will be \$17,644. Now I'll turn it over to the Administrative Manager for the Sheriff's Office to discuss their objectives for this grant project.

**Angelina Maxville, Administrative Manager, Sheriff's Office,** said the Sheriff's Office will be requesting funding to purchase new and replacement cameras and server equipment for the

Courthouse and the Court Services building. The funding will allow us to update and replace outdated and inoperable cameras and the server system, which will improve the safety and security of employees, the public, and inmates within the Courthouse complex. The total cost for the Sheriff's Office portion will be \$152,806.

**Acting Chairman Markley** said thank you, are there any questions from the committee?

**Action:**        **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve.**

**Acting Chairman Markley** said I have a motion and a second. Clerk, are there any public comments received or is anyone online interested in making a comment? **Monica L. Sparks, Deputy UG Clerk**, said no comments received, no hands raised. **Acting Chairman Markley** said anyone here in the room here to make comment on this item? Alright, roll call on the motion.

**Roll Call** was taken and there were six "Ayes," Groneman, Kane, Davis, Johnson, Ramirez, Markley.

**Item No. 2 – 212713...ORDINANCE: UPDATES TO SEWERS AND SEWAGE DISPOSAL**

**Synopsis:** Approval of updates to Sewers and Sewage Disposal Ordinance to address Fats, Oils and Grease (FOG) Program, submitted by Jeff Miles, Director of Water Pollution Control.

**Jeff Miles, Director of Water Pollution Control**, said I want to introduce Tiffany Butler, she's our FOG Coordinator, our newly developed position, and Scott Craig, our Environmental Compliance Supervisor, as well. Tonight, we're coming ahead forward of you we're going to show you just a small presentation to give you kind of a status of where the FOG Program is. Part of that is updating the ordinance for ultimately a fee that goes along with those as mirrored by other communities. We did zero that out, so that's just a small ordinance change at the end with the opportunity next year to come back in front of you guys and we'll establish a fee at that point.

But for 2024 we're looking for a 0% fee to continue. The reasoning behind that is, why we zeroed that out is, our Kaw Point Modernization Project that you guys are all aware of, is not to the step where we want it to be to where we can receive grease. That's a big part of this update to our plan. This time next year we should be equipped to that. So, long and short of it, a restaurant in Kansas City, Kansas that's disposing of their grease properly, having a contractor come take that grease and dispose of it, they have nowhere in Wyandotte County right now to take it. They have to take it outside the city to do that which costs them more money for transportation fees, so we didn't feel it was appropriate at this time. This is just another step of our ongoing consent decrees for some of the obligations that we made with that. With that said, I'm going to hand it off to Tiffany.



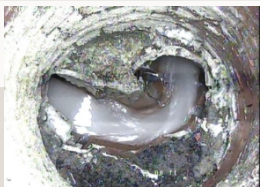
**Tiffany Butler, FOG Coordinator**, said today I'm here before you to advocate for the adoption of the Fats, Oils, and Grease Program and for the ordinance fee for 2025. This future fee, while sometimes met with hesitation, is a crucial step towards safeguarding our environment, maintaining the integrity of our sewer systems, and ensuring the health and well-being of our community.



First and foremost, let's address what is the FOG Program and why we find ourselves considering this fee. Fats, oils, and greases when improperly disposed of have a detrimental impact to our municipal sewer systems. They clog pipes, cause blockages, and contribute to costly and avoidable maintenance. This not only strains our budget, but also results in inconvenience and potential health hazards for our residents.

### Why is it Necessary?

- Sewer Infrastructure Care
- Water Treatment Plant Efficiency





- Resource Allocation
- Environmental Compliance
- Public Health Considerations

While we say we value environmental responsibility and that we are committed to protecting our local waterways and ecosystems, these businesses that generate FOG should bear some responsibility for its proper disposal and treatment. By adopting a FOG ordinance fee, we're not just taking a proactive approach to managing this issue, but we are also sending a clear message to the food establishments and businesses in our community.




### Who is Impacted?

- Restaurants
- Convenient Stores
- Schools
- Churches
- Nursing Homes
- Food Trucks
- Grocery Stores
- Hotels/Motels
- Coffee Shops/Ice Cream Shops



Furthermore, this fee can be structured in a way that encourages compliance. We can offer incentives and discounts to businesses that actively demonstrate their commitment to FOG



management. We can also allocate the revenue generated from this fee to fund education and outreach programs, inspections, and enforcement efforts, all of which will benefit our community in the long run.

## How Does it Work?



**On-Site Inspections Check**

- Grease Removal Devices
- Outdoor Grease Recycle Bins
- Kitchen Equipment
- Best Management Practices



**Municipal Oversight**

- Profiling FOG Generators
- Cleaning Record Submission
- Facility Contacts
- Inspections/Notice of Violations
- Sewer Overflow Tracking



**FOG Generator Compliance Resources**

- Kitchen Staff Training
- Kitchen Signage
- Checklists
- Equipment

Now I understand the concerns that some may have about imposing a future fee. No one welcomes additional costs especially in challenging economic times. However, it's essential to recognize that this fee is not arbitrary. It's a tool for accountability. By implementing a fee structure, we encourage businesses to adopt best practices such as installing and maintaining FOG control equipment, training their employees, using the resources we have created for them, and adhering to reporting requirements.

| Comparisons                |                               |                                                     |                         |                                     |
|----------------------------|-------------------------------|-----------------------------------------------------|-------------------------|-------------------------------------|
| Wichita                    | Johnson County<br>(18 Cities) | Bonner Springs                                      | Gardner                 | Manhattan                           |
| \$180 Annual permit fee    | \$290 Annual permit fee       | \$0 permit fee                                      | \$300 Annual permit fee | \$25 Annual permit fee              |
| Users with AGRD \$40/Month | \$290 GIOP fee (one time fee) | Late Fees:<br>\$50 30 -59 days<br>\$100 60 -89 days |                         | Late Fees:<br>\$100 each month late |
| Total \$660/Year           | Total \$580 for first year    | \$300 after 90 days and water may be turned off     |                         |                                     |

This slide shows some comparisons of other Kansas municipalities that have adopted a FOG program. Wichita has a \$180 annual permit fee, along with the \$40 fee for users that have a grease

removal device. For most of the cities in Johnson County, there is a \$290 annual permit fee, plus a fee to operate a grease removal device, equaling \$580 a year. Bonner Springs has chosen not to have a permit fee, however, has late fees for not turning in paperwork, and if not received after 90 days they have the option to turn the water off at the establishment. Gardner has a straight \$300 annual permit fee. Manhattan has an annual permit fee of \$25 and late fees of \$100 each month for paperwork that's not turned in.

## LET'S TALK

- Mandated in Partial Consent Decree with EPA in 2013.
- Move to a fee -based program that pays for itself.
- Program will pay for staff and program materials.
- Reduction in number of grease related sewer blockages from Food Service Establishments (FSE's).



Wyandotte County was mandated by the EPA in 2013 with a partial consent decree to implement this program. Since then, the bare minimum has been done due to the lack of a FOG Coordinator until this year. With the implementation of this fee in 2025, this program will pay for itself. Furthermore, this fee can be structured in a way that encourages compliance. We can offer incentives and discounts to the businesses that actively demonstrate their commitment to FOG management. We can also allocate the revenue generated from this fee to fund education and outreach programs.



In conclusion, adopting a FOG ordinance fee is a necessary and responsible step towards protecting our environment and maintaining the functionality of our sewer systems. It's an investment in the health and well-being of our community. By doing so, we demonstrate our commitment to sustainability and responsible governance. I urge the members of this committee to consider the long-term benefits, weigh them against any short-term concerns, and ultimately, stand with us in supporting the adoption of this FOG ordinance fee. Together, we can assure a cleaner, safer and more sustainable future for our community. Thank you for your consideration.

**Mr. Miles** said I'll wrap it up there. Great job, Tiffany, by the way. She's very passionate about our job, she's good at it. The ordinance change is just opening that door that we can come back to this time next year. We'll benchmark this time next year with other organizations and come back in front of you for an actual fee. But for now, it's just ordinance change opening that door, and again, it lets us follow the commitments of the consent decree.

**Acting Chairman Markley** said I want to recap a couple of things. EPA required us to start this program, ordinance changes to start the program, no fee change this year. No fee change in 2024, but you'll be talking to us in 2024. 2025 there will be a fee. **Mr. Miles** said that's correct.

**Commissioner Ramirez** said to clarify for the community because saying the word fee, this is a fee that establishments will be paying, not the community, not citizens. It's restaurants, the list of establishments that you had on the slide. **Mr. Miles** said great point. Yes, that is correct, Commissioner. **Commissioner Ramirez** said I just wanted to, again, make sure that was spoken

about because I don't want them listening to this meeting and hear the word fee and thinking that's another fee that citizens are going to have to pay. The establishments themselves.

**Commissioner Davis** said can you all speak in just a little bit more detail about the environmental impact of the program? I think just from an educational standpoint it's very, very important for folks to realize we are trying to solve or prevent a very, very serious problem within our sewage system that if we don't get ahead of it can become very problematic for everybody in our community. Can you all speak to the environmental impact?

**Mr. Miles** said absolutely, Scott, you want to take that one or—I can share the mic there. **Scott Craig, Environmental Compliance Manager**, said the big issue with grease that comes from restaurants, etc., is once it gets in the sewer it can cause a backup, which the backups can be, I guess in the worst-case scenario it could end up in someone's basement. By requiring the grease traps, interceptors, and the BMP that follow, that should reduce the amount that gets in the sewer, which should also greatly reduce the number of blockages. Then if there's a blockage, we go out, we have to clean it up, and then we charge the restaurant for that cleanup fee because it's extra. It shouldn't be in there, so we have to charge them to clean it up.

**Mr. Miles** said I'll expand off that as well. Not only in the lines itself, but lateral lines, main lines, pump stations, all the way through the treatment process, all the way to the treatment plants, causes kind of havoc for our entire system. Once we get done with the Kaw Point Modernization Project, we'll be able to receive that grease and turn it into a renewable energy versus disposing of it in other ways at this point.

**Acting Chairman Markley** said any other questions from the committee?

**Commissioner Johnson** said thank you for this great presentation and I'm glad that you are at least getting us the information well ahead of schedule, so great job on that. The question that I have—this is kind of in particular to what Commissioner Ramirez asked, when he made the clarification that this would not affect our residents, but rather the businesses. Do you perceive that there might be some break-even point where the businesses complain about these types of fees? I mean, in light of the stormwater fee that will soon be coming upon everyone, but also, and

more importantly, you add this to the to the mix. Do you think that brings us to a break-even point with regard to the businesses that are in Wyandotte County at large and their ability to pay?

**Mr. Miles** said yeah, that's another great question. I appreciate it. It actually reminded me of a point I wanted to make. Some of the brainstorming, which will come back in front of this group next year, is we are looking at options to where we will reward restaurants that take those extra steps. So, Tiffany, you want to expand on that a little bit, are you prepared to just touch on that topic?

**Ms. Butler** said yes, we can offer incentives to those businesses that do struggle and if they turn in their paperwork and they seem to be doing well and doing everything that they're supposed to be doing, getting their interceptor cleaned out regularly, then we can definitely look at offering incentives. **Commissioner Johnson** said will the onus be on the businesses themselves or will we, in some manner, send some communication to them that we offer this. **Ms. Butler** said oh, yes. There'll be communication to them that's offered.

**Mr. Miles** said and we'll do educational out outreach, as well as Tiffany visits multiple these businesses on-site and actually walks them through the process and will go over—she's doing that today. But once it gets to this permit fee point, if we decide that a year from now, we'll cross that bridge when we get there, but she'll be able to educate them along the way when she's actually at their location.

**Ms. Butler** said I wanted to add that we are setting up an annual meeting—we're going to hold these annually, and we're going to offer for two days six different times that the restaurants can come in and we just educate them about our requirements and best management practices. **Commissioner Johnson** said great. I think that's all we really can ask, so thank you so much.

**Commissioner Davis** said the only thing I would add to that, I'm sure you all have thought about this, but our community is very, very diverse. English may not be the first language spoken, particularly when we talk about our cuisines and the restaurant owners there and so I think we can make every effort to make those sessions language accessible, as well as whatever advertising or marketing on this. Very, very important, I would hate for any group that English is not the first language to be at a disadvantage because this is such a new program. If you have anything else to add to that please do, but just want to make that point. **Ms. Butler** said yes. We do have a Spanish

speaking employee that helps with translations and I'm sure she would be available. We also have a new guy on staff that speaks Hmong, so he'll be able to help us too.

**Mr. Miles** said that's actually a great point, Commissioner. The truck that they showed there in the last slide there, one side of the truck—that truck's out in our community every day, along with they made some placards, but on one side of the vehicle, it's in English, on the other side of the vehicle it's like a big billboard, we put it in Spanish on the other side, so we're trying to get ahead of that curve, but we'll definitely expand that and take that back to the group and make sure we're accomplishing that.

**Acting Chairman Markley** said Clerk, did we receive any comments from the public or is anyone online wishing to speak? **Ms. Sparks** said no comments were received, no hands are raised. **Acting Chairman Markley** said anyone here in the room for this item? I will entertain a motion.

**Action:** **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve.** Roll Call was taken and there were six “Ayes,” Groneman, Kane, Davis, Johnson, Ramirez, Markley.

### **Adjourn**

**Acting Chairman Markley** said that concludes our meeting this evening, I will entertain a motion to adjourn.

**Action:** **Commissioner Kane made a motion seconded by Commissioner Ramirez. to adjourn.** Roll Call was taken and there were six “Ayes,” Groneman, Kane, Davis, Johnson, Ramirez, Markley.

The meeting was adjourned at 5:20 p.m.

RM



## Report to

| MEETING DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | PRESENTER                                                | DEPARTMENT        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|-------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <div>Laura Cromwell</div> <div>LCromwell@kckpd.org</div> | Police Department |
| <b>AGENDA ITEM #</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                          |                   |
| <b>RESOLUTION: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – KANSAS CITY KANSAS POLICE DEPARTMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                          |                   |
| <b>BACKGROUND</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                          |                   |
| <ul style="list-style-type: none"> <li>• The FY24 Edward Byrne Memorial Justice Assistance Grant (JAG) program provides funding to state and local government agencies. Allocations are based on a formula that accounts for crime statistics and population data.</li> <li>• The PD has received a similar grant award for the past several years, dating back to at least FY2015.</li> <li>• The KCKPD has been allocated \$86,202 in federal grant funding through this grant program for FY2024. The project period for this award spans from 10/1/23-9/30/27.</li> <li>• The PD plans to spend this funding on the following items:               <ol style="list-style-type: none"> <li>1. Virtual Reality Taser/De-escalation Training</li> <li>2. In-house/In-Person Training Opportunities for Patrolmen</li> </ol> </li> </ul> |                                                          |                   |
| <b>RECOMMENDATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                          |                   |
| <p>Approve</p> <p>The Police Department respectfully requests approval to apply for and accept funding under the FY24 Edward Byrne Memorial Justice Assistance Grant program.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                          |                   |
| <b>BUDGET IMPACTS / FINANCIAL CONSIDERATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                          |                   |
| Both of the aforementioned projects will be 100% grant funded with no match requirement from the UG. The VR program is subscription-based; future subscriptions will be funded with future grant award dollars.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                          |                   |
| <b>IT/POLICY CONSIDERATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                          |                   |
| None.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                          |                   |
| <b>PROCUREMENT CONSIDERATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                          |                   |
| The VR program we are currently considering is part of the Axon Taser program. We currently have a contract with Axon for Tasers based on the Sourcwell RFP# 092722 for the State of Minnesota. This training is referenced in the Sourcwell cooperative agreement and would be co-termed with our current Axon contract.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                          |                   |
| <b>LEGAL CONSIDERATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                          |                   |

As part of the grant application process, we will need the following forms reviewed by Legal and signed by the CAO:

1. Standard Form 424 (SF-424)
  2. Disclosure of Lobbying (SF-LLL)
  3. DOJ Certified Standard Assurances
  4. DOJ Certifications Regarding Lobbying; Debarment, Suspension and other Responsibility Matters; Drug-Free Workplace Requirements; Law Enforcement and Community Policing
- Please note that these are the same forms required every year for this grant application process and, historically, have not caused any legal issues for the UG to maintain compliance. These forms have been provided to Legal for review.

#### ATTACHMENTS

Resolution - FY24 Edward Byrne Memorial Justice Assistance Grant - Local Solicitation , Commission Action Report PW&S 10.28.24

Approved by Mayor and/or Chair and Administrator to add to agenda.

10/16/2024

Approved: [Signature]  
[Signature]



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

**A RESOLUTION** authorizing the Kansas City, Kansas Police Department through the Unified Government of Wyandotte County/Kansas City, Kansas to accept a grant award for the FY24 Edward Byrne Memorial Justice Assistance Grant – Local Solicitation.

**WHEREAS**, the Byrne Memorial Justice Assistance Grant program provides funding to state and local government agencies; and

**WHEREAS**, an application has been submitted by the Kansas City, Kansas Police Department requesting grant funds for virtual reality taser/de-escalation training and in-house/in-person training opportunities for patrol officers; and

**WHEREAS**, the Kansas City Kansas Police Department has requested \$86,202 in grant funding, with no matching funds required.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AS FOLLOWS:**

**Section 1.** The County Administrator and/or his designee is hereby authorized to accept such grant if awarded, on behalf of the Unified Government and to take the steps necessary to fulfill the conditions of the grant and execute documents in furtherance of the grant.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE  
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

\_\_\_\_\_  
**Tyrone Garner, Mayor/CEO**

\_\_\_\_\_  
**Unified Government Clerk**

# Commission Agenda Item Report

**Title:** FY24 Edward Byrne Memorial Justice Assistance Grant

**Proposed Agenda Date:** October 28, 2024 PW/S Standing Committee

**Presented by:** Laura Cromwell; KCKPD

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## BACKGROUND:

- The FY24 Edward Byrne Memorial Justice Assistance Grant (JAG) program provides funding to state and local government agencies. Allocations are based on a formula that accounts for crime statistics and population data.
- The PD has received a similar grant award for the past several years, dating back to at least FY2015.
- The KCKPD has been allocated \$86,202 in federal grant funding through this grant program for FY2024. The project period for this award spans from 10/1/23-9/30/27.
- The PD plans to spend this funding on the following items:
  - Virtual Reality Taser/De-escalation Training
  - In-house/In-Person Training Opportunities for Patrolmen

## BUDGET IMPACTS / FINANCIAL CONSIDERATIONS:

- Both of the aforementioned projects will be 100% grant funded with no match requirement from the UG.
  - The VR program is subscription-based; future subscriptions will be funded with future grant award dollars.

## POLICY CONSIDERATIONS:

- None

## PROCUREMENT CONSIDERATIONS:

- The VR program we are currently considering is part of the Axon Taser program. We currently have a contract with Axon for Tasers based on the Sourcewell RFP# 092722 for the State of Minnesota. This training is referenced in the Sourcewell cooperative agreement and would be co-termed with our current Axon contract.

## LEGAL CONSIDERATIONS:

- As part of the grant application process, we will need the following forms reviewed by Legal and signed by the CAO:
  - Standard Form 424 (SF-424)
  - Disclosure of Lobbying (SF-LLL)
  - DOJ Certified Standard Assurances

- DOJ Certifications Regarding Lobbying; Debarment, Suspension and other Responsibility Matters; Drug-Free Workplace Requirements; Law Enforcement and Community Policing
- Please note that these are the same forms required every year for this grant application process and, historically, have not caused any legal issues for the UG to maintain compliance.
  - These forms have been provided to Legal for reference.

**RECOMMENDED ACTION:**

- The Police Department respectfully requests approval to apply for and accept funding under the FY24 Edward Byrne Memorial Justice Assistance Grant program as outlined in this report.

**COUNTY ADMINISTRATION COMMENTS:**

- 

**MAYOR AGENDA DIRECTION:**

-



## Report to

Tracking ID: 21409

| MEETING DATE                                                                                                                                                                                                                                       | PRESENTER                                                      | DEPARTMENT            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----------------------|
|                                                                                                                                                                                                                                                    | Phillip Lockman, Director<br><br>plockman@wycokck.org<br>x8099 | Community Corrections |
| AGENDA ITEM #                                                                                                                                                                                                                                      |                                                                |                       |
| RESOLUTION: KANSAS FIGHTS ADDICTION GRANT FISCAL YEAR 2025                                                                                                                                                                                         |                                                                |                       |
| BACKGROUND                                                                                                                                                                                                                                         |                                                                |                       |
| This grant would allow us to expand treatment, emergency housing, transportation, and defense services for those offenders in our behavioral health and drug courts.                                                                               |                                                                |                       |
| RECOMMENDATION                                                                                                                                                                                                                                     |                                                                |                       |
| Approve<br>Fast Track<br><br><ul style="list-style-type: none"><li>Approve staff to apply for the Kansas Fights Addiction Grant Program for FY25t and if awarded, authorize the County Administrator to execute all necessary documents.</li></ul> |                                                                |                       |
| BUDGET IMPACTS / FINANCIAL CONSIDERATIONS                                                                                                                                                                                                          |                                                                |                       |
| No match required and includes no personnel costs.                                                                                                                                                                                                 |                                                                |                       |
| IT/POLICY CONSIDERATIONS                                                                                                                                                                                                                           |                                                                |                       |
| No IT purchases or impact.                                                                                                                                                                                                                         |                                                                |                       |
| PROCUREMENT CONSIDERATIONS                                                                                                                                                                                                                         |                                                                |                       |
| All services would be provided by existing contracted services in compliance with the Unified Governments Purchasing Policy and grant requirements.                                                                                                |                                                                |                       |
| LEGAL CONSIDERATIONS                                                                                                                                                                                                                               |                                                                |                       |
| No legal services impact.                                                                                                                                                                                                                          |                                                                |                       |
| ATTACHMENTS                                                                                                                                                                                                                                        |                                                                |                       |
| Reso to Apply for Kansas AG Substance Abuse Grant, KFA App SS                                                                                                                                                                                      |                                                                |                       |

Approved by Mayor and/or Chair and Administrator to add to agenda.

*10/21/2024*  
*Approved by Mayor and Administrator*

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

**A RESOLUTION** authorizing the Unified Government of Wyandotte County/Kansas City, Kansas Department of Community Corrections to apply for and accept a grant award for the FY25 Kansas Fights Addiction Grant.

**WHEREAS**, the Kansas Fights Addiction Grant Program is a competitive grant program overseen by the Kansas Attorney General's Office; and

**WHEREAS**, an application has been submitted by Unified Government of Wyandotte County/Kansas City, Kansas Department of Community Corrections requesting grant funds in the amount of **\$143,321.94** for substance use disorder abatement programs with no matching funds required.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AS FOLLOWS:**

**Section 1.** The County Administrator and/or his designee is hereby authorized to accept such grant if awarded, on behalf of the Unified Government and to take the steps necessary to fulfill the conditions of the grant and execute documents in furtherance of the grant.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

\_\_\_\_\_  
**Tyrone Garner, Mayor/CEO**

**Attest:**

\_\_\_\_\_  
**Unified Government Clerk**

**Approved as to Form:**

\_\_\_\_\_  
**Legal Counsel**

AUGUST 2, 2024



UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY/KANSAS CITY, KANSAS -  
DEPARTMENT OF COMMUNITY  
CORRECTIONS

RESPONSE TO KANSAS FIGHTS ADDICTION GRANT REQUEST FOR  
PROPOSALS FOR SUBSTANCE USE DISORDER ABATEMENT  
PROGRAMS

STEPHEN SAGE  
FISCAL OFFICER

## ONLINE APPLICATION TEXT

To assist your planning, the questions from the online application and the evaluation criteria are provided below. Please note that the questions below are only provided to assist in offline planning. All applicants who wish to apply must do so through the online system. Application will be available for online submission on June 17, 2024, at [https://ksfightsaddiction.fluxx.io/user\\_sessions/new](https://ksfightsaddiction.fluxx.io/user_sessions/new).

Please ensure your responses are brief, concise, and clear. While there are no length limitations for responses, please keep responses to three paragraphs or less for each question.

### A. ORGANIZATION OVERVIEW (10 points)

1. Provide a brief description of your organization, including a brief overview of the organization's history, key programs and services. The Wyandotte County Adult Drug Court Program has served the 29<sup>th</sup> Judicial District since 2008. The program provides judicial oversight and intensive supervision for probationers convicted of non-violent felony offenses who have been assessed as high-risk for recidivism due to substance-abuse issues. The Wyandotte County Adult Behavioral Health Court began in 2017 and serves high-risk/high-need adults who reside in Wyandotte County, are on felony probation in Wyandotte County, and are diagnosed with Severe and Persistent Mental Illness. Most Behavioral Health Court Program participants also struggle with substance use.

Our Adult Specialty Court Programs are designed to reduce time in the criminal justice system, reduce recidivism rates, and protect public safety. We provide access to a continuum of services, including inpatient and outpatient drug and mental health treatment, sober living environments, group and individual therapy, medication-assisted treatment, and relapse-prevention services. Our Intensive Supervision Officers provide case management for treatment, health, and community linkages to program participants. Violations of probation contracts are sanctioned in a variety of ways including jail time, increased reporting/court appearances, assignment of self-reflection reports, and community service work. Incentives include verbal recognition, sobriety coins, phase promotion, travel permits, and curfew extensions.

2. Describe your organization's capacity to implement the proposed project and any relevant experience with similar projects or programming, including past achievements and evidence of impact. The proposed project represents an enhancement of a program with a fifteen-year track record of success involving collaboration between the 29<sup>th</sup> Judicial District Court of Kansas, the WyCo/KCK Department of Community Corrections, the Wyandotte County Sheriff's Office, the Wyandotte County District Attorney's Office, and a local network of mental health professionals. Those who have completed the program have shown a dramatic decrease in criminogenic risk indicators as assessed by the Level of Service Inventory-Revised, the Level of Service Case Management Inventory, and/or the Women's Risk/Need Assessment, particularly in the domains of substance abuse, companions, attitudes, and leisure/recreation. Our vendors and collaborators, Wyandot Center, A Connecting Pointe, Mirror, Inc., Oxford House, Village Initiative, and Connections to Success have years of experience in delivering effective services to clients and have expressed their ability to serve our needs as we increase our caseload.

3. Describe how your policies and practices will align with the National Culturally and Linguistically Appropriate Services (CLAS) standards. The Specialty Court Programs employ racially diverse, bilingual staff and offer documentation in multiple languages. Unified Government staff attend Diversity, Equity, and Inclusion training as part of the onboarding process. Our employees and vendors are dedicated to equitable and culturally sensitive delivery of services. Program referrals, evaluations, supervision, treatment, rewards, and sanctions are performed in an equitable manner that does not discriminate on the basis of race, ethnicity, color, creed, religion, gender identity, sexual orientation, national origin, language, age, disability status, or genetic information.

## B. PROJECT OVERVIEW AND NEED (40 points)

1. Describe the purpose of your proposed project, types of services to be provided, and how services will be delivered. Please also include a description of how your proposed project is science and data driven. The purpose of this project is twofold: 1) to expand the Drug and Behavioral Health Court Programs to include more participants and 2) to provide new services to participants and alumni. While our new Drug Court ISO position will be locally funded, we will use KFA grant funds to shoulder the added operational costs of the larger caseload, viz. psychiatric medication, medication-assisted treatment, individual and group drug and mental health treatment sessions, transitional housing, attorney fees, and SCRAM devices.

In terms of new and expanded services, our project will 1) create a Program Store that offers free personal and household items to clients on the basis of need and larger items as an incentive for meeting and exceeding expectations; 2) expand our clothing stock for clients to wear to job interviews or court appearances; 3) arrange and pay for transportation so that our clients don't have to take public transportation; and 4) fund, organize, and provide services for the alumni support group. We will track the impact of our expanded services via program outcome data, quarterly questionnaires designed to gauge client needs, yearly LSCMI/WRNA evaluations to measure criminogenic risk.

2. Describe the population to be served by this project, including an estimated number of individuals to be served and any relevant demographic information related to individuals to be served. The Wyandotte County/Kansas City, Kansas metropolitan area is home to about 165,000 people. The population is approximately 37% White, 34% Hispanic, 21% Black, and 5% Asian. Approximately 17% of Wyandotte County is foreign-born. Roughly 66% of the population older than 16 is in the civilian labor force, and roughly 20% of the population older than 25 has a Bachelor's degree or higher.

Estimated number anticipated to be served: The Drug Court Program currently serves 24 people, and the Behavioral Health Court Program currently serves 7. We expect 8-12 new probationers to be taken into our Specialty Court Programs, representing a caseload increase of roughly 33%. All current participants will be able to take advantage of the new transportation services, clothing closet, and Program Store. There are currently 5 Drug Court alumni trying to organize an Alumni Support Group that could potentially recruit 132 other Specialty Court Program alumni.



3. Provide a description of the need for the proposed project, including quantitative and/or qualitative data as appropriate, how the proposed project will address the need, and what your organization is currently doing to address the need.

Our Adult Specialty Court Programs predominantly serves populations that are both high-risk and high-need. Many program participants, in addition to having documented substance use issues, also experience mental health and trauma issues, economic insecurity, housing insecurity, compulsive sexual behaviors, and are un/underinsured. Probationers often report a need for common, essential items, e.g. articles of clothing and toiletries due to cost or because their belongings are in a location they are trying to avoid. We currently offer some limited clothing options to help probationers dress appropriately for job interviews, but there is a need for more. Additional funding will allow us to offer more items that our probationers struggle to afford, which will allow them to more easily pay their court-assigned restitution fees.

Probationers also report a need for an alternative to public transportation due to the presence of triggering people or behaviors at bus stops or on buses. In taking public transportation, probationers sometimes see people they know whom they are trying to avoid or people engaging in the use or distribution of drugs. We also have a few clients who live in areas not frequently served by public transportation. We currently have no process in place to solve these problems for our clients as they try to get to job interviews, meetings, or court appearances. Additional funding for our Specialty Court Programs would allow us to pay for Uber rides for our clients for approved purposes, which would allow them to attend more meetings, job interviews, etc.

Currently our Specialty Court Program graduates are attempting to organize a support group that has regular meetings for alumni, Specialty Court Program participants, and other probationers. They face difficulties with respect to meeting location, communication with other Program graduates, and transportation to meetings. Currently Wyandot Center's Community Corrections and Court Services Liaison is working with graduates to organize and provide space for meetings.

As we allow more participants into our Specialty Court Programs and we provide access to services for more people, our operational costs will increase. Additional funding will allow us to provide more people access to legal services, medication, transitional housing, and inpatient and outpatient drug and mental health treatment.

4. Describe how the proposed project is innovative in its approach to addressing substance use disorder and community needs. Currently the Special Court Programs lack systematic data collection. This project will implement new data collection efforts via surveys and evaluations, sampling at a higher frequency to create more granular information by which to track probationer status and needs. These programs have never offered transportation alternatives to public transportation; the new project will help address the need for probationers trying to avoid the criminogenic environments associated with public transportation. This project is the catalyst for pursuing more transitional housing options for our clients (via Village Initiative) and the development of a new alumni support group.

5. Identify potential barriers to project implementation and how your organization will work to mitigate them. One factor that could limit project implementation is lack of communication with probationers and alumni. Probationers need to know about the new transportation options, Program Store, and clothing closet in order to take advantage of them. Alumni need to know about the activities of the alumni support group in order to get involved. To overcome this potential limitation, we will notify all program participants and alumni of the changes made to the program and try to generate excitement around these improvements.

### C. GOALS (20 points)

1. Identify reasonable goals with a timeline for completion for your proposed project. Goals should be specific, measurable, achievable, relevant, and time-bound (SMART). (If awarded, your organization will be expected to report progress based on the identified SMART goals.)

Implementation timeline: we want to expand our Specialty Court Programs to include 40 participants during Q1 of 2025. The project will fully implement alternative transportation services, Program Store, and supplemental clothing options during Q1 of 2025.

The project has the following goals:

- 1) Improve the risk profiles of Specialty Court Program participants compared to 2024 by 5% by end of Q2 2025 and 10% by end of Q4 2025.
- 2) Increase the retention rate of the program compared to 2024 by 10% by end of Q2 2025 and 15% by end of Q4 2025.
- 3) See improvement in the self-assessed needs of our clients with respect to housing, transportation, and basic household items as they progress through the program.
- 4) Increase probationers' payment of court-assigned fees.
- 5) Increase probationers' attendance of meetings and activities.
- 6) Facilitate the creation of Specialty Court Program Alumni Support Groups and grow to at least 20 participants by end of Q2 and 40 participants by end of Q4.

2. Describe the process(es), plan(s), and/or project activities you will complete to meet your goal(s) and to deliver the proposed project/services.

A. Clothing Closet: First, we will evaluate and document clothing inventory. Then we will evaluate client needs via in-person conversation and quarterly questionnaires asking about their needs. There is currently a need for more big and tall options, undergarments, winter clothing, and work attire. We will find low-cost clothing options, particularly from secondhand stores. Our staff are responsible for periodically cleaning the clothes.

B. Program Store – Incentive and Needs-Based: We will evaluate and document clients' needs for everyday items via in-person conversation and a quarterly questionnaire. Clients sometimes experience a lack of everyday essential items (e.g. shower soap, toilet paper, laundry soap, toothbrushes, razors) or a lack of access to their belongings (e.g. their items are in a house they wish to avoid). We will keep a store of such items that will be freely available to clients upon request or identification of need. More expensive or larger items in the Program Store will be

made available as incentives for meeting or exceeding expectations (e.g. doing UAs, attending extra treatment groups).

C. Transportation: We will evaluate and document clients' transportation needs via in-person conversation and a quarterly questionnaire. There is currently a demand for alternatives to public transportation due to the presence of triggers at bus stops or on buses; some of our clients live in areas not served by public transportation; some clients' lack of access to transportation may make them dependent on individuals they would do best to avoid, including other program participants. We will create an Uber account and arrange trips for clients for approved purposes (e.g. job interviews, court appearances, probation meetings, treatment groups meetings) upon request. We will create guidelines and protocols for this program and make them known to clients, implementing a cap on transportation spending per individual per year. We will use cheaper UG Transit options as available to keep our transportation spending to a minimum. As probationers work their way through the program, they should become more self-sufficient and less dependent on us to arrange transportation.

D. Program Expansion: As we expand our Specialty Court caseload, operational expenses will increase, but this does not represent a major change to our processes. Our vendors and service providers can accommodate our additional clients. Though we in the Department of Community Corrections do not solely determine how many cases to take on, we expect caseload to increase gradually throughout late 2024 and early 2025.

E. Alumni Peer Group: There are currently 5 Specialty Court Program graduates who are attempting to organize an alumni support group. This group could potentially recruit 132 other Specialty Court alumni. The 5 Alumni Board members currently meet weekly, and the alumni support groups will meet once every two weeks. While we plan for the alumni group to rely on public libraries, the Wyandot Center, community centers, or their own houses for regular meetings, we would like to offer funding for event space rental for occasional larger meetings or celebrations. Alumni Board members must be off probation for at least six months and be willing to report to Wyandot Center's Community Corrections and Court Services Liaison. Our staff can arrange transportation options to Special Court Program graduates interested in attending group meetings in order to facilitate attendance and grow the group.

3. List what project outcome(s) you would like to see and how you plan to measure. Explain how you plan to evaluate your project and how you will measure whether your project did or did not achieve the goal(s) outlined above. What evaluation methods, tools, or other resources will be used?

Goal 1) The project will aim to improve the risk-profiles of Specialty Court Program participants by 5% at the end of Q2 and 10% at the end of Q4. To evaluate criminogenic risk, we will use the Level of Service Case Management Inventory and/or the Women's Risk/Need Assessment.

Goal 2) While our probationers' compliance with their contract is out of our control, it is conceivable that the enhancements of our Specialty Court Programs described above will incentivize probationers to stay in compliance and ultimately complete the program. Our hope is

that we can improve our program retention rate by 10% by the end of Q2 and 15% by the end of Q4.

Goal 3) Our quarterly survey will evaluate the state of our clients' needs with respect to clothing, transportation, housing, and access to basic household goods. We want to see a noticeable improvement in self-assessed client needs over the course of the program, especially in those probationers who are in earlier phases of the program.

Goal 4) We will track the rate at which probationers pay their court-assigned fees and compare it to previous years, allowing us to determine whether our provision of basic household items, transportation, and clothing has alleviated some of their economic hardship.

Goal 5) We will track our probationers' attendance of various meetings and participation in activities, hoping to show an improvement over 2024. This will show us whether our efforts to incentivize participation and facilitate transportation to meetings have had the desired effect.

Goal 6) We will track participation in the Specialty Court Program Alumni Support Group with the hope that we will reach 20 participants by the end of Q2 and 40 by the end of Q4.

#### D. PRIORITY ELEMENTS (10 points) \*Optional

1. Tell us how you are including in your project the priority elements (if any) listed under subsection H on page 8. Our Adult Drug Court Program serves a population in the highest quintile of risk according to the 2024 Kansas County Composite Index (item G). Our program will implement and enhance data collection and analysis processes to evaluate our probationers' needs and criminogenic risk (item C). Our program will increase the capacity and implementation of drug courts (item H4). Our program will collaborate with our service providers (Mirror, Inc., A Connecting Pointe, Wyandot Center, Oxford House, Village Initiative) and the Unified Government Public Health and Transportation Departments to avoid duplication of services (item H1).

#### E. RESOURCES (20 points)

1. List the key staff that will be responsible for the project and describe what role each of them will play, including their relevant experience.

Calvin Johnson: Criminal Justice Programs Administrator

Responsibilities: Oversees daily operations of Special Court Programs; coordinates with judges, legal professionals, treatment providers, and other stakeholders; manages case flow; monitors participant progress; maintains program records; secures and manages funding; develops partnerships; facilitates communication; ensures compliance with legal and regulatory requirements; maintains data collection and reporting.

Experience: Bachelor's Degree in Criminal Justice, 25 years in addiction services, 21 years in Community Corrections, and 16 years in Specialty Courts.

Ashley Brown: Drug Court Program Supervisor

Responsibilities: Coordinates Adult Drug/Alcohol Specialty Courts; supervises staff; provides direct services to offender population; coordinates intake, review, and daily management of probationers; collects and analyzes data; acts as liaison with all programmatic partners; covers partial caseload as needed; will make purchases related to Clothing Closet and Program Store; will administer new Client Needs Assessments; will arrange Uber rides for clients.

Experience: Bachelor's Degree in Developmental Psychology, WyCo/KCK Community Corrections Juvenile Diversion Officer, Adult Drug Diversion Officer, SB123 ISO, SB123 Field Services Administrator, Behavioral Health Court Program Coordinator, and Drug Court Program Supervisor 2014-2024.

Joslyn Brewer: Intensive Supervision Officer

Responsibilities: Supervises adult felons on Drug Court probation; attends court to provide testimony on participant progress; prepares weekly court reports and recommendations; monitors and verifies participant compliance with court orders; works with participants and providers to identify areas of risk/need.

Experience: Bachelor's Degree in Criminal Justice, Missouri Probation and Parole Officer 2023-2024, WyCo/KCK Community Corrections Drug Court ISO 2024-present.

Ariana Sanchez-Ruiz: Intensive Supervision Officer

Responsibilities: Supervises adult felons on Drug Court probation; attends court to provide testimony on participant progress; prepares weekly court reports and recommendations; monitors and verifies participant compliance with court orders; works with participants and providers to identify areas of risk/need.

Experience: Master's Degree in Forensic Psychology, WyCo/KCK Community Corrections Drug Court ISO 2020-2021, Legal Assistant with brewer law Group 2023-2024, WyCo KCK Community Corrections Drug Court ISO 2024-present.

Alicia Johnson: Behavioral Health Court Program Supervisor

Responsibilities: Manages daily operations of the BHC Program; pays for medications and housing; ensures client participation; handles program documentation and data collection; manages screening and referral process; attends and leads weekly court hearings; oversees weekly court report; completes assessments; provides support to BHC ISO and BHC clients as needed.

Experience: Bachelor's Degree in Criminal Justice (working toward Master's), 20 years working in mental health case management, 5 years of supervisory experience, WyCo/KCK 2022-present.

Michael Klyce: Intensive Supervision Officer

Responsibilities: Monitors and manages client participation in BHC program; teaches clients new skills; communicates with social service and treatment providers; completes required documentation; transports clients to treatment, RSI, and detox; complete assessments.

Experience: Bachelor's Degree in Criminal Justice, Master's Degree in Business Administration, behavioral therapist/specialist at Exceptional Children's Foundation, worked with youth and people of diverse backgrounds, WyCo/KCK Community Corrections ISO 2022-present.

Stephen Sage: Fiscal Officer

Responsibilities: Grant application process; data design and analysis; fiscal planning, review, and reporting.

Experience: Bachelor's Degree in Philosophy; Deputy Clerk and Election Officer of Linn County, Kansas 2022-2023; WyCo/KCK Community Corrections Fiscal Officer 2024-present.

Ellen Knocke: Community Corrections and Court Services Liaison (Wyandot Center)

Responsibilities: liaises between Wyandotte Behavioral Health Network and Community Corrections to facilitate probation for specialty courts and connect clients with mental health services, runs Seeking Safety support group, coordinates with Specialty Court alumni to organize meetings, receives reports from alumni to keep accountability.

Experience: Bachelor's Degrees in Criminal Justice and Psychology, Intensive Case Manager through Wyandotte Center for Behavioral Health Court, Wyandot Center Liaison and alumni contact 2020-present.

2. Describe any additional resources and/or funding that will be used to support this project or related projects. Please list any relevant funding sources your organization receives for SUD programming, like funding from sources such as KDADS, KDHE, SOR, OD2A, DEC/DECK, Block Grant, SB123, SPF Rx, SAMHSA, CDC, HRSA, BJA, or other SUD-related funding sources. The Unified Government of WyCo/KCK Department of Community Corrections Adult and Juvenile Divisions are funded by KDOC block grants but receive no SUD-related grants. Our Specialty Court Programs are locally funded.

3. Due to 2024 being a year in which some of these major grants mentioned above are up for bid, if your organization were to lose funding from a major funding source such as these, how would that impact the proposed project? \*(Not factored into scoring for this section but may be considered by the KFA board in the review process). N/A

4. Describe how the organization is/will collaborate with other organizations to accomplish implementation of this project, including any entities funded through the Municipalities Fights Addiction Fund (Counties/Cities) and/or partners working on SUD issues in your community, including activities funded by the above funding sources. The WyCo/KCK Department of Community Corrections will collaborate with our Public Health and Transit Departments, which both offer some transit services, to avoid duplication of services and minimize transportation costs. We have communicated with our vendor to ensure that they can provide services to more clients and sought out additional sober housing providers.

Is your organization receiving funding from the Municipalities Fights Addiction Fund (opioid settlements for Counties/Cities)? Yes No If no, skip questions 4a.

Yes

- a. If yes, what is your organization using funding from the Municipalities Fights Addiction Fund for? The Unified Government of WyCo/KCK is receiving MFA money, but it is

currently unknown whether any of those funds will be made available to the Department of Community Corrections.

5. Have you received a previous KFA grant? Yes No If no, skip questions 5a and 5b. No.

a. If yes, how is the project different from the previously funded project? N/A

b. If yes, how is the project complementary or similar to the previously funded project? N/A

6. Please describe how your organization will ensure project activities are not duplicative of other services offered by your organization or partner organizations in the community. \*KFA funds should not supplant other funding sources, so please ensure that activities included in your proposal are not funded by other sources. The Adult Drug Court's current funding source is Wyandotte County Special Alcohol Tax money; our use of County funds will not decrease because of KFA funds. We will use KFA funds on new operational expenses associated with the higher caseload and new services. We will communicate with the UG Transportation and Public Health Departments to avoid duplication of services they provide.

#### F. SUSTAINABILITY (5 points)

1. Tell us your plans for sustaining your project after the grant period ends. As a result of the grant funding, what work will be sustained, enhanced or expanded? If this project is successful, how will you sustain it? The UG is currently undergoing budget cuts, so it is doubtful that the UG would fund expanded Specialty Court Programs after the grant period ends. At that time, limited elements of the project, e.g. a smaller transportation program, might be fiscally sustainable, but in general the Specialty Court Programs will either take on fewer participants, cut the transportation program, or seek further grant funding.

2. If the board were to fund your project at a lower amount, how would your proposal change? \*(Not factored into scoring for this section but may be considered by the KFA board in the review process). Our project can be scaled up or down proportionately to funding because we have some discretion over the number of participants in our Specialty Court Programs. If we receive KFA grant funds in an amount lower than our budget request, we can adjust our goals with respect to the number of probationers in our program. The transportation program is our largest budget line item and represents an estimated maximum of \$1500/client once our caseload is full; if we receive less funding, we can enforce a lower per client maximum.

#### G. BUDGET (5 points)

The budget section will include a standardized budget form and associated budget narrative. The maximum indirect rate shall not exceed 10% of the total budget. The budget template also includes a technical guide to aid in completion. See standardized budget form for more information. See attached.



## Report to Public Works & Safety

| MEETING DATE                                                                                                                                                                                                                                                                                                                         | PRESENTER                                                           | DEPARTMENT           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|----------------------|
|                                                                                                                                                                                                                                                                                                                                      | <div>Matt May, Director</div> <div>mmay@wycokck.org<br/>x6337</div> | Emergency Management |
| AGENDA ITEM #IV.3.                                                                                                                                                                                                                                                                                                                   |                                                                     |                      |
| RESOLUTION: APPROVING REVISIONS TO COUNTY EMERGENCY OPERATIONS PLAN                                                                                                                                                                                                                                                                  |                                                                     |                      |
| BACKGROUND                                                                                                                                                                                                                                                                                                                           |                                                                     |                      |
| Request approval of proposed revisions to the County Emergency Operations Plan (CEOP). (Documents may be viewed at <a href="https://xfer.wycokck.org/public/file/Ph4xw8vgj0Wk84-qc3Oh_w/Emergency%20Management%20Updates.zip">https://xfer.wycokck.org/public/file/Ph4xw8vgj0Wk84-qc3Oh_w/Emergency%20Management%20Updates.zip</a> ) |                                                                     |                      |
| RECOMMENDATION                                                                                                                                                                                                                                                                                                                       |                                                                     |                      |
| Approve                                                                                                                                                                                                                                                                                                                              |                                                                     |                      |
| BUDGET IMPACTS / FINANCIAL CONSIDERATIONS                                                                                                                                                                                                                                                                                            |                                                                     |                      |
|                                                                                                                                                                                                                                                                                                                                      |                                                                     |                      |
| IT/POLICY CONSIDERATIONS                                                                                                                                                                                                                                                                                                             |                                                                     |                      |
|                                                                                                                                                                                                                                                                                                                                      |                                                                     |                      |
| PROCUREMENT CONSIDERATIONS                                                                                                                                                                                                                                                                                                           |                                                                     |                      |
|                                                                                                                                                                                                                                                                                                                                      |                                                                     |                      |
| LEGAL CONSIDERATIONS                                                                                                                                                                                                                                                                                                                 |                                                                     |                      |
|                                                                                                                                                                                                                                                                                                                                      |                                                                     |                      |
| ATTACHMENTS                                                                                                                                                                                                                                                                                                                          |                                                                     |                      |
| Resolution Adopting Emergency Operations Plan 2024                                                                                                                                                                                                                                                                                   |                                                                     |                      |

Approved by Mayor and/or Chair and Administrator to add to agenda.



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

**A Resolution Adopting Local Emergency Operations Plan**

**WHEREAS**, K.S.A. 48-929 requires cities and counties to develop and promulgate an Emergency Operations Plan (EOP) to help save lives and protect property in the event of a major emergency or disaster; and

**WHEREAS**, this planning includes: mitigation to reduce the probability of occurrences and minimize the effects of unavoidable incidents; preparedness to respond to emergency/disaster situations; response actions during emergency/disaster situations; and recovery operations that will ensure the orderly return to normal and improved levels following emergency/disaster situations; and

**WHEREAS**, the Wyandotte County Emergency Operations Plan (CEOP) has been developed to establish the policies, guidance and procedures that will provide the elected and appointed officials, administration personnel, various governmental departments, and private and volunteer agencies with information required to function in a coordinated and integrated fashion and to ensure a timely and organized management of consequences arising from emergencies and disasters; and

**WHEREAS**, the Emergency Management Department of the Unified Government annually reviews the Wyandotte County Emergency Operations Plan and proposes any necessary revisions to the Board of Commissioners.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

**Section 1.** The Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas hereby adopts and endorses the attached Wyandotte County Emergency Operations Plan.

**Section 2.** This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

**Section 3.** The County Administrator and Unified Government employees are directed to take any required action necessary to employ the Wyandotte County Emergency Operations Plan.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED  
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

\_\_\_\_\_  
Tyrone Garner, Mayor / CEO

Attest:

\_\_\_\_\_  
Unified Government Clerk

Approved as to form:

\_\_\_\_\_  
Chief Counsel



## Report to

| MEETING DATE | PRESENTER                                                                                                          | DEPARTMENT   |
|--------------|--------------------------------------------------------------------------------------------------------------------|--------------|
|              | <div>Troy Shaw, County Engineer/<br/>Interim Director of Public Works</div> <div>tshaw@wycokck.org<br/>x5416</div> | Public Works |

## AGENDA ITEM #

## RESOLUTION: APPROVING EPA CHANGE GRANT SC055

## BACKGROUND

- The Integrated Overflow Control Plan (IOCP) consent decree program requires a combined sewer overflow (CSO) reduction project known as CSO55 to be completed by year end 2032
- The CSO55 project is the largest regulatory combined sewer overflow (CSO) reduction project. The CSO55 Phase I Grant Project begins 2025 and ends 2027. The IOCP consent decree mandates that the CSO55 project begin no later than 2032 and be completed no later than 2037 per Table 2.1 CSO Control Measures. The minimum design criteria scope of this project is to separate sewer line and install green infrastructure (Natural Based Solutions, NBS) to provide stormwater wet weather storage for 1.4" rainfall event, or approximately 35 Million Gallons of stormwater. Public Works project required tasks include communications (engagement, outreach, education, notification, coordination), design, inspection, and construction services. If awarded the grant, it is expected the CSO55 Phase I Grant Project would commence upon grant award and would be completed per the grant criteria, in approximately 36 months.
- CSO55 project includes required grant tasks of communication, design, inspection, and construction services.
- The sewer long range plan is funded by the sewer rate payers and relies on annual rate increases.
- Funding opportunities, to include grants, are needed to minimize future rate increases while funding regulatory and mandatory project programs. If funding opportunities are not awarded or secured, all costs of the programs relies on the sewer rate payers.
- Through EPA's Environmental and Climate Justice Community Change Grants program (Community Change Grants), Congress has appropriated approximately \$2 billion dollars in Inflation Reduction Act funds in environmental and climate justice activities to benefit underserved and overburdened disadvantaged communities. More information can be found at [Inflation Reduction Act Community Change Grants Program | US EPA](https://www.epa.gov/inflation-reduction-act/inflation-reduction-act-community-change-grants-program) (<https://www.epa.gov/inflation-reduction-act/inflation-reduction-act-community-change-grants-program>).
- The EPA Change grant is a minimum \$10 Million - maximum \$20 Million opportunity per application, with a maximum of two applications per lead applicant. The UG is competitively positioned within the regulatory combined sewer overflow reduction project boundary.
- The Unified Government would be the lead agency, but is only eligible if there is a partner Community Based Organization (CBO) included in the grant application and administration. Minimum eligibility is achieved by 1) Community Based Organizations that partner together, or 2) Community Based Organizations that partner together with one of the following: a federally recognized Tribe, a local government, or an institution of higher education. These types of

partnerships for eligibility purposes are known as Statutory Partnerships. In this case, the Unified Government is proposing a partnership with a CBO.

- Through Livable Neighborhoods, Public Works went out for a solicitation "Call for Interest" to community-based organizations recognized by the Unified Government. CABA was the only neighborhood group that responded to the call for interest. Livable Neighborhoods confirmed that this as a partner who can support the project and the grant application efforts as a CBO who meets the grant criteria.
- CABA as the statutory partner would conduct the engagement, education and outreach components of the grant program criteria and project needs. The sub-award contract for this work would be presented to the commission for review and approval. All payment requests would require documentation to the UG and the federal government for work completed and actual services performed.

#### RECOMMENDATION

Approve  
Fast Track

- Requesting the support of the grant program by authorizing resolution to allow staff to submit a \$20 Million application for the EPA Change Grant with statutory partners for SCO55 by signing the MOUs and if awarded, authorizing the County Administrator to sign all related documents to execute the grant, noting that the MOU with the statutory partner will be presented to the Commission prior to execution.

#### BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

No match is required.

#### IT/POLICY CONSIDERATIONS

N/A

#### PROCUREMENT CONSIDERATIONS

- The design and construction of the project are subject to the Unified Government's Purchasing Policy.

#### LEGAL CONSIDERATIONS

- Attached MOU is required as part of the grant application packet and has been reviewed by legal and signed by CABA

#### ATTACHMENTS

MOU\_EPA COMMUNITY CHANGE GRANT\_CABA, EPA-R-OEJECR-OCS-23-04 - 10.03.24, EPA-community-change-grants-nofo-faq-2.1.2024 (1), Commission Resolution - CSO55 EPA Change Grant, Commission Action Report - CSO55 EPA Change Grant

Approved by Mayor and/or Chair and Administrator to add to agenda.

*DOF 10/16/2024*  
*APPROVED: [Signature]*  
*[Signature]*

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

**A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS TO ENTER INTO A PARTNERSHIP AGREEMENT WITH THE CENTRAL AREA BETTERMENT ASSOCIATION FOR THE PURPOSE OF APPLYING FOR A GRANT FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.**

**WHEREAS**, the Unified Government of Wyandotte County/ Kansas City, Kansas ("Unified Government") is subject to a Consent Decree with the Environmental Protection Agency ("EPA"); and

**WHEREAS**, the Consent Decree contains an Integrated Overflow Control Program ("IOCP") that requires the Unified Government to improve its sewer and storm water systems; and

**WHEREAS**, the EPA has a grant program to fund activities required by the IOCP; and

**WHEREAS**, the grant requires the Unified Government, as the Lead Applicant, to partner with one or more entities and submit a signed Partnership Agreement; and

**WHEREAS**, the Central Area Betterment Association ("CABA") has agreed to enter into such a Partnership Agreement with the Unified Government, creating the UG/CABA Stormwater Control System Grant Partnership; and

**WHEREAS**, the parties have reached and prepared a Partnership Agreement to cooperate in the improvements required by the IOCP, and the Unified Government desires to enter said agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:**

**Section 1.** The Unified Government Board of Commissioners hereby approves the Inter-departmental Grant Coalition Proposal to pursue grant funding for the above-described projects

**Section 2.** Further Action. That the Mayor/CEO of the Unified Government of Wyandotte County/ Kansas City, Kansas is hereby authorized to execute said Memorandum on behalf of the Unified Government, and the County Administrator is hereby authorized to take any action required and necessary to implement and satisfy the intent of this Resolution.

**Section 3.** Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the Unified Government.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE  
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

\_\_\_\_\_  
**Tyrone A. Garner, Mayor/CEO**

**Attest:**

\_\_\_\_\_  
**Unified Government Clerk**

**Approved as to Form:**

\_\_\_\_\_  
**Acting Chief Counsel**

**EPA COMMUNITY CHANGE GRANT PARTNERSHIP AGREEMENT**  
**BY AND BETWEEN**  
**THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**  
**AND**  
**THE CENTRAL AREA BETTERMENT ASSOCIATION**

This Partnership Agreement ("Agreement") is made and entered into this \_\_\_\_ day of August 2024 ("Effective Date"). The "Partners" in this Agreement are as follows:

The Lead Applicant is the Unified Government of Wyandotte County/Kansas City, Kansas ("UG").

The Statutory Partner is the Central Area Betterment Association ("CABA").

**I. NAME**

The partners are executing this document to create a Partnership. This partnership will be known as **UG/CABA Stormwater Control System Grant Partnership** ("Partnership").

**II. PURPOSE AND LOCATION**

The Partners wish to become partners for the purpose of applying for and if awarded, executing an Environmental Protection Agency ("EPA") Community Change Grant ("CCG"). The Partnership's primary place of business will be 701 North 7<sup>th</sup> Street, Kansas City, KS 66101.

**III. PROJECT DESCRIPTION**

The Community Change Grant project will develop a design for the CSO-55 project to meet the IOCP consent decree, include community engagement, and implement phased construction to reduce heat island effect and improve air quality through urban reforestation, enhance local mobility through trail and right-of-way improvements, decarbonize through innovative community connections, and improve water quality through pollution reduction and stormwater management techniques.

**IV. THE PARTNERSHIP**

**A. The Partners Agree to the following:**

1. The terms and conditions of their Partnership will be outlined in this Agreement.
2. The Partnership will be in effect as of the date entered above.
3. The Partnership will only be terminated as outlined in this Agreement.
4. The Partnership will be governed by and construed under the laws of the State of Kansas.

**V. ROLES OF PARTNERS (if the CCG is awarded)**

**A. UG Responsibilities.** The UG is responsible for:

1. Overall management, performance, oversight, and reporting under the grant, and for making subawards to Collaborating Entities.
2. Making a subaward to CABA in the amount consistent with the final EPA approved grant budget.
3. Making sure all subawards comply with the subaward requirements in the grant regulations at 2 CFR § 200.331 and in EPA's Subaward Policy and related guidance.
4. Receiving federal funds from EPA and ensuring the proper expenditure of these funds. UG will bear liability for unallowable costs.
5. All compliance, legal issues, and managing risks associated with the project.
6. Project-specific activities as outlined within the grant application submitted as response to the notice of funding opportunity for the EPA Community Change Grant.
7. Share decision making authority with CABA and other parties as specified in the Collaborative Governance Structure that is submitted to EPA as part of the CCG application.
8. Upon award, enter into a grant agreement with the EPA.

**B. CABA Responsibilities.** CABA will be responsible for:

1. Project-specific activities as outlined within the grant application submitted as response to the notice of funding opportunity for the EPA Community Change Grant.
2. Share decision making authority with the UG and other parties as specified in the Collaborative governance Structure that is submitted to EPA as part of the CCG application.
3. Upon award, enter into a subaward agreement with the UG.

**VI. GENERAL PROVISIONS**

**A. Term of Partnership.**

1. This partnership will commence and be in effect upon notification of EPA Community Change Grant Award and will terminate, unless overridden by a new written agreement, in one of the following ways:
  - a. When CABA is replaced under the procedure listed in Paragraph VI.D. below,
  - b. When the CCG is completed as determined by EPA,
  - c. When the Partnership is informed that their application for a CCG is rejected unless, as agreed by both Partners, they resubmit an amended application, and
  - d. When the Partnership is informed that their resubmitted application is rejected.
2. Both Partners agree to be bound by the terms of this Partnership Agreement and agree that the Partners have received due consideration for entering into this contract.



**B. Dispute Resolution.**

1. In the event a dispute arises between the Partners regarding the rights or duties created by this Agreement, or in the event of a breach of this Agreement by either party, the Partners agree to meet and confer in a good faith effort to resolve the dispute. In the event the Partners are unable to informally resolve the dispute within thirty (30) days after the dispute has arisen, the Partners agree to non-binding mediation with a mediator approved by both Partners prior to any litigation.
2. Both members of this partnership recognize and acknowledges that EPA is not a party to this Agreement, and any disputes between the parties must be resolved under the law applicable to the Partnership Agreement.
3. This Agreement and the rights and obligations of the parties hereunder are to be governed by and construed and interpreted in accordance with the laws of the State of Kansas applicable to contracts made and to be performed wholly within Kansas, without regard to choice or conflict of laws rules. The parties hereto submit to the exclusive jurisdiction of and venue in the state courts located in Wyandotte County, Kansas, or the U.S. District Court, District of Kansas, for purposes of any suit arising hereunder instituted by any party.

**C. Assignment and Replacement of CABA as Statutory Partner.**

1. If it becomes necessary to replace CABA as the Statutory Partner, the UG will give CABA written notice transmitted by (a) registered or certified mail, return receipt requested, with Notice deemed to be given upon receipt; postage pre-paid, (b) delivered by hand or by nationally recognized courier service, or (c) if sent by facsimile or email transmission with confirmed receipt, and addressed as follows:

Central Area Betterment Association  
Contact: Edgar Galicia, Executive Director  
Address: 1303 Central Avenue  
Kansas City, Kansas 66102

2. The UG will interview potential replacement Statutory Partners to ensure the replacement Statutory Partner has the comparable expertise, experience, knowledge, and qualifications of CABA to ensure successful grant completion within 3 years.
3. If CABA cannot perform for any reason, including, but not limited to, performance issues or other unforeseen reason under the terms of this Agreement, CABA will assist the UG in finding a replacement with due haste and will assign all its rights and obligations to the newly selected Statutory Partner.
4. Any replacement requires prior approval by an authorized EPA official pursuant to 2 CFR § 200.308(c)(6).



- D. **Costs.** The Partners will share programmatic funding consistent with the application budget submitted for the EPA Community Change Grant program and any EPA approved revisions.
- E. **Cash Basis Law.** This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 *et seq.* and amendments thereto. Any automatic renewal of the terms of the Agreement shall create no legal obligation on the part of the Unified Government. This Agreement shall be construed and interpreted so as to ensure that the Unified Government shall at all times stay in conformity with such laws and, as a condition of this Agreement, the Unified Government reserves the right to unilaterally sever, modify, or terminate this Agreement at any time if, in the opinion of its legal counsel, the Agreement is deemed to violate the terms of such law. The Unified Government is obligated only to pay periodic payments or monthly installments under the Agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during the Unified Government's current budget year or (b) funds made available from any lawfully operated revenue producing source.
- F. **Accounting, Retention, and Access to Records.** The Partnership will maintain books, records, documents, and other evidence pertaining to the costs and expenses of the services provided under the Agreement to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies, and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this Agreement.
1. Both Partners will maintain and allow complete access to all books, records, documents, papers, and letters that are made or received by the Partners or Partnership in connection with this Agreement (collectively, "Records").
  2. All accounts related to the Partnership, including contribution and distribution accounts, are subject to audit.
  3. The Partnership will retain all Records applicable to this Agreement for a period of five (5) years after grant closeout, as required under 2 CFR§300.334, or until all audit questions have been resolved, whichever period of time is longer.
  4. Each partner will be responsible for their own tax returns.
  5. Accounting records will be kept on a cash basis.
  6. The fiscal year will end on December 31<sup>st</sup> each year.
- G. **Ownership.** The Partners shall be joint owners with all property rights, including publication rights, in all interim, draft, and final reports and other documentation, including machine-readable media, produced by or in connection with the work pursuant to this Agreement.
- H. **Profits.** There are no anticipated profits from the grant agreement.
- I. **Modification to Partnership Agreement.** This Agreement and other documents specifically referred to herein constitute the entire partnership agreement and there are no verbal agreements between the Partners. This Agreement may only be revised or modified by a written amendment signed by authorized representatives of both Partners.

- J. **Independent Contractor Relation.** The parties agree that the legal relationship between them is of a contractual nature. Nothing in this Agreement shall be construed to create a relationship of employer and employee or principal and agent or any other relationship other than that of independent parties contracting with each other solely for the purpose of carrying out the provisions of this Agreement. Nothing in this Agreement shall create any right or remedies in any third party. The parties agree that no persons supplied by CABA are employees of the Unified Government and that no right of the Unified Government's civil service, retirement, or personnel rules accrue to such persons. The Unified Government shall not be responsible for withholding of social security, workers compensation insurance, unemployment compensation, bonuses, retirement benefits, other benefits, and any taxes and premiums from any payments made by the Unified Government to the Contractor.
- K. **Circumstances Beyond Control (Force Majeure).** The Partners shall not be responsible or liable for (i) special, consequential, indirect or punitive damages or (ii) any failure or delay in performing its obligations under this Agreement arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control, including: acts of God, earthquakes, fires, floods, wars, terrorist acts, civil or military authority or disturbances, sabotage, epidemics, pandemics, quarantine, riots, interruptions, loss or malfunctions of utilities, computer (hardware or software) or communications service, accidents, labor disputes, governmental actions or omissions, changes in laws or regulations, or generalized lack of availability of raw materials or energy.
- L. **Severability.** If any terms of this Agreement or its application to any person or circumstances shall, at any time or to any extent, be determined invalid or unenforceable, such as the inability to enter into a grant agreement with the EPA, the remaining provisions shall not be affected and shall be deemed valid and fully enforceable to the extent permitted by law.

**Lead Applicant**

**Unified Government of Wyandotte County and Kansas City Kansas**

---

David W. Johnston  
Wyandotte County Administrator

**Statutory Partner**  
**Central Area Betterment Association**



---

Jose Rodriguez  
CABA Board Chair

**FEDERAL AGENCY AND OFFICE:** U.S. Environmental Protection Agency, Office of Environmental Justice and External Civil Rights (OEJECR)

**FUNDING OPPORTUNITY TITLE:** Environmental and Climate Justice Community Change Grants Program

**ANNOUNCEMENT TYPE:** Notice of Funding Opportunity (NOFO)

**FUNDING OPPORTUNITY NUMBER:** EPA-R-OEJECR-OCS-23-04

**ASSISTANCE LISTING NUMBER:** 66.616

**ACTION:** Modification No. 4 to the NOFO

**DATE:** October 2, 2024

**SUMMARY:** This modification revises and clarifies the NOFO, which was originally issued on November 21, 2023. This version of the NOFO supersedes previous versions of the NOFO. The revision made by this modification is as follows:

1. The paragraph on page 2 of the NOFO under “Deadline” was revised to add a citation to 41 Fed. Reg. 36,907 and clarify that applicants may assert a CBI claim and EPA will treat any information claimed as CBI consistent with our regulations.

|                                    |                                                                                                          |
|------------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>FEDERAL AGENCY AND OFFICE:</b>  | U.S. Environmental Protection Agency, Office of Environmental Justice and External Civil Rights (OEJECR) |
| <b>FUNDING OPPORTUNITY TITLE:</b>  | Environmental and Climate Justice Community Change Grants Program                                        |
| <b>ANNOUNCEMENT TYPE:</b>          | Notice of Funding Opportunity (NOFO)                                                                     |
| <b>FUNDING OPPORTUNITY NUMBER:</b> | EPA-R-OEJECR-OCS-23-04                                                                                   |
| <b>ASSISTANCE LISTING NUMBER:</b>  | 66.616                                                                                                   |
| <b>IMPORTANT DATES:</b>            |                                                                                                          |
| November 21, 2023                  | <b>NOFO Opening Date</b>                                                                                 |
| November 21, 2024                  | <b>Application Closing Date</b>                                                                          |
| July 2024                          | <b>Initial Award Selections Made</b>                                                                     |
| November 2024                      | <b>Anticipated Start of Period of Performance for Initial Selections</b>                                 |

**DEADLINE:** Application packages will be accepted on a rolling basis, as further explained in the NOFO, until November 21, 2024, at 11:59 PM (Eastern Time) through Grants.gov. Applications received after the closing date and time will not be considered for funding.

In alignment with EPA's commitment to conducting business in an open and transparent manner, copies of applications selected for award under this NOFO may, as appropriate, be made publicly available on the OEJECR website or other public website for a period after the selected applications are announced. Therefore, applicants should clearly indicate which portion(s) of the application, if any, they are claiming contains confidential business information. Information claimed as confidential will be treated in accordance with the procedures for handling information claimed as confidential under 40 CFR Part 2, Subpart B, and will be disclosed to the extent, and by means of procedures, set forth in Subpart B. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the applicant. See 40 CFR 2.203(a), 41 Fed. Reg. 36,907.

Notice To Applicants: The revisions to the grant regulations in [2 CFR described at 89 FR 30046-30208](#) (April 22, 2024) will apply to awards made under this NOFO, including the change to the de minimis indirect cost rate.

**NOTE:** Prior to naming a contractor (including consultants) or subrecipient in your application as a "partner," please carefully review Section IV.d, "Contracts and Subawards," of EPA's Solicitation Clauses that are incorporated by reference in this NOFO in [Section I.J](#). EPA expects recipients of funding to comply with competitive procurement contracting requirements as well as 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 based on a contractor's role in preparing an application or a firm or individual's "unique" qualifications.

## TABLE OF CONTENTS:

|                                                                                                                        |           |
|------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>Section I. Funding Opportunity Description</b>                                                                      | <b>5</b>  |
| A. Background: Inflation Reduction Act and Executive Orders                                                            | 5         |
| B. Statutory and Regulatory Authority                                                                                  | 6         |
| C. Community Change Grants Objectives                                                                                  | 7         |
| D. NOFO Competition Features                                                                                           | 7         |
| E. Technical Assistance                                                                                                | 8         |
| F. Community or Tribal Relocation Resources                                                                            | 8         |
| G. Funding Track I: Community-Driven Investments for Change                                                            | 9         |
| H. Funding Track II: Meaningful Engagement for Equitable Governance                                                    | 20        |
| I. EPA Strategic Plan Linkage, Anticipated Outputs, Outcomes & Performance Measures                                    | 23        |
| J. Additional Provisions for Applicants Incorporated into the NOFO                                                     | 24        |
| <b>Section II. Federal Award Information</b>                                                                           | <b>25</b> |
| A. Number and Amount of Awards                                                                                         | 25        |
| B. Target Investment Areas (TIA) for Track I Applications                                                              | 25        |
| C. Rolling Application Submittal and Review Process, Application Award Limits, and Application Resubmission Procedures | 26        |
| D. Conditional Awards                                                                                                  | 27        |
| E. Period of Performance                                                                                               | 27        |
| F. Partial Funding                                                                                                     | 27        |
| G. Additional Awards                                                                                                   | 28        |
| H. Funding Type                                                                                                        | 28        |
| <b>Section III. Eligibility Information</b>                                                                            | <b>29</b> |
| A. Eligible Applicants                                                                                                 | 29        |
| B. Statutory Partnership Requirements and Collaborating Entities                                                       | 31        |
| C. Cost-Sharing or Matching Funds                                                                                      | 32        |
| D. Threshold Eligibility Criteria                                                                                      | 32        |
| <b>Section IV. Application and Submission Information</b>                                                              | <b>35</b> |
| A. Requirement to Submit through Grants.gov and Limited Exception Procedures                                           | 35        |
| B. Content of Application Submission                                                                                   | 38        |
| C. Informational Webinars and Application Assistance                                                                   | 47        |
| <b>Section V. Application Review Information</b>                                                                       | <b>47</b> |
| A. Threshold Eligibility Review Process                                                                                | 48        |

|                                                                                                 |           |
|-------------------------------------------------------------------------------------------------|-----------|
| B. Review Panel and Evaluation Process .....                                                    | 48        |
| C. Track I Application Review Process and Evaluation Criteria .....                             | 48        |
| D. Track II Application Review Process and Evaluation Criteria.....                             | 53        |
| E. Final Selection Process and Other Factors.....                                               | 56        |
| F. Anticipated Announcement and Federal Award Date.....                                         | 57        |
| <b>Section VI. Award Administration Information.....</b>                                        | <b>59</b> |
| A. Award Notification and Disputes .....                                                        | 59        |
| B. Administrative and National Policy Requirements .....                                        | 59        |
| C. Audit Requirements.....                                                                      | 62        |
| D. Remedies for Non-Compliance.....                                                             | 62        |
| E. Program Administration Activities .....                                                      | 63        |
| F. Fraud, Waste, and Abuse Awareness .....                                                      | 63        |
| G. Quality Management Plans (QMPs) & Quality Assurance Project Plans (QAPPs).....               | 63        |
| <b>Section VII. Contact Information.....</b>                                                    | <b>65</b> |
| <b>Appendix A. Definition of Disadvantaged Communities and Mapping Requirements.....</b>        | <b>66</b> |
| <b>Appendix B. Partnership Agreement between the Lead Applicant and Statutory Partner .....</b> | <b>69</b> |
| <b>Appendix C. Climate Action Strategies and Associated Project Activities .....</b>            | <b>70</b> |
| <b>Appendix D. Pollution Reduction Strategies and Associated Project Activities .....</b>       | <b>77</b> |
| <b>Appendix E. Job Quality &amp; Equitable Employment Opportunities .....</b>                   | <b>80</b> |
| <b>Appendix F. Track I and II Outputs and Outcomes.....</b>                                     | <b>81</b> |
| <b>Appendix G. Budget Template .....</b>                                                        | <b>86</b> |
| <b>Appendix H. Alaska Tribal Lands Target Investment Area.....</b>                              | <b>91</b> |



## Section I. Funding Opportunity Description

[\(back to the Table of Contents\)](#)

### A. Background: Inflation Reduction Act and Executive Orders

The Environmental and Climate Justice Community Change Grant program (Community Change Grants) – the subject of this NOFO – offers an unprecedented opportunity to transform disadvantaged communities across the United States into healthy, climate resilient, and thriving communities for their current and future residents. The Community Change Grants will fund community-driven projects that address climate challenges and reduce pollution while strengthening communities through thoughtful implementation. The historic levels of support provided by these grants will enable communities and their partners to overcome longstanding environmental challenges and implement meaningful solutions to meet community needs now and for generations to come.

The Inflation Reduction Act (IRA) created the Environmental and Climate Justice Program (ECJP)—the largest investment in environmental and climate justice in U.S. history—when it was signed into law by President Biden on August 16, 2022. The ECJP is now contained in Section 138 of the Clean Air Act (CAA), 42 U.S.C. § 7438. Under this program, EPA was provided \$2.8 billion to award grants to help disadvantaged communities address a wide range of environmental and climate justice issues, and \$200 million for technical assistance related to these grants. This historic investment advances [Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), which established a whole-of-government approach to advancing equity and opportunity, and [Executive Order 14008, Tackling the Climate Crisis at Home and Abroad](#), which created the government-wide [Justice 40 Initiative](#) that established the goal that 40 percent of the overall benefits of certain federal investments flow to disadvantaged communities. Awards under the ECJP also support core goals of [Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), and [Executive Order 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All](#).

The Community Change Grants are the final and most comprehensive piece of EPA's implementation of ECJP IRA funding. The Community Change Grants will complement grant programs that EPA launched in 2022 and 2023, including those for the Collaborative Problem-Solving, Government-to-Government, and Thriving Communities Grantmaker programs. Collectively, these programs will empower communities and their partners to design, develop, and implement multi-faceted community-driven projects. These programs will address the diverse and unique needs of disadvantaged communities by:

1. Reducing and preventing pollution;
2. Building resilience to climate change and mitigating current and future climate risks;
3. Enhancing meaningful involvement in government processes related to environmental and climate justice;
4. Expanding access to high-quality jobs and economic opportunity through workforce development; and
5. Bolstering community strength by ensuring that local residents receive the benefits of investments and have the opportunity to build on them for current and future generations.

Through the approximately \$2 billion to be awarded under the Community Change Grants, and the technical assistance that will be available to eligible applicants related to the grants, EPA will advance the goals of these Executive Orders (EO) and the agency's environmental and climate justice priorities. [Environmental justice](#), as defined by EO 14096, means 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:

- 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
- 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.

## B. Statutory and Regulatory Authority

The authority for the awards under this NOFO is Clean Air Act (CAA) § 138, codified at 42 U.S.C. § 7438. Of the \$2.8 billion appropriated, approximately \$2 billion will be awarded for the Community Change Grants under this NOFO. As provided in 42 U.S.C. § 7438(a)(1) and (b)(1), all the funds must be awarded by September 30, 2026, the grants cannot be longer than three years in duration, and no extensions will be granted.

Eligible entities and eligible activities are defined in 42 U.S.C. § 7438(b)(2) and (3) and are further described below and in [Section I](#) and [Section III](#) of this NOFO.

Section 138(b)(2) of the CAA specifies that an eligible entity may use a grant awarded under this NOFO for:

1. community-led air and other pollution monitoring, prevention, and remediation, and investments in low and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions<sup>1</sup> and other air pollutants;
2. mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;
3. climate resiliency and adaptation;
4. reducing indoor toxics and indoor air pollution; or
5. facilitating engagement of disadvantaged communities in state and federal advisory groups, workshops, rulemakings, and other public processes.

In addition, Section 102(2)(I) of the National Environmental Policy Act, 42 U.S.C. § 4332(2)(I) is applicable to international work, if any, under this NOFO. Further, all funded activities under this NOFO must comply with federal, state, and local laws and regulations, including but not limited to:

1. 2 CFR 200.435(b), which restricts the use of grant funds to defend a recipient that is subject to a criminal, civil or administrative proceeding against it commenced by any government for fraud or similar offenses;
2. 2 CFR 200.435(g), which precludes the use of grant funds to prosecute claims against the Federal Government; and
3. 2 CFR 200.450(c), which restricts the use of federal funds by nonprofit organizations for certain lobbying or electioneering activities but does not preclude the use of federal funds to promote adoption of local ordinances, including those related to zoning.

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<sup>1</sup> “Greenhouse gas” means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.



4. 40 CFR Parts 5 and 7, which prohibit discrimination on the basis of race, color, national origin (including limited-English proficiency), disability, sex, and age by recipients and subrecipients of federal financial assistance.

### C. Community Change Grants Objectives

The Community Change Grants will support comprehensive community and place-based approaches to redressing environmental and climate injustices for communities facing legacy pollution, climate change, and persistent disinvestment. These concentrated local investments will fund community-driven, change-making projects that center collaborative efforts for healthier, safer, and more prosperous communities.

Designed with meaningful community, Tribal, and other stakeholder involvement, the investments EPA makes through the Community Change Grants are intended to achieve the following objectives:

1. Provide resources for community-driven projects to address environmental and climate challenges in communities facing disproportionate and adverse health, pollution, and environmental impacts, and suffering from generations of disinvestment.
2. Invest in strong cross-sectoral collaborations with partners who bring a robust commitment to working with and for communities with environmental and climate justice concerns.
3. Unlock access to additional and more significant resources to advance environmental and climate justice goals from across the federal government and other sources.
4. Empower communities and strengthen their capacity to drive meaningful positive change on the ground for years to come.
5. Strengthen community participation in government decision-making processes that impact them.

### D. NOFO Competition Features

EPA anticipates awarding approximately \$2 billion in funding through this NOFO, depending on funding availability, quality of applications received, EPA priorities, and other applicable considerations. EPA will consider applications under two separate tracks.

- **Track I applications – Community-Driven Investments for Change** will focus on multi-faceted applications with Climate Action and Pollution Reduction Strategies to meaningfully improve the environmental, climate, and resilience conditions affecting disadvantaged communities. Awards under Track I are expected to be \$10-20 million each. EPA expects to award approximately \$1.96 billion for approximately 150 Track I awards, including those under the Target Investment Areas described in Section II.B.
- **Track II applications – Meaningful Engagement for Equitable Governance** will facilitate the engagement of disadvantaged communities in governmental processes to advance environmental and climate justice. Awards under Track II are expected to be \$1-3 million each. EPA will award approximately \$40 million for approximately 20 Track II awards.

The number of Track I and Track II awards are estimates, and EPA reserves the right to increase or decrease the total number of awards and dollar amounts for each track, contingent on the quality of applications received, the amount of funds awarded to selected applicants, budget availability, agency priorities, programmatic considerations, or a combination of these.

**Target Investment Areas for Track I Applications:** EPA has identified five Target Investment Areas (TIA) to help ensure that communities with unique circumstances, geography, and needs can equitably compete for funding (see [Section II.B](#)). Applicants applying under a specified TIA will compete against other applicants under the same TIA, as opposed to the broader application pool. Please note that applicants applying for the TIA for Alaska Tribal lands should review Appendix H for additional guidance pertaining to the Climate Action and Pollution Reduction Strategies to include in their application, including those related to the Alaska Native Claims Settlement Act (ANCSA).

**Eligible Applicants:** Eligible applicants for the Community Change Grants include a partnership between two community-based non-profit organizations (CBOs), or a partnership between a CBO and one of the following: a Federally recognized Tribe, a local government, or an institution of higher education (IHE), including Minority Serving Institutions as further described in [Section III.A](#). Other organizations and entities may participate in the Community Change Grants as Collaborating Entities through subawards, or as contractors selected in accordance with competitive procurement requirements. Further details about applicant eligibility, partnership requirements, Collaborating Entities, subawards, and procurement contracts are in [Section III](#).

Under this NOFO, Lead Applicants, as defined in [Section III.A](#), may submit a maximum of two eligible applications and may receive up to two awards, if they demonstrate the capacity and capabilities to effectively perform, manage, oversee, and complete the awards within the three-year grant period of performance. The two applications may be two Track I applications, two Track II applications, or one of each. Lead Applicants who submit more than two total eligible applications will be asked to withdraw the excess one(s). EPA will not review more than two eligible applications from any one Lead Applicant.

In addition, EPA is introducing several features to enhance community involvement and ease the application process. Unless otherwise noted, the following applies to both Track I and Track II applications:

- **Rolling Applications.** EPA will allow applications to be submitted on a rolling basis over a 12-month period, through November 21, 2024, and will permit applicants to resubmit an unsuccessful application after a debriefing with the agency. Further details about the rolling application and resubmission process are in Sections II and V.
- **Fast-Tracked Approach.** EPA will review and select high-quality applications to fund on a rolling basis to deliver results and benefits to disadvantaged communities.
- **Indirect Costs Limitation.** As further described in Appendix G, there is a 20% cap on indirect costs for certain recipients and subrecipients.

## E. Technical Assistance

Under the IRA, EPA received \$200 million for technical assistance to eligible entities in connection with the ECJP. Technical assistance will be available for pre-award technical assistance including but not limited to designing a project, preparing an application, or facilitating partnerships, and for post-award technical assistance to help grant recipients manage, oversee, perform, and report on the grants. Further details about technical assistance can be found [here](#), and additional information on technical assistance that may be available through EPA's technical assistance contractor can be found [here](#). Receiving technical assistance does not guarantee that applicants will be selected for funding.

## F. Community or Tribal Relocation Resources

Projects for community or Tribal relocation activities are not eligible for funding under this NOFO and will not be reviewed. For purposes of this NOFO, relocation activities generally include activities intended to plan or assist the moving of an individual from their residence or a business from its place of business.<sup>2</sup> EPA is working with other federal agencies on a separate and tailored effort to develop a support mechanism for communities that want to implement community-driven relocation plans. EPA intends to share relocation assistance information in future guidance [posted on the Community Change Grants website](#). In the interim, information related to Federally-assisted relocation can be found on [FEMA's webpage](#) and in the [HUD Climate Resilience Implementation Guide for Community Driven Relocation](#). Any questions about whether an activity is considered a relocation activity should be sent by email to [CCGP@epa.gov](mailto:CCGP@epa.gov) prior to applying.

## G. Funding Track I: Community-Driven Investments for Change

### 1. Track I Objectives

Track I is the primary emphasis for the Community Change Grants. These projects will be implemented through strong collaborations to achieve sustained impacts related to climate resilience, pollution reduction, community health, economic prosperity, and community strength. This approach catalyzes change by focusing on the following objectives:

- **Increase community resilience through climate action activities:** Implement comprehensive Climate Action Strategies and infrastructure that build the resilience and adaptive capacities of communities, reduce greenhouse gas (GHG) emissions, and better prepare for and reduce the impacts of climate change.
- **Reduce local pollution to improve public health:** Reduce and remediate quantifiable health-harming pollutants to improve public health.
- **Center meaningful community engagement:** Conduct robust community engagement throughout the project – from design to implementation.
- **Build community strength:** Develop strategies to increase the likelihood that benefits of the investments accrue to existing residents of disadvantaged communities, both immediately and sustainably beyond the grant period.
- **Reach priority populations:** Support people within the Project Area as described in Appendix A who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities to the impacts of environmental pollution.<sup>3</sup>
- **Maximize integration across projects:** Ensure that the projects and activities within the Project Area are integrated and complement each other to maximize benefits.

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<sup>2</sup> The Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. § 4601 et seq. (URA) would apply if a construction project funded through a Community Change Grant has an incidental effect of permanently displacing residents or businesses.

<sup>3</sup> This may include populations of concern as identified in [The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment \(2016\)](#) that “experience disproportionate, multiple, and complex risks to their health and well-being in response to climate change,” such as children and pregnant women, older adults, and those with low incomes, limited-English-proficiency, disabilities or chronic medical conditions, or other risks that may put them at greater vulnerability.

## **2. Track I Community Vision Description**

Track I applications should be rooted in addressing specific, community-driven environmental justice challenges. Accordingly, Track I applications should begin with a Community Vision Description that, at a minimum, provides an overview of the Project Area (as described in Appendix A) to benefit from the grant, a clear description of the challenges the Project Area faces, and a vision for how the grant will respond to those challenges to advance environmental and climate justice in the Project Area. This description should provide essential context for the rest of the application, informing how the Climate Action and Pollution Reduction Strategies were selected and the positive impact the applicant envisions the grant will have in the Project Area. The Community Vision Description is further described in [Section IV.B: Content of Application Submission](#).

## **3. Track I Application Requirements**

Track I applications must address the following six requirements, as further described below. Additional information about the contents of the Project Narrative for Track I applications can be found in [Section IV.B: Content of Application Submission](#) and information about how applications will be evaluated can be found in [Section V.C: Track I Application Review Process and Evaluation Criteria](#).

**Requirement 1. Climate Action Strategy:** Applications must include at least one project aligned with at least one of the Climate Action Strategies as described below. The Climate Action Strategies focus on strengthening the community's climate resilience and / or reducing GHG emissions. Climate Action Strategies should be responsive to the community challenges described in the Community Vision Description.

**Requirement 2. Pollution Reduction Strategy:** Applications must include at least one project aligned with at least one of the Pollution Reduction Strategy as described below. The Pollution Reduction Strategy can include monitoring, prevention, reduction, and remediation activities that support community efforts to address quantifiable and health-harming pollutants. Pollution Reduction Strategies range broadly depending on the type and pathway of pollution (e.g., indoor, or outdoor air pollution, water pollution, soil pollution). Pollution Reduction Strategies should be responsive to the community challenges described in the Community Vision Description.

**Requirement 3. Community Engagement and Collaborative Governance Plan:** Successful implementation of environmental and climate justice projects requires relationships among an ecosystem of community leaders and members along with partners across varied sectors. To help ensure that the community itself drives project development and implementation, applicants must submit a Community Engagement and Collaborative Governance Plan which should demonstrate how the applicant will inform, respond to, and engage community members throughout project development and implementation. This plan should include a Collaborative Governance Structure, which describes the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents in implementing the project.

**Requirement 4. Community Strength Plan:** Applicants must submit a Community Strength Plan that describes how their proposed projects will enhance the overall strength and economic prosperity of the community, including maximizing the benefits of the projects for existing residents and minimizing potential risks associated with investing significant resources into the Project Area. This should include strategies for how the projects will promote inclusive economic development, drive benefits of the projects to existing residents, and proactively address unintended displacement consequences. This plan should speak to how the projects will enhance the overall wellbeing of the community, ensuring existing



community members receive the benefits of these investments and can build on those benefits for future generations.

**Requirement 5. Readiness Approach:** Given the statutory requirement that all Community Change Grants must be completed within three years, applicants must describe how they will be able to initiate grant performance upon award, or generally no later than 120 days after award, so they can successfully complete the grant within the three-year period of performance.

**Requirement 6. Compliance Plan:** Applicants must submit a Compliance Plan that describes how they will: (1) ensure compliance with the grant's terms and conditions, including 2 CFR § 200.302(b) (financial management), 2 CFR § 200.303 (internal controls), and 2 CFR § 200.332 (requirements for pass-through entities); and (2) manage broader legal and compliance risks.

### **Details of Track I Application Requirements**

**Requirement 1. Climate Action Strategies:** Applicants must include at least one project aligned with at least one of the Climate Action Strategies identified below. When addressing the strategy in their application, applicants should describe relevant challenges faced in the Project Area and how the selected Climate Action Strategy(ies) and associated project(s) will address those challenges. Each Climate Action Strategy outlined below is focused on building short-term and long-term climate resilience, reducing GHGs, and providing additional co-benefits so that impacted communities can adapt to the changing climate. Applicants are also encouraged, as applicable, to integrate processes that minimize burdens to human health and the environment while maximizing benefits to the Project Area through such means as integrating nature-based solutions, utilization of low-carbon building materials, or sourcing sustainable products and materials to perform the projects. When selecting a Climate Action Strategy and designing their climate action projects, applicants may refer to the [National Climate Resilience Framework](#) released in September 2023.

Examples of project activities and guidelines associated with the strategies can be found in Appendix C. While applicants may select from among the examples in the Appendix, applicants may also submit other types of project activities as long as they are consistent with a Climate Action Strategy described in [Section I.G](#) of the NOFO and are eligible for funding under §138(b)(2) of the CAA.

#### **Strategy 1: Green Infrastructure and Nature-Based Solutions**

Many disadvantaged communities face complex climate challenges, such as urban heat island effects and flooding risks. Strategy 1 supports using nature-based solutions (NBS), also referred to as green infrastructure, to address such climate risks. Nature-based solutions are generally actions to protect, sustainably manage, or restore natural systems to address the impacts of climate change, while simultaneously providing benefits for people and the environment.<sup>4</sup> Projects under this strategy can include planting shade trees, restoring native plants and wetlands to capture stormwater, and deploying other green infrastructure solutions that often have the co-benefit of reducing GHG emissions. Communities also may incorporate vegetation or similar natural features into traditional infrastructure.

#### **Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience**

Many disadvantaged communities lack access to affordable low- or zero-emission transportation options, leading to disproportionate difficulties in daily life, limiting access to educational and

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<sup>4</sup> Applicants may use the White House's [Nature-Based Solutions Resource Guide](#) as a resource for integrating nature-based solutions.

economic opportunities, and creating vulnerability to climate risks. Strategy 2 focuses on providing community members with access to low- and zero-emission technologies to improve their overall health and well-being, reduce emissions, and increase access to important community destinations such as schools, workplaces, health care centers, and community spaces. Projects funded under this strategy may include installing protected bike lanes or walking paths, supplying traditional or electric bikes to community members, and deploying other low- or zero-emission transportation solutions. The impact of such projects could include improved public health outcomes, reduced GHG emissions from the transportation sector, more equitable access to community resources, increased community connectivity and safety, and greater community resilience to extreme weather events.

### **Strategy 3: Energy-Efficient, Healthy, and Resilient Housing and Buildings**

Residential and commercial buildings are a significant source of GHG emissions due to the large amounts of electricity consumed for heating, cooling, lighting, and other similar functions. Many disadvantaged communities also face a disproportionately high energy burden, defined as the percentage of gross household income spent on energy costs. Many factors can influence high energy burden, including higher-cost fuels, such as propane or other bottled fuels, and energy-inefficient homes due to a lack of insulation in older homes or older appliances. Strategy 3 supports investments in low- and zero-emission technologies and energy efficiency upgrades that can help decarbonize residential and commercial buildings, decrease energy burden, and increase resilience for communities. Many of these activities also contribute to positive public health outcomes by improving indoor air quality and the safety and comfort of buildings. Co-benefits associated with this strategy can be maximized by combining additional Climate Action and Pollution Reduction Strategies to improve indoor air quality and / or produce additional resiliency benefits. This strategy can support a range of residential and commercial buildings, including single-family homes, multi-family housing buildings, small businesses, community health facilities, community centers, nonprofit offices, schools, and other similar community-serving buildings.

### **Strategy 4: Microgrid Installation for Community Energy Resilience**

Many disadvantaged communities suffer from unreliable access to electricity, a problem that is becoming more acute due to increased heating and cooling demands during extreme weather events driven by climate change. Strategy 4 supports the installation of microgrids powered by low- and zero-emission renewable energy to improve electric reliability, enhance overall energy efficiency, reduce emissions of GHG and other air pollutants, and build a community's capacity to prepare for and withstand power disruptions. The U.S. Department of Energy [defines](#) microgrids as "a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that acts as a single controllable entity with respect to the grid." A microgrid can operate autonomously when disconnected from the grid or when there is no grid to connect to, such as in some remote communities. When connected and operated with the grid, a microgrid can provide grid ancillary services.

### **Strategy 5: Community Resilience Hubs**

Many disadvantaged communities lack the resources to evacuate in a safe and timely manner when disaster strikes or is imminent. Strategy 5 supports the creation of, or upgrades to, community-level resilience hubs, which are public-serving spaces that provide shelter and essential services during extreme weather, natural hazards, or other events causing or contributing to an emergency or disaster, such as dangerous wildfire woodsmoke, toxic releases, industrial fires, or similar hazardous chemical incidents. These community-level resilience hubs can also serve as community-convening spaces that provide educational activities and related emergency and disaster preparedness resources to community residents year-round.

**Strategy 6: Brownfield Redevelopment for Emissions Reduction and Climate Resilience**

Many disadvantaged communities contain brownfield sites that impede economic development. Redeveloping brownfields provides an opportunity to make investments that contribute to community revitalization, resilience, and GHG emissions reduction. Redeveloping brownfield sites also supports infill development that significantly reduces residential vehicle use and the associated GHG emissions. Strategy 6 supports the redevelopment of brownfield sites that have already been cleaned up, or where a site assessment indicates that cleanup is not necessary for reuse. These projects should seek to improve energy efficiency through investments in low- and zero-emission technologies, integrate climate resiliency, and / or mitigate climate change impacts while also promoting economic development and improving public health for residents. Examples could include construction of a public park or partnering on a LEED Certified low-income housing project on a former brownfield site.

Note: Projects funded under this Climate Action Strategy must be performed on sites where, at the time of application submission, the applicant demonstrates that cleanup is complete or that the site does not require any cleanup activities for the intended use or reuse of the site. See Section III.D.8 and Appendix C section on this Strategy.

**Strategy 7: Waste Reduction and Management to Support a Circular Economy**

Disadvantaged communities often bear the brunt of environmental contamination from improper disposal of physical waste, or from disposal in landfills adjacent to those communities. This strategy supports circular economy<sup>5</sup> activities and promotes sustainable use of natural resources to keep materials and products in circulation for as long as possible, resulting in the reduction of GHG emissions and other pollution across a product's lifecycle. Examples of these projects may include efforts to reduce food waste (e.g., composting, anaerobic digestors), or to promote the reduction, reuse, and recycling of disaster debris, construction and demolition debris, and other materials and products. Project activities should demonstrate that they will result in materials being diverted from end-disposal facilities (e.g., landfills, incinerators) to reduce GHG emissions, toxic air pollution, and soil and water pollution.

**Strategy 8: Workforce Development Programs for Occupations that Reduce Greenhouse Gas Emissions and Air Pollutants**

Individuals in disadvantaged communities often lack pathways into fast-growing and well-paying job opportunities related to environmental and climate justice. This strategy allows applicants to propose workforce development programs to enable individuals in these communities to pursue career pathways in fields related to the reduction of GHG emissions and other air pollutants. Strong workforce development proposals should include all three of the following features, as detailed in Appendix C: (1) multi-sectoral partnerships that bring together workforce expertise and enable pathways into high-quality careers that help reduce GHG emissions and other air pollutants; (2) high-quality training models, such as pre-apprenticeships or Registered Apprenticeship Programs, that are worker-centered, demand-driven, and lead to good jobs that help reduce GHG emissions and other air pollutants; and (3) strategies for recruiting and retaining individuals from disadvantaged communities, especially for populations that face barriers to employment. Given that workforce development opportunities can be significant to achieving environmental and climate justice in many communities, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training program as further described in [Section V.E](#). Note that it is a statutory requirement that workforce development activities funded under this program be focused specifically on reducing greenhouse gas emissions and other air pollutants.

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<sup>5</sup> A circular economy keeps materials, products, and services in circulation for as long possible.



**Requirement 2. Pollution Reduction Strategies:** Applications must include at least one project aligned with at least one of the Pollution Reduction Strategies identified below. When addressing the strategy in their application, applicants should describe relevant challenges faced in the Project Area and how the selected Pollution Reduction Strategy(ies) will address those challenges. Each Pollution Reduction Strategy outlined below is focused on pollution monitoring, prevention, and remediation of quantifiable and health-harming pollutants.

Applications that include activities to increase monitoring capabilities or raise community awareness of pollution must also include an associated remediation, implementation, or infrastructure pollution reduction project that addresses the identified pollution issue.

Examples of project activities and guidelines associated with the strategies can be found in Appendix D. While applicants may select from among the examples in the Appendix, applicants may also submit other types of project activities as long as they are consistent with a Pollution Reduction Strategy described in Section I.G of the NOFO and are eligible for funding under §138(b)(2) of the CAA.

#### **Strategy 1: Indoor Air Quality and Community Health Improvements**

Disadvantaged communities often face high levels of indoor air pollution from several sources, including mold, lead paint, radon, asbestos, fossil fuel combustion, and pollution from outdoors that seeps inside. These pollutants can have a detrimental impact to human health, particularly for vulnerable populations including children, the elderly, and people with health conditions like asthma and heart disease.<sup>6</sup> Activities under Strategy 1 can include education on air toxins / toxics and how to monitor them (e.g., curriculum development, outreach strategies, public education activities) and direct assessment and remediation to reduce harmful air pollution (e.g., installation of filtration systems, building retrofits that address multiple sources of pollution, replacement of wood heaters that do not meet EPA standards, asbestos abatement in schools).

#### **Strategy 2: Outdoor Air Quality and Community Health Improvements**

Outdoor air pollution from mobile and stationary sources can compromise human health and the environment in many ways, including by triggering asthma attacks and heart attacks, exacerbating respiratory disease, and causing children and adults to miss school and work on bad air days. Activities funded under Strategy 2 could include: funding the purchase, upgrade, and / or maintenance of equipment and technology to allow for the inspection, testing, monitoring, and sampling of air pollution; purchasing equipment that limits community exposure to outdoor air pollutants; and reducing exposure to near-road pollution, pollution from airports and ports, and mobile source pollution. This could include land use and zoning policies that enable households to live in affordable, dense, and vibrant communities within urban and rural areas. These activities can be bolstered by educating the public on air toxins / toxics and how to monitor them (e.g., curriculum development, outreach, public education), and communication of air pollution assessment results to reduce exposure, including during environmental emergencies or events where the risk of pollution exposure is high.

#### **Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience**

Disadvantaged communities often lack access to clean water and clean drinking water. Functional water infrastructure is essential for protecting the quality of drinking water resources as well as the safety of recreational waters communities use for subsistence fishing, swimming, and other activities everyone deserves to enjoy. Strategy 3 addresses challenges communities face in accessing clean, reliable drinking water and wastewater treatment. Projects funded under this strategy may include focused

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<sup>6</sup> Indoor Air Quality (IAQ).



infrastructure investments that can be completed within the three-year project period and within the funding amounts specified in this NOFO, as well as assessment and planning that will enable communities to better access tens of billions of dollars in federal water infrastructure funding from other sources such as EPA's Clean Water and Drinking Water State Revolving Funds. Targeted infrastructure projects can include identification and replacement of lead pipes in homes and public spaces, improved resilience of water systems through deployment of backup power such as onsite renewable energy and storage, targeted efficiency upgrades, septic to sewer conversions, lining waste lagoons, and investments in redundancy such as backup wells. Assessment and planning efforts could include, for example, a leak detection and pipe replacement plan, or a PFAS monitoring program that informs a funding application to one of several sources of state and federal funding.

#### **Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste**

Disadvantaged communities are disproportionately exposed to solid and hazardous waste, which negatively impacts public health. This strategy supports pollution prevention, recycling, and disposal activities related to the management of solid and hazardous waste, such as discarded electronics, tires, single-use plastics, and other disposable items. Community-level responses to these challenges could include, for example, the purchase of equipment and the development of facilities to manage solid and hazardous waste to improve public health outcomes. Brownfields cleanup is not contemplated under this strategy and is not a Community Change Grants program priority.

**Requirement 3. Community Engagement and Collaborative Governance Plan:** Track I applications must include a Community Engagement and Collaborative Governance Plan. Successful implementation of environmental and climate justice projects requires relationships and meaningful engagement among an ecosystem of community leaders and members alongside partners across many sectors. This plan is required to help ensure that grant activities are driven and informed by the views of the Project Area community and are accomplished through collaboration among key stakeholders. The plan should describe how the applicant will engage, educate, and be responsive to community members throughout project development and / or implementation. Additionally, the plan should incorporate a Collaborative Governance Structure that demonstrates how the Lead Applicant and Collaborating Entities (as described in [Section III.A](#)) will work together to successfully implement the grant in a timely, effective, and equitable manner.

The Community Engagement and Collaborative Governance Plan cannot exceed 10 single spaced pages – excess pages will not be reviewed. It should address the following elements and any others the applicant deems relevant to their projects:

- **Past Community Outreach and Engagement Conducted:** The applicant should demonstrate what outreach and engagement methods were used to engage with the Project Area community, including any with specific neighborhoods or groups, and how this impacted the selection of the strategies and associated projects as well as the applicant's implementation approach.
- **Community Engagement Plan Implementation:** The applicant should demonstrate the specific community engagement methods, as well as how they will mitigate barriers and involve relevant governmental stakeholders, necessary to support overall implementation including:
  - **Clear Methods for Engagement and Transparency:** The applicant should describe the following elements:
    - Outreach methods that provide opportunities for broad and diverse community member involvement in project development and / or implementation and feedback during grant performance.
    - Transparent mechanisms that will promote meaningful accountability to the needs and preferences of residents in the Project Area.

- Mechanism(s) that will be used to continuously inform the community before and during project implementation on project status, benefits available to them through the project, and indicators being tracked, such as air quality improvements or trees planted.
- **Mitigating Barriers:** The applicant should describe measures to minimize and mitigate barriers around community engagement and participation in project development and / or implementation including but not limited to those related to linguistic differences, communication challenges, disabilities, inaccessible technology, lack of trust or awareness, transportation, childcare, and elderly / adult care.<sup>7</sup>
- **Government Involvement:** As applicable, the applicant should demonstrate the support and involvement of government agencies needed to facilitate successful grant performance. For example, projects that intersect with local-government authorities such as permitting, planning, and zoning are encouraged to demonstrate the involvement and cooperation of local government authorities.
- **Collaborative Governance Structure:** The applicant should provide details regarding the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents and / or community-selected representatives for implementing, managing, and overseeing the application's project activities, including how they should meet regularly to discuss project implementation. The description should include at a minimum:
  - Outreach methods to solicit community representatives and processes to choose representatives to enable a broad cross-section of community representatives to participate so different voices are heard.
  - An explanation of how the Lead Applicant and Collaborating Entities will coordinate with each other and community members to inform and engage the community on project development and progress.
  - An outline of the planned decision-making processes between the Lead Applicant and Collaborating Entities, including procedures to ensure that decisions are transparent and can be made in an expedited manner when necessary.
  - Processes for replacing a Collaborating Entity to ensure that the replacement entity has comparable skills, qualifications, expertise, community support, and experience to avoid any adverse impact on grant performance. EPA approval of the qualifications, expertise, and experience of the replacement Collaborating Entity will be required pursuant to 2 CFR 200.308I(2) and / I(c)(6).

Note: Awards may include terms and conditions requiring that subaward agreements between the Lead Applicant and Collaborating Entities (including the Statutory Partner described in [Section III.A](#)) contain provisions reflecting certain of the requirements above.

**Requirement 4. Community Strength Plan:** Track I applications must include a Community Strength Plan. Advancing environmental and climate justice requires bolstering the strength and economic prosperity of a community for the benefit of local residents, while also ensuring those residents can remain within the community and benefit from the investments over the long term. [Executive Order 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All](#), states, "Advancing environmental justice will require investing in and supporting culturally vibrant, sustainable, and resilient communities in which every person has safe, clean, and affordable options for housing, energy, and transportation. It is also necessary to prioritize building an equitable, inclusive, and sustainable economy that offers economic opportunities.

<sup>7</sup> Refer to the EPA Office of Grants and Debarment Guidance on Selected Items of Cost for Recipients, EPA Guidance on Participant Support Costs, and EPA Subaward Frequent Questions, including for additional information on paying for light refreshments, providing dependent care stipends or services for community meeting participants, and meeting participant transportation stipends. See Appendix G for additional information.

Pursuing these and other objectives integral to advancing environmental justice can successfully occur only through meaningful engagement and collaboration with underserved and overburdened communities to address the adverse conditions they experience and ensure they do not face additional disproportionate burdens or underinvestment.”

In alignment with this Executive Order and to help EPA assess whether the proposed projects will benefit disadvantaged communities, as required by §138(b)(1) of the CAA, this plan should describe how the projects in the application are intended to (1) maximize the economic benefits of the projects for existing residents in the Project Area, and (2) avoid unintended consequences for existing residents in the Project Area including the displacement of residents in the Project Area.

This plan cannot exceed 5 single-spaced pages – excess pages will not be reviewed. Consistent with the above discussion, the plan should address the following elements.

### 1. Maximizing Economic Benefits of Projects:

The plan should describe how the projects included in the application will maximize economic benefits for individuals in the Project Area, including priority populations defined in footnote 3.

Examples of economic benefits, as described below, could include (1) opportunities for local small businesses or contractors; (2) jobs for community members; (3) financial savings for residents; and other similar benefits, in alignment with EPA grant regulations and applicable law.<sup>8</sup>

- **Business Opportunities:** Applicants may need to hire contractors to carry out certain project activities. Applicants may inform local businesses of open solicitations and encourage them to compete for contracts. For example, applicants may consider partnering with their local government’s small business office to broadly advertise contracting opportunities. Similarly, applicants should make a “good faith effort” to provide disadvantaged business enterprises (DBEs) with an opportunity to compete for contracts in accordance with [EPA’s 40 CFR Part 33 Disadvantaged Business Enterprise rule](#).<sup>9</sup>
- **Job Opportunities:** Applicants may propose measures to facilitate the employment and retention of workers from disadvantaged communities on funded projects. For example, applicants may propose developing recruitment strategies in partnership with their local workforce development board; funding supportive services for workers on grant-funded projects (e.g., transportation, childcare, mental health supports), coordinating such services with local social service providers; or establishing goals for hiring individuals from disadvantaged communities on the projects and transparently tracking progress toward those goals. Applicants may propose measures to increase community awareness of these job opportunities and the associated skill requirements, such as hiring workshops or job fairs. Applicants may also describe specific measures that will ensure Project Area residents are developing skills that are necessary to take advantage of existing or future jobs in professions contributing to the reduction of GHG emissions and other air pollutants.

<sup>8</sup> Note that applicants are not bound by statutory or administrative local-preference requirements, per 2 CFR 200.319(c).

<sup>9</sup> Note: Please carefully review Section IV.d, “Contracts and Subawards,” of EPA’s Solicitation Clauses that are incorporated by reference in this NOFO in [Section I.J](#). EPA expects recipients of funding to comply with competitive procurement contracting requirements. The Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace based on a contractor’s role in preparing an application or a firm or individual’s “unique” qualifications. For example, applicants cannot name local contractors as part of this Community Strength Plan without adhering to these competitive procurement requirements.



Note: Jobs funded under this program should be high-quality jobs, in alignment with the U.S. Department of Labor and Commerce's [Good Jobs Principles](#), as described in Appendix E. Applicants may propose measures to increase the likelihood that these will be good jobs for individuals from disadvantaged communities, such as training for employers / contractors on grant-funded projects to promote best practices such as equal opportunity recruitment and hiring practices, good benefits, healthy organizational culture, and opportunities for advancement. Additionally, jobs for construction activities funded under this grant will be required to pay prevailing wage rates, as required by CAA § 314 and the Davis-Bacon and Related Acts.

- **Financial Savings:** Applicants may also describe how and the extent to which Project Area residents will receive direct economic benefits from the Climate Action and Pollution Reduction projects in the applications, such as through energy bill savings or affordable zero- or low-emission transportation solutions. The plan may also discuss how the applicant plans not only to deliver these benefits for residents in the short-term but also to preserve them for the long-term. As an example, applicants working on a transportation project that will deliver immediate cost savings for residents may negotiate with a vendor / contractor to lock-in long-term cost savings for community members.

Applicants may consider using tools to align stakeholders around these benefits, such as a Community Benefits Agreement (CBA), which is a legally binding contract that defines benefits. Parties to a CBA may include CBOs, neighborhood associations, local government entities, contractors and developers, and other similar project stakeholders. Applicants are reminded of the three-year period of performance for the grant and should be prepared to expeditiously begin the negotiation of community benefits to prevent project delays.

## **2. Displacement Avoidance:**

Benefits to disadvantaged communities can be evaluated by whether residents are able to retain the benefits of EPA-funded projects over the short and long-term. While climate action and pollution reduction can have a positive impact on a community, those benefits can also lead to unintended consequences, such as increased costs of living in a Project Area. Given that the purpose of CAA §138 is to fund activities that will benefit disadvantaged communities, applicants should describe measures to increase the likelihood that existing community members of the Project Area will benefit from investments in both the immediate and long term.

Applicants should discuss potential short-term and long-term risks associated with the proposed projects to residents, small businesses, nonprofits, and other community members in the Project Area. Applicants should assess and describe the community's vulnerability to rising costs attributable to the proposed projects and assess potential impacts to households, small businesses, and other existing groups. Based on the specific risks identified, applicants should describe measures for mitigating those risks as applicable. Some measures can mitigate these displacement vulnerabilities in the short-term, whereas other measures can have long-term impacts. For example, for projects that increase the energy efficiency of multi-family housing facilities, and that may have the unintended effect of raising rents for those facilities, the approach may focus on outreach / education to residents, such as information packets, tenant protection workshops that feature information about tenant rights under applicable state and local laws, or other educational activities. Other approaches may focus on securing commitments from landlords benefiting from EPA-funded property improvements to extend affordable housing covenants or agree not to raise rents

unnecessarily.<sup>10</sup> Applicants can also describe how they will work with relevant entities, such as local governments, to create policies, plans, or programs to mitigate unintended impacts of the EPA-funded investments.

Applicants should describe any work already underway in the Project Area that would mitigate these risks, or existing policies, ordinances, or programs that are relevant. For example, an applicant could describe any ordinances in the Project Area designed to expedite construction or availability of additional affordable housing. Applicants can also describe any Climate Action and Pollution Reduction Strategies proposed as part of this application that might help mitigate displacement risks by providing project co-benefits. For example, a strategy that promotes increased housing density as a tool to reduce emissions could have the co-benefit of reducing housing costs by increasing housing supply.

**Requirement 5. Readiness Approach:** Given the statutory requirement that all Community Change Grants must be completed within three years, applicants must describe their approach for initiating grant performance upon award, or generally within 120 days after award, in compliance with the requirements in 2 CFR Parts 200 and 1500, 40 CFR Part 33 that apply to all EPA grants so they can successfully complete the grant within the three-year period.

This includes addressing the readiness considerations listed below, and any others, that are applicable to the projects and how they will be met. If any of the below considerations are not applicable, the application should explain why not.

- **Government Approvals:** If government approval at any level (e.g., construction permits) is necessary to implement or perform a project, the applicant must demonstrate that they have obtained such approval. If such approval has not been obtained, then the applicant must demonstrate how they will obtain it immediately after award, so it does not impede grant implementation.
- **Federal Requirements for Construction Projects:** Applicants must demonstrate that they have systems in place, or a plan to have such systems in place immediately after the grant award, to comply with CAA § 314 and the Davis-Bacon and Related Acts prevailing wage requirement, the Build America Buy America domestic preference requirement, and other cross-cutting statutory and Executive Order requirements that apply to Federally funded construction projects.
- **Alignment with Existing Plans:** Applicants must demonstrate that the project(s) in the Project Area as defined in Appendix A are consistent with any community development, climate resilience, or hazard mitigation plans, or other comparable government land use restrictions.
- **Site Control:** Applicants must demonstrate that they own or control the site where a project will be performed or that they will have legally binding access or permission to the site so they can perform the project(s).
- **Operations and Maintenance:** Applicants must describe their operations and maintenance plan and financing approach for their project's infrastructure investments, if relevant, which may include long-term service costs, fee structures, detailed indebtedness for all properties, and other relevant information demonstrating how operations and maintenance of the investment will be assured during and after the grant award.

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<sup>10</sup> Note that any agreements must be in alignment with local and state housing laws. For example, in some instances, state or local law may allow a landlord to raise rents to compensate for increases in property taxes attributable to the value of EPA funded improvements.

**Requirement 6. Compliance Plan:** Applicants must submit a Compliance Plan that describes how they will: (i) ensure compliance with the grant’s terms and conditions, including 2 CFR § 200.302(b) (financial management), 2 CFR § 200.303 (internal controls), and 2 CFR § 200.332 (requirements for pass-through entities); and (ii) manage broader legal and compliance risks. This plan cannot exceed 5 single-spaced pages – excess pages will not be reviewed.

## H. Funding Track II: Meaningful Engagement for Equitable Governance

Under this track, eligible applicants may submit projects, as described in CAA § 138(b)(2)(E), for “facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.” EPA has interpreted “other public processes” as encompassing local, Tribal, and other governmental processes. All funded activities under this NOFO must comply with federal, state, and local laws and regulations, including but not limited to:

1. 2 CFR 200.435(b), which restricts the use of grant funds to defend a recipient that is subject to a criminal, civil or administrative proceeding against it commenced by any government for fraud or similar offenses;
2. 2 CFR 200.435(g), which precludes the use of grant funds to prosecute claims against the federal Government; and
3. 2 CFR 200.450(c), which restricts the use of federal funds by nonprofit organizations for certain lobbying or electioneering activities but does not preclude the use of federal funds to promote adoption of local ordinances, including those related to zoning.
4. 40 CFR Parts 5 and 7, which prohibit discrimination on the basis of race, color, national origin (including limited-English proficiency), disability, sex, and age by recipients and subrecipients of federal financial assistance.

### Track II Objectives

Section 138 of the CAA provides that grants may be awarded for the purpose of “facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.” Accordingly, Track II applications intend to build the capacity of communities and governments to evaluate and redress environmental and climate injustices by giving disadvantaged communities a meaningful voice in government decision-making processes. By supporting direct participation of disadvantaged communities in the development and implementation of solutions, policies, and programs, the Community Change Grants can help close equity gaps and redress environmental and climate injustices.

Track II applications should focus on breaking down systemic barriers to community participation in government processes impacting environmental and climate justice. This can be done by creating engagement and feedback mechanisms with two-way communications between community members and government decision-makers. Applications should focus on ways to provide disadvantaged communities with information about issues that directly impact them, while simultaneously creating mechanisms for the government to gather input to ensure community needs inform decision-making and are integrated into government processes and policies. Applications in this track should strive to enable communities to play a meaningful role in making and implementing decisions.

Effective projects should also involve partnerships between community organizations, governments, philanthropic organizations, the private sector, and / or third-party facilitators and evaluators who can support collaboration across sectors to facilitate the engagement of disadvantaged communities in governmental decision-making processes.

## **Track II Project Examples**

The following are examples of activities that may be proposed under Track II. Applicants may expand or refine these examples or submit projects that are not listed below if they demonstrate how they will facilitate the engagement of disadvantaged communities in governmental processes.

### **Example 1. Educational and Training Programs**

These projects prepare, train, and educate members of disadvantaged communities on how to engage in government processes related to environmental and climate justice activities.

Examples of activities that could be performed under this type of project include but are not limited to:

- Creating a leadership development program that trains community members to identify environmental and climate justice challenges, devise strategies to address them, and recommend actions to governmental authorities. Example topics could include how to review public sector budgets, navigate specific processes such as land-use ordinances or National Environmental Policy Act (NEPA) reviews, and participate effectively in public meetings. The [EPA EJ Academy](#) is an example of a type of project applicants may consider developing for their own community.
- Designing and implementing a training program to help members of disadvantaged communities effectively participate in advisory boards, commissions, land use authorities, or other bodies that involve community members in environmental and climate related policy making.
- Partnering with a government to develop and / or implement Equity Action Plans that identify and address barriers to equity and opportunity and discrimination that disadvantaged communities may face. Equity Action Plans should meaningfully incorporate community input and result in city-or-statewide transformational, equitable change in environmental or climate related policies. For informational purposes only, please find [here](#) a link to Equity Action Plans developed by federal agencies that may help applicants with designing and preparing these types of projects.

### **Example 2. Environmental Advisory Boards (EABs)**

These are projects that facilitate the engagement of disadvantaged communities in environmental decision-making by establishing advisory councils, taskforces, or similar bodies to engage with government. These boards should have regular meetings to create consistent opportunities for disadvantaged communities to provide recommendations on actions government entities should take to address environmental and climate justice challenges. These bodies should include members from disadvantaged communities, may include additional representatives from other stakeholder groups that can effectively represent important and related perspectives (including Tribal, academia, youth / elderly / disability populations, government, etc.).

Examples of activities under an EAB-type project may include but are not limited to facilitating the engagement and involvement of disadvantaged communities in governmental processes at different levels of government to provide input, recommendations, and advice on matters such as:

- Permitting decisions for factories or industrial sites.
- Community infrastructure upgrades to address pollution and climate concerns.

- Zoning and siting guidance for fence-line / frontline communities<sup>11</sup> such as new school placements, highway construction, and industrial and commercial uses of land.
- Issues and actions of municipal and public utilities related to workforce development, drinking water shutoffs, drinking water quality and affordability, and aging wastewater treatment infrastructure in / near disadvantaged communities.

### **Example 3. Collaborative Governance Activities**

These are projects that facilitate the process of providing recommendations and implementing decisions that will benefit disadvantaged communities. Projects can focus on creating collaborative bodies with members from and / or representing the interests of disadvantaged communities, governmental entities, and other stakeholders to work on environmental and climate justice issues.

Functions these bodies may focus on include co-producing solutions with disadvantaged communities to identify and address environmental issues. This could be done through obtaining feedback from a wide range of experts and stakeholders, including but not limited to those working in public health, housing, economic development, environmental justice, and other relevant fields, to identify environmental and directly related public health issues, develop solutions, and then work towards implementing the ideas with the necessary parties.

Examples of activities under a collaborative governance project may include but are not limited to facilitating the engagement and involvement of disadvantaged communities in governmental processes on matters such as:

- Participating in the development of one or more community benefits agreements to help ensure that environmental projects funded by federal, state, and / or private entities meaningfully engage and account for community needs. For informational purposes only, the resource [here](#) from the Department of Energy provides information that may help applicants with designing and preparing these types of projects.
- Creating a governance body or “development community” for a brownfields post-cleanup redevelopment project.<sup>12</sup>
- Creating a source water protection plan to protect public health and reduce burdens on water systems.
- Recommending organizational changes to government entities that make them more receptive and sensitive to the environmental and climate justice concerns of disadvantaged communities.

### **Example 4. Participation in Governmental Funding and Budgeting Processes**

These are projects that use participatory budgeting to inform public spending on environmental priorities. Participatory budgeting is an approach to making decisions about governmental spending that is focused on meaningfully and deeply engaging the community in governmental funding processes. Projects can enable community-based organizations to partner with a public entity to design and implement processes whereby members of disadvantaged communities have input into, and influence, decisions about how to allocate public budgets for environmental and climate justice priorities. An example of a project using participatory budgeting could involve designing a program where the community identifies problems,

<sup>11</sup> A fence-line community or frontline community is generally one immediately adjacent to high polluting facilities such as industrial parks, manufacturing facilities, or commercial facilities and is directly affected by the noise, odors, traffic, and chemical and pollution emissions of the operations of these entities.

<sup>12</sup> U.S. Department of Health & Human Services. [Build a Development Community](#).



evaluates proposals, and recommends decisions for public funding of projects that implicate environmental and climate justice issues.

## I. EPA Strategic Plan Linkage, Anticipated Outputs, Outcomes & Performance Measures

### 1. Strategic Plan Linkage

Awards made under this NOFO will support the following goals and objectives of the [FY 2022-2026 EPA Strategic Plan](#). Applications must explain how their projects will further these goals and objectives.

#### Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights

- Objective 2.1: Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels which includes the strategy of Building Community Capacity and Climate Resilience and Maximizing Benefits to Overburdened and Underserved Communities: EPA will increase support for community-led action by providing unprecedented investments and benefits directly to communities with environmental justice concerns and by integrating equity throughout Agency programs.

Depending on the projects included in them, awards will also support and advance the following EPA [Strategic Plan Goals](#) as applicable:

- Goal 1: Tackle the Climate Crisis
- Goal 4: Ensure Clean and Healthy Air for All Communities
- Goal 5: Ensure Clean and Safe Water for All Communities
- Goal 6: Safeguard and Revitalize Communities; and
- Goal 7: Ensure Safety of Chemicals for People and the Environment.

### 2. Environmental Results: Outputs and Outcomes

Pursuant to [EPA Order 5700.7A1. Environmental Results under Assistance Agreements](#), applicants must describe the environmental outputs and outcomes to be achieved under the award. Applicants should specifically describe 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 goals and objectives of the Community Change Grants program.

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

- What measurable short- and longer-term results will the grant achieve?
- How will the Lead Applicant and Collaborating Entities measure progress in achieving the expected results (including outputs and outcomes), and how will the approach to measuring progress use resources effectively and efficiently?
- Are the projected outputs and outcomes specific and detailed? Are specific target measures included where possible? Are target measures reasonable and achievable within the project period and for the funding amount?

See Appendix F for further details on expected outputs and outcomes from Track I and II awards.

### **3. Performance Measurement Plan**

The evaluation component of the Community Change Grants is essential. In their Performance Measurement Plan, applicants should describe how they plan to track and measure their project implementation and progress towards achieving the expected outputs and outcomes, including those identified in Appendix F, throughout the performance period.

Generally, higher quality performance measurement plans include specific target metrics for both outputs and outcomes. The applicant's performance measurement plan should help gather insights, will be a mechanism to track progress toward output and outcome objectives, and may provide the basis for developing lessons learned to inform future funding recipients.

Applicants should incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting project goals. Applications may include funding in the budget for personnel with expertise in planning, designing, developing, implementing, and evaluating programs.

### **J. Additional Provisions for Applicants Incorporated into the NOFO**

Additional provisions that apply to Sections III, IV, V, and VI of this NOFO and / or awards made under this NOFO can be found at [EPA Solicitation Clauses](#). These provisions are important for applying to this NOFO, and applicants must review them when preparing applications for this NOFO. If you are unable to access these provisions electronically at the website above, please email [CCGP@epa.gov](mailto:CCGP@epa.gov) to obtain the provisions.

## Section II. Federal Award Information

[\(back to the Table of Contents\)](#)

### A. Number and Amount of Awards

EPA anticipates awarding approximately \$2 billion in funding through this NOFO depending on funding availability, quality of applications received, EPA priorities, and other applicable considerations. Awards under Track I are expected to be between \$10-20 million each. Awards under Track II are expected to be between \$1-3 million each. EPA expects to award approximately \$1.96 billion for about 150 Track I awards, including those under the Target Investment Areas described below in B, and approximately \$40 million for about 20 Track II awards. These amounts are estimates only, and EPA reserves the right to increase or decrease the total number of awards and funding amounts for each Track contingent on the quality of applications received, the amount of funds awarded to selected applicants, budget availability, and / or agency priorities and programmatic considerations. In addition, given that workforce development programs as described in [Section I.G](#) can be significant to achieving environmental and climate justice in many communities, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training program(s) as further described in [Section V.E](#).

### B. Target Investment Areas (TIA) for Track I Applications

Out of the approximate \$2 billion in funding, EPA has identified five Target Investment Areas (TIA) listed below to help ensure that communities with unique circumstances, geography, and needs can equitably compete for funding. The amounts are estimates only and subject to change based on the number and quality of applications received, funding considerations, and agency priorities. Applicants interested in submitting an application for projects benefitting a TIA must identify this in their application. Consistent with the Track I evaluation process described in [Section V](#), the TIA applications will be ranked and selected per TIA. Applications for the TIAs must address the Track I application requirements identified in [Section I.G](#).

- TIA A: Tribes in Alaska: an estimated \$150 million for projects benefitting Indian Tribes in Alaska. As noted in Appendix H and Section V.E below, the EPA anticipates making a minimum of 5 awards for high-ranking applications under this TIA that include projects to assess and/or clean up lands conveyed under the Alaska Native Claims Settlement Act that were contaminated at the time of their conveyance from the federal government to an Alaska Native Corporation.
- TIA B: Tribes in the Continental United States: an estimated \$300 million for projects benefitting Tribal communities outside Alaska, which include Indian Tribes as defined by the Clean Air Act in Section III.A.3 below and Tribal Lands included in the EPA Disadvantaged Community Environmental and Climate Justice Program Map referenced in Appendix A. This also includes projects benefitting such Tribal communities that are located in the Border Area identified below in TIA E.
- TIA C: Territories: an estimated \$50 million for projects benefitting disadvantaged communities in the United States' territories of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.
- TIA D: Disadvantaged Unincorporated Communities: an estimated \$50 million for projects benefitting disadvantaged unincorporated communities as defined in Appendix A.
- TIA E: United States (U.S). – Southern Border Communities: Consistent with EPA's longstanding approach to addressing transborder climate and pollution challenges, an estimated \$100 million for projects benefitting non-Tribal disadvantaged communities within 100 kilometers north of the U.S.-Mexico border.

### Special Requirements for Cross-Border Projects to Benefit U.S. Disadvantaged Communities

EPA's strong preference is that the work for all projects to be performed under the awards made through this NOFO will be performed entirely within the United States. However, in limited circumstances, projects to benefit U.S. disadvantaged communities near an international border may require some international work to be performed within 100 kilometers of that border (e.g., within 100 km south of the U.S.-Mexico border for a TIA E application, or within 100 km north of the U.S.-Canada border for any application). In those limited cases, to be eligible for funding consideration, the applicant must demonstrate in their application that:

- The project(s) will directly and predominantly benefit disadvantaged communities in the U.S., for example by monitoring and / or preventing pollution from an international source that is impacting the disadvantaged community in the U.S.
- Any work outside of the U.S. is necessary for the project(s) to be successful in benefitting the disadvantaged communities in the U.S. — e.g., the project(s) will not be effective otherwise.
- Any work outside of the U.S. will not be a substantial part of the project.
- The applicant will ensure that any work outside of the U.S. will be timely and properly completed and monitored to ensure it is effectively performed.

Failure to address how the application meets these conditions will render the application ineligible for review as stated in Section III.D. Applications involving cross-border work that are selected for award must address any cross-border work issues (e.g., site access and control) during the workplan negotiations following selection and before award. The appropriate terms and conditions will be included in the grant. Projects benefitting Project Areas along the U.S.-Mexico Border should be consistent with guidance and best practices outlined by EPA's Border Program.<sup>13 14</sup>

### C. Rolling Application Submittal and Review Process, Application Award Limits, and Application Resubmission Procedures

1. Applications may be submitted under this NOFO through November 21, 2024, to provide applicants, to the maximum extent practicable, flexibility on when to submit an application. Applications will be reviewed and evaluated on a rolling basis as described in [Section V](#) to facilitate and expedite the review and award process. EPA cannot guarantee that funding will be available through the end of the NOFO 12-month application period as funding availability is dependent on the volume and quality of applications received, as well as other applicable programmatic and funding considerations. As such, it is possible that funding could be exhausted before the conclusion of the 12-month rolling application period.
2. Under this NOFO, Lead Applicants, as defined in [Section III.A](#), may submit a maximum of two eligible applications and receive up to two awards if they demonstrate their capacity and capabilities to effectively perform, manage, oversee, and complete both awards within the three-year grant period of performance. The two applications may be either two Track I applications or two Track II applications, or one of each. Lead Applicants who submit more than two total eligible applications will be asked to withdraw the excess one(s). EPA will not review more than two eligible applications from any one Lead Applicant.

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<sup>13</sup> [United States – Mexico Environmental Program](#).

<sup>14</sup> [U.S.-Mexico Border Program – Borderwide Resources](#).

3. Lead Applicants whose initial eligible application(s) is not selected for funding may, after timely requesting and receiving a debriefing on the application (as described in the Section VI Debriefings and Disputes clauses included in the [EPA Solicitation Clauses](#)), resubmit a revised application one additional time while the NOFO remains open. For example, if a Lead Applicant submits two eligible applications and both are not initially selected for funding, they may resubmit each application one additional time within the 12-month NOFO open period as explained above and further below. There is no guarantee that resubmissions, even after a debriefing, will be selected for funding. In addition, applicants who submit applications towards the end of the 12-month rolling period may not have an opportunity to resubmit the application because the NOFO is expected to close for applications on November 21, 2024. While EPA intends to review applications and provide debriefings as expeditiously as possible, applicants should keep this in mind when determining the timing of their application submission to ensure there is sufficient time for a resubmission.
4. The resubmitted application must be clearly identified as a resubmission of a previously submitted application by providing the date of the original submission through [www.grants.gov](http://www.grants.gov) and / or the date of the EPA debriefing in the updated application package. The resubmission should take into consideration the feedback received during a debriefing and any other relevant considerations, and it cannot be a completely different application from the one initially submitted. If EPA determines, in its sole discretion, that it is a different application bearing little resemblance to the original application, it may be rejected and not reviewed.

#### D. Conditional Awards

EPA may make conditional awards under this NOFO, which will be subject to applicable terms and conditions in the grant award.

#### E. Period of Performance

The period of performance of every grant funded under this NOFO cannot by statute exceed three years. There can be no extensions. Projects must be designed to be successfully and effectively completed within three years. EPA anticipates that the first awards under this NOFO will be made in the fall of 2024 and will continue to be made on a rolling basis until funding is exhausted. EPA cannot predict when funding will be exhausted since it is dependent on the volume and quality of applications received, as well as other applicable programmatic and funding considerations. As such, it is possible that funding could be exhausted before the 12-month rolling application period is over.

#### F. Partial Funding

EPA reserves the right to partially fund applications by funding discrete portions or phases of applications. If EPA decides to partially fund an application, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the application, or portion thereof, was evaluated and selected for award, and therefore maintains the integrity of the competition and selection process. To facilitate consideration of an application for partial funding, if applicable, EPA recommends that applications separate costs for the proposed grant in the program budget by project category, to the extent practicable.



## G. Additional Awards

EPA reserves the right to make additional awards under this NOFO, consistent with EPA policy and guidance, if additional funding becomes available after all the selections are made under this NOFO. For this NOFO, this only applies to making additional awards for those applications considered during the final monthly review, described in [Section V](#). Any additional selections for awards will be made no later than 6 months after the final monthly review.

## H. Funding Type

EPA anticipates awarding cooperative agreements under this NOFO because it is expected that there will be substantial Federal involvement through the EPA Project Officer with selected applicants in the performance of the grant and for effective EPA oversight of grantee performance. Although EPA will negotiate precise terms and conditions relating to substantial federal involvement as part of the award process with each grantee awarded a cooperative agreement, the anticipated substantial federal involvement may include:

- Closely monitoring the grantee's performance to verify the results reported by the applicant;
- Reviewing proposed procurement, in accordance with the Procurement Standards in 2 CFR Parts 200 and 1500;
- Reviewing evidence of completion of project phases (e.g., planning) before providing approval for the grantee to begin work on the next project phase (e.g., implementation);
- Reviewing the substantive terms of contracts, subawards, or other financial transactions (EPA will not select contractors, subrecipients, or program beneficiaries);
- Approving qualifications of key personnel (EPA will not select employees or contractors employed by the grantee);
- Reviewing and commenting on reports prepared under the cooperative agreement (the final decision on the content of reports will rest with the grantee); and
- Addressing compliance with Build America, Buy America requirements, in accordance with 2 CFR § 184, and providing technical assistance, if necessary, on compliance with CAA § 314 and the Davis-Bacon and Related Acts.

In addition, there may be Federal involvement with selected applicants in the performance of the grant, which may include co-sponsoring community meetings and other events and collaborating during performance of the scope of work.

## Section III. Eligibility Information

*(back to the Table of Contents)*

Note: Additional provisions that apply to this section of the NOFO can be found in the [EPA Solicitation Clauses](#).

### A. Eligible Applicants

Consistent with CAA §138(b)(3) and Assistance Listing 66.616, applicants eligible to apply and receive grants under this NOFO are (1) a partnership between two community-based nonprofit organizations (CBOs) as defined below, or (2) a partnership between a CBO and one of the following: a federally recognized Tribe, a local government, or an institution of higher education. These types of partnerships for eligibility purposes are known as Statutory Partnerships. Further eligibility requirements are described below.

#### **1. Community-Based Non-Profit Organization (CBO)**

To qualify as a CBO for eligibility purposes, an organization must demonstrate that they are a “nonprofit organization” as defined at 2 CFR 200.1, which “means any corporation, trust, association, cooperative, or other organization that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest and is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization.”

Applicants must include documentation in their application demonstrating that they are a nonprofit organization by one of two ways: 1) a written determination by the Internal Revenue Service that they are exempt from taxation under Section 501 of the Internal Revenue Code, or 2) based on a written determination by the state, territory, commonwealth, Tribe, or other United States governmental entity in which they are located. This can be done, for example, by submitting a letter, certificate, or articles of incorporation from the state where the organization is located that recognizes them as a nonprofit organization. Nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995 are not eligible to apply. Foreign non-profit organizations cannot qualify as a CBO for eligibility purposes.

In addition to being considered a nonprofit organization, an organization must demonstrate that they are a public or private nonprofit organization that supports and / or represents a community and/or certain populations within a community through engagement, education, and other related services provided to individual community residents and community stakeholders. A “community,” for these purposes, can be characterized by a particular geographic area and / or by the relationships among members with similar interests and can be characterized as part of a local, regional, or national community where organizations are focused on the needs of urban, rural, and / or Tribal areas, farmworkers, displaced workers, children with high levels of lead, people with asthma, subsistence fishers, and other similar groups. For purposes of this NOFO, the CBO must have a geographic presence or connection in, or relationship with, the specified community that the projects are intended to benefit. For example, national or statewide CBOs must demonstrate the CBO’s connection to the community that will benefit from the grants.

For the purposes of this NOFO, applicants that demonstrate that they are Alaska Native Nonprofit Organizations or Alaska Native Nonprofit Associations are considered CBOs. In addition, Intertribal Consortia may be able to qualify as CBOs if they meet the above requirements and 40 CFR 35.504(a) and (c). The for-profit Alaskan Native Corporations are not eligible under the CBO definition and therefore are unable to apply as CBOs.

## **2. Local Government (in partnership with a CBO)**

The following units of government within a state, as defined by the regulations in [2 CFR 200.1](#), are eligible to enter a Statutory Partnership with a CBO:

- County
- Borough
- Municipality
- City
- Town
- Township
- Parish
- Local public authority, including any public housing agency under the United States Housing Act of 1937
- Special district
- School district
- Intrastate district
- Council of governments, whether incorporated as a nonprofit corporation under State law; and
- Any other agency or instrumentality of a multi-, regional, or intra-State or local government.

## **3. Federally Recognized Tribe (in partnership with a CBO)**

For the purposes of eligibility for entering into a Statutory Partnership with a CBO, EPA uses the definition of “Indian Tribe” in §302I of the CAA which provides that the term “...means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.” Note that this definition does not include Alaskan Native Corporations or State-recognized Tribes.

## **4. Institutions of Higher Education (in partnership with a CBO)**

For the purposes of eligibility for entering into a Statutory Partnership with a CBO, the grant regulations at [2 CFR 200.1](#) state that Institutions of Higher Education (IHEs) are defined at [20 U.S.C. § 1001](#).

EPA also recognizes that it is important to engage all available minds to address the environmental and climate justice challenges the nation faces. Accordingly, EPA encourages Minority Serving Institutions (MSIs) to participate in the grants under this NOFO, including by partnering with a CBO.

For purposes of this NOFO, the following are considered MSIs:

1. Historically Black Colleges and Universities, as defined by the Higher Education Act (20 U.S.C. § 1061(2)). A list of these schools can be found at [Historically Black Colleges and Universities](#).
2. Tribal Colleges and Universities (TCUs), as defined by the Higher Education Act (20 U.S.C. § 1059c(b)(3) and (d)(1)). A list of these schools can be found at [American Indian Tribally Controlled Colleges and Universities](#).
3. Hispanic-Serving Institutions (HSIs), as defined by the Higher Education Act (20 U.S.C. § 1101a(a)(5)). A list of these schools can be found at [Hispanic-Serving Institutions](#).
4. Asian American and Native American Pacific Islander-Serving Institutions; (AANAPISIs), as defined by the Higher Education Act (20 U.S.C. § 1059g(b)(2)). A list of these schools can be



found at [Asian American and Native American Pacific Islander-Serving Institutions](#).

5. Predominantly Black Institutions (PBIs), as defined by the Higher Education Act of 2008, 20 U.S.C. § 1059e(b)(6). A list of these schools can be found at [Predominantly Black Institutions](#).

## B. Statutory Partnership Requirements and Collaborating Entities

Please refer to Section III.A above for who is eligible to apply for the grants. The Statutory Partnership application is comprised of one Lead Applicant (an eligible CBO, Federally recognized Tribe, local government, or institution of higher education) who enters into a Partnership Agreement with one Statutory Partner (which is one of the following eligible entities— a CBO, Federally recognized Tribe, local government, or institution of higher education) to carry out the grant activities if the application is selected for funding. Please note that a CBO must be either the Lead Applicant or a Statutory Partner in every Statutory Partnership (e.g., there cannot be a statutory partnership of a local government and an institution of higher education or either of these entities and an Indian Tribe). In other words, as identified in Section III.A all Statutory Partnerships must include a CBO. If the application is selected for award, the Lead Applicant will enter into a subaward with the Statutory Partner that must contain the elements of the Partnership Agreement in Appendix B. The Lead Applicant must include a copy of a written and signed Partnership Agreement with their application to be eligible for funding consideration.

To ensure effective grant performance to meet the objectives of the Community Change Grants outlined in [Section I](#), subawards from the Lead Applicant to other entities to implement and perform specific grant project activities identified in the application will be necessary. These other entities, including the Statutory Partners, are collectively referred to as Collaborating Entities in the NOFO. Given the community centered focus of the Community Change Grants, applications that do not include Collaborating Entities will likely not score well during the evaluation process. Collaborating Entities may include Statutory Partners (CBOs, Federally-recognized Tribes, local governments, and institutions of higher education) and entities that cannot legally be Statutory Partners (e.g., states, territorial governments, and international organizations). However, for-profit firms and individual consultants or other commercial service providers cannot be Collaborating Entities. Subawards made by the Lead Applicant and Collaborating Entities to implement the project strategies and activities under the application must be made consistent with the grant regulations at 2 CFR 200.331 and as permitted in [Appendix A of the EPA Subaward Policy](#).

If selected for award, the Lead Applicant will become the grantee, operating as a pass-through entity for purposes of 2 CFR Part 200 and the [EPA Subaward Policy](#), and taking responsibility for making subawards to Collaborating Entities. The Lead Applicant will also be accountable to EPA for effectively carrying out the full scope of work and the proper financial management of the grant (including the subawards it makes under the grant, and contracts to consultants and procurement contractors selected in accordance with the competitive procurement requirements in 2 CFR Parts 200 and 1500 as well as EPA's 40 CFR Part 33 Disadvantaged Business Enterprise rule). Additionally, as provided in 2 CFR § 200.332, the Collaborating Entities, and other subrecipients, will be accountable to the Lead Applicant for proper use of EPA funding. Note that pursuant to 2 CFR § 200.332(a)(2), as implemented in Items 2 and 4 of EPA's *Establishing and Managing Subawards General Term and Condition*, successful Lead Applicants in the Statutory Partnership must ensure that the terms and conditions of the grant agreement "flow down" to all subrecipients in the subawards. EPA has developed an optional template for subaward agreements, available in [Appendix D of the EPA Subaward Policy](#).

As noted above, Collaborating Entities cannot include for-profit procurement contractors or individual consultants who may be involved in project performance but who receive procurement awards made in compliance with the competitive procurement requirements in 2 CFR Parts 200 and 1500 and 40 CFR Part 33. Further information on procurement and distinguishing between subawards and procurement

transactions can be found in the [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) and in [EPA Subaward Policy](#).

### C. Cost-Sharing or Matching Funds

No cost-sharing or matching is required as a condition of eligibility under this NOFO.

### D. Threshold Eligibility Criteria

Applications must meet the threshold eligibility criteria below to be considered for funding. **Applications that do not meet all the applicable threshold eligibility criteria will be deemed ineligible for funding consideration and will not be considered further.** If necessary, EPA may contact applicants to clarify issues relating to threshold eligibility criteria compliance prior to making an eligibility determination. In addition, applicants should contact EPA with any questions about the threshold eligibility criteria prior to submission of their applications. Applicants whose applications are deemed ineligible for funding consideration because of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.

Applications must meet the following threshold eligibility criteria to be considered eligible for funding under this NOFO:

1. Applications must comply with the content and submission requirements listed below.
  - Applications must substantially comply with the application submission instructions and requirements set forth in [Section IV](#) of this NOFO or else they will be rejected. However, where a page limit is expressed in [Section IV](#) with respect to the application, or parts thereof, pages in excess of the page limitation will not be reviewed. Applicants are advised that readability is of paramount importance and should take precedence in application format, including selecting a legible font type and size for use in the application.
  - In addition, initial applications must be submitted through Grants.gov as stated in [Section IV](#) of this NOFO (except in the limited circumstances where another mode of submission is specifically allowed for as explained in [Section IV](#)) on or before the application submission deadline published in [Section IV](#) of this NOFO. Applicants are responsible for following the submission instructions in [Section IV](#) of this NOFO to ensure that their application is timely submitted. Please note that applicants experiencing technical issues with submitting through Grants.gov should follow the instructions provided in [Section IV](#), which include both the requirement to contact Grants.gov and email a full application to EPA prior to the deadline.
  - Applications submitted outside of Grants.gov will be deemed ineligible without further consideration unless the applicant can clearly demonstrate that it was due to EPA mishandling or technical problems associated with Grants.gov or SAM.gov. An applicant's failure to timely submit their application through Grants.gov because they did not timely or properly register in SAM.gov or Grants.gov will not be considered an acceptable reason to consider a submission outside of Grants.gov.

**DO NOT WAIT! Register in SAM.gov or Grants.gov as soon as possible.** Finalizing these registrations could take a month or more. You do not want a late registration to prevent you from being able to properly submit your application through [Grants.gov](#).

2. All applicants must meet the eligibility and statutory partnership requirements in III.A and include a Partnership Agreement (See Appendix B) with the application.

3. All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A.
4. Track I applications proposing to serve a geographically defined community identified as disadvantaged in Appendix A must submit a Project Area Map that defines which specific census block groups are designated as disadvantaged within the Project Area. Track I applications proposing to serve a farmworker community or DUC as defined in Appendix A must submit a Project Area Map showing where the communities that will benefit from the project are located.
5. Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must describe how the projects in the application, including any construction projects, can be completed within three years of award.
6. All Track I applications must include projects under at least one [Climate Action Strategy](#) and at least one [Pollution Reduction Strategy](#) as described in [Section I.G](#). Track I applications also must include a [Community Engagement and Collaborative Governance Plan](#), [Community Strength Plan](#), [Readiness Approach](#), and [Compliance Plan](#) as described in [Section I.G](#).
7. All Track I applications including a workforce development project under the Climate Action Strategy must demonstrate how it will help reduce air pollutants and GHG emissions.
8. Track I applications that include projects under Climate Action Strategy 6, Brownfields Redevelopment, must demonstrate that the project will be performed on sites where, at the time of application submission, cleanup is complete or where the site does not require any cleanup activities for the intended use or reuse of the site. Please refer to the Climate Action Strategy 6 section in Appendix C for how to show that cleanup is complete or is not necessary.
9. All Track I applications for Pollution Reduction activities to increase monitoring capabilities or raise community awareness of pollution must also include an associated remediation, implementation, or infrastructure pollution reduction project that addresses the identified pollution issue.
10. Track I applications cannot request more than \$20 million in EPA funding and Track II applications cannot request more than \$3 million in EPA funding. Applications requesting more than these amounts will be rejected. If necessary, EPA will clarify any questions about the funding amounts requested prior to application review.
11. A Track I application for a TIA defined in [Section II.B](#) can only address one TIA. An application cannot address more than one TIA.
12. Track I applications submitted for TIA A benefitting Alaskan Tribal lands that include a project(s) for the assessment and cleanup of sites covered by the Contaminated ANCSA Lands Assistance Program must meet the relevant requirements specified in Appendix H.

13. Applications submitted for TIA E for U.S.-Southern Border Communities projects, as well as any including projects that may include project activities within 100 km of a U.S. border as discussed in [Section II.B](#), must meet the special requirements identified in [Section II.B](#).
14. Applications must be submitted in English only. Applications written in languages other than English will not be reviewed or considered for award. If you need assistance to submit the written application in English, technical assistance may be available. Please refer to [Section I.E](#).
15. Multiple Applications. Lead Applicants may submit no more than two eligible applications under this NOFO, and receive no more than two awards, as explained in [Section II](#). Excess applications will not be reviewed. If a Lead Applicant submits more than two eligible applications, they will be contacted by EPA to determine which one(s) to withdraw. Notwithstanding this limitation, a Lead Applicant may be a Statutory Partner or Collaborating Entity on other applications.
16. Resubmissions. As stated in [Section II.C](#), a resubmitted application must be clearly identified as a resubmission of a previously submitted eligible application through such means as providing the date of the original submission and / or date of the EPA debriefing. It cannot be a completely different application from the one originally submitted. If EPA determines, in its sole discretion, that it is a completely different application bearing little resemblance to the original application, it may be rejected and not reviewed.
17. EPA will not consider any application that includes projects that are exclusively designed to conduct scientific research. However, applications may include research components such as building blocks for outreach, training, and program implementation projects. In such cases, applications should clearly articulate this link, explain why the research is necessary for the project's success, and ensure that such research does not already exist.
18. EPA will not consider any application requesting funding for assessment, removal, or remediation of Superfund sites.

Note: If an application is submitted that includes any ineligible projects, tasks, or activities, including but not limited to ones that EPA determines cannot be funded under the statutory / regulatory authorities for the grant, that portion of the application will be ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible for funding. This includes but is not limited to projects requesting funding for relocation activities as described in [Section I.F](#).

Applicants who have any questions about whether their project can be funded under the statutory / regulatory authorities for the grants and this NOFO, or whether certain costs related to the project are allowable costs, should clarify the issue with EPA prior to submitting their application. Failure to do so may result in the projects and / or costs being ineligible for funding and may impact the eligibility of the entire application.



## Section IV. Application and Submission Information

[\(back to the Table of Contents\)](#)

Note: Additional provisions that apply to this section of the NOFO, including those related to Intergovernmental Review, can be found in the [EPA Solicitation Clauses](#).

### **A. Requirement to Submit through Grants.gov and Limited Exception Procedures**

Applicants must apply electronically through [Grants.gov](#) under this NOFO based on the grants.gov instructions below. If your organization has no access to the internet or access is very limited, you may request an exception from applying through Grants.gov for the remainder of this calendar year by following the procedures outlined [here](#).

Issues with submissions with respect to this NOFO only are addressed in section 3: *Technical Issues with Submission* below.

#### **1. SAM.gov (System for Award Management) Registration Instructions**

Organizations applying to this funding opportunity must have an active SAM.gov registration. If you have never done business with the Federal Government, you will need to register your organization in SAM.gov. If you do not have a SAM.gov account, then you will need to create an account using [login.gov](#) to complete your SAM.gov registration.

SAM.gov registration is FREE. The process for entity registration includes obtaining a Unique Entity ID (UEI), a 12-character alphanumeric ID assigned an entity by SAM.gov, and requires assertions, representations and certifications, and other information about your organization. Please review the [Entity Registration Checklist](#) for details on this process.

If you have done business with the Federal Government previously, you can check your entity status using your government issued UEI to determine if your registration is active. SAM.gov requires you renew your registration every 365 days to keep it active.

Please note that SAM.gov registration is different than obtaining a UEI only. Obtaining an UEI only validates your organization's legal business name and address. Please review the [Frequently Asked Question](#) on the difference for additional details.

Organizations should ensure that their SAM.gov registration includes a current e-Business (EBiz) point of contact name and email address. The EBiz point of contact is critical for Grants.gov Registration and system functionality.

Contact the [Federal Service Desk](#) for help with your SAM.gov account, to resolve technical issues or chat with a help desk agent: (866) 606-8220. The Federal Service desk hours of operation are Monday – Friday 8am – 8pm ET.

#### **2. Grants.Gov Registration Instructions**

Once your SAM.gov account is active, you must register in Grants.gov. Grants.gov will electronically receive your organization information, such as e-Business (EBiz) point of contact email address and UEI. Organizations applying to this funding opportunity must have an active Grants.gov registration. Grants.gov registration is FREE. If you have never applied for a federal grant before, please review the [Grants.gov](#)

Applicant Registration instructions. As part of the Grants.gov registration process, the EBiz point of contact is the only person that can affiliate and assign applicant roles to members of an organization. In addition, at least one person must be assigned as an Authorized Organization Representative (AOR).

Only person(s) with the AOR role can submit applications in Grants.gov. Please review the Intro to Grants.gov-Understanding User Roles and Learning Workspace – User Roles and Workspace Actions for details on this important process.

Please note that **registering in grants.gov for the first time can take a month or more** for new registrants. Applicants must ensure that all registration requirements are met to apply for this opportunity through Grants.gov and should ensure that all such requirements have been met well in advance of the application submission deadline.

Contact Grants.gov for assistance at 1-800-518-4726 or support@grants.gov to resolve technical issues with Grants.gov. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by calling 606-545-5035. The Grants.gov Support Center is available 24 hours a day 7 days a week, excluding federal holidays.

### **Application Submission Process**

To begin the application process under this NOFO, go to Grants.gov and click the red “Apply” button at the top of the view grant opportunity page associated with this opportunity.

The electronic submission of your application to this NOFO must be made by an official representative of your organization who is registered with Grants.gov and is authorized to sign applications for Federal financial assistance. If the submit button is grayed out, it may be because you do not have the appropriate role to submit in your organization. Contact your organization’s EBiz point of contact or contact Grants.gov for assistance at 1-800-518- 4726 or support@grants.gov.

Applicants need to ensure that the Authorized Organization Representative (AOR) who submits the application through Grants.gov and whose UEI is listed on the application is an AOR for the applicant listed on the application. Additionally, the UEI listed on the application must be registered to the applicant organization’s SAM.gov account. If not, the application may be deemed ineligible.

### **Application Submission Deadline**

Your organization’s AOR must submit your complete application package (including any resubmission as explained in Section II.C) electronically to EPA through Grants.gov no later than November 21, 2024, at 11:59 PM ET. Please allow for enough time to successfully submit your application and allow for unexpected errors that may require you to resubmit. Please see Section II and Section V describing the rolling application submittal and review process for this NOFO.

Applications submitted through Grants.gov will be time and date stamped electronically. Please note that successful submission of your application through Grants.gov does not necessarily mean your application is eligible for award. Any application submitted after the application deadline time and date deadline will be deemed ineligible and not considered.

### **3. Technical Issues with Submission**

If applicants experience technical issues during the submission of an application that they are unable to

resolve, follow these procedures **before** the application deadline date:

- a. Contact the Grants.gov Support Center **before** the application deadline date.
- b. Document the Grants.gov ticket / case number.
- c. Send an email with EPA-R-OEJECR-OCS-23-04 in the subject line to [CCGP@epa.gov](mailto:CCGP@epa.gov) before the application deadline time and include the following information:
  - i. Grants.gov ticket / case number(s)
  - ii. Description of the issue
  - iii. The entire application package in PDF format

Without this information, EPA may not be able to consider applications submitted outside of Grants.gov. Any application submitted after the application deadline will be deemed ineligible and **not** be considered.

Please note that successful submission through Grants.gov or email does not necessarily mean your application is eligible for award.

EPA will make decisions concerning acceptance of each application submitted outside of Grants.gov on a case-by-case basis. EPA will only consider accepting applications that were unable to submit through Grants.gov due to [Grants.gov](#) or relevant [SAM.gov](#) system issues or for unforeseen exigent circumstances, such as extreme weather interfering with internet access. Failure of an applicant to submit the application prior to the application submission deadline time and date because they did not properly or timely register in SAM.gov or Grants.gov is **not** an acceptable reason to justify acceptance of an application outside of Grants.gov.

#### **4. Required Forms and Documents**

The following forms and documents are required under this NOFO:

##### **Mandatory Documents for Track I and Track II Applications**

1. **Application for Federal Assistance (SF-424)**
2. **Budget Information for Non-Construction Programs (SF-424A)**
3. **EPA Key Contacts Form 5700-54**
4. **EPA Preaward Compliance Review Report Form 4700-4** (Please see these [Useful Tips](#) for completing this form)
5. **Project Narrative Attachment Form:** Use this to prepare your Project Narrative as described in [Section IV.B](#) below.
6. **Attachments:** Use the “Other Attachments Form” in Grants.gov for the following additional documents. These attachments are not subject to the page limitation that applies to the Project Narrative identified below and some have their own page limitation as identified below:
  - **Attachments for Track I and Track II Applications:**
    - **Attachment A:** Program Budget Template (See below in [Section IV.B](#) and also optional template in Appendix G)
    - **Attachment B:** Partnership Agreement (See [Section III.A](#) and Appendix B)
    - **Attachment C:** Indirect Cost Rate Agreement, if applicable.
  - **Attachments for Track I Applications Only:**
    - **Attachment D:** Project Area Map as described in Appendix A.
    - **Attachment E:** Community Engagement and Collaborative Governance Plan as described in [Section I.G](#) that does not exceed 10 single spaced pages-excess pages will not be reviewed.



- **Attachment F:** Community Strength Plan as described in [Section I.G](#) that does not exceed 5 single spaced pages--excess pages will not be reviewed.
- **Attachment G:** Readiness Approach Information as described in [Section I.G](#).
- **Attachment H:** Compliance Plan as described in [Section I.G](#) that does not exceed 5 single-spaced pages--excess pages will not be reviewed.

## B. Content of Application Submission

Applicants should read the following sections very carefully. A complete application package includes the forms, documents, and attachments listed above in [Section IV.A.4: Required Forms and Documents](#), which includes the materials further described below.

Applicants should ensure that their application materials, including attachments, address all the applicable evaluation criteria in Section V, and applicable threshold eligibility criteria in Section III.D, for Track I and II applications. The evaluation criteria in Section V place increased emphasis on certain evaluation criteria that are integral to ensuring that the application will advance environmental and climate justice, meet CCG objectives, and maximize benefits to disadvantaged communities.

### **Project Narrative for Track I and II Applications**

Below are the instructions for both Track I and Track II applications. There are different instructions for each track, so applicants should carefully read the instructions and contact EPA at [CCGP@epa.gov](mailto:CCGP@epa.gov) with any questions. There are also certain attachments for Track I and II applications that must be submitted as identified in Section IV.A.4 above.

The Project Narrative for both application tracks are comprised of Sections A and B as described below for each track and should include the information and content below. Applicants should ensure they include information addressing the relevant evaluation criteria in [Section V](#) for Track I or II applications and any applicable threshold eligibility criteria in [Section III.D](#). Please make sure the required attachments identified in Section IV.A.4 for Track I and II applications also include the applicable information.

- The Project Narrative for Track I applications must not exceed twenty (20) single-spaced pages and be on letter size pages (8 ½ X 11 inches). Excess pages will not be reviewed. The attachments for Track I described in Section IV.A.4 are not part of the Project Narrative.
- The Project Narrative for Track II applications must not exceed fifteen (15) single spaced pages and be on letter size pages (8 ½ X 11 inches). Excess pages will not be reviewed. The attachments for Track II described in Section IV.A.4 are not part of the Project Narrative.

Applicants are encouraged to be concise and do not need to use all the pages within the page limit. Links to external websites or content will not be reviewed or considered. Any pages beyond the page limitations will not be reviewed by the Review Panel. It is recommended that applicants use a standard font (e.g., Times New Roman, Calibri, and Arial) and a 12-point font size with 1- inch margins. While these guidelines establish the acceptable type size requirements, applicants are advised that readability is of paramount importance and should take precedence in selection of an appropriate font for use in the application. **The grant application forms and other attachments identified in [Section IV.A.4: Required Forms and Documents](#) above are not included in the Project Narrative page limits for Track I and II applications.**

To assist EPA reviewers, applicants should reference the numbers and titles of the evaluation criteria identified in Section V.C in their Project Narratives (and attachments) to help identify where the criteria are being addressed as applicable. Applicants should contact EPA with any questions about the application content requirements.

## **Track I Project Narrative**

Track I applications include a Project Narrative with two sections as identified below: (A) Executive Summary and (B) Project Workplan. Together these cannot exceed 20 pages as described above.

### **Section A. Executive Summary**

The Executive Summary should contain the elements below and should not exceed three pages.

- **Application Title:** Provide a name for the application.
- **Lead Applicant:** Name of the Lead Applicant.
- **Statutory Partner to the Lead Applicant:** Name of the Statutory Partner.
- **Contact Information:** Include a name, title, email address, and phone number for key personnel for the Lead Applicant and, Statutory Partner.
- **Eligibility:** Describe how the Lead Applicant and Statutory Partner meet the eligibility requirements in [Section III.A](#) of the NOFO.
- **Climate Action Strategy:** Specify which Climate Action Strategy(ies) is addressed in the application.
- **Pollution Reduction Strategy:** Specify which Pollution Reduction Strategy(ies) is addressed in the application.
- **Grant Award Period and Completion:** Provide estimated beginning and ending dates for the period of performance for your proposed grant. Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must state how the projects in the application, including any construction projects, can be completed within three years of award.
- **Amount of EPA Funding Requested:** See award sizes specified in [Section II.A](#).
- **Target Investment Area:** If the application is for a Target Investment Area as defined in Section II.A, please identify which one. If the application is not for a Target Investment Area, put N/A.
- **Disadvantaged Community to benefit from the projects:** Identify and describe the disadvantaged community, as defined in Appendix A, intended to benefit from the projects in the application.
- **Other Sources of Funding:** Briefly explain, to the extent you can, whether funding for the projects in your application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and if so your reasons for seeking funding for these projects under this NOFO. Please also note the Duplicate Funding clause included in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO and referenced in Section V.E.
- **Resubmission Status:** Specify if the application is for a resubmission of a previously submitted and reviewed application. If so, please identify the date of the original submission and the date of EPA debriefing of the previously submitted application (See Section II.C for further information on the resubmission process).

### **Section B. Project Workplan**

The Project Workplan should contain the elements below.

#### **Part 1. Community-Driven Investments for Change**

##### **1.1 Community Vision Description.**

- **Community Description:** Provide an overview of the Project Area described in Appendix A.

including its resources, assets, and characteristics. Describe how the boundary of the Project Area was determined and demonstrate how the project activities in the Project Area are designed and focused to provide impactful benefits to the residents of disadvantaged communities in the Project Area as defined in Appendix A.<sup>15</sup>

Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A, concentrated and compact Project Areas may maximize benefits to the residents of the disadvantaged communities in the Project Area. Activities spread across a large Project Area may be more dispersed and less impactful. As described in Section V.C, EPA will evaluate applications based in part on the extent and quality to which project benefits will accrue to the residents of disadvantaged communities in the Project Area as defined in Appendix A in an impactful manner.

- **Community Challenges:** Describe the needs and challenges the Project Area is facing, including climate impacts, climate change risks / exposures, and / or localized pollution. Describe the impact of these challenges on the residents of the disadvantaged communities in the Project Area as defined in Appendix A and particularly on priority populations within the Project Area who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities or susceptibilities to the impacts of environmental pollution. See footnote 3 for more information on priority populations.
- **Community Vision:** Articulate an overall vision for the impact and benefits the grant would have on the Project Area in the near and long term, including the effect it will have on reducing and preventing pollution; building resilience to climate change and mitigating current and future climate risks; creating high-quality jobs and expanding economic opportunity through workforce development; and bolstering Project Area strength by ensuring that residents of the disadvantaged communities in the Project Area receive the benefits of investments and have the opportunity to build on them for current and future generations.

**1.2 Selected Strategies:** As described in [Section I.G](#), applications must address at least one Climate Action Strategy and at least one Pollution Reduction Strategy. Accordingly, applications should address the following requirements:

- **Strategy Overview** – for each selected Climate Action and Pollution Reduction Strategy:
  - Provide an overview of the strategy and associated projects and describe how they will be implemented during the grant term.
  - Describe how the strategies and associated projects in the application are integrated and / or designed to complement each other to provide impactful benefits to the residents of disadvantaged communities within the Project Area as defined in Appendix A and describe how the scale and scope of the Project Area was designed to accomplish this.
  - Explain how the amount / proportion of the requested funding was determined for each strategy and associated project in the application.
- **Climate Action Strategies**

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<sup>15</sup> Disadvantaged communities as defined in Appendix A include census block groups designated as geographically defined disadvantaged communities, as well as farmworker communities and DUCs.

- Describe how the project(s) associated with the Climate Action Strategy(ies) will address the climate impacts, risks, and / or challenges facing the Project Area and especially the residents of disadvantaged communities within the Project Area as defined in Appendix A; will decrease GHG emissions within the Project Area and increase the overall resilience of the Project Area to current and anticipated climate impacts; and are responsive to the Project Area needs and challenges identified in the Community Vision Description.
- **Pollution Reduction Strategies**
  - Describe how the project(s) associated with the Pollution Reduction Strategy(ies) will address the localized pollution challenges facing the Project Area and especially the residents of disadvantaged communities within the Project Area as defined in Appendix A; will make substantial and measurable (i.e., quantifiable) progress towards preventing, reducing, and / or mitigating existing and future sources of pollution to benefit the Project Area; and are responsive to the Project Area needs and challenges identified in the Community Vision Description.

## **Part 2. Program Management, Capability and Capacity**

- 2.1 Performance Management Plan, Outputs / Outcomes:** Applicants should describe 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 Community Change Grants goals and objectives. (See [Section I.I](#) and [Appendix F](#) for more detail on expected outputs and outcomes). In addition to identifying expected project outputs and outcomes, applicants should describe how they plan to track and measure their project performance, including through indicator tracking, to monitor progress towards achieving the expected outputs and outcomes throughout the performance period.

Applicants should also:

- Describe how they selected the expected outputs and outcomes and how they will lead to improvements to the environmental conditions and public health of the community members of the Project Area in the short and long term.
  - Describe how the expected project outputs and outcomes are specific and include achievable and reasonable target measures within the project period.
  - Describe how the recipient will use program evaluation activities (e.g., utilizing proper evaluation tools and personnel / organizations with experience in evaluating program and project progress / success) from project initiation through project completion to meaningfully document and measure their progress towards achieving project goals.
- 2.2 Project Linkages to the EPA Strategic Plan:** Applications should describe how the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels). See [Section I.I](#). In addition, applications, depending on the projects included in them, should also address how they support and advance the following EPA Strategic Plan Goals as applicable:
- Goal 1 - Tackle the Climate Crisis



- Goal 4 - Ensure Clean and Healthy Air for All Communities
- Goal 5 - Ensure Clean and Safe Water for All Communities
- Goal 6 - Safeguard and Revitalize Communities; and
- Goal 7 - Ensure Safety of Chemicals for People and the Environment

Refer to the [EPA Strategic Plan](#).

- 2.3 **CBO Experience and Commitment:** Applications should describe the following for the Lead Applicant and / or Statutory Partner for the proposed grant:
- Their history and experience as a CBO.
  - The depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.
- 2.4 **Programmatic and Managerial Capability and Resources:** Applications should provide information demonstrating the Lead Applicant's and Statutory Partner's ability to successfully complete, oversee, and manage the award including:
- Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application).
  - Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period.
  - Their financial stability, controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls to be in place for project oversight and to manage program risk. This includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse, by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections), and risk management.
  - A projected milestone schedule for the proposed projects (up to three years) with a breakout of the project activities into phases with associated tasks and timeframes for completion of tasks, including the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable.
- 2.5 **Past Performance:** Describe federally funded and / or non-federally funded assistance agreements (assistance agreements include grants and cooperative agreements but not contracts) that the Lead Applicant performed within the last three years (no more than three agreements in total) and provide the information below for them. EPA agreements are preferred to be included.
- Describe whether, and how, the Lead Applicant was able to successfully complete and manage the agreements.
  - Describe the history of the Lead Applicant in meeting the reporting requirements under the agreements including submitting acceptable final technical reports.

- Describe how the Lead Applicant documented and / or reported on whether progress towards achieving the expected results (i.e., outputs and outcomes) under those agreements was being made. If progress was not made, please indicate whether, and how, that was documented.

Note: In evaluating the Lead Applicant's past performance, the Agency will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and / or from current and prior federal agency grantors (e.g., to verify and / or supplement the information provided by the applicant). If there is no relevant or available past performance information, please indicate this in the application, and you will receive a neutral score for these factors under Section V. Failure to provide any past performance information, or to include a statement that you do not have any relevant or available past performance or reporting information, may result in a zero score for these factors (see also Section V).

**Part 3. Feasibility, Sustainability, and Budget:** Provide the following information:

- 3.1 **Feasibility:** Demonstrate that all the projects in the application can be successfully and effectively performed within the three-year grant period of performance, and the degree of risk that they cannot be. This includes describing how the strategies and associated projects can individually and collectively be completed within three years.
- 3.2 **Sustainability:** Demonstrate the extent to which the benefits and outcomes from the projects can be sustained after the three-year grant period of performance based on factors including but not limited to whether (i) the applicant will leverage funding and / or resources from other sources to ensure the sustainability of the projects beyond the three-year grant term and (ii) the description of an operations and maintenance approach including plans and commitments to ensure there is continued funding available for operation and maintenance activities of infrastructure activities for the projects after the grant term is over (e.g., are there demonstrated commitments for continuing operation and maintenance funding / resources from the appropriate parties after the three year grant term is over) including coordination with appropriate responsible parties.
- 3.3 **Program Budget Description:** Provide a detailed budget description and estimated funding amounts for each project component / task similar to that on the budget found in SF-424A, which includes the EPA funding requested to be expended over the three-year period of performance. This section provides an opportunity for a narrative description of the budget or aspects of the budget found in the SF-424A. In the description, explain how the budget is reasonable to accomplish the projects, and the cost-effectiveness of the budget in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs).

Note: A template to depict the program budget description is included as Appendix G and may be used to supplement the budget description in the Project Narrative. Applicants that do not use the template will not be penalized and applicants can convey the information in other forms. While the program budget description is part of the Project Narrative page limit, the template is not part of the page limit for the Project Narrative and will not count against the 20-page Project Narrative page limit for Track I applications.

C. Track I Application Attachments. These attachments must be submitted with the application as stated in Section IV.A.4 above and are not part of the Project Narrative described above. Please note any page limits that apply to these attachments.

- Project Area Map (Attachment D). Submit a Project Area Map as described in Appendix A.
- Community Engagement and Collaborative Governance Plan (Attachment E). Applications must include a Community Engagement and Collaborative Governance Plan that should address the elements of the plan as described in [Section I.G](#). This plan cannot exceed 10 pages (excess pages will not be reviewed).
- Community Strength Plan (Attachment F). Applications must include a Community Strength Plan that should address the elements of the plan as described in [Section I.G](#). This plan cannot exceed 5 pages (excess pages will not be reviewed).
- Readiness Approach (Attachment G). Applicants must demonstrate, based on the Readiness Approach Requirements described in [Section I.G](#), their ability and readiness to proceed with grant performance for the projects in the application upon receiving an award, and generally no later than 120 days after award, in order to ensure that the projects can be completed within the statutory three-year grant period. As appropriate, this may include a description of the completed project planning and design phases related to the project(s) as well as demonstrating that the applicant has obtained and / or complied with the necessary approvals, permits, permissions, and any other applicable requirements, to commence project performance upon award, and if not their plan for doing so within 120 days of award. There is no page limit for this information, but applicants should be as concise as possible.
- Compliance Plan (Attachment H). Applications must include a Compliance Plan as described in [Section I.G](#) that does not exceed 5 pages (excess pages will not be reviewed).

## **Track II Application Requirements**

Track II applications include a Project Narrative with two sections as identified below: (A) Executive Summary and (B) Project Workplan. Together these cannot exceed 15 pages as described above.

### **Section A. Executive Summary**

The Executive Summary should contain the elements below and should not exceed two pages.

- **Application Title:** Provide a name for the application.
- **Lead Applicant:** Name of the organization applying.
- **Statutory Partner to the Lead Applicant:** Name of the Statutory Partner.
- **Contact Information:** Include a name, title, email address, and phone number for key personnel for Lead Applicant, Statutory Partner.
- **Eligibility:** Describe how the Lead Applicant and Statutory Partner meet the eligibility requirements in [Section III.A](#) of the NOFO.
- **Disadvantaged Community to benefit from the projects:** Identify and describe the disadvantaged communities, as defined in Appendix A, intended to benefit from the projects in the application.
- **Grant Award Period and Completion:** Provide estimated beginning and ending dates for the period of performance for your proposed grant. Given the requirement under CAA § 138(b)(1) that



all grants must be completed within three years, all applications must state how the projects in the application can be completed within three years of award.

- **EPA Funding Requested:** See award sizes specified in [Section II.A.](#)
- **Other Sources of Funding** Briefly explain, to the extent you can, whether funding for the projects in your application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and, if so, your reasons for seeking funding for these projects under this NOFO. Please also note the Duplicate Funding clause included in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO and referenced in Section [V.E.](#)
- **Resubmission Status:** Specify if the application is for a resubmission of a previously submitted and reviewed application. If so, please identify the date of the original submission and date of EPA debriefing of the previously submitted application (See Section II.C for further information on the resubmission process).

## **Section B. Project Workplan**

### **1. Track II Program Objectives:** Applications should describe the following:

- How the application addresses the Track II objectives identified in [Section I.H.](#)
- What methods, tools, and trainings the applicant will use to facilitate the engagement of disadvantaged communities in state and Federal advisory groups, workshops, rulemakings, and / or other public processes, including local, Tribal, and other governmental processes, related to environmental and climate justice.
- How the application addresses the disadvantaged community's lack of access to, or weak relationships with, governmental entities, including how the application improves those relationships, increases points of access for disadvantaged communities with government entities, and creates channels to work cooperatively to promote environmental and climate justice
- How the application will result in governmental entities better understanding the root causes of environmental and climate justice issues that impact disadvantaged communities, so government leaders and decision-makers are better prepared to proactively address concerns before issues materialize.

### **2. Project Collaboration and Participation:** Applications should describe the following:

- How meaningful input and feedback was considered from the disadvantaged community and other stakeholders in designing and developing the project and how input will continue to be obtained and considered during grant performance.
- The facilitation and accountability measures to establish and maintain trust between the disadvantaged community and government officials to ensure the community can collaborate in an authentic and meaningful way, rather than an insincere manner, on environmental and climate justice issues with governmental bodies.
- The applicant's and any Collaborating Entities' history of relationships and collaborations with disadvantaged communities, governmental bodies, and other stakeholders to address environmental and environmental / climate justice issues.

### **3. Project linkages:** Applicants should describe how their application supports and advances [EPA Strategic Plan](#) Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).

4. **Program Budget Description:** Provide a detailed budget description and estimated funding amounts for each project component / task similar to that on the budget found in SF-424A, which includes the EPA funding requested to be expended over the three-year period of performance. This section provides an opportunity for a narrative description of the budget or aspects of the budget found in the SF-424A. In the description, explain how the budget is reasonable to accomplish the projects, and the cost-effectiveness of the budget in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs).

Note: A template to depict the program budget description is included as Appendix G and may be used to supplement the budget description in the Project Narrative. Applicants that do not use the template will not be penalized and applicants can convey the information in other forms. While the program budget description is part of the Project Narrative page limit, the template is not part of the page limit for the Project Narrative and will not count against the 15-page Project Narrative page limit for Track II applications.

5. **Environmental Results:** Applicants should describe the following:
- Their plan, with associated timeframes, for tracking and measuring their progress in achieving the expected project outcomes and outputs for Track II applications. See [Section I.I and Appendix F](#) for more detail on expected outputs and outcomes.
  - Whether and how the projects and their outcomes are sustainable beyond the three-year grant period, and how they will leverage resources, community support, etc. to facilitate this. The quality and specificity of the proposed outputs and outcomes, and how they will lead to the success of the grants, should also be addressed.
6. **CBO Experience and Commitment:** Applicants should describe the following for the Lead Applicant and / or Statutory Partner for the proposed grant:
- Their history and experience as a CBO.
  - The depth of their commitment, historical connections, and relationships with the disadvantaged community the application is intended to benefit.
7. **Programmatic and Managerial Capability and Resources:** Provide information demonstrating the Lead Applicant's and Statutory Partner's ability to successfully complete, oversee, and manage the award including:
- Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application).
  - Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period.
  - Their milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable.
  - Their legal and financial controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and

abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections).

8. **Past Performance:** Describe federally funded and / or non-federally funded assistance agreements (assistance agreements include grants and cooperative agreements but not contracts) that the Lead Applicant performed within the last three years (no more than three agreements in total) and provide the information below for them. EPA agreements are preferred to be included.
- Describe whether, and how, the Lead Applicant was able to successfully complete and manage the agreements.
  - Describe the Lead Applicant's history of meeting the reporting requirements under the agreements including submitting acceptable final technical reports.
  - Describe how the Lead Applicant documented and / or reported on whether progress towards achieving the expected results (i.e., outputs and outcomes) under those agreements was being made. If progress was not being made, please indicate whether, and how, this was documented.

Note: In evaluating the Lead Applicant's past performance, the Agency will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and / or from current and prior federal agency grantors (e.g., to verify and / or supplement the information provided by the applicant). If there is no relevant or available past performance information, please indicate this in the application, and you will receive a neutral score for these factors under Section V. Failure to provide any past performance information, or to include a statement that you do not have any relevant or available past performance or reporting information, may result in a zero score for these factors (see also Section V).

### C. Informational Webinars and Application Assistance

EPA will host and/or participate in a series of webinars about this NOFO while it remains open for application submission. EPA will post information about the webinars, schedule for webinars, as well as additional information about this NOFO (e.g., frequently asked questions, technical assistance) on the [Inflation Reduction Act Community Change Grants Program](#) page. A recording of each webinar will be posted at the link above along with presented materials.

In addition, EPA's technical assistance contractor may host webinars related to the NOFO and information on that will be posted on their [website](#).

Please note that in accordance with [EPA's Policy for Competition of Assistance Agreements](#), EPA Order 5700.5A1, EPA staff will not meet with individual applicants to discuss draft applications, provide informal comments on draft applications, or provide advice to applicants on how to respond to evaluation criteria. Please note, however, that as stated in Section I, technical assistance will be available to eligible applicants for help with this NOFO.

Applicants are responsible for the contents of their applications. However, consistent with the provisions in the NOFO, EPA will respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the application, and requests for clarification about this NOFO.

## Section V. Application Review Information

[\(back to the Table of Contents\)](#)

Note: Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

#### A. Threshold Eligibility Review Process

All applications will be evaluated for threshold eligibility purposes based on the threshold eligibility criteria described in [Section III.D](#).

#### B. Review Panel and Evaluation Process

All applications that pass the threshold eligibility review process will be evaluated and scored by review panels, on a rolling basis, using the track-specific evaluation criteria and processes described below. Review panels will be comprised of EPA staff and / or external reviewers. See below for additional detail about the evaluation criteria and processes for each track.

#### C. Track I Application Review Process and Evaluation Criteria

All eligible Track I applications (including those for the TIAs described in [Section II.B](#)) will be evaluated, on a rolling basis, based on the 155 point scale described below.

##### Track I Application Criteria

| Section                                                              | Possible Points |
|----------------------------------------------------------------------|-----------------|
| <b>Part 1. Community Driven Investments for Change</b>               | <b>80 total</b> |
| 1.1 Community Overview                                               | 10              |
| 1.2 Selected Strategies                                              | 45              |
| 1.3 Community Engagement and Collaborative Governance Plan           | 15              |
| 1.4 Community Strength Plan                                          | 10              |
| <b>Part 2. Program Management, Capability, and Capacity</b>          | <b>35 total</b> |
| 2.1 Performance Management Plan, Outputs / Outcomes                  | 6               |
| 2.2 Project Linkages to the EPA Strategic Plan                       | 4               |
| 2.3 CBO Experience and Commitment                                    | 5               |
| 2.4 Programmatic and Managerial Capability and Resources             | 15              |
| 2.5 Past Performance                                                 | 5               |
| <b>Part 3. Readiness to Perform, Feasibility, and Sustainability</b> | <b>40 total</b> |
| 3.1 Readiness Approach                                               | 8               |
| 3.2 Feasibility                                                      | 9               |
| 3.3 Sustainability                                                   | 5               |
| 3.4 Program Budget Description                                       | 8               |
| 3.5 Compliance Plan                                                  | 10              |
| <b>TOTAL</b>                                                         | <b>155</b>      |

##### Evaluation Criteria for Track I Applications (155 points total)

##### **Part 1. Community Driven Investments for Change (80 points total)**



## 1.1 Community Vision Description (10 points)

- **Community Description:** Applications will be evaluated based on their description of the Project Area including its resources, assets, and local characteristics, as well as how the project activities in the Project Area are designed and focused to maximize benefits for the residents of disadvantaged communities in the Project Area. Please note that in evaluating applications under this criterion, EPA will evaluate the extent and quality to which project benefits will accrue to the residents of the disadvantaged communities in the Project Area, as defined in Appendix A, in an impactful manner. (4 points)
- **Community Challenges:** Applications will be evaluated based on how well they describe the challenges and needs the residents of the disadvantaged communities in the Project Area, as defined in Appendix A, are facing, including climate impacts, climate change risks / exposures, and / or localized pollution, and the impact these challenges have on priority populations within the Project Area who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities or susceptibilities to the impacts of environmental pollution. See footnote 3 for more information on priority populations. (3 points)
- **Community Vision:** Applications will be evaluated based on the quality and extent to which they articulate an overall and clear vision for the impacts and benefits the grant would have on the residents of the disadvantaged communities in the Project Area as defined in Appendix A in the near and long term. (3 points).

## 1.2 Selected Strategies (45 points)

- **Strategy Overview (15 points).** Applications will be evaluated based on the quality and extent to which they:
  - Provide an overview of the strategies and associated projects and describe how they will be implemented during the grant term. (5 points)
  - Describe how the strategies and associated projects in the application are integrated and / or designed to complement each other to benefit the residents of the disadvantaged communities in the Project Area, and how the scale and scope of the Project Area was developed to accomplish this. (7 points)
  - Explain how the amount / proportion of the requested funding was determined for each strategy and aligned project in the application. (3 points)
- **Climate Action Strategies (15 points).** Applications will be evaluated based on the quality and extent to which they:
  - Describe how the associated projects will address the identified climate impacts and / or climate change risk(s) / exposure(s) within the Project Area, and especially those facing residents of disadvantaged communities in the Project Area as defined in Appendix A and explain how the project(s) will decrease GHG emissions within the Project Area and / or increase overall Project Area resilience to current and anticipated climate impacts. (8 points)
  - Describe how the selected Climate Action Strategies and associated projects help meet the needs and challenges of the Project Area as articulated in the Community Vision Description. (7 points)
- **Pollution Reduction Strategies (15 points).** Applications will be evaluated based on the

quality and extent to which they:

- Describe how the associated project(s) will address the identified localized pollution challenges facing the Project Area, and especially the residents of disadvantaged communities within the Project Area as defined in Appendix A, and will make substantial and measurable (i.e., quantifiable) progress towards preventing, reducing, and / or mitigating existing and future sources of pollution to benefit the Project Area. (8 points)
- Describe how the selected Pollution Reduction Strategies help meet the needs and challenges of the Project Area as articulated in the Community Vision Description. (7 points)

**1.3 Community Engagement and Collaborative Governance Plan (15 points):** The Community Engagement and Collaborative Governance Plan described in Section I.G will be evaluated based on the quality and extent to which it demonstrates:

- **Past Community Outreach and Engagement Conducted:** How the applicant's past engagement with the Project Area community impacted the Strategy and associated project selection and implementation approach included in the application, including the outreach and engagement methods used for the Project Area and specific neighborhoods or groups within the Project Area. (4 points)
- **Community Engagement Plan Implementation:** The specific community engagement methods used by the applicant, as well as how they will mitigate barriers and involve relevant governmental stakeholders necessary to support overall project implementation. (6 points)
- **Collaborative Governance Structure:** The details regarding the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents and / or community-selected representatives for implementing, managing, and overseeing the application's project activities, including how regularly they will meet to discuss project implementation. (5 points)

**1.4 Community Strength Plan (10 points):** The Community Strength Plan as described in Section I.G will be evaluated based on the quality and extent to which it demonstrates:

- **Maximizing Economic Benefits of Projects:** How the projects included in the application are intended to provide economic benefits for individuals in the Project Area, including priority populations as defined in footnote 3. (5 points)
- **Displacement Avoidance:** The measures for mitigating potential near-term and long-term risks associated with the proposed projects to residents, small businesses, nonprofits, and other community members, the vulnerability the community faces to rising costs attributable to their proposed project, and the potential project impacts to households, small businesses, and other existing groups. (5 points)

**Part 2. Program Management, Capability, and Capacity (35 points total)**

**2.1 Performance Management Plan and Outputs / Outcomes (6 points):** Applications will be evaluated based on:

- Whether the application describes an effective plan, with associated timeframes, for tracking and measuring progress in achieving the expected project outcomes and outputs including those identified in Appendix F, as appropriate, and any additional ones identified in the application. (2 points)
- The quality and specificity of the proposed outputs and outcomes and how they will lead to improvements to the environmental conditions and public health of the disadvantaged communities in the short and long term. (2 points)
- Whether, and how, the applicant has incorporated program evaluation activities (e.g., utilizing proper evaluation tools and personnel / organizations with experience in evaluating program and project progress / success) from project initiation through project completion to meaningfully document and measure their progress towards achieving project goals and how they will use the results of the evaluations to meet the project goals within the required timeframes. (2 points)

**2.2 Project Linkages to the EPA Strategic Plan (4 points):** Applications will be evaluated based on the extent and quality to which the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).

In addition, applications, depending on the projects included in them, will also be evaluated based on the quality and extent to which they also support and advance the following EPA Strategic Plan Goals as applicable:

- Goal 1 - Tackle the Climate Crisis
- Goal 4 - Ensure Clean and Healthy Air for All Communities
- Goal 5 - Ensure Clean and Safe Water for All Communities
- Goal 6 - Safeguard and Revitalize Communities; and
- Goal 7 - Ensure Safety of Chemicals for People and the Environment

**2.3 CBO Experience and Commitment (5 points):** The CBO(s) that are either the Lead Applicant and / or Statutory Partner for the proposed grant will be evaluated based on their history and experience as a CBO and the depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.

**2.4 Programmatic and Managerial Capability and Resources (15 points):** The Lead Applicant and Statutory Partner will be evaluated based on their ability to successfully complete, oversee, and manage the award considering:

- Their organizational experience and capacity related to performing the proposed project(s) or similar activities (e.g., experience in managing projects and activities like those in the application). (4 points)
- Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period (4 points)



- The milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable. (3 points)
- Their financial stability, controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections). (4 points)

**2.5 Past Performance (5 points):** The Lead Applicant will be evaluated based on their ability to successfully complete and manage the proposed projects considering their:

- Past performance in successfully completing and managing the assistance agreements identified in response to [Section IV.B](#). (3 points)
- History of meeting the reporting requirements under the assistance agreements identified in response to [Section IV.B](#) including whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements and if such progress was not being made whether the applicant adequately reported why not. (2 points)

Note: The focus of this criterion is on the Lead Applicant's past performance and not that of any other Collaborating Entities or contractors / consultants who may be assisting the applicant with performance of the award. In evaluating the Lead Applicant under these factors, EPA will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and from current / prior grantors. If the Lead Applicant does not have any relevant or available past performance related to federal or non-federal grants, this should be stated explicitly in the application (e.g., our organizations have no relevant past grants experience). Including this statement will ensure you receive a neutral score for these factors (a neutral score is half of the total points available in a subset of possible points). Failure to include this statement may result in your receiving a score of 0 for these factors.

**Part 3. Readiness to Perform, Feasibility, and Sustainability (40 points total):**

- 3.1 Readiness Approach (8 points):** Applications will be evaluated based on the applicant's ability and readiness to proceed with grant performance for the projects in the application, based on the Readiness Approach Requirements described in [Section I.G](#), upon receiving an award, or generally no later than 120 days after award, to ensure that the projects can be completed within the statutory three-year grant period. As appropriate, this may include evaluating the description of the completed project planning and design phases related to the project(s) as well as demonstrating that the applicant has obtained and / or complied with the necessary approvals, permits, permissions, and any other applicable requirements, to commence project performance upon award, and if not generally within 120 days of award.
- 3.2 Feasibility (9 points):** Applications will be evaluated based on whether it is demonstrated that all the projects in the application can be successfully and effectively performed within the three-year grant period of performance, and the degree of risk that they cannot be. This includes also

evaluating how the strategies and associated projects can individually and collectively be completed within three years.

- 3.3 Sustainability (5 points):** Applications will be evaluated based on whether it is demonstrated that the benefits and outcomes from the projects in the application can be sustained after the three-year grant period of performance based on factors including but not limited to whether (i) the Applicant will leverage funding and / or resources from other sources to ensure the sustainability of the projects beyond the three-year grant term and (ii) the description of an operations and maintenance approach including the plans and commitments to ensure there is continued funding available for operation and maintenance activities of infrastructure activities for the projects after the grant term is over (e.g., are there demonstrated commitments for continuing operation and maintenance funding / resources from the appropriate parties after the three year grant term is over) including coordination with appropriate responsible parties.
- 3.4 Program Budget Description (8 points):** The program budget will be evaluated based on:
- The reasonableness of the budget and allowability of the costs for each component / activity of the projects in the application. This includes evaluating whether funding is well balanced and equitably distributed to project partners, including sub-awardees, commensurate with their role in the project, and whether funding is categorized into the proper budget categories providing clarity, accuracy, and granularity on the applicant's planned use of the grant funds during the project period. (4 points)
  - The cost effectiveness of the budget / project in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs to the greatest extent practicable). (4 points)
- 3.5 Compliance Plan (10 points):** Applications will be evaluated based on the quality and extent to which the Compliance Plan addresses the elements for the Compliance Plan described in [Section I.G.](#)

#### D. Track II Application Review Process and Evaluation Criteria

All eligible Track II applications will be evaluated, on a rolling basis, based on a 100-point scale using the criteria specified below.

##### Evaluation Criteria for Track II Applications

Track II applications will be evaluated using the criteria below on a 100-point scale.

##### Track II Evaluation Criteria

| Section                                    | Possible Points |
|--------------------------------------------|-----------------|
| 1. Program Objectives                      | 35              |
| 2. Project Collaboration and Participation | 20              |
| 3. Project Linkages                        | 4               |
| 4. Budget                                  | 8               |
| 5. Environmental Results                   | 6               |

|                                                                |            |
|----------------------------------------------------------------|------------|
| <b>6. CBO Experience &amp; Commitment</b>                      | <b>5</b>   |
| <b>7. Programmatic and Managerial Capability and Resources</b> | <b>16</b>  |
| <b>8. Past Performance</b>                                     | <b>6</b>   |
| <b>TOTAL</b>                                                   | <b>100</b> |

1. **Track II Program Objectives (35 points):** Applications will be evaluated based on the quality and extent to which they demonstrate:
  - How the project(s) in the application address the Track II objectives identified in Section I.H. (10 points)
  - The methods, tools, and trainings, the applicant will use to facilitate the engagement of disadvantaged communities in state and Federal advisory groups, workshops, rulemakings, and / or other public processes, including local, Tribal, and other governmental processes, related to environmental and climate justice. (10 points)
  - How the project(s) in the application address and improve the disadvantaged community's lack of access to, or weak relationships with, governmental entities and changes those relationships to increase points of access for disadvantaged communities with government to work cooperatively to promote environmental and climate justice. (8 points)
  - Will result in governmental entities better understanding the root causes of environmental and climate justice issues that impact disadvantaged communities, so the communities are better prepared to proactively address them before the issues materialize. (7 points)
2. **Project Collaboration and Participation (20 points):** Under this criterion, applications will be evaluated based on the quality and extent to which they:
  - Demonstrate that meaningful input and feedback was considered from the disadvantaged community and other stakeholders in designing and developing the applications and how feedback / input will continue to be obtained and considered during grant performance. (10 points)
  - Describe the facilitation and accountability measures to establish and maintain trust between the disadvantaged community and government officials to ensure the community can collaborate in a meaningful manner on environmental and climate justice issues with governmental bodies. (5 points)
  - Demonstrate the applicant's and Collaborating Entities relationships and history of collaborations with disadvantaged communities, governmental bodies, and other stakeholders to address environmental and environmental / climate justice issues. (5 points)
3. **Project linkages (4 points):** Applications will be evaluated based on the extent and quality to which the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).
4. **Budget (8 points):** Under this criterion, applicants will be evaluated based on:

- The reasonableness of the budget and allowability of the costs for each component / activity of the project and their approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner to comply with the statutory 3-year project period limitation. (4 points)
  - The cost effectiveness of the budget / project in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs to the greatest extent practicable). (4 points)
5. **Environmental Results (6 points):** Applications will be evaluated based on the quality and extent to which:
- They describe an effective plan, with associated timeframes, for tracking and measuring their progress in achieving the expected project outcomes and outputs for Track II applications including those identified in Appendix F. (2 points)
  - They demonstrate that the project can ensure sustainability of outcomes beyond the three-year grant period, and how they will leverage resources, community support, etc. to facilitate this. (2 points)
  - The quality and specificity of the proposed outputs and outcomes, and how they will lead to the success of the grants, are described. (2 points)
6. **CBO Experience and Commitment (5 points):** The CBO(s) that are either the Lead Applicant and / or Statutory Partner for the grant will be evaluated based on their history and experience as a CBO and the depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.
7. **Programmatic and Managerial Capability and Resources (16 points):** The Lead Applicant and Statutory Partner will be evaluated based on their ability to successfully complete, oversee, and manage the award considering:
- Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application). (4 points)
  - Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period. (4 points)
  - The milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable. (3 points)
  - Their legal and financial controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and

program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections). (5 points)

8. **Past Performance (6 points total):** The Lead Applicant will be evaluated based on their ability to successfully complete and manage the proposed projects considering their:

- Past performance in successfully completing and managing the assistance agreements identified in response to Section IV. (3 points)
- History of meeting the reporting requirements under the assistance agreements identified in response to Section IV including whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements and if such progress was not being made whether the applicant adequately reported why not. (3 points)

The focus of this criterion is on the Lead Applicant's past performance and not that of any other Collaborating Entities or contractors / consultants who may be assisting the applicant with performance of the project. In evaluating the Lead Applicant under these factors, EPA will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and from current / prior grantors. If you do not have any relevant or available past performance related to federal or non-federal grants, you should state this explicitly in your application (e.g., our organization has no relevant past grants experience). Including this statement will ensure you receive a neutral score for these factors (a neutral score is half of the total points available in a subset of possible points). Failure to include this statement may result in your receiving a score of 0 for these factors.

## E. Final Selection Process and Other Factors

The Selection Official will make the final selection recommendations for Track I and II applications based on the evaluation criteria and process described above on a rolling basis. In addition, in making the final selection recommendations for award, the Selection Official may also consider any of the "other" factors below.

Further, as noted in Sections I.G and II.A, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training project(s) as described in Section I.G. In addition, as noted in Sections II.B and Appendix H, EPA anticipates making a minimum of five awards for high-ranking applications under the Target Investment Area A-Tribes in Alaska (projects benefitting Alaska Tribal lands) that include projects to assess and/or clean up lands conveyed under the Alaska Native Claims Settlement Act that were contaminated at the time of their conveyance from the federal government to an Alaska Native Corporation.

In making the final selection recommendations for award, the Selection Official may consider any of the following "other factors":

1. Geographic diversity to promote a mix of high-scoring applications benefitting disadvantaged communities located in urban, rural, or remote areas, different regions of the country, territories, as well as the geographical nature or impact of the project(s).



2. Program priorities- how the application supports and advances EPA and OEJEER's goals and priorities, including those in EPA's Strategic Plan that focus on environmental climate and justice issues. This may also include considering how the application promotes Community Change Grant program objectives, the depth and extent of community involvement in project development and implementation, the extent and quality to which the project activities will provide impactful benefits to the residents of disadvantaged communities in the Project Area as defined in Appendix A rather than attenuated benefits spread out throughout a large Project Area, and the priority that the grants must be able to be successfully completed within three years to meet CAA § 138 statutory requirements.
3. Organizational diversity in terms of applicant type and size to ensure a broad representation of applicants receiving awards to improve program effectiveness and equity.
4. Whether the applicant is participating in a federal capacity building program as part of the Thriving Communities Network (please see complete list at [Federal Interagency Thriving Communities Network](#) or the [Rural Partners Network](#)).
5. Whether the projects support, advance, or complement funding related to [Community Disaster Resilience Zones \(CDRZs\)](#) as designated by FEMA.
6. The capacity and capabilities of Lead Applicants, who are selected for two awards under this NOFO, to successfully perform, manage, and oversee both grants within the three-year grant term and the risks posed by multiple awards to successful grant performance.
7. The extent to which the EPA funding may complement or be coordinated with other EPA funding or other Federal and / or non-Federal sources of funds / resources to leverage additional resources to contribute to the performance and success of the grant. This includes but is not limited to funds and other resources leveraged from businesses, labor organizations, non-profit organizations, education and training providers, and / or Federal, state, Tribal, and local governments, as appropriate.
8. Duplicate funding considerations as stated in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO. This includes considering whether funding for the projects in the application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and if so the applicant's reasons for seeking funding for these projects under this NOFO.
9. Consistent with the language in Section II.B and Appendix H for Target Investment Area A-Tribes in Alaska (projects benefitting Alaska Tribal lands), whether an application includes projects to assess and/or clean up lands conveyed under the Alaska Native Claims Settlement Act that were contaminated at the time of their conveyance from the federal government to an Alaska Native Corporation.
10. Availability of funds.

In addition, because the objectives of this NOFO are part of a government-wide effort to address environmental and climate justice concerns and challenges, information pertaining to proposed selection recommendations may be shared by EPA with other Federal, state, local, territorial, or Tribal governmental departments or agencies before final selections are made in order to determine whether potential selections under this NOFO: (1) are expected to be funded by another department or agency to minimize the possibility of duplicate funding, (2) could be affected by permitting, regulatory or other issues involving another department or agency, and / or (3) will complement or can be used to leverage funding and capacity-building by another department or agency to maximize value. Note that this process is separate from the Intergovernmental Review requirements in 40 CFR Part 29.

#### F. Anticipated Announcement and Federal Award Date

As stated in [Section II.C](#), applications will be reviewed and selected on a rolling basis and may be submitted through November 21, 2024. EPA announced initial selection decisions for awards in July 2024 and expects initial awards being made in November 2024.



## Section VI. Award Administration Information

*[\(back to the Table of Contents\)](#)*

Note: Additional provisions that apply to this section of the NOFO, including those related to responsibilities under civil rights laws, can be found in the [EPA Solicitation Clauses](#).

### A. Award Notification and Disputes

EPA anticipates that the first notification of selected applicants will be made via electronic mail in July 2024 and will continue to be done on a rolling basis. The notification will be sent to the original signer of the application, or the contact listed in the application. This notification, which informs the applicant that its application has been selected, is not an authorization to begin work. The official notification of an award will be made by the EPA Award Official. Applicants are cautioned that only a grants officer is authorized to bind the Government to the expenditure of funds; selection does not guarantee an award will be made. For example, statutory authorization, funding, readiness to perform projects, or other issues discovered during the award process may affect the ability of EPA to make an award to an applicant. The award notice, signed by a grants officer, is the authorizing document and will be provided through electronic mail. The successful applicant may be requested to prepare and submit additional documents and forms that must be approved by EPA before the grant can officially be awarded. The time between notification of selection and finalization of the award agreement can take up to 90 days or longer.

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005), which can be found at [Grant Competition Dispute Resolution Procedures](#). Copies of these procedures may also be requested by contacting the person listed in [Section VII](#) of the announcement. Note, the FR notice references regulations at 40 CFR Parts 30 and 31 that have been superseded by regulations in 2 CFR Parts 200 and 1500. Notwithstanding the regulatory changes, the procedures for competition-related disputes remain unchanged from the procedures described at 70 FR 3629, 3630, as indicated in 2 CFR Part 1500, Subpart E.

Non-profit applicants that are recommended for funding under this announcement are subject to pre-award administrative capability reviews consistent with Section 8b, 8c, and 9d of [EPA Order 5700.8: EPA's Policy on Assessing Capabilities of Non-Profit Applicants for Managing Assistance Awards](#). In addition, non-profit applicants selected for awards over \$200,000 may be required to fill out and submit to the grants management office EPA Form 6600.09, United States Environmental Protection Agency Administrative Capability Questionnaire with supporting documents as required in EPA Order 5700.8.

Depending on the projects in the grant award, EPA will impose programmatic terms and conditions to ensure successful and timely grant performance. In addition, if applicants have any questions about whether a proposed project cost is eligible or allowable, they should contact EPA for clarification prior to application submittal.

### B. Administrative and National Policy Requirements

Grantees will be subject to administrative and national policy requirements. Note that EPA plans to establish programmatic requirements in the terms and conditions of each grant agreement to implement these administrative and national policy, and other relevant, requirements, which will include but not be limited to: this award is subject to the requirements of the Uniform Administrative Requirements, Cost

Principles and Audit Requirements for Federal Awards; Title 2 CFR, Parts 200 and 1500. EPA also has programmatic regulations located in 40 CFR Chapter 1 Subchapter B.

A listing and description of general EPA regulations applicable to the award of assistance agreements is available on the [EPA Policies and Guidance for Grants](#) page.

**Readiness to Perform Requirements:** Following selection and before award, EPA may work with selected applicants to ensure that all approvals, requirements, permits, and permissions that are needed to begin performance will, if not already obtained or complied with, be resolved by the time of award, and if not generally within 120 days of award (unless extended by EPA). A term and condition may also state that EPA may terminate the award for the recipients' failure to meet these requirements.

**State / Territories Operation and Maintenance:** Because of their unique roles, State and territorial governments may receive subawards to help implement specific project activities such as an infrastructure project in which they own the land or where they have governmental technical expertise and staffing necessary to effectively implement activities of an infrastructure or other type of project. The terms of the EPA award will also require, if applicable, that state and territorial subrecipients commit to operation and maintenance funding for any infrastructure constructed or improved on land they own with funding available under the NOFO.

**Build America, Buy America Act (BABA):** Certain projects under this NOFO may be subject to the Buy America domestic content sourcing requirements under the Build America, Buy America (BABA) provisions of the Infrastructure Investment and Jobs Act (IIJA) (P.L. 117-58, §§ 70911-70917). These provisions apply when using Federal funds for the purchase of goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States. BABA requires that all iron, steel, manufactured products, and construction materials consumed in, incorporated into, or affixed to federally funded infrastructure projects must be produced in the United States. Please consider this information when preparing budget information and your application. The award recipient must implement these requirements in its procurements, and these requirements must flow down to all subawards and contracts at any tier. For more information, consult EPA's Build America, Buy America [website](#). When supported by rationale provided in the Infrastructure Investments and Jobs Act (IIJA) § 70914, the recipient may submit a BABA waiver request to EPA. The recipient should request guidance on the submission instructions of an EPA waiver request from their EPA Project Officer. A list of approved EPA waivers is available on the BABA website. In addition to BABA requirements, all procurements under grants may be subject to the domestic preference provisions of 2 CFR §200.322.

**Davis-Bacon and Related Acts (DBRA):** The Davis-Bacon and Related Acts (42 U.S.C. §§ 3141-3144) set labor standards, including prevailing wages and fringe benefits, and apply to most federally funded contracts for construction of public works. The DBRA labor standards and reporting requirements apply to construction projects assisted with grants authorized by the CAA, including this program, as provided in CAA § 314 (42 U.S.C. § 7614).<sup>16</sup> A term and condition specifying DBRA compliance requirements will be included in the grant agreement.

**Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA):** The URA applies to acquisitions of property and displacements of individuals and businesses that result from federally

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<sup>16</sup> EPA will use the definition of *Construction* in 40 CFR 33.103 to determine whether funding will be for a construction project. That definition defines *Construction* as “. . . erection, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other improvements to real property, and activities in response to a release or a threat of a release of a hazardous substance into the environment, or activities to prevent the introduction of a hazardous substance into a water supply.”

assisted programs. The URA and Federal Highway Administration's implementing regulations at 49 CFR Part 24 require grantees to follow certain procedures for acquiring property for grant purposes, such as notice, negotiation, and appraisal requirements. The statute and regulations also contain requirements for carrying out relocations of displaced persons and businesses, such as reimbursement requirements for moving expenses and standards for replacement housing. A term and condition specifying URA compliance requirements will be included in the grant agreement.

**National Historic Preservation Act (NHPA):** Section 106 of the NHPA requires all federal agencies to consider the effects of their undertakings, including the act of awarding a grant agreement, on historic properties. If NHPA compliance is required, necessary Section 106 consultation activities, such as historic or architectural surveys, structural engineering analysis of buildings, public meetings, and archival photographs, can be considered allowable and allocable grant costs. A term and condition specifying NHPA compliance requirements will be included in the grant agreement.

Note that Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. § 793(c)(1)) exempts all actions under the CAA from the requirements of NEPA (National Environmental Policy Act). This Section states: "No action taken under the Clean Air Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969." Therefore, as a grant program authorized under the CAA, NEPA will not apply to projects funded under the Community Change Grants.

**Justice40 Reporting:** The activities to be performed under the awards are expected to contribute to the President's goal that 40% of overall benefits of certain federal investments flow to disadvantaged communities (the Justice40 Initiative. See Section I.A). Recipients, therefore, will be expected to report on certain metrics to demonstrate to what extent the activities contribute to the 40% goal. A term and condition specifying reporting of metrics demonstrating the extent to which the grant's activities advance this 40% goal will be included in each grant agreement.

**Signage:** The activities to be performed under the awards are expected to publicize that they were funded by the U.S. Environmental Protection Agency and the Inflation Reduction Act (e.g., via signs at the place(s) of performance. The award will include appropriate terms and conditions about signage requirements.

**Environmental Justice Grant Applicant Database:** The Community Change Grants program strives to support as many CBOs that apply regardless of their ultimate success in receiving a grant, by, as appropriate 1) familiarizing applicants with federal grant application requirements, 2) sharing expectations and responsibilities of managing federal grants, 3) providing constructive feedback and recommendations on ways to strengthen unselected applications, 4) helping organizations build sustainability into projects so they continue to grow and develop after the project period is over, and 5) facilitating connections with other potential resources that can help organizations address community needs. To facilitate the achievement of these, all applicants who apply under this NOFO will be added to our Environmental Justice Grant Applicant Database.

**Reporting Requirements:** Grantees will be subject to both program performance as well as financial and administrative reporting requirements, as described below. Note that EPA will only collect reporting information from the Lead Applicant (rather than from any subrecipients), but each Lead Applicant may need to collect reporting information from subrecipients (e.g., Collaborating Entities, Statutory Partners) to meet these reporting requirements.

**Program Performance Reporting:** In accordance with 2 CFR § 200.329, each grantee will be subject to program performance reporting requirements. Reporting requirements effective during the period of

performance will be established in the grant agreement's terms and conditions, and reporting requirements effective after the period of performance will be established in a closeout agreement.

During the period of performance, EPA will require each grantee to submit quarterly performance reports within 30 days after the end of each reporting period (and with additional requirements every fourth quarterly report i.e., annually) as well as a final performance report within 90 days after the end of the period of performance. EPA will require that each grantee's chief executive officer or equivalent review and submit each of these reports. EPA will use information from these reports as part of program-wide public reporting, except to the extent such information includes confidential business information (CBI) or personally identifiable information (PII) pursuant to 2 CFR § 200.338.<sup>17</sup> Included below is information that EPA may require in these reports.

**Financial and Administrative Reporting Requirements:** Each grantee will be subject to financial and administrative reporting requirements, which will be included in the grant agreement's terms and conditions ([EPA's General Terms and Conditions](#)). These requirements will include, but not be limited to:

- **Federal Financial Report:** In accordance with 2 CFR § 200.328 and 2 CFR § 200.344, each grantee must submit the Federal Financial Report ([SF-425](#)) at least annually and no more frequently than quarterly. The frequency of reporting and report submission instructions will be specified in the terms and conditions.
- **Financial Records Retention:** In accordance with 2 CFR § 200.334, each grantee will be required to retain financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to the grant award for a period of three years from the date of submission of the final expenditure report. Additional record retention requirements on program income used after the end of the period of performance will be specified in close-out agreements.
- **MBE / WBE Utilization:** When required, each grantee must complete and submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report ([EPA Form 5700-52A](#)) on an annual basis.
- **Real Property Status Report:** In accordance with 2 CFR § 200.329, each grantee must submit a "Real Property Status Report" ([SF-429](#)) to report real property status or request agency instructions on real property that was / will be provided as Government Furnished Property (GFP) or acquired (i.e., purchased or constructed) in whole or in part under a federal financial assistance award.

### C. Audit Requirements

In accordance with 2 CFR § 200.501(a), each grantee will be required to obtain a single audit from an independent auditor, if the grantee expends \$750,000 or more in total federal funds in the grantee's fiscal year. Audits will be made public in accordance with the process described in 2 CFR § 200.512. The grantee must submit the form SF-SAC and a Single Audit Report Package within 9 months of the end of the grantee's fiscal year or 30 days after receiving the report from an independent auditor. The SF-SAC and a Single Audit Report Package **MUST** be submitted using the [Federal Audit Clearinghouse's Internet Data Entry System](#). In addition, each grantee may be subject to additional audit requirements, including but not limited to compliance requirements as part of any compliance supplement to the single audit.

### D. Remedies for Non-Compliance

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<sup>17</sup> Information claimed as CBI in accordance with this Notice will be disclosed only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B.



In accordance with 2 CFR § 200.208, 2 CFR § 200.339, and 2 CFR § 200.340, EPA is provided authority for multiple potential responses if a grantee violates the terms of the grant agreement.

#### E. Program Administration Activities

Under 2 CFR § 200.403 and other applicable provisions of 2 CFR Part 200, Subpart E, costs are allowable under federal awards so long as they are necessary and reasonable for the performance of the grant award. Under this NOFO, consistent with these regulations, program administration activities are allowable costs, with such activities supporting administration of the grant program. Program administration activities include (but are not limited to) conducting due diligence and underwriting financial transactions; establishing and convening advisory councils; conducting program performance and other reporting activities (e.g., expenditures for personnel and equipment to procure technology infrastructure and expertise for data analysis, performance, and evaluation); and supporting, monitoring, overseeing, and auditing subrecipients, contractors, and program beneficiaries.

#### F. Fraud, Waste, and Abuse Awareness

Recipients of awards under this NOFO need to be alert and sensitive to indicators of fraud, waste, and abuse regarding the use of federal funds under the award. Fraud generally is a false representation about a material fact and can be any intentional deception designed to unlawfully deprive the United States or the EPA of something of value or to secure for an individual a benefit, privilege, allowance, or consideration to which he or she is not entitled. Waste generally involves the taxpayers not receiving a reasonable value for money in connection with any government-funded activities due to an inappropriate act or omission. Most waste does not involve a violation of law; rather, waste relates primarily to mismanagement, inappropriate actions, and inadequate oversight. Abuse generally involves behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances. Abuse may also include misuse of authority or position for personal financial interests of those of an immediate or close family member or business associate. Abuse does not necessarily involve fraud or violation of laws, regulations or grant provisions. Indicators of fraud, waste, and abuse can be found on the EPA Office of Inspector General [website](#). Recipients should report any suspected fraud, waste, and / or abuse to the EPA Project Officer for the award or the EPA Office of Inspector General. Note that EPA Project Officers will refer matters to the EPA Office of Inspector General as appropriate.

#### G. Quality Management Plans (QMPs) & Quality Assurance Project Plans (QAPPs)

Quality assurance documentation is required for awards that involve environmental information operations. EPA Project Officers will work with all selected recipients on quality assurance (QA) requirements. Once the award is made, if a QMP and / or QAPP is required for the project, the applicant will develop the document and submit for EPA's approval. Selected applicants cannot begin environmental information operations until EPA approves the QMP and / or QAPP.

**Environmental Information Operations:** A collective term that encompasses the collection, production, evaluation, or use of environmental information and the design, construction, operation, or application of environmental technology. Environmental information includes data and information that describe environmental processes or conditions. Examples include but are not limited to: direct measurements of environmental parameters or processes, analytical testing results of environmental conditions (e.g., geophysical, or hydrological conditions), information on physical parameters or processes collected using environmental technologies, calculations or analyses of environmental information, information provided by models, information compiled or obtained from databases, software applications, decision support tools,

websites, existing literature, and other sources, and development of environmental software, tools, models, methods, and applications.

**Quality Management Plan (QMP):** The recipient may need to develop a QMP. The QMP describes an organization's Quality Program. Requirements for QMPs are found in the most recent version of EPA's [Quality Management Standard](#). A QMP documents the technical activities to be performed and how the program will integrate QA, quality control, QAPPs, training, etc., into all its environmental information operations.

**Quality Assurance Project Plans (QAPP):** The recipient may need to develop a QAPP(s). A QAPP describes how environmental information operations are planned, implemented, documented, and assessed during the life cycle of a project. Requirements for QAPPs are found in the most recent version of [EPA's Quality Assurance Project Plan Requirements / Standard Quality Assurance Project Plans \(QAPP\)](#). Quality assurance is sometimes applicable to assistance projects (see 2 CFR 1500.12). Quality assurance requirements apply to the collection of environmental data. Environmental data are any measurements or information that describe environmental processes, location, or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data include information collected directly from measurements, produced from models, and compiled from other sources, such as databases or literature. Once the award is made, if a Quality Assurance Project Plan is required for the project, the applicant will have to draft a QAPP prior to beginning work on the project. You must reserve time and financial resources in the beginning of your project to prepare your QAPP and include the cost for developing your QAPP in your Detailed Budget. Selected applicants cannot begin data collection until EPA approves the QAPP.

## Section VII. Contact Information

*[\(back to the Table of Contents\)](#)*

For information or questions about this NOFO, please email: [CCGP@epa.gov](mailto:CCGP@epa.gov)



## Appendix A. Definition of Disadvantaged Communities and Mapping Requirements

[\*\(back to the Table of Contents\)\*](#)

Applicants must demonstrate that the projects in their application would benefit a disadvantaged community. EPA is defining a disadvantaged community as one that meets at least one of the following criteria:

1. A geographically defined community designated as disadvantaged by the [EPA Disadvantaged Community Environmental and Climate Justice Program Map](#), which includes the following components:
  - a. EPA IRA Disadvantaged Communities 1.0 map
  - b. EPA IRA Disadvantaged Communities 2.0 map
  - c. Any area of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the U.S. Virgin Islands.
2. A community that falls into one of the following two categories:
  - a. A farmworker community comprised of individuals with no fixed work address, who travel from their permanent residence to work in agriculture on a temporary or seasonal basis and may relocate several times throughout the year. Applicants can demonstrate that a farmworker community is comprised of such individuals by submitting verification documentation from an authorizing governmental entity or through comparable means.
  - b. A Disadvantaged Unincorporated Community (DUC). For purposes of this NOFO, DUCs are generally defined as Census Designated Places<sup>18</sup> that lack fixed legally determined geographic boundaries and have certain common characteristics and conditions (e.g., the absence of adequate potable permanent water, adequate sewage systems, or acceptable housing). For example, all areas defined as Colonias by the U.S. Department of Housing and Urban Development (HUD),<sup>19</sup> and Colonias that are not defined by HUD but are identifiable on the “Colonias” layer in [EJScreen](#), are considered DUCs for purposes of this NOFO. In other cases, DUC status can be demonstrated through submitting localized data that represent similar characteristics. Applicants who seek funding for projects benefitting DUCs need to explain in their Project Narrative (e.g., in the Executive Summary) that the projects will either benefit Colonias as defined above or show how the projects otherwise meet the DUC criteria listed above, including demonstrating how the area to be benefitted is both unincorporated and shares “common characteristics and conditions” with DUCs as described above.

### **Project Area and Project Area Map for Track I Applications**

#### **Track I Applications**

For Track I applications to benefit geographically defined communities identified as disadvantaged communities on the [EPA Disadvantaged Community Environmental and Climate Justice Program Map](#).

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<sup>18</sup> [Census Designated Places](#) (CDPs) are statistical equivalents of incorporated places and represent unincorporated communities that do not have a legally defined boundary or an active, functioning governmental structure.

<sup>19</sup> [Colonias History – HUD Exchange](#).

applicants must identify the specific census block groups designated as disadvantaged communities that the projects and supporting activities will benefit by submitting to EPA one contiguous Project Area Map with an outlined boundary as instructed below. Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A and the other relevant parts of the NOFO, concentrated and compact Project Areas may maximize benefits to the residents of the census block groups designated as disadvantaged communities in the Project Area. Activities spread across large Project Areas may be more dispersed and less impactful to the residents of the census block groups designated as disadvantaged communities in the Project Area.

The Project Area Map should also reflect where each project submitted under the application is located within the Project Area. The Project Area may include multiple census block groups that are designated as a disadvantaged community by EPA as defined above, but the disadvantaged census block groups need not be fully contiguous with each other.

For Track 1 applications addressing farmworker communities or DUCs as defined above, applicants must submit a Project Area Map specifying where the communities and projects designed to benefit them are located. Applications addressing these communities are not required to submit a map showing census block groups designated as disadvantaged.<sup>20</sup>

All projects and activities should be located within the Project Area, except in cases where the project is located outside of the Project Area to address the localized pollution (or other) issue at the source, or where otherwise necessary to ensure and/or facilitate that disadvantaged communities as defined above will benefit from the project. One such example is if the project addresses water quality issues upstream to benefit a downstream disadvantaged community. While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects' primary benefits will flow to disadvantaged communities in the Project Area.

Applicants may submit a map generated in EPA's [EJScreen](#) tool. Applicants also have the option to submit a map in another geospatial format such as a shapefile (.shp), geodatabase (.gdb), or map service.

**The submitted Project Area Map should include the following:**

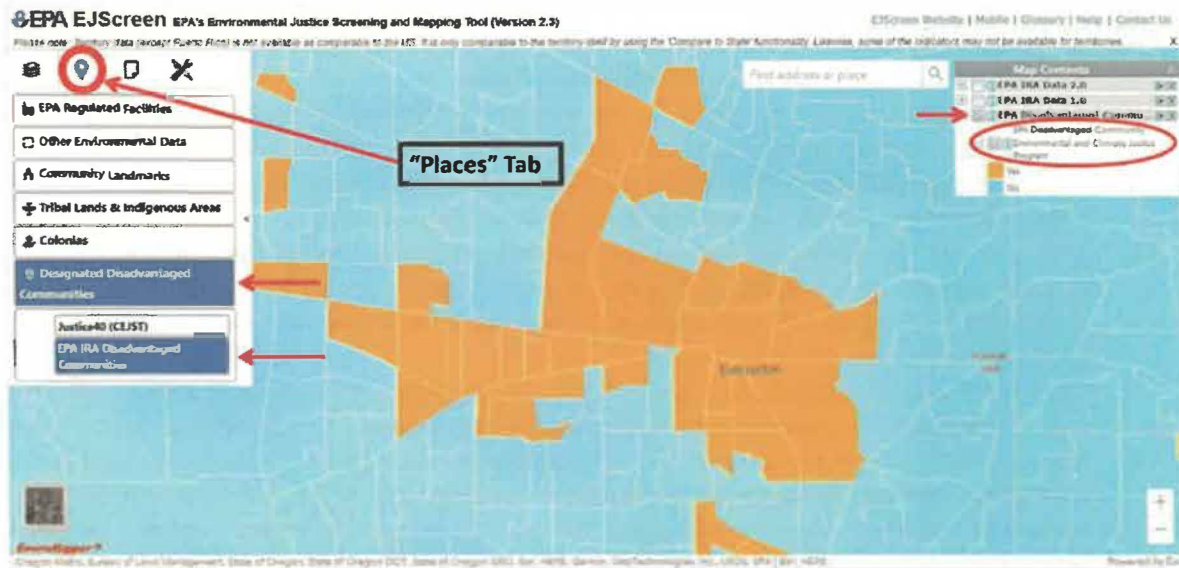
- a. The Project Area with an outlined boundary.
- b. The disadvantaged communities intended to benefit from the projects as identified on the [EPA Disadvantaged Community Environmental and Climate Justice Program Map](#).
- c. Main streets, landmarks, community assets (e.g., parks or play areas, schools, community centers), and/or any other attributes that may provide important context about the Project Area.
- d. Jurisdictional boundaries, including incorporated and unincorporated areas.

Note: While Track II applications are not required to submit a Project Area Map, they must still use the EPA Disadvantaged Community Environmental and Climate Justice Program Map layer in [EJScreen](#) to describe and identify in their application (e.g., Executive Summary) the disadvantaged communities as defined above that will benefit from the projects as required by Section III.D.

<sup>20</sup> However, applicants are encouraged to indicate in the relevant portion of the Executive Summary whether projects benefitting DUCs or farmworkers would also benefit areas identified as disadvantaged as described in #1.

## EPA's Disadvantaged Community Environmental and Climate Justice Program Map Availability

Within [EJScreen](#), the EPA Disadvantaged Community Environmental and Climate Justice Program Map can be found in the “Places” tab by clicking the “Designated Disadvantaged Communities” category and then “EPA IRA Disadvantaged Communities.” Please note, applicants must turn on the layer in the legend on the right of the screen. See screenshot below.



Please see the [video](#) that EPA's technical assistance contractor prepared that may be useful in helping to create a Project Area Map.

If you would like the data products and technical document associated with this map layer, please visit: [Inflation Reduction Act Disadvantaged Communities Map](#).

## Appendix B. Partnership Agreement between the Lead Applicant and Statutory Partner

*[\(back to the Table of Contents\)](#)*

To be eligible for funding, the Lead Applicant must include in the application a copy of a written and signed Partnership Agreement with the Statutory Partner that is legally binding. At a minimum, the Partnership Agreement must specify the following:

- Who will be the Lead Applicant and the Statutory Partner.
- The Lead Applicant is responsible for the overall management, performance, oversight, and reporting responsibilities under the grant, and for making subawards to Collaborating Entities.
- The Lead Applicant will be responsible for the receipt of federal funds from EPA and the proper expenditure of these funds and will bear liability for unallowable costs.
- The roles and responsibilities of the Lead and Statutory Partner for project activities and how disputes between them will be handled and resolved. Please note that EPA is not a party to the Partnership Agreement, and any disputes between the parties must be resolved under the law applicable to the Partnership Agreement.
- The Lead Applicant is responsible for compliance and legal issues, and managing risks associated with the project. It must also describe the procedures for replacing a Statutory Partner with another Statutory Partner, and for ensuring the replacement has the comparable expertise, experience, knowledge, and qualifications of the replaced Statutory Partner to ensure successful grant completion within 3 years. Replacement may be necessary for various reasons including performance issues. Note that replacement requires prior approval by an authorized EPA official pursuant to 2 CFR 200.308(c)(6).
- The Lead Applicant and Statutory Partner's agreement, if the proposed application is selected for award, to enter a subaward that complies with the subaward requirements in the grant regulations at 2 CFR 200.331 and in EPA's Subaward Policy and related guidance and that contains terms and conditions including those above.

## Appendix C. Climate Action Strategies and Associated Project Activities

(back to the Table of Contents)

Eligible project activities associated with each Climate Action Strategy identified in Section I.G. of the NOFO could include but are not limited to the following examples. Applicants may propose different activities as long as they are consistent with the applicable Climate Action Strategy as described in Section I.G of the NOFO and are eligible for funding under section 138(b)(2) of the Clean Air Act.

### **Strategy 1: Green Infrastructure and Nature-based Solutions**

Examples:

- **Building climate resilience and carbon sequestration through tree planting**
  - Mitigate urban heat islands through reflective surfaces and shade trees or other vegetation, including preparing planting sites and establishing and caring for trees and other vegetation.
  - Plant trees in public spaces.
  - Plant trees in sites that are strategically selected to shade buildings (i.e., planted within 60 feet of a building).
- **Multi-benefit stormwater projects**
  - Construct permeable surfaces, collection basins, rain gardens, bioswales and other green infrastructure.
  - Restore and / or protect wetlands.
  - Improve urban forest site(s) to create new or more functional planting locations for trees and other vegetation, such as bioswales, which contribute to:
    - Greening to protect and conserve community lands and water;
    - Watershed protection that supports sensitive wildlife habitat and enhances water access.; and / or
    - Replacement of concrete or pavement and restoring spaces to more natural conditions to restore water to the community, reduce flooding, and improve public greenspace.
- **Public parks and open spaces**
  - Create new parks or enhance / expand existing parks to provide climate resilience benefits like heat island reduction and flood mitigation or other demonstrable environmental benefits.
  - Green existing schoolyards to protect vulnerable populations by adding nature-based solutions.

### **Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience**

Examples:

- Construct new, expanded, or enhanced bikeways, walkways, or non-motorized urban trails that reduce vehicle miles traveled and related air pollution by providing safe routes for zero-emission travel between residences, workplaces, commercial and community centers, and schools.
- Implement “[Complete Streets](#)” projects to improve walkability, bike-ability, and transit use, including improved access for people with disabilities. projects to improve walkability, bike-ability, and transit use, including improved access for people with disabilities that reduce vehicle miles traveled and related air pollution.



- Implement climate resilience measures on bikeways or trailways such as raising the elevation or installing permeable pavers to reduce flooding or increasing shade coverage to mitigate extreme heat.
- Conduct the measurement, analysis, design, planning and engineering work necessary to submit a competitive application for state and / or federal funding that will fund large-scale improvements (larger than this competition is able to fund) to significantly reduce a community's Greenhouse Gas (GHG) emissions and / or improve climate resilience.
- Purchase, lease, or contract for the use of zero-emission vehicles for community car sharing, vanpooling, ride-sharing, and related mobility options.
- Purchase, construct, and / or install infrastructure, equipment, or facilities to create and / or support low or zero-emission transportation options.

**Guidelines:**

- Transportation projects that involve public transit or improvements to public property should include a governmental agency as a Collaborating Entity that will help perform and oversee the project.

**Strategy 3: Energy-Efficient, Healthy, Resilient Housing and Buildings**

**Examples:**

- Install energy efficiency measures such as insulation, double or triple glazed windows, "cool roofs" that reflect sunlight, and energy management systems in public buildings.
- Install ventilation systems to help improve indoor air quality during pollution-related events such as wildfires.
- Install or retrofit homes or multi-family housing with higher-efficiency electric heating, cooling, and cooking systems (e.g., heat pumps, heat pump water heaters, electric and induction stoves, electric clothes dryers).
- Reduce heat island effects by installing cool roofs on homes, multi-family housing, or public buildings.
- Implement other similar projects qualified under [HUD's Green and Resilient Retrofit Program \(GRRP\)](#). Note that applicants who have received or will receive HUD funding under this program must have internal controls in place to ensure that the same costs are not charged to more than one Federal grant.<sup>21</sup>

**Guidelines:**

- In their Project Narrative, applicants should describe how low-income residents will directly benefit from the project through lower costs and how residents will be trained on how to operate and maintain new technology and equipment, where applicable.
- For projects that will fund home or multi-family housing improvements, applicants should include details of their target tenants or homeowners, such as with those incomes at or below the greater of:
  - For Metropolitan Areas: (1) 80% Area Median Income (AMI) and (2) 200% of the Federal Poverty Level

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<sup>21</sup> Refer to 2 CFR 200.403(f).



- For Non-Metropolitan Areas: (1) 80% AMI; (2) 80% Statewide Nonmetropolitan Area AMI; and (3) 200% of the Federal Poverty Level
- Applicants may also target community housing (e.g., land bank, housing conservancy, cooperative, or other community-based nonprofit) or public housing for this strategy.
- Applicants should refer to the description of the Community Strength Plan in the NOFO, particularly the need to minimize the risks associated with displacing current residents due to EPA-funded investments for this strategy.

#### **Strategy 4: Microgrid Installation for Community Energy Resilience**

##### **Examples:**

- Construct microgrid infrastructure.
- Install microgrids with onsite renewable energy generation and storage.
- Install ancillary energy infrastructure necessary to support microgrids.
- Install other energy infrastructure for microgrid operations.

##### **Guidelines:**

- The application should include details that demonstrate the extent to which the microgrid will serve the target community, such as: that the microgrid will be used to ensure that reliable power is provided for any community-serving buildings or critical facilities during extreme weather emergencies or any weather-related outages; that the community lacks an external grid, and the microgrid will be used to meet local energy consumption needs during normal or “blue sky” conditions; or where an external grid is available, that the microgrid will be capable of interconnecting with that grid to meet peak energy consumption demands and increase grid reliability.

#### **Strategy 5: Community Resilience Hubs**

##### **Examples:**

- Assess the most acute climate risks facing a community (e.g., extreme heat, flooding, wildfire), identify where the community has gaps in its resilience strategy, then design a plan to mitigate specific risks by creating or upgrading community facilities to serve as resilience hubs that remain operable during an emergency.
- Purchase and install backup power equipment such as generators or onsite solar and storage at one or more resilience hubs.
- Implement structural and non-structural retrofits to enhance the resilience of the hub (e.g., raise the building elevation to reduce flood risk, improve cooling systems and / or insulation to reduce extreme heat risk).
- Implement wildfire mitigation measures such as retrofitting the hub to reduce flammability, creating a defensible space between the hub and its surrounding environment, and installing air filtration equipment to reduce the risks of smoke inhalation.
- Purchase and install communications devices that can operate even with loss of local power and telecommunications systems.

##### **Guidelines:**

- The resilience hubs should be operable during an emergency. Applicants are encouraged to develop plans that will help ensure the facility is operable, including an emergency communications plan,

plan for backup power during emergencies, and agreements and processes for activating the facility in the event of an emergency.

- The community resilience hub should be a community-convening space that provides climate resilience and related resources and services to community residents.
- Applicants should demonstrate how they will work with relevant emergency response organizations to maximize the efficacy and use of the resilience hub.

### **Strategy 6: Brownfields Redevelopment**

#### **Examples:**

- Build and / or upgrade existing structures and sites to improve community use while reducing GHG emissions and / or improving climate resilience.
- Implement greening efforts (tree-planting, park construction or renovations, community garden developments, etc.) that mitigate GHG emissions and / or improve climate resilience.
- Install low or zero emission energy infrastructure such as solar and storage.
- Conduct deconstruction and green demolition activities to support adaptive reuse or new construction. Applicants can refer to EPA's Climate Smart Brownfields Manual for information about green demolition activities.
- Acquire land to enable a brownfield redevelopment that has emissions mitigation and / or climate resilience benefits.

#### **Guidelines:**

- Redevelopment sites eligible for funding must be consistent with the federal definition of a Brownfield site in 42 U.S.C. 9601(39) as follows: a brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.
- Projects for adaptive reuse should explore and can leverage national and state historic preservation tax credits to maximize funding streams.<sup>22</sup>
- In order for a Brownfields Redevelopment project to be eligible, the applicant must demonstrate at time of application submission that all cleanup activities have been completed at the site and / or that cleanup activities are not necessary at the site for the intended use or reuse. This can be demonstrated by, for example, one of the following:
  - A completed Phase I Environmental Site Assessment with no recognized environmental conditions (RECs) at actionable levels;
  - A completed Phase II Environmental Site Assessment with sampling result levels below actionable levels;
  - Lead or asbestos building survey or equivalent environmental or building investigation to determine no likely sources of contamination or hazardous materials will be encountered on site that pose risks to the adjacent community or occupational health and safety risks to workers; or
  - No Further Action letter from the state or Tribal Brownfields response program.

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<sup>22</sup> See guidelines for [Tax Incentives for Preserving Historic Properties](#).

## Strategy 7: Waste Reduction and Management to Support a Circular Economy<sup>23</sup>

### Examples:

- Implement a community-scale composting program to reduce emissions from food waste that includes an educational campaign to inform Project Area residents about climate benefits of reducing food waste.
- Implement a community-scale recycling program.
- Reduce emissions from food waste by implementing programs that distribute unused food to project area residents.

### Guidelines:

- Where relevant, applicants should demonstrate that all inedible food scraps derived from projects are composted, and that other materials are diverted from landfills and support a circular economy.
- Where relevant, project activities should demonstrate how they are using EPA best practices related to the circular economy or other sources of guidance.<sup>24</sup> Resources include the [Planning for Natural Disaster Debris](#) guidance and [Sustainable and Resilient Communities Through Solid Waste Investments and Best Practices After Disasters](#).
- Applicants should consider EPA's ranking of [wasted food management pathways](#) and [EPA Waste Management hierarchy](#) for sustainable materials management.

## Strategy 8: Workforce Development Programs for Occupations that Reduce GHG Emissions and Air Pollutants

This strategy allows applicants to propose workforce development programs that will help reduce GHG emissions and other air pollutants to benefit disadvantaged communities.

This strategy allows applicants to propose workforce development programs for employment in fields that will help reduce GHG emissions and other air pollutants to benefit disadvantaged communities. A wide range of occupations support the reduction of GHG emissions and air pollutants. Because EPA cannot provide an exhaustive list of such occupations, applicants should describe how their workforce development program will support the reduction of GHG emissions or other air pollutants.

Examples of career pathways that may be part of a workforce development program include but are not limited to: electricians, steamfitters, pipefitters, laborers, and other skilled trades occupations that support building electrification, renewable energy projects, and other similar activities; occupations related to the manufacturing of low- and zero-emission technologies; careers in low- and zero-emissions transportation such as vehicle mechanics supporting electric vehicle technologies; community health and outreach workers that assist households in reducing their emissions and addressing sources of pollution; and other careers related to emissions reduction, such as methane mitigation or agricultural carbon mitigation. Applicants should describe how their workforce development program will support the reduction of GHG emissions or other air pollutants.

### Guidelines:

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<sup>23</sup> A circular economy is generally described as a model of production and consumption, which involves sharing, leasing, reusing, repairing, refurbishing, and recycling materials and products as long as possible and based on three main principles: eliminate waste and pollution, circulate products and materials, and regenerate nature.

<sup>24</sup> Refer to EPA's guidance on the [Circular Economy | US EPA](#)

As noted in Section I.G of the NOFO, strong workforce development programs should include the following three features at a minimum:

**1. Multi-sectoral partnerships that bring together workforce expertise and enable pathways into high-quality careers.**

The foundation of a strong workforce development initiative is a set of partners that represent diverse expertise, community and worker voice, and employer needs. For these programs, applicants may collaborate with organizations with workforce development expertise, such as labor unions, tradeswomen organizations, local workforce development boards (locate yours using this [U.S. Department of Labor search tool](#)), career and technical schools, community colleges, workforce development nonprofits, and other similar organizations.

Examples of the types of expertise and experience that are important for a successful workforce development program include, but are not limited to:

- Technical skills and experience to lead classroom and on-the-job training, including equipping students and individuals with the skills needed to succeed and be safe on the job, including knowledge of new and emerging greenhouse gas and other air emissions-reduction technologies;
- Knowledge of the local, State, and regional labor market and relevant relationships to have a deep understanding of employer hiring, staffing, and skilling needs, emerging trends especially related to the clean energy transition, and considerations for local job quality and worker voice;
- Strong awareness of the barriers individuals in the community face to training and employment, including an understanding of unique barriers specific populations face, and clear strategies for how to address those barriers; and
- Established relationships of trust within the community, including knowledge of relevant history and community dynamics, in addition to meaningful, long-lasting relationships in the community that will support trainee recruitment and participation.

**2. High-quality training models that are worker-centered, demand-driven, and lead to good jobs.**

Workforce development projects should be focused on training individuals for high-quality, long-term career pathways in family-sustaining jobs, rather than short-term or temporary, low-wage jobs. Applications should demonstrate that the workforce development project fulfills an industry demand in the Project Area and surrounding region, is informed and supported by employers, and has a clear pathway to long-term employment with family-sustaining wages. This will be key to delivering programs that enable true economic mobility for individuals in disadvantaged communities and bolster the capacity of communities to respond to environmental justice concerns in a sustained fashion.

Examples of high-quality, evidence-backed training models are: Apprenticeship readiness programs (or “pre-apprenticeships”) with a connection to one or more Registered Apprenticeship Programs; Registered Apprenticeship Programs (registered via the U.S. Department of Labor (DOL) Office of Apprenticeship or State Apprenticeship Agency); Joint Labor-Management Training Programs; paid internships; partnerships with community colleges or vocational schools that award an industry-recognized credential; and similar models that combine on-the-job learning, classroom learning, and mentorship. DOL has a resource on “high-road training programs” that applicants are invited to review [here](#).

Workforce development programs can serve adult or youth populations. Applicants may consider high-quality youth-serving training models, including: pre-apprenticeship programs that prepare young people to enter Registered Apprenticeship Programs; career and technical education programs (as described by the

[U.S. Department of Education](#)); and other similar models. Please note that applicants may propose programs to be included in the [American Climate Corps](#) (ACC), which is a federal government initiative focused on training young people for high-demand skills for jobs in the clean energy economy. To qualify as an ACC program, the program must provide youth with at least 300 hours of paid skills-based training and / or service. Applicants submitting a workforce development project to be considered for the ACC should note that in their application.

### **3. Strategies for recruiting and retaining individuals from disadvantaged communities, especially for populations that face disproportionate barriers to employment.**

It is a statutory requirement (section 138(b)(1) of the Clean Air Act) for this program to benefit disadvantaged communities. These benefits may include providing opportunities to individuals with barriers to training and / or employment, so they can find long-term employment and economic opportunity in fields associated with air pollutants and GHG reduction. Projects should be designed with comprehensive research and evidence-based strategies for addressing barriers to recruitment, training, employment, and retention. Examples include supportive services to meet the needs of the disadvantaged community, such as childcare and transportation assistance; life skills and basic skills training, such as financial literacy and job readiness, to prepare for a career related to GHG and air pollutant reduction; career services, such as developing individualized employment plans; peer-to-peer mentorship programs to connect experienced workers with new workers to help them learn the job and find a sense of belonging in the workplace; reasonable accommodations consistent with federal equal employment opportunity laws; coaching to support work-based learning; and case workers to support workers with barriers to employment.

**Applicants proposing a workforce development project are encouraged to describe the following elements and any additional details identified by the applicant:**

- Design of the program, including if the applicant is proposing a high-quality, evidence-backed training model as described above, and a description of the credential(s) the participants will earn.
- Duration of the program and program components, such as time spent in classroom and on-the-job training. Applicants are encouraged to also describe ongoing support participants will receive once they exit the training program and connect to full-time employment to support retention.
- How applicants will engage employers and how the program will connect to high-quality jobs. Applicants can review the federal Good Jobs Principles [here](#).
- Estimated number of participants that will be trained in the program.
- Plan for how the program will recruit participants and how the program will build visibility and trust among residents of the Project Area.
- Curriculum the program will use and how it is informed by industry standards and employer demand.
- Wages or stipends for the duration of the program. Applicants are strongly encouraged to provide reasonable compensation for time spent in training to increase participation and retention.
- Strategies the program will use to meet the needs of populations that experience barriers to training and employment.
- Applicant's approach to administering supportive services to mitigate barriers to training and employment.
- Indicators the program will use to evaluate success as well as the methodology the program will use to track the progress of participants during and after the program. Applicants may review the Six Primary Indicators of Performance used by the public workforce system, as described by the Department of Labor [here](#).



## Appendix D. Pollution Reduction Strategies and Associated Project Activities

*(back to the Table of Contents)*

Eligible project activities associated with each Pollution Reduction Strategy could include but are not limited to the following examples. Applicants may propose different activities as long as the activities are consistent with the applicable Pollution Reduction Strategy described in Section I.G of the NOFO and are eligible for funding under section 138(b)(2) of the Clean Air Act.

### **Strategy 1: Indoor Air Quality and Community Health Improvements**

Examples:

- Remediate or mitigate harmful substances in buildings, including lead, mercury, pesticides, radon, mold, PCBs (caulk, flooring, etc.), lead-based paint, asbestos, and other toxic substances.<sup>25</sup>
- Install, upgrade, or replace HVAC and / or filtration systems that improve indoor quality in schools, community-serving buildings, and single-and-multifamily homes. These upgrades may be done in conjunction with climate strategies that reduce building GHG emissions.
- Equip community centers and community buildings in agricultural worker communities with decontamination stations (e.g., publicly available shower and laundry stations) to eliminate take-home pesticide exposures.
- Purchase equipment that can enable “do-it-yourself” upgrades using research-based methods, to distribute within communities impacted by smoke.
- Replace wood heaters that do not meet EPA’s New Source Performance Standards with more efficient, cleaner heaters certified by EPA, and independently verified to meet (or to have emissions below) the most stringent Step 2 emission reduction standards described in Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters, and Forced-Air Furnaces heaters.

### **Strategy 2: Outdoor Air Quality and Community Health Improvements**

Examples:

- Reduce exposure from mobile and stationary sources by:
  - developing or expanding vegetative barriers.
  - creating alternate truck route programs to decrease impacts to sensitive communities.
  - providing grants, rebates, or subsidies for households, small businesses, public partners, and community organizations to replace portable diesel equipment such as leaf blowers and lawn mowers with zero-emission alternatives.
  - retrofitting spray booths in local small businesses to reduce VOC contamination from auto body painters.
  - providing grants, rebates, or subsidies for backup battery systems to replace diesel backup generators in homes, public facilities, or small businesses.
- Create clean air zones or low-emission zones such as:

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<sup>25</sup> The prohibition on using Community Change Grant funding to remediate Brownfields sites does not apply to this activity.



- Encouraging “last-mile” delivery through electric delivery vehicles (e.g., trucks, vans, cargo bikes).
- Electrifying local government-owned fleets providing services to communities (e.g., sanitation trucks, public buses).
- Implementing urban designs that promote air flow and reduce the concentration of pollution along street corridors (e.g., remove or reduce costly parking mandates, reduce idling of diesel vehicles).
- Implement sustainable construction practices such as minimizing dust and emissions during building projects (e.g., electrify equipment, cover construction sites, utilize water sprays, properly manage waste).
- Replace toxic play surfaces that emit harmful pollutants (e.g., tire crumb and certain turfs at schools, community playgrounds, and fields) with non-toxic, permeable options to provide safe places for children to play.
- Develop other policies that promote reductions in air pollution from transportation such as land use and zoning policies that enable households to live in affordable, dense, and vibrant communities within urban and rural areas.

**Guidelines:**

- Communities seeking funding for zero-emission school buses should encourage their local school district apply to EPA’s \$5 billion [Clean School Bus program](#).

**Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience**

**Examples:**

- Perform targeted infrastructure upgrades such as:
  - Replacing private-side lead lines in a home, childcare facility, school, or other community-serving building during full lead service line replacement<sup>26</sup>
  - Septic to sewer conversions that connect homes to nearby community water systems.
  - Installing working water fountains at schools and parks where there are no fountains or they are inoperable, malfunctioning, or contaminated.
  - Installing water conservation and efficiency technologies that will allow utilities to better monitor and reduce energy consumption onsite.
  - Installing water reuse technologies that allow for system decreases in both energy and water use efficiencies through water capture, loss prevention, and closed loop approaches.
- Prepare and apply for state and / or federal water infrastructure funding to address larger community needs (e.g., a leak detection and pipe replacement plan, a PFAS action plan, or upgrades to water and wastewater treatment facilities that reduce pollution) by:
  - Assessing the problem through water sampling and monitoring.
  - Developing a plan, which could include the necessary design and engineering work.
  - Preparing an application for federal funding to one of several sources such as to EPA’s State Revolving Loan funds.
- Provide emergency interventions such as:

<sup>26</sup> [EPA’s Drinking Water Regulations for Lead. Lead Service Lines. Strategies to Achieve Full Lead Service Line Replacement.](#)

- providing recurring point-of-use filters while communities await lead service line replacement.
- providing alternate water supplies for communities and buildings that have contaminated water (PFAS, lead, PCBs, arsenic, nitrates, etc.) in communities with contaminated water systems.
- adopting facility procedures or system upgrades that allow for service flexibilities, mobility, and continuity in the event of an emergency due to climate-related disaster events.

**Guidelines:**

- The projects should also include a public outreach / education campaign on safe drinking water and / or wastewater, working with the public water system where possible.<sup>27 28</sup>
- Activities should be coordinated with the EPA funded [Environmental Finance Centers](#) to minimize duplication of effort.

**Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste**

**Examples:**

- Purchase equipment for hazardous waste sampling to determine classification.
- Collect, process, recycle, or otherwise dispose of household hazardous waste and electronics programs and infrastructure.
- Conduct compliance oversight for the collection, processing, recycling, storage and disposition of household hazardous waste and electronics.
- Develop or expand hazardous waste collection, recycling, and safe recycling programs and infrastructure.
- Develop or expand safe disposal technologies for hazardous waste.
- Reduce demand for single-use plastic products (by installing public water bottle refill stations and water fountains or implementing community and city-scale water reuse and refill systems) and phasing out single-use products that may be unnecessary.

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<sup>27</sup> [EPA on Reducing Lead in Drinking Water. EPA Communication Plan 3Ts. Basic Information about Your Drinking Water.](#)

<sup>28</sup> [Drinking Water Analytical Methods.](#)

## Appendix E. Job Quality & Equitable Employment Opportunities

[\(back to the Table of Contents\)](#)

It is a priority of the EPA that this grant program supports high-quality, family-sustaining, community-strengthening jobs with the free and fair choice to join a union, consistent with [Executive Order 14082, Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022](#). As such, EPA is interested in funding proposals that have a commitment to creating good jobs and utilizing a diverse, highly skilled workforce, including an emphasis on creating employment opportunities for populations living in communities that are disadvantaged.

This supports the broader goals of environmental justice by making sure federal funds are spent on Climate Action and Pollution Reduction projects that have a commitment to strong labor standards, creating stronger communities where worker, employer, and community needs are collectively met. Characteristics of a good job include strong wages and family-sustaining benefits; worker empowerment and neutrality with respect to union organizing and collective bargaining; work environments that promote worker health and safety; job security; equitable workforce development pathways and opportunities for career advancement; and supportive services, such as childcare and transportation, to support individuals that face barriers to employment; among others. When considering how to support job quality, EPA encourages applicants to review the eight [Good Jobs Principles](#) developed by the U.S. Department of Labor and Department of Commerce. The Department of Labor has produced several resources that help potential applicants understand the Good Jobs Principles and implement them through federal funding programs including: [Good Jobs in Federal Investments: A Toolkit for Employers, Workers, and Government](#); [Good Jobs Initiative Job Quality Check List](#); [Good Jobs in Federal Investments: Data and Reporting Appendix](#).

Grant funding for construction projects under this program is subject to Davis Bacon and Related Acts prevailing wage laws as provided in Section 314 of the Clean Air Act. Beyond this requirement, applicants are encouraged to articulate additional strategies they will use to deliver on the goals outlined above, including ensuring high labor standards and a diverse workforce to benefit the local community where the EPA funded work is taking place. These commitments should be concrete, specific, and measurable rather than vague statements, and may be integrated into EPA's agreement with the recipient through programmatic terms and conditions.

## Appendix F. Track I and II Outputs and Outcomes

[\(back to the Table of Contents\)](#)

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

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

Examples of expected outputs and outcomes for the Track I and II awards under this NOFO include but are not limited to the following as applicable depending on the strategies and projects in the application. Applicants may identify additional outputs and outcomes as relevant to their specific strategies and projects in their application.

### Track I Output and Outcome Examples

| Strategy                                                                                                                        | Output Examples                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Outcome Examples                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Climate Action Strategies</b>                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Strategy 1: Green Infrastructure and Nature-based Solutions                                                                     | <ul style="list-style-type: none"> <li>▪ Coastal green infrastructure projects, including blue-green trails (#)</li> <li>▪ Green / complete streets, sidewalks, bus stops (#)</li> <li>▪ Green / cool roofs (#)</li> <li>▪ Area of impermeable surfaces replaced with vegetation (acres)</li> <li>▪ New parks and / or public green space developed (acres)</li> <li>▪ New shade tree canopy (square footage, # of shade trees planted)</li> <li>▪ Area under implementation of low tillage / composting practices (acres)</li> <li>▪ New community gardens and greenhouses (#)</li> </ul> | <ul style="list-style-type: none"> <li>▪ Increased green space as measured by square footage of added greenspace</li> <li>▪ Increased resilience to extreme weather and climate conditions as measured by reduction in flash flooding events, improved groundwater recharge, and cooler ambient temperatures during heat waves</li> <li>▪ Increased community resilience as measured by reduced damage and recovery costs for infrastructure, property, and cultural resources</li> </ul> |
| Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience | <ul style="list-style-type: none"> <li>▪ New EVs, bikes / electric bikes, and other low-and-zero emissions vehicles that are available via carsharing / bike sharing programs (#)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>▪ Reduced air pollution from transportation (e.g., GHG reductions, reduced number of days with unsafe air quality for vulnerable populations)</li> <li>▪ Increased use of public transportation services and</li> </ul>                                                                                                                                                                                                                            |

|                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                        | <ul style="list-style-type: none"> <li>▪ Streets improved to encourage walkability, bike-ability, and transit use (#, miles)</li> <li>▪ EVs that can be used as backup power in lieu of diesel generators (#)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                  | <p>programs that promote electric vehicles, car sharing, and bike sharing</p>                                                                                                                                                                                                                                                                                              |
| Strategy 3: Energy-efficient, Healthy, Resilient Housing and Buildings | <ul style="list-style-type: none"> <li>▪ Home energy audits performed (#)</li> <li>▪ Air sealings completed (#)</li> <li>▪ Homes insulated (#)</li> <li>▪ Natural gas appliances replaced with electric equivalents (#)</li> <li>▪ Mobile homes retrofitted with solar panels and storage (#)</li> <li>▪ Electrification, weatherization, and HVAC upgrades / replacements of low-income houses, apartments, small businesses, and other community buildings (#)</li> <li>▪ Energy efficient home-heating appliances installed (#)</li> <li>▪ Homes or units converted to electric heating (#)</li> </ul> | <ul style="list-style-type: none"> <li>▪ Lower consumption of home heating fuels (propane, heating oil, natural gas, and wood) and reduction in associated climate pollutants (e.g., black carbon, methane, CO<sub>2</sub>), as well as ambient and indoor emissions of Hazardous Air Pollutants and PM<sub>2.5</sub>.</li> <li>▪ Decreased incidence of asthma</li> </ul> |
| Strategy 4: Microgrid Installation for Community Energy Resilience     | <ul style="list-style-type: none"> <li>▪ Renewable energy capacity installed (MW)</li> <li>▪ Battery storage installations (MWh)</li> <li>▪ GHG emissions reductions (ton CO<sub>2</sub>)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>▪ Enhanced resilience during extreme weather events as measured by fewer power disruptions</li> <li>▪ Increased number of homes connected to a resilient power source</li> </ul>                                                                                                                                                    |
| Strategy 5: Community Resilience Hubs                                  | <ul style="list-style-type: none"> <li>▪ Space built or converted into a community resilient hub (square ft)</li> <li>▪ Disaster preparedness trainings delivered (#)</li> <li>▪ Stormwater management flood preparedness training delivered (#)</li> </ul>                                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>▪ Enhanced physical safety during natural disasters as measured by the number of hospitalizations and lives lost among vulnerable populations</li> <li>▪ Increased community awareness of emergency preparedness</li> </ul>                                                                                                         |
| Strategy 6: Brownfield Redevelopment                                   | <ul style="list-style-type: none"> <li>▪ Impervious surface reduced (square footage)</li> <li>▪ Community meetings to involve impacted residents (#)</li> <li>▪ Green demolition activities to support adaptive reuse or new construction (#)</li> <li>▪ Shade trees planted (#) and new vegetation (square footage)</li> </ul>                                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>▪ Square footage of space redeveloped for resilience purposes, such as heat-reducing shade</li> <li>▪ New economic opportunities created through the redevelopment of previously polluted land (e.g., number of business or low-income housing units)</li> </ul>                                                                    |

|                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Strategy 7: Waste Reduction and Management to Support a Circular Economy                                           | <ul style="list-style-type: none"> <li>Waste diverted from landfills (pounds / tons)</li> <li>Waste recycled (pounds / tons)</li> <li>Food waste composted (pounds / tons)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>Cleaner communities with less trash / waste on land and in waterbodies as measured by litter surveys</li> <li>Reduced food waste and associated emissions as measured by weight of compost diverted from landfills</li> </ul>                                                                                                                                                                              |
| Strategy 8: Workforce Development Programs for Occupations that Reduce Greenhouse Gas Emissions and Air Pollutants | <ul style="list-style-type: none"> <li>Individuals in disadvantaged communities that participate in workforce training in sectors related to GHG emissions and air pollution reduction who are currently unemployed, under-employed, or face employment barriers (#)</li> <li>People in disadvantaged communities hired and retained into high-quality jobs to reduce air pollution and GHG emissions based on participation in a workforce training program (#)</li> <li>Individuals who receive wages / stipends and supportive services delivered to enable community members' participation in workforce training programs (# individuals receiving such wages / stipends)</li> </ul> | <ul style="list-style-type: none"> <li>Increased literacy among community members about environmental sectors and skills required to pursue these jobs</li> <li>Increased number of high-quality workforce training programs, such as pre-apprenticeship and Registered Apprenticeship, in disadvantaged communities</li> <li>Increased wages, benefits, job quality, and job security for participants in workforce training programs</li> </ul> |
| Alaskan-specific Climate Action Strategies                                                                         | <ul style="list-style-type: none"> <li>Renewable generation capacity installed (MW)</li> <li>Fuel storage facilities repaired (#)</li> <li>Greenhouses constructed (#)</li> <li>Portable micro-water treatment systems installed (#)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>Improved water and soil quality so water / land can be used for Alaskan Native traditional uses</li> <li>Increased access to energy sources with low air pollution and carbon emissions</li> <li>Protection of cultural resources including environmental habitats</li> </ul>                                                                                                                              |
| <b>Pollution Reduction Strategies</b>                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Strategy 1: Indoor Air Quality and Community Health Improvements                                                   | <ul style="list-style-type: none"> <li>[Type of] trainings implemented (#)</li> <li>Classrooms with air cleaners (#)</li> <li>Houses / schools with upgraded / improved HVAC systems (#)</li> <li>Homes in which moisture issues have been addressed (#)</li> <li>Wood appliance upgraded or replaced (#)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>Increased public and environmental health literacy</li> <li>Decreased incidence of asthma symptoms as measured by doctor visits or school nurse visits for asthma symptoms</li> <li>Reduced exposure to radon and risk of developing radon-induced lung cancer</li> </ul>                                                                                                                                  |
| Strategy 2: Outdoor Air Quality and Community Health Improvements                                                  | <ul style="list-style-type: none"> <li>Clean air zones or low-emission zones created (#)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>Increased public and environmental health literacy</li> </ul>                                                                                                                                                                                                                                                                                                                                              |



|                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                            | <ul style="list-style-type: none"> <li>▪ Abandoned oil / gas wells plugged (#)</li> <li>▪ Toxic play surfaces replaced (#)</li> <li>▪ Community monitoring and alert systems installed to alert households to increasing pollution levels (#)</li> <li>▪ Wildfire smoke preparedness trainings delivered (#)</li> </ul>                                                                                                         | <ul style="list-style-type: none"> <li>▪ Reduced exposure to PM, carbon dioxide, VOCs, ozone, nitrogen dioxides, and toxics.</li> <li>▪ Increased skill development and improvements in community capacity to independently assess air pollution reduction options</li> </ul> |
| Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience | <ul style="list-style-type: none"> <li>▪ Clean water fountains installed in schools / parks (#)</li> <li>▪ Full lead service lines replaced for low-income homes (miles)</li> <li>▪ Private wells tested for PFAS (#)</li> <li>▪ Stormwater management / flood preparedness trainings delivered (#)</li> <li>▪ Water efficiency systems installed (e.g., drought mitigation systems, rain capture installations) (#)</li> </ul> | <ul style="list-style-type: none"> <li>▪ Decreased levels of water contamination and pollution as measured by boil water advisories, lead poisoning, or water quality monitoring results</li> <li>▪ Increased availability of clean, safe drinking water</li> </ul>           |
| Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste                                      | <ul style="list-style-type: none"> <li>▪ Lead paint remediations completed (#)</li> <li>▪ Tires diverted from landfills / the environment to disposal facilities (#, weight)</li> <li>▪ Neighborhoods / cities / residents served through residential waste composting / chipping program (#)</li> <li>▪ Waste transfer, material reuse, and / or recycling stations installed in underserved communities (#)</li> </ul>        | <ul style="list-style-type: none"> <li>▪ Decreased exposure to toxics and hazardous chemicals</li> <li>▪ Reduced odors and pathogens</li> <li>▪ Increased residential waste composting</li> </ul>                                                                             |
| Strategy 5: Eliminate Harmful Chemicals through Product Replacements                                       | <ul style="list-style-type: none"> <li>▪ Conventional products replaced with Safer Choice-certified or other EPA recommended products (#, volume, customers impacted)</li> <li>▪ Units of PFAS food contact materials replaced (#)</li> </ul>                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>▪ Reduced exposure to hazardous chemicals for those who live and work in and near places with chemical use and application</li> </ul>                                                                                                  |
| ANCSA-Specific Pollution Reduction Strategies                                                              | <ul style="list-style-type: none"> <li>▪ Homes served with micro-water treatment systems (#)</li> <li>▪ Planning documents and Environmental Information Document created (#)</li> <li>▪ Site assessments and initial cleanups completed (#)</li> </ul>                                                                                                                                                                         | <ul style="list-style-type: none"> <li>▪ Improved water and soil quality so water / land can be used for Alaskan Native traditional uses</li> <li>▪ Protection and preservation of cultural resources including environmental habitats</li> </ul>                             |

|  |                                                                                                                                                                                                                       |  |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  | <ul style="list-style-type: none"> <li>▪ Reduced exposure to harmful chemicals and pollutants on Alaskan Native lands through remediation of contaminated lands and buildings (acres of land, # buildings)</li> </ul> |  |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

## **Track II Output and Outcome Examples**

### **Outputs**

- New policies developed and implemented in response to community recommendations (e.g., through a new advisory council, participatory budgeting) (#)
- Community benefits agreements or memoranda of understanding signed (#)
- Number of community residents who complete a training that builds their capacity to participate in government processes (#)
- Amount of new funding allocated to benefit disadvantaged communities (dollars)
- Number of residents who participate in a community-based participatory research initiative that informs a government process and / or priority (#)
- Research products published with data reflecting community opinions and preferences (#)
- Number of educational forums and / or meetings held between governmental officials and community members (#)

### **Outcomes**

- Increased involvement of individuals from disadvantaged communities in local, state, federal and other governmental environmental public processes
- Expanded knowledge of local, state, federal and other governmental environmental public processes among disadvantaged communities
- Stronger relationships and trust between disadvantaged communities and government entities on matters relating to environmental protection
- More transparent processes for governmental decision-making on environmental protection policies and greater governmental focus on inclusivity
- Increased accountability and community input into governmental decision-making on environmental protection policies
- More informed decisions made, and environmental actions taken, by government bodies to benefit disadvantaged communities
- Enhanced capacity in disadvantaged communities to be involved in local, state, federal, and other governmental environmental public processes
- Increased funding to enable disadvantaged communities to address environmental and climate justice issues
- New environmental or climate policies developed to be responsive to community needs

## Appendix G. Budget Template

[\(back to the Table of Contents\)](#)

(This template is optional, and applicants may use a different format for the template).

| Category                                                                  | Description | Total |
|---------------------------------------------------------------------------|-------------|-------|
| Personnel                                                                 |             |       |
| Fringe Benefits                                                           |             |       |
| Travel                                                                    |             |       |
| Equipment                                                                 |             |       |
| Supplies                                                                  |             |       |
| Contractual                                                               |             |       |
| Construction                                                              |             |       |
| Other (separate by participant support costs, subawards, and other costs) |             |       |
| Total Direct Costs (sum of the above categories)                          |             |       |
| Indirect Costs                                                            |             |       |
| Total Project Costs (sum of direct and indirect costs)                    |             |       |
|                                                                           |             |       |

### **Guidance for Budget Template**

The budget template is an attachment to the application and does not count toward the Project Narrative's page limit as described in Section IV of the NOFO. Applicants should include applicable rows of costs for each budget category in their budget template to accurately reflect the proposed application budget for each year of the grant. EPA provides detailed guidance on budget development in the [Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#), but applicants may use other forms instead of this template as long as total costs per category (and specific descriptions of costs) are included.

Applicants must itemize costs related to personnel, fringe benefits, travel, equipment, supplies, contractual costs (including acquisitions of intangible property), construction, and other costs (including subawards and participant support costs) as direct costs. Direct costs plus the indirect costs equal the total project costs. Descriptions of these cost categories are below. Applicants should be aware that if their projects include using federal funds to purchase goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States, they must comply with the Build America, Buy America Term and Condition if they are selected for an award.

**To facilitate consideration of an application for partial funding, EPA recommends that applicants separate costs for financial assistance in the program budget by project category, to the extent practicable.**

- **Personnel - List all staff positions by title. Give annual salary, percentage of time assigned to the project, and total cost for the budget period.** This category includes only direct costs for the salaries of those individuals who will perform work directly for the program (paid employees of the applicant organization as reflected in payroll tax records). Personnel costs do not include: (1) costs for services of contractors (including individual consultants), which are included in the "Contractual" category; (2) costs for employees of subrecipients under subawards or non-employee program participants (e.g., interns or volunteers), which are included in the "Other" category; or (3) effort that is not directly in support of the proposed program, which may be covered by the organization's negotiated indirect cost rate. The budget table must identify the personnel category type by Full Time Equivalent (FTE), including percentage of FTE for part-time employees, number of personnel proposed for each category, and the estimated funding amounts.
- **Fringe Benefits - Identify the percentage used, the basis for its computation, and the types of benefits included.** Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits may include, but are not limited to, the cost of leave, employee insurance, pensions, and unemployment benefit plans. If the applicant's fringe rate does not include the cost of leave, and the applicant intends to charge leave to the agreement, it must provide supplemental information describing its proposed method(s) for determining and equitably distributing these costs.
- **Travel - Specify the mileage, per diem, estimated number of trips in-state and out-of-state, number of travelers, and other costs for each type of travel.** Travel may be integral to the purpose of the proposed program (e.g., site visits); related to proposed program activities (e.g., attendance at community engagement meetings); or for a technical training or workshop that supports effective implementation of the program activities (e.g., consumer awareness activities). Only include travel costs for employees in the travel category. Travel costs do not include: (1) costs for travel of contractors (including consultants), which are included in the "Contractual" category; or (2) travel costs for employees of subrecipients under subawards and non-employee program participants (e.g., trainees), which are included in the "Other" category. Further, travel does not

include bus rentals for group trips, which would be covered under the “Contractual” category. Finally, if the applicant intends to use any funds for travel outside the United States, it must be specifically identified. All proposed foreign travel must be approved by EPA’s Office of International and Tribal Affairs prior to being taken.

- **Equipment - Identify each item to be purchased that has an estimated acquisition cost of \$5,000 or more per unit and a useful life of more than one year.** Equipment also includes accessories necessary to make the equipment operational. Equipment does not include: (1) equipment planned to be leased / rented, including lease / purchase agreement; or (2) equipment service or maintenance contracts that are not included in the purchase price for the equipment. These types of proposed costs must be included in the “Other” category. Items with a unit cost of less than \$5,000 must be categorized as supplies, pursuant to 2 CFR § 200.1. The budget table must include an itemized listing of all equipment proposed under the program. If installation costs are included in the equipment costs, labor expenses shall be itemized with the detailed number of hours charged and the hourly wage. If the applicant has written procurement procedures that define a threshold for equipment costs that is lower than \$5,000, then that threshold takes precedence.
- **Supplies - “Supplies” means all tangible personal property other than “equipment.” The budget detail should identify categories of supplies to be procured (e.g., laboratory supplies or office supplies).** Non-tangible goods and services associated with supplies, such as printing services, photocopy services, and rental costs must be included in the “Other” category.
- **Contractual - Identify proposed contracts, specifying the purpose and estimated cost for typical contractual services and disaggregating any costs for acquisitions of intangible property.** Contractual services (including consultant services) are those services to be carried out by an individual or organization, other than the applicant, in the form of a procurement relationship. The [EPA Subaward Policy](#) and supplemental frequently asked questions have detailed guidance available for differentiating between contractors and subrecipients. Leased or rented goods (equipment or supplies) must be included in the “Other” category. EPA does not require applicants to identify specific contractors, but if an applicant does so they must demonstrate that the contractor was selected in compliance with competitive procurement requirements in 2 CFR Parts 200 and 1500. Subcontracts are not subawards and belong in the “Contractual” category.

In the budget description, the applicant should list the proposed contract activities along with a brief description of the anticipated scope of work or services to be provided, proposed duration, and proposed procurement method (competitive or non-competitive), if known. Any proposed non-competed / sole-source contracts more than the applicant’s 2 CFR § 200.320(a) micro-purchase threshold (generally \$10,000) must include a justification. Note that EPA rarely accepts proposed sole source contracts for goods and services (e.g., consulting) that are widely available in the commercial market absent a copyright, patent, or equipment warranty requirement or similar restriction that establishes that only one source can provide the necessary good or service; unique qualifications or long-standing relationships with a grantee do not provide an adequate basis for a sole source contract. Applicants must provide the aggregate amount they propose to issue as acquisitions of intangible property as a separate line item in the “Contractual” category. Refer to the [EPA Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) for EPA’s policies on competitive procurements and encouraging the use of small and disadvantaged business enterprises.

- **Construction.**

Include costs for activities that fall under the definition of construction in EPA's Small and Disadvantaged Business (DBE) rule at 40 CFR 33.103 which defines construction as "... erection, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other improvements to real property, and activities in response to a release or a threat of a release of a hazardous substance into the environment, or activities to prevent the introduction of a hazardous substance into a water supply." (Emphasis added). As stated on p. 32 of the **Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance mentioned above:**

Construction costs may include site preparation, demolishing and building facilities, making permanent improvements to facilities or other real property, major renovations of existing facilities, remediation of contamination and related architectural or engineering services. With very few exceptions, recipients carry out construction projects by hiring contractors which typically include a general contractor and an architectural or engineering firm for design work and in some cases purchasing equipment for installation at the site.

Construction costs are to be categorized on the SF 424A budget table as follows:

1. Anticipated costs for hiring general contractors and other contractors performing activities described in the DBE Rule's definition of Construction will be categorized as "Construction".
  2. Anticipated costs for pre-construction architectural and engineering Services as defined in the DBE rule for design and specifications documents will be categorized as "Contractual".
  3. Anticipated costs for separately purchased Equipment as defined in the DBE Rule that will be installed in a facility or used to remediate contamination will be categorized as "Equipment".
  4. Anticipated costs for land acquisition or relocation assistance paid to individuals or businesses will be categorized as "Other".
- **Other - List each item in sufficient detail for EPA to determine the reasonableness and allowability of the cost.** This category should include only those types of direct costs that do not fit in any of the other budget categories including subawards, participant support costs, and additional costs (e.g., insurance, costs for acquiring real property, rental / lease of equipment or supplies, equipment service or maintenance contracts, and printing or photocopying).
  - **Subawards** - 2 CFR § 200.1 defines a subaward as "an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity." 2 CFR § 200.1 defines a Pass-through entity as "a non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program" and a Subrecipient as "an entity...that receives a subaward from a pass-through entity to carry out part of a federal award; but does not include an individual that is a beneficiary of such award." Identify each major subaward including those with the Collaborating Entities. Applicants must show the individual and aggregate amounts they propose to issue as subawards. Additional guidance is available in the EPA Subaward Policy and below.
  - **Participant Support Costs** - 2 CFR § 200.1 defines participant support costs as "direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training



projects.” EPA regulations at 2 CFR § 1500.1(a)(1) expands the definition of participant support costs to include “[S]ubsidies, rebates, and other payments to program beneficiaries to encourage participation in statutorily authorized environmental stewardship programs.” Additional guidance is available in the [EPA Guidance on Participant Support Costs](#).

### **Indirect Costs**

If indirect costs are budgeted, indicate the approved rate and distribution base. Indirect costs are those incurred by the grantee for a common or joint purpose that benefit more than one cost objective or project and are not readily assignable to specific cost objectives or projects as a direct cost. Indirect costs must be based on a rate approved by the applicant’s cognizant federal agency, or the 10% de-minimus rate authorized by 2 CFR § 200.414(f). Additional indirect cost guidance is available in [Indirect Cost Guidance for Recipients of EPA Assistance Agreements](#) and in Section VI.u, “IDC Competition Clause,” of the [EPA Solicitation Clauses](#).

Notwithstanding this, indirect costs have been capped as described below based on a deviation approved per 2 CFR 200.414:

#### **Limitation on indirect costs for grants and cooperative agreements**

- a. In general: Except as otherwise provided by statute, indirect costs charged against any grant and / or cooperative agreement awarded under this NOFO shall not exceed 20 percent of the total amount of the federal award.
- b. Exception: Subsections (a) and (c) shall not apply to Indian Tribes as defined in section 302(r) of the Clean Air Act who serve in the role of direct recipient and / or subrecipient under the program or to Intertribal consortia that meet the requirements of 40 CFR 35.504(a) and (c) even if the Intertribal consortia is eligible for funding as a Community Based Nonprofit Organization.
- c. Treatment of subawards: In the case of a grant and / or cooperative agreement described in subsection (a), the limitation on indirect costs specified in such subsection shall be applied to both the initial direct assistance award amount and any subaward of the federal funds provided under the initial assistance award so that the total of all indirect costs charged to each of the federal awards (i.e., both the initial direct assistance award amount and any subawards) funded under the initial assistance award does not exceed such limitation. As provided in 2 CFR 200.332(a)(2) pass-through entities are responsible for ensuring compliance with the indirect cost limitation by their subrecipients.

Note: This limit does not extend to indirect costs on procurement contracts.

## Appendix H. Alaska Tribal Lands Target Investment Area

[\(back to the Table of Contents\)](#)

As noted in Section II.B, this NOFO includes a Target Investment Area for projects benefitting Alaska Tribal lands that are defined as disadvantaged communities in Appendix A. Under this Target Investment Area, EPA is accepting applications that include projects focusing on the clean-up of contaminated lands conveyed through the Alaska Native Claims Settlement Act (ANCSA).

Applications submitted by eligible applicants including Alaska Native Villages (ANVs), Alaska Native Nonprofit Organizations, and Alaska Native Nonprofit Associations for the Alaskan Target Investment Area must include, like all other Track I applications, at least one Climate Action Strategy and at least one Pollution Reduction Strategy and meet the other Track I application requirements in Section I.G of the NOFO, to be eligible for funding. Applicants are not limited to a single project activity under a strategy and may select several project activities associated with a strategy. Note that the for-profit Alaska Native Corporations are not eligible to be Lead Applicants or Statutory Partners for this NOFO. The Climate Action and Pollution Reduction Strategies addressed in applications for the Alaskan Target Investment Area can address either the Climate Action and Pollution Reduction Strategies (and project activities referenced in Appendices C and D) in Section I.G, or any specific Alaskan ones described below under paragraphs 1 and 3. EPA strongly encourages applications that include Pollution Reduction strategy projects to clean up contaminated lands conveyed through ANCSA as addressed in Section 1 below. Consistent with this priority, EPA anticipates making a minimum of 5 awards for high-ranking applications that include projects to assess and/or clean up contaminated lands conveyed under ANCSA in furtherance of the federal government's interest in addressing this historic injustice as noted in Sections II.B and V.E.

### **1. ANCSA-Specific Pollution Reduction Strategy and Associated Project Activities**

This section describes project activities specific to the assessment and cleanup of sites covered by the Contaminated ANCSA Lands Assistance Program. The specific requirements that apply to ANCSA cleanup projects are below.

ANCSA was enacted in 1971 to settle aboriginal claims to public lands through the conveyance of 46 million acres of land to Alaska Native regional and village corporations and the transfer of one billion dollars from the state and federal governments as compensation for lands which could not be returned to Alaska Native ownership. Many of the lands promised and conveyed to corporations pursuant to the settlement in ANCSA were contaminated. The contaminants on some of these lands—which include arsenic, asbestos, lead, mercury, pesticides, polychlorinated biphenyls, and petroleum products—pose health and other concerns to Indigenous Alaskans and communities and are present in quantities above state and federal clean-up levels, negatively impacting subsistence resources and hampering cultural, social, and economic activities.

In 2023, EPA initiated a new [Contaminated ANCSA Lands Assistance Program](#) (ANCSA Program) to assist with addressing contamination on lands conveyed pursuant to ANCSA and provide funding to (1) characterize, assess, and conduct planning and community involvement activities related to these lands and (2) to carry out cleanup activities at ANCSA sites contaminated at the time of conveyance. The statutory authority for the ANCSA Program (Public Law 117-328) states that recipients of grants awarded under the ANCSA Program may use the funding to “. . . supplement other funds provided by the Environmental Protection Agency through individual media or multi-media grants or cooperative agreements.”

**Eligible ANCSA project activities:**

- Conducting Planning and Developing Site Plans:
  - Planning and site plan development for individual contaminated sites.
  - Where multiple sites are connected through location, infrastructure, or economic, social, and environmental conditions, planning and site plan development can take an area-wide approach for multiple sites. Applicants must demonstrate how work conducted at several sites will benefit the primary site selected for investment. Project Area requirements are outlined in I.D of the NOFO but may be waived for purposes of coordinated cleanup.
- Conducting Site Assessments and Related Activities:
  - Conducting site assessment and sampling activities
  - Developing a Health and Safety Plan, Quality Assurance Project Plan and / or Sampling Plan prior to conducting any environmental sampling and analysis (a requirement for any projects conducting sampling).
  - Submitting samples for analysis to an EPA accredited laboratory. Analytical costs from evaluating site samples.
  - Developing a report of the sample results and conclusions based on analysis (i.e., Conceptual Site Model, Assessment report, Site Inspection or Sampling Summary Report).
  - Supporting planning for future cleanup activities such as analysis of cleanup alternatives.
- Conducting Initial Cleanup Activities:
  - Developing a site cleanup approach and documenting the approach in a Site Cleanup Plan to include agreed upon cleanup endpoints, aligned with Alaska Department of Environmental Conservation (ADEC) cleanup process.
  - If necessary, procuring contract services to conduct cleanup activities such as contaminated material removal, sampling, or health and safety monitoring.
  - Conducting environmental confirmation sampling post-cleanup activities to determine if further action is required. If necessary, planning for next phase of site cleanup.
  - Developing a report documenting removal and / or cleanup activities.
- Conducting Community Engagement Activities:
  - As noted in Section I of the NOFO, all applicants are required to develop a Community Engagement Plan. Effective community engagement is vital to working effectively with Alaska Native communities. Therefore, for ANCSA-related cleanup projects, Community Engagement Plans should include community engagement activities and / or development of culturally sensitive protocols for project implementation of cleanup activities.
  - Costs of conducting community engagement activities, including training for workforce development, youth engagement, elder engagement in documentation of Traditional Knowledge, and other costs associated with meaningfully engaging the community in the project can be included in the proposal budget.
- Compiling Information to Use to Comply with NEPA
  - The projects funded under this NOFO do not require Environmental Information Documents (EID) because EPA awards under this NOFO are not subject to the National Environmental Policy Act (NEPA), under Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 793(c)(1)). However, applicants may seek funding to prepare EIDs as needed to comply with NEPA in connection with other federal grant-funded projects in Alaska. EPA awards under the ANCSA program, for example, are subject to NEPA, as are programs funded by other federal agencies.

### **Additional Eligibility Requirements for ANCSA-related projects and activities:**

Applicants proposing ANCSA-related cleanup projects must provide the following documentation of eligibility in their application. Failure to do so may render the application ineligible for funding. Specifically, applicants must provide the following site-specific information for where the cleanup activities will be performed, demonstrating that the site:

- was conveyed pursuant to ANCSA;
- was contaminated by hazardous substances, pollutants, contaminants, or petroleum at the time of conveyance; and
- is listed on the interim EPA inventory of Contaminated ANCSA Lands (for more information on EPA's interim inventory and program related to cleaning up contaminated lands conveyed pursuant to ANCSA, visit EPA Region 10's [website](#)).
- If the applicant is not the owner of the contaminated site(s) to be addressed, EPA will require proof that the landowner will provide access to the site and supports taking action to address contamination.

### **2. General Alaskan Pollution Reduction Strategies**

In addition to the ANCSA land contamination projects identified above, applicants for the Alaskan Tribal Lands Target Investment Area may include Pollution Reduction Strategies as identified in Section I.G of the NOFO.

### **3. Alaska-Specific Climate Action Strategies**

Below are examples of additional Alaska-specific Climate Action Strategies and project activities that may be included in applications for the Alaskan Tribal Lands Target Investment Area, which are in addition to the Climate Action Strategies described in Section I.G of the NOFO.

- Community energy resilience, which may include activities such as:
  - Multi-energy systems including renewable (solar, wind, etc.) and traditional (bulk fuel) sources to increase resilience during extreme events and support a clean energy transition.
  - Power system projects, including renewable energy projects, and the construction, repair, and maintenance of fuel storage facilities in rural areas.
- Improving human health and climate resilience, which may include activities such as:
  - Construction of greenhouses that enable sustainable food growth that can promote healthy foods, food accessibility, and food availability.
  - Food storage facilities to enable sustainable access to traditional foods to support places where permafrost degradation is destroying traditional ice cellars. New food storage facilities may be constructed to support the access and availability of traditional foods. Selection of this project component must include a permafrost mitigation strategy.
  - Projects to support new and improved access points to traditional food resources, such as construction of new fishing docks or river / lake boat ramps to allow for improved fishing opportunities in places that have a high reliance on traditional foods, where climate change has degraded access and availability of food sources.
- Permafrost degradation management strategies that may include strategies such as:
  - Source water protection (impacts from landfills, thawing of permafrost, and potential impacts to traditional drinking water sources as well as established drinking water systems).

- Portable micro-water treatment systems applicable to those impacted by emergencies which impact drinking water systems, with the ability to treat water until system repairs are complete or new systems built.
- Manage and monitor contamination impacting land, food, and water backhaul / removal of waste materials not suitable for disposition in permitted landfills in Alaska.
- Climate emergency management and response strategies that may include activities such as:
  - Purchase of emergency response cargo containers with materials ready to deploy, including four-wheeler, snowmachine, communications, temporary office location, boat, oil spill response materials, smoke management equipment, etc.
  - Development of emergency alert and warning systems for wildfires, flooding and other emergencies stemming from climate change.
- Nature-based resilience strategies that may include activities such as:
  - Restoration of natural systems to help protect coastal communities from the impacts of storms, floods, and other natural hazards.
  - Storm damage prevention and reduction, coastal erosion, and ice and glacial damage stemming from climate change.

# Environmental and Climate Justice Community Change Grants Program (CCGP) Notice of Funding Opportunity (NOFO) Frequently Asked Questions (FAQ)

*Last updated: February 1, 2024*

*Please note:* It is expected that this document will be updated regularly. In addition, all the answers are predicated on the assumption that an application meets the applicable NOFO requirements.

These FAQs are intended to clarify elements of the NOFO. To the extent of any inconsistency between an FAQ and the NOFO and/or the applicable requirements in the Clean Air Act and grant regulations, the NOFO and Clean Air Act/grant regulations take precedence.

## Table of Contents

|                                                        |    |
|--------------------------------------------------------|----|
| <i>A. Application Process</i> .....                    | 1  |
| <i>B. Scoring and Evaluation</i> .....                 | 5  |
| <i>C. Awards and Payments</i> .....                    | 6  |
| <i>D. Eligibility and Statutory Partnerships</i> ..... | 8  |
| <i>E. Collaborating Entities</i> .....                 | 15 |
| <i>F. Procurement Questions</i> .....                  | 16 |
| <i>G. Disadvantaged Communities</i> .....              | 20 |
| <i>H. Project Area Map, CEJST, and EJScreen</i> .....  | 21 |
| <i>I. Track I Project Activities</i> .....             | 23 |
| <i>J. Budget/Indirect Cost Issues</i> .....            | 29 |
| <i>K. Track II Applications</i> .....                  | 32 |
| <i>L. Target Investment Areas (TIA)</i> .....          | 33 |
| <i>M. Administrative Requirements</i> .....            | 35 |
| <i>N. Technical Assistance (TA)</i> .....              | 36 |
| <i>O. Webinars</i> .....                               | 37 |



#### A. Application Process

**1. Is there a limit on how many times we can apply under the NOFO?**

Yes. As stated in Sections II.C and III.D.15 of the NOFO, Lead Applicants can only submit up to two applications under the NOFO. Further, as stated in Section III.D.15, notwithstanding this limitation, a Lead Applicant may be a Statutory Partner or Collaborating Entity on other applications. There is no limit on how many applications an entity can be a Collaborating Entity on as long as the NOFO requirements are met, and all applications are evaluated based on the criteria in Section V of the NOFO.

**2. Can we submit applications for both Track I and Track II under the NOFO?**

Section II.C.2 of the NOFO states that: "Under this NOFO, Lead Applicants, as defined in Section III.A, may submit a maximum of two eligible applications and receive up to two awards if they demonstrate their capacity and capabilities to effectively perform, manage, oversee, and complete both awards within the three-year grant period of performance. The two applications may be either two Track I applications or two Track II applications, or one of each. Lead Applicants who submit more than two total eligible applications will be asked to withdraw the excess one(s). EPA will not review more than two eligible applications from any one Lead Applicant."

**3. Can I apply for a grant under the CCGP if I am already receiving another grant from EPA?**

Yes. There is nothing that prevents a recipient that received a separate award from EPA under another program from applying under the NOFO if the entity meets all requirements listed in the NOFO. However, as required by 2 CFR 200.403(f), recipients must have financial management systems capable of ensuring that the same costs are not charged to more than one EPA grant.

**4. Does the 20-page limit for the Track I Project Narrative include the Community Engagement and Collaborative Governance Plan and Community Strength Plan or are there separate page limits for the plans?**

This was clarified in the modification to the NOFO that was published on December 21, 2023. The application requirements are described in Section IV.B of the NOFO. The Track I Project Narrative 20-page limit does not include the Community Engagement and Collaborative Governance or Community Strength Plans. There are separate page limits for those plans. Please see the relevant parts of the Section IV.B Track I application requirements.

**5. Are there any application templates?**

The application requirements are described in Section IV of the NOFO. The only template that is provided is the optional budget template in Appendix G of the NOFO. EPA will not provide templates for other portions of the application, but technical assistance may be available to help with application preparation as described in Section I.E of the NOFO.

**6. Can you clarify who needs to register with SAM.gov? Do entities who may serve as contractors under the grant need to register?**

The Lead Applicant needs to register with SAM.gov to receive a Unique Entity Identifier (UEI). Any subrecipients (including the Statutory Partner) or Collaborating Entities that will receive subaward funding must also have a valid UEI. Contractors do not need to register with SAM.gov but keep in mind that the selection of contractors is governed by competitive procurement requirements as described in Appendix G of the NOFO.

**7. Will applicants be notified of the status of their application as it is being reviewed?**

Generally, yes. As stated in Section III.D of the NOFO: “Applicants whose applications are deemed ineligible for funding consideration because of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.” Due to the volume of applications, we anticipate receiving, EPA does not currently plan to provide interim notifications of the status of applications that pass the threshold eligibility reviews.

**8. Is the CCGP a pass-through grant program like the Thriving Communities Grantmaker Program?**

No, the CCGP is not designed as a subaward pass-through program like the Grantmaker Program. While the NOFO does not specify any minimum or maximum amount of grant funds that must be provided via subawards to Collaborating Entities or other subrecipients, as indicated in Section III.B and throughout the NOFO the Lead Applicant is responsible for grant performance. There are evaluation factors in Section V of the NOFO that focus on the Lead Applicant and Statutory Partner’s role in the grant. These factors include experience and expertise, including those related to the Community Engagement and Collaborative Governance Plan, past performance, programmatic and managerial capability and resources, CBO commitment and experience, and the Compliance Plan.

Also please note this language in Section III.B of the NOFO:

“To ensure effective grant performance to meet the objectives of the Community Change Grants outlined in Section I, subawards from the Lead Applicant to other entities to implement and perform specific grant project activities identified in the application will be necessary. These other entities, including the Statutory Partners, are collectively referred to as Collaborating Entities in the NOFO. Given the community centered focus of the Community Change Grants, applications that do not include Collaborating Entities will likely not score well during the evaluation process.”

**9. If our application is not selected for award, can we submit it again before the NOFO closing date?**

Yes, applicants whose applications are not selected may resubmit an application as described in Section II.C of the NOFO.

**10. Does the debriefing and application resubmission follow a separate process from a dispute?**

If you are resubmitting your application consistent with Section II.C of the NOFO, then you are not disputing the initial non-selection decision. Applicants that wish to dispute an eligibility or selection decision, either after the initial submission or the resubmission, may do so using the dispute process referred to in Section VI.A. of the NOFO.

**11. When will applicants know if they have been selected for award?**

Grant applications will be reviewed on a rolling basis as stated in the NOFO. EPA expects the first application reviews to begin sometime in February 2024. Applicants selected for award will be notified as soon as possible after the evaluation and selection process is complete. As noted in Section VI of the NOFO, selection does not mean award. Following selection, the official award process must be completed.

**12. Will applying early increase the likelihood that an applicant will be selected for an award?**

Not necessarily. EPA cannot provide advice on competition strategy or when to apply. Applications will be evaluated based on the criteria in Section V of the NOFO. As noted in Section II.C of the NOFO, EPA cannot predict how long funding will be available under the NOFO since this depends on the quality and volume of applications received, but EPA encourages applicants to take the time necessary to prepare a thorough application that is responsive to the NOFO requirements.

**13. After the expected initial March 2024 award selections, what is the schedule for future selections?**

EPA will be reviewing applications on a rolling basis and anticipates doing approximately monthly reviews and will announce selections as soon as practicable after the review process is complete. The timing of the review and selection process are dependent on the volume of applications received and other considerations. The dates in the NOFO are estimates only.

**14. Is the CCGP a one-time funding opportunity or will there be another cycle of the CCGP in the future?**

As of this time, the CCGP that is covered by the NOFO is a one-time funding opportunity using Inflation Reduction Act funds. Future funding cycles depend on Congressional appropriations.

**15. When does the three-year period to complete the grants begin?**

The grant period of performance is three years from award date, which is the same as the “agreement date.” Recipients may incur pre-award costs to the extent authorized by 2 CFR 1500.9, but EPA will adjust the period of performance and budget period to cover the pre-award costs as provided in 2 CFR 200.403(h). All costs must be incurred, and grant activities must be completed, during this 3-year period of performance. As provided in 2 CFR 200.344(b), recipients will have 120 days following the end of the period of performance to liquidate financial obligations incurred during the period of performance.

**16. The NOFO states that all funds must be awarded by September 30, 2026. If an award is made on September 1, 2024, when must it be completed?**

As required by law (Section 138(a)(1) and (b)(1) of the Clean Air Act), all the grants under the NOFO must be awarded and funds obligated by September 30, 2026, and the performance period for the grants must not extend beyond three years. If a grant is awarded on September 1, 2024, then it must be completed by September 1, 2027, and there can be no extensions.

**17. Is there a minimum and maximum amount of funding that may be requested for Track I and II applications?**

There is a maximum amount of funding that applicants may request under Track I and II, but there is not a minimum. Section II.A of the NOFO states that:

“EPA anticipates awarding approximately \$2 billion in funding through this NOFO depending on funding availability, quality of applications received, EPA priorities, and other applicable considerations. Awards under Track I are expected to be between \$10-20 million each and cannot exceed \$20 million. Awards under Track II are expected to be between \$1-3 million each and cannot exceed \$3 million.”

Further information is also in Section III.D.10 of the NOFO. Based on this, while there is a maximum ceiling for Track I and II applications, there is no required minimum amount of funding that may be requested for Track I and II applications because we wanted to provide applicants with some flexibility. However, while applications for Track I and II that are submitted below the stated range may be eligible, they will be evaluated based on the criteria and requirements in the NOFO and Track I applications for significantly less than \$10 million may not be as competitive as those between \$10-20 million.

**18. Can projects receiving funds from the CCGP also leverage federal funds for the same project?**

Generally, yes, if the requirements for each program are met. Costs must be attributed to each individual federal grant/loan and properly accounted for pursuant to 2 CFR 200.403(f) and other applicable provisions of 2 CFR Part 200. In addition, Section V.E.7 of the NOFO (also see Sections V.E.5 and 6) states that in making final funding decisions EPA may consider:

The extent to which the EPA funding may complement or be coordinated with other EPA funding or other Federal and/or non-Federal sources of funds/resources to leverage additional resources to contribute to the performance and success of the grant. This includes but is not limited to funds and other resources leveraged from businesses, labor organizations, non-profit organizations, education, and training providers, and/or Federal, state, Tribal, and local governments, as appropriate.

**19. Are letters of support required to be submitted with an application?**

No, there is no requirement to submit letters of support. However, there is a Statutory Partnership requirement as explained in Section III.A of the NOFO and Appendix B.

## B. Scoring and Evaluation

### **1. Who will review applications and determine who is selected for awards?**

The review and selection process are described in Section V of the NOFO for Track I and II applications. As stated in Section V.B of the NOFO, all applications that pass the threshold eligibility review process will be evaluated and scored by review panels using the track-specific evaluation criteria in Section V. Review panels may be comprised of EPA staff, other Federal reviewers, and/or external reviewers.

### **2. Will more points be awarded if a Track I application addresses more than one Climate Action and/or Pollution Reduction strategy?**

Not necessarily. The NOFO requirement is to address at least one Climate Action Strategy and at least one Pollution Reduction Strategy. Track I applications will be evaluated based on the Track I criteria in Section V of the NOFO.

### **3. Does having a previous EPA grant impact scoring for this grant?**

Having a prior EPA grant may be evaluated as part of the past performance evaluation factor for Track I and II applications as well as any other relevant criteria. Applications will be evaluated based on the evaluation criteria in Section V of the NOFO.

### **4. Will EPA fund two applications that focus on the same or similar project activities?**

All applications will be evaluated based on the evaluation criteria in Section V of the NOFO. In addition, in making final selection decisions, EPA may also consider the other factors in Section V.E. One of those factors (number 8) includes duplicate funding considerations.

### **5. If a Lead Applicant applies for two grants, would that be considered in the evaluation of their applications?**

Yes, applying for two grants as a Lead Applicant could be considered in the evaluation process, including under the Programmatic Capability evaluation factors in Section V for Track I and II applications and as a "other" factor (number 6) under Section V.E of the NOFO. Also see Section II.C.2 of the NOFO.

### **6. Is there a minimum score for receiving an award?**

The scoring process for Track I and II applications is described in Section V of the NOFO and particularly Sections V.C and V.D. For Track I applications, there is a minimum score necessary to proceed to an oral presentation.

### **7. Do high scoring applications that are not initially selected carry over to subsequent review cycles?**

No. EPA will review all incoming applications on a rolling basis as described in the NOFO, and applications do not carry over to subsequent review cycles. Please also note the resubmission process described in Section II.C of the NOFO.

### **8. What is meant by the "geographical diversity" other selection factor in Section V.E of the NOFO?**

This is a factor EPA may consider when making final selection recommendations, as appropriate, so that awards are not disproportionately concentrated in one or more areas.

### C. Awards and Payments

**1. How will the grant funds be awarded and distributed among the entities that are part of an application?**

As stated in Section III.B of the NOFO: "If selected for award, the Lead Applicant will become the grantee, operating as a pass-through entity for purposes of 2 CFR Part 200 and the EPA Subaward Policy, and taking responsibility for making subawards to Collaborating Entities." The Lead Applicant will describe its process and capacity to make subawards in the application, including in the required Partnership Agreement among the Statutory Partners.

**2. Does the entire award amount need to flow down to subrecipients?**

No, the entire award amount does not need to flow down to subrecipients.

**3. Is there cost-share or match requirement for awards under the NOFO?**

No. There is no cost-sharing or matching requirement under the NOFO.

**4. Will grant funds be paid to recipients via a draw-down system or will there be an opportunity to get the initial lump sum?**

EPA will pay recipients under a draw-down system unless the recipient qualifies for an initial lump sum payment as a working capital advance under 2 CFR 200.305(b)(4). Working capital advances, however, will not be made in the entire amount of the award but will only "...cover [the recipient's] estimated disbursement needs for an initial period generally geared to the [recipient's] disbursing cycle. Thereafter, [EPA] must reimburse the [recipient] for its actual cash disbursements" as provided in that regulation.

Here is a summary of the draw-down requirements from EPA's General Term and Conditions, "Automated Standard Application Payments (ASAP) and Proper Payment Draw Down."

"Recipients must enroll in the Automated Standard Application for Payments (ASAP) system to draw down funds. Payments made to recipients through ASAP are virtually instantaneous—typically the same business day. Recipients must draw down funds based on actual costs incurred ("immediate cash requirements") rather than in a single draw at the beginning of the grant or multiple lump sum draws based on estimated costs in order to comply with 2 CFR 200.305(b). Recipients do not have to pay employees, contractors and subrecipients before obtaining payment from ASAP but must disburse the funds for the incurred costs within 5 working days of receiving the ASAP payment subject to a 5% of the amount of payment or \$1,000 cushion for calculation errors. EPA's Award Official may make exceptions to the 5-business day disbursement basis based on documented circumstances that prevent the recipient from complying with that requirement. Recipients must return excess funds through ASAP."

**5. Can the grants be used as match for other federal grants?**

That depends on the statutory authority of the other Federal grant program. As provided in 2 CFR 200.306(b)(5), funds from one Federal grant may not be used as cost-share for another Federal grant unless a federal statute (e.g., HUD's Community Development Block Grant statute) provides otherwise. Section 138 of the Clean Air Act, the statutory authority for the CCGP, does not authorize the use of CCGP grant funding as cost share for other Federal grants.

**6. Can a project receive funding from other Federal or state funding sources in addition to the CCGP award?**

Yes, you may be able to use CCGP funding as part of a larger project that is receiving resources from other sources. However, you must have effective accounting controls in place to ensure that the same costs are not charged to two different funding sources as required by 2 CFR 200.403(f) and 2 CFR 200.405(a).



**7. If we receive an award under the NOFO, can we delay the official award issuance date so we can delay grant performance?**

No, EPA will award and issue the grant simultaneously. Please note the Readiness, Feasibility, and other requirements in the NOFO.

#### D. Eligibility and Statutory Partnerships

**1. Are non-profit organizations with a 501(c)(6) designation eligible to apply under the NOFO?**

Yes, non-profit organizations exempt from Federal taxation under section 501(c)(6) of the Internal Revenue Code are eligible to compete under the NOFO assuming they meet the other requirements for a CBO as described in Section III A. of the NOFO.

**2. Are the District of Columbia, Puerto Rico, the Virgin Islands, and any other territories eligible to be in a Statutory Partnership with a CBO to apply under the NOFO?**

No. For the purposes of the NOFO and pursuant to the Clean Air Act, the District of Columbia, Puerto Rico, the Virgin Islands, and other territories are States, and are not eligible to apply for grants under the NOFO. In this regard, please note that the Clean Air Act defines State at 42 USC 7602(d) as:

“State means any non-Federal permitting authority, including any local agency, interstate association, or statewide program. The term “State” also includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Where such meaning is clear from the context, “State” shall have its conventional meaning.”

However, local governments (e.g., public housing authorities) and institutions of higher education that are in the District of Columbia and the U.S. territories (Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Puerto Rico) may be eligible to apply as part of a Statutory Partnership with a CBO under the NOFO if they meet the NOFO requirements.

**3. Are the Freely Associated States eligible to apply under this NOFO?**

No, the Freely Associated States are not eligible to apply under the NOFO, nor can projects be performed in the Freely Associated States.

**4. Are hospitals eligible to apply under the NOFO?**

It depends. Non-profit hospitals may be eligible as CBOs if they meet the criteria outlined in Section III.A of the NOFO for a CBO. A hospital that is an agency or instrumentality of a local government is eligible to participate in a Statutory Partnership as a local government as defined in Section III.A of the NOFO. For-profit hospitals are not eligible to apply.

**5. Can a nonprofit organization incorporated as an LLC be considered a CBO and be part of a Statutory Partnership to apply under the NOFO?**

Yes, if the applicant can demonstrate that the LLC is recognized as a nonprofit organization under state law as described in Section III.A of the NOFO, and otherwise meets the requirements for a CBO described in Section III.A of the NOFO. For example, an LLC whose sole member is a nonprofit organization may qualify as a CBO if the other requirements in the NOFO are met.

**6. What are some examples of local governments that may apply under the NOFO with a CBO partner?**

EPA uses the definition of local government in 2 CFR 200.1 as indicated in Section III.A.2 of the NOFO. Refer to that coverage for examples of local governments.

Please note that Regional Planning Councils or similar regional entities may qualify as a local government, but such applicants would need to document eligibility by securing an opinion from the Chief Legal Officer of the regional entity or the equivalent citing the specific state statute or local ordinance that establishes that the Regional Planning Council or other regional entity qualifies under Item 9 or 13 of the 2 CFR 200.1 definition of local government.

**7. Is there a preference for collaborations with local governments over partnerships between two CBOs under the NOFO?**

There is no EPA preference for any Statutory Partnership structure as long as one of the Statutory Partners is a CBO as required by section 138(b)(3) of the Clean Air Act and indicated in Section III.B of the NOFO. Applications will be evaluated based on the criteria in Section V of the NOFO.

**8. What constitutes a Statutory Partnership agreement between the two Statutory Partners, and does EPA have a model agreement?**

See Appendix B of the NOFO for the requirements of the Statutory Partnership Agreement. EPA does not have a model partnership agreement because they may vary per State law.

**9. Can a letter of collaboration between the two Statutory Partners be a substitute for the Statutory Partnership Agreement?**

No, a letter of collaboration between two entities would not suffice as a substitute for the Partnership Agreement that is outlined in Appendix B.

**10. Must local governments enter into subaward agreements prior to award to meet the Statutory Partnership requirements in Appendix B even if local law prohibits binding commitments on the part of local governments?**

Not necessarily. If the Partnership Agreement demonstrates that the local government intends to enter the required subaward with the Statutory Partner (the CBO) after EPA makes the award, that is sufficient. For example, the terms of the Partnership Agreement may include a contingency that makes receipt of a CCGP award a prerequisite for the subaward or a similar arrangement that complies with local law.

Note that EPA takes the same position regarding any Lead Applicant (CBO, Tribe, local government, institution of higher education) that includes a contingency in the Partnership Agreement that makes receipt of a CCGP award a prerequisite for the actual subaward to the Statutory Partner. In addition, please refer to the Community Engagement and Collaborate Governance structure in Section I.G. of the NOFO.

**11. Does the Lead Applicant have to make subawards to Collaborating Entities before they are awarded a grant?**

No and see above answer also. The Lead Applicant need not have a subaward in place with Collaborating Entities at time of application submission but must assure EPA that they will provide the subawards if the application is successful, and otherwise meet the NOFO requirements. They must also address the evaluation factors in Section V of the NOFO, including the Community Engagement and Collaborative Governance Plan requirements, and the Appendix G budget requirements.

In addition, the Partnership Agreement between the Lead Applicant and the Statutory Partner described in Appendix B must include a commitment to provide the Statutory Partner a subaward as indicated in Section III.B of the NOFO, although that commitment may be contingent on the award of CCGP funding as indicated in the prior question.

**12. Do the two Statutory Partners have to demonstrate that they have worked together in the past to apply as a Statutory Partnership?**

No. The requirements for a Statutory Partnership are explained in Sections III.A and B of the NOFO and Appendix B. The Statutory Partners do not have to show that they have worked together in the past to apply as Statutory Partners. Notwithstanding this, there are evaluation factors in Section V that focus on the Lead Applicant and Statutory Partners.

**13. How do organizations determine which eligible entity should be the Lead Applicant and which should be the Statutory Partner?**

It is up to the applicants to decide who is the Lead Applicant and who is the Statutory Partner as long as a CBO is one of them. See Section III.B of the NOFO. In deciding who should be the Lead Applicant, please consider the Lead Applicant's responsibilities for managing the grant as outlined in Section III.B of the NOFO.

**14. Can a federal agency be a Lead Applicant or a Statutory Partner on an application?**

No, a federal agency cannot be a Lead Applicant or a Statutory Partner because of the requirements in Section 138 of the Clean Air Act. However, if the federal agency has statutory authority to provide services to non-federal entities on a reimbursable basis, it may participate as a Collaborating Entity that receives a subaward.

**15. Can we apply as a collaboration between multiple Federally recognized Tribes?**

Please see the definition of Federally recognized Tribe in Section III.A.3 of the NOFO. Informal partnerships of Tribes are not eligible entities. Intertribal Consortia that meet the definition of a CBO in the NOFO are eligible to apply as CBOs with a Statutory Partner as indicated in Section III.A of the NOFO. Federally recognized Tribes may apply in partnership with a CBO including an Intertribal Consortium that meets the definition of a CBO.

**16. Can the Statutory Partnership that applies for a grant consist of more than 2 entities?**

No. As described in Section III.B of the NOFO, the Statutory Partnership is comprised of two eligible entities, one of which must be a CBO. Other entities may be involved in the grant as Collaborating Entities or procurement contractors as explained in Section III.B of the NOFO.

**17. Can an institution of higher education apply with a Resource Conservation District (RCD) as the CBO?**

It depends. Whether an RCD can qualify as a CBO depends on the legal status of the RCD and whether it can meet the CBO requirements in the NOFO. Some RCDs may be structured as CBOs, and others are structured more like local governments as defined in 2 CFR 200.1.

**18. If a CBO is partnering with a single Joint Powers Association (JPA) entity made up of five local governments, then can the JPA serve as the Lead Applicant?**

It depends. If the JPA is considered a *Local government*, as defined in 2 CFR 200.1, and it meets the eligibility requirements outlined in Section III.A of the NOFO, then yes. For example, depending on state or local law, the JPA may be a "special district," an "intrastate district," or a "council of governments." But the JPA would apply as one local government, not five separate local governments. EPA will require that the Chief Legal Officer for the JPA or the State Attorney General's Office provide a legal opinion documenting that the JPA is a local government within the meaning of the regulation.

**19. Can a CBO that works in a disadvantaged community partner with an Institution of Higher Education that is not located in that disadvantaged community?**

Yes. As described in Section III.A of the NFO, a CBO must demonstrate that it is "a public or private nonprofit organization that supports and/or represents a community and/or certain populations within a community through engagement, education, and other related services provided to individual community residents and community stakeholders." Institutions of Higher Education do not have to meet the same requirements. However, as noted throughout the NOFO, all applications must benefit disadvantaged communities as defined in Appendix A of the NOFO.

**20. Can a nonprofit Community Development Financial Institution (CDFI) be considered a CBO and apply in partnership with another CBO or a local government?**

Yes, if the nonprofit CDFI meets the requirements for a CBO described in Section III A.1 of the NOFO.

**21. Can a Public Benefit Corporation with non-profit CBO “shareholders” apply as a CBO or other eligible entity?**

Probably not. Public Benefit Corporations are for-profit entities, and for-profits are ineligible to apply under the NOFO. Even though some of the shareholders are non-profit CBOs, the Public Benefit Corporation may also have other shareholders including companies or individuals who may receive profits from services or products the Public Benefit Corporation sells commercially. A PBC that only has nonprofit shareholders may qualify as a CBO, but EPA will need detailed information (including documentation that the State of incorporation recognizes the PBC as a nonprofit organization) to determine whether the PBC qualifies as CBO.

**22. Can a collaborative of CBOs apply as one CBO?**

It depends. If the collaborative of CBOs has its own independent legal existence and meets the requirements for a CBO in Section III.A.1 of the NOFO, it may apply as one CBO. However, the requirement to partner with another CBO, local government, Federally recognized Tribe, or institution of higher education would still apply.

**23. Can the Department of Energy’s National Laboratories receive funding under the NOFO as a subrecipient to a Lead Applicant?**

Nonprofit organizations that operate National Laboratories under contract with the U.S. Department of Energy are eligible subrecipients provided they receive permission from DOE to perform the subaward and comply with the NOFO requirements.

**24. Are investor-owned public utilities eligible to apply for the grants?**

No, they are considered for-profit entities and not eligible to apply. In some circumstances they can receive subawards under Appendix A of the EPA Subaward Policy such as a subaward to upgrade pollution-control equipment or provide energy efficiency upgrades (via subsidies or direct construction or services) to their rate payers in disadvantaged communities.

**25. If a CBO partners with a local government to apply for a grant, does the Partnership Agreement between them need to be adopted by the local government?**

The answer depends on the local government’s legal requirements. However, as stated in Appendix B of the NOFO “[T]o be eligible for funding, the Lead Applicant must include in the application a copy of a written and signed Partnership Agreement with the Statutory Partner that is legally binding.”

**26. Is a national Tribal consortium eligible to apply as part of a Statutory Partnership under the NOFO?**

An Intertribal Consortium that meets the requirements for a CBO as well as 40 CFR 35.504(a) and (b) may be eligible for funding as stated in Section III.A and Appendix G of the NOFO.

**27. Can religious-affiliated organizations be considered CBOs under the NOFO?**

Yes, religious-affiliated nonprofit organizations can apply as part of a Statutory Partnership if they meet the eligibility requirements for a CBO described in Section III.A of the NOFO. Grant funding may not, however, be used for religious purposes, and recipients may not select program or project beneficiaries based on a religious purpose.

**28. Is a state agency eligible to apply for funding under the NOFO?**

No, neither States nor State agencies are eligible to apply under the NOFO based on the statutory requirements for the CCGP. However, they can be involved as Collaborating Entities and receive subawards. Please refer to Sections III.A and III.B of the NOFO for more information.

**29. The NOFO refers to Institutions of Higher Education as being eligible to apply with a CBO, but are K-12 educational institutions also eligible to participate?**

A school district is eligible to apply as a local government as defined in 2 CFR 200.1 and described in Section III.A of the NOFO in partnership with a CBO. An individual school may also be eligible to participate and receive subawards as a Collaborating Entity depending on its status under the state statutes or local ordinances establishing the school district. Incorporated nonprofit organizations affiliated with schools such as Parent Teacher Organizations may also be eligible as CBOs if they can meet the CBO criteria in the NOFO. Private schools may be eligible to apply as part of Statutory Partnership if they meet the requirements for a CBO as described in Section III.A. of the NOFO.

**30. Can CCGP funding be used for AmeriCorps stipends?**

It depends. As a federal agency, AmeriCorps is not eligible to apply under the NOFO because they do not meet the statutory eligibility requirements for the CCGP. However, CCGP funding may be used for AmeriCorps program participant stipends if the recipient's agreement with AmeriCorps authorizes the use of grant funds from another Federal agency to pay AmeriCorps stipends. EPA understands that AmeriCorps has unique statutory authority that allows funds from Federal grants from other agencies to be used to pay part of the cost for an AmeriCorps project or program.

**31. Is there a list of Federally recognized Tribes who are eligible?**

Please refer to Section III.A.3 of the NOFO for information on the eligibility of Federally recognized Tribes. The Department of Interior keeps a list of Federally recognized Tribes. Be aware that Alaska Native Corporations (ANCs) are not eligible to apply in a Statutory Partnership because they are not Indian tribes as defined in section 302(r) of the Clean Air Act, but they may participate as Collaborating Entities to receive subawards. See questions in the Target Investment Area section of this document for further information.

**32. What is EPA's position on "fiscal sponsors" applying under the NOFO?**

EPA does not recognize the "fiscal sponsor" or "fiscal agent" concept. Thus, a fiscally sponsored organization is not eligible to apply as a Statutory Partner as described in Section III.A and III.B of the NOFO unless they meet the requirements of a CBO described in Section III A.1 of the NOFO. Please also refer to Questions 49 through 51 of the EPA Subaward Frequent Questions which are available at <https://www.epa.gov/grants/epa-subaward-frequent-questions>.

**33. Can a community college or other Institution of Higher Education with non-profit status qualify as a CBO?**

No. Community colleges and other Institutions of Higher Education are *Institutions of Higher Education* as defined in 2 CFR 200.1 and noted in Section III.A of the NOFO, which is the definition EPA uses to interpret the term "institution of higher education" in section 138(b)(3) of the Clean Air Act. That definition incorporates the definition of an Institution of Higher Education under Title I of the Higher Education Act of 1965, as amended, 20 U.S.C. 1001.

Community colleges are identified in 20 U.S.C. 1001(a)(3) as Institutions of Higher Education offering 2-year programs "...that is acceptable for full credit toward...a bachelor's degree." The fact that any such institution also has nonprofit status does not alter their designation as such an institution indicated by 20 U.S.C. 1001(a)(4).

**34. Our university's research corporation, a 501(c)(3) non-profit, submits and administers grant dollars on behalf of the university. Would the research corporation be eligible to be a CBO on an application submitted under the NOFO?**



A nonprofit organization affiliated with a university could qualify as a CBO if they meet the other requirements for a CBO specified in Section III.A of the NOFO. However, if the nonprofit intends to name the university parent as a Statutory Partner or otherwise provide a subaward to the university parent, then EPA's Financial Assistance Conflict of Interest Policy (<https://www.epa.gov/grants/epas-final-financial-assistance-conflict-interest-policy>) would be implicated due to the potential for personal and organizational conflicts of interest.

**35. Are local government agencies considered part of a local government even if they have their own unique entity identifier (UEI) and indirect cost rates?**

Yes, local governments are "unitary" legal entities even if they have separate agencies and departments, unless the agencies and departments can demonstrate they are legally independent of the local government. For example, if City Y is a local government, then all its agencies and departments are considered part of the local government, unless they can convincingly demonstrate that they are legally independent of, and do not report to, the executive of the local government (either elected or appointed) and the legislative body of the local government. This means that City Y, including its agencies and departments, can only submit up to two applications as a Lead Applicant under the NOFO.

However, EPA recognizes the legal structure of local governments varies and that there may be nonprofit organizations such as community economic development agencies or public bodies such as school systems, public utilities, and public housing authorities that may be sufficiently independent of the local government to qualify as separate legal entities.

**36. My organization is a national organization but has a presence in certain communities to work on community issues-- would we be considered a CBO?**

To be considered a CBO you must meet the requirements in Section III.A of the NOFO. The NOFO states in pertinent part in Section III A.1 that:

"For purposes of this NOFO, the CBO must have a geographic presence or connection in, or relationship with, the specified community that the projects are intended to benefit. For example, national or statewide CBOs must demonstrate the CBO's connection to the community that will benefit from the grants."

**37. If there is a university that has a multi-campus system with only one sponsored project office for the entire system, and assuming it is an Institution of Higher Education and wants to be a Lead Applicant on an application, are they limited to two applications for all campuses, or would each campus be permitted to submit up to two applications as a Lead Applicant?**

Our policy is to treat multi-campus Institutions of Higher Education as unitary entities for the purposes of the two-application limit in the Threshold Eligibility Criteria in Section III.D of the NOFO unless there is some unique state law feature that makes each campus a separate legal entity for liability, contracting, or similar purposes. Otherwise, these multi-campus universities would be able to submit more applications than other Lead Applicants. The fact that each campus has its own Unique Entity Identifier and academic leadership is not determinative if the contracting authority for all campuses would be the same office and the campuses are not separate legal entities.

**38. Are Federally Funded Research and Development Centers (FFRDC) eligible to apply for the grants as a CBO?**

Yes, as long as the contractor operating the FFRDC is a nonprofit organization and can meet the definition of a CBO in Section III.A of the NOFO. The nonprofit contractor operating the FFRDC may apply as part of a Statutory Partnership as described in Section III.A of the NOFO in its nonprofit capacity if they otherwise meet the requirements for a CBO in Section III.A of the NOFO and other NOFO requirements, and the Department of Energy or another Federal agency operating the FFRDC gives the FFRDC contractor permission to apply for the grant.

**39. Can a Tribe apply as a Lead Applicant even if the project isn't on tribal land?**

Yes, a Tribe can apply as a Lead Applicant for a project, even if it isn't on tribal land, if their project benefits a disadvantaged community as described in Appendix A of the NOFO and meets all the other requirements noted in the NOFO. The determination of who becomes the Lead Applicant is up to the Tribe and its Statutory Partner.

**40. Can a Federally recognized Tribe qualify as a CBO since they are exempt from Federal taxation?**

No. Federally recognized Indian tribes as defined in section 302(r) of the Clean Air Act are units of government. Their exemption from taxation, like that of states, stems from governmental powers such as taxation, law enforcement, and civil authority recognized in Federal law.

### *E. Collaborating Entities*

**1. Is there a minimum or maximum number of subawards that a Lead Applicant must make to Collaborating Entities?**

No, the NOFO doesn't indicate a required number of subawards to Collaborating Entities.

**2. Can a Collaborating Entity be an organization located outside of the United States?**

In limited circumstances, projects to benefit U.S. disadvantaged communities near an international border may require some international work to be performed within 100 kilometers of that border (e.g., within 100 km south of the U.S.-Mexico border or north of the U.S.-Canada border). See Section II.B of the NOFO. In these cases, there may be some limited instances where a Collaborating Entity may be located outside of the United States. This may also apply to projects benefitting U.S. Territories.

**3. Can subawards only be granted to Collaborating Entities named in the application?**

Applicants need to identify and describe existing relationships with Collaborating Entities in the application based on the NOFO requirements and as indicated in Appendix G for the budget template. However, grant recipients may find it necessary to issue subawards to entities not originally named in the application. Replacing a previously named Collaborating Entity requires prior approval by an authorized EPA official pursuant to 2 CFR 200.308(e)(6).

Collaborating Entities will receive subawards as explained in the NOFO, including in Section III.B and Appendix G, but the NOFO also acknowledges in Section III.B that there may be "other subrecipients" in addition to those recognized as Collaborating Entities. Subawards may be made to Statutory Partners (CBOs, Federally recognized Tribes, local governments, and institutions of higher education), as well as entities that cannot legally be Statutory Partners (e.g., states, territorial governments, Alaska Native Corporations, and international organizations).

**4. Can for-profit/private companies be Collaborating Entities?**

No. As stated in Section III.B of the NOFO, for-profit private companies cannot be Collaborating Entities that receive subawards. When a for-profit firm is providing commercial services to the recipient as a vendor, then the recipient cannot circumvent competitive procurement requirements by providing the firm a subaward even if the firm agrees not to "profit" from the transaction.

**5. Can a for-profit entity receive a subaward, or otherwise be a program participant?**

Yes, in certain very limited circumstances. For example, as Appendix A to EPA's Subaward Policy (incorporated into Section III B. of the NOFO) notes, a for-profit firm can receive a subaward for a project to install pollution-control equipment at its facilities, since the firm in that case is not providing goods or services to the recipient on commercial terms.

Similarly, an investor-owned utility could receive a subaward to provide energy efficient HVAC equipment to residents of low-income communities via subsidies or actual installation of equipment. The utility would not be providing the recipient with the services (energy transmission or other services/products the utility "sells" to ratepayers or others) that generate profits for its investors. For-profit firms may receive rebates or subsidies for purchases of pollution control equipment including electric vehicles and related charging infrastructure as program participants under 2 CFR 1500.1(b) and the EPA Guidance on Participant Support Costs, which is referenced in Appendix G of the NOFO.

## *F. Procurement Questions*

**1. If we have already completed a competitive procurement in advance of applying, can we list the contractor/consultant in the application? And does this apply to engineering contracts as well?**

For the first question, yes, provided the procurement process complied with the requirements specified in the Procurement Standards in 2 CFR Part 200, the Good Faith Efforts to encourage participation of small and disadvantaged businesses described in 40 CFR 33.301, and the compensation that you intend to charge to the grant for individual consultants (if any) complies with 2 CFR 1500.10. Please refer to the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements (<https://www.epa.gov/sites/default/files/2021-03/documents/best-practice-guide-for-procuring-services-supplies-equipment.pdf>), which is incorporated into the CCG NOFO as well (See Appendix G).

And yes, this requirement applies to engineering contracts as well, although for architectural and engineering (A/E) services you may use a qualifications-based competitive procurement as long as the requirements in 2 CFR 200.320(b)(2)(iv) are met. EPA also recognizes that geographic preferences may be used as provided in 2 CFR 200.319(c). Note that EPA takes the position that qualifications-based and geographic preference procurements may only be used to acquire services such as the development of building specifications that must be performed by a licensed A/E firm under state or local law.

**2. What if we have a Master Service Agreement that was previously competed in compliance with federal procurement policies? Can we list it in the application?**

It depends. Your Master Service Agreement may not be so “stale” that it does not reflect current market conditions and cannot be a non-competitive retainer type of consulting contract prohibited by 2 CFR 200.319(b)(4). As indicated on page 13 in our Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements (found here: <https://www.epa.gov/sites/default/files/2021-03/documents/best-practice-guide-for-procuring-services-supplies-equipment.pdf>), which is referenced in the NOFO including in Appendix G, EPA will accept properly competed long-term contracts that are 5 years or less in length. We also expect recipients to ensure that the pricing under Master Service Agreements remains consistent with market conditions to meet the “reasonable cost” standard in 2 CFR 200.404, which applies to all expenditures of grant funds.

**3. Can a Lead Applicant procure contractors to assist with grant performance, or should procurement be managed by subrecipients who receive subawards from the Lead Applicant?**

Both Lead Applicants and subrecipients may procure contractors in compliance with competitive procurement requirements as described in Section III.B of the NOFO.

**4. Based on the NOFO, the period of performance cannot exceed 3 years, and projects should begin no later than 120 days of award. Does this mean that issuing a procurement solicitation and initiating a competitive procurement process to implement the project must begin within the 120 days, or can the procurement be conducted before award and be a pre-award cost?**

When to begin the procurement process is a matter for applicants to decide based on the time it takes to acquire services or products under their procurement procedures. We recommend, however, that applicants as a minimum wait until EPA notifies them of initial selection before initiating the competitive procurement process.

Costs for conducting a procurement that complies with federal requirements can be an allowable pre-award cost subject to the restrictions in 2 CFR 1500.9 and 2 CFR 200.458. Recipients incur pre-award costs at their own risk, and EPA will only reimburse recipients for pre-award costs for competitive programs if the pre-award costs were incurred after the recipient was notified of initial selection for funding. More importantly, as provided in 2 CFR 200.211(b)(5) and 2 CFR 200.403(h), the *Period of Performance* (defined in 2 CFR 200.1) will be adjusted to encompass the time frame in which the pre-award costs were incurred. The Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance that is referenced in Appendix G of the NOFO says this on pre-award costs:

“2. EPA defines pre-award costs as costs incurred prior to the award date, but on or after the start date of the Budget period and Period of performance as defined in 2 CFR 200.1. Under EPA’s interpretation of 2 CFR 200.308(e)(1) and 2 CFR 1500.9, all eligible costs must be incurred during the budget/ performance period as defined by the start and end date shown on the grant award to receive EPA approval. This interpretation is implemented in a grant-specific Term and Condition entitled ‘Pre-award Costs,’ which will be included in all awards when the recipient has incurred EPA approved costs prior to award.”

By statute, the performance period for these grants is limited to 3 years. The total amount of time for incurring costs will not be lengthened by incurring the costs for procurements prior to the date of the award although depending on the “construction season” in the applicant’s locale there may be sound reasons for initiating the procurement process immediately following EPA’s notification of selection. Again, any pre-award costs the recipient incurs are at their own risk.

**5. If an applicant is interested in procuring a consultant do they have to do so before submitting an application?**

No. Applicants are not required to procure a consultant before submitting an application. Consultants, regardless of when they are procured, must be selected in compliance with the fair and open competition requirements in 2 CFR Part 200 and 2 CFR Part 1500. EPA provides guidance on complying with the competition requirements in the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements.

**6. Can I receive sample Requests for Proposals (RFPs)/Requests for Quotes (RFQs) or other forms of assistance in developing RFPs/RFQs from potential contractors that will then be allowed to bid on the procurement that will be made under the RFP?**

No. If you seek any assistance from a contractor, including obtaining sample RFPs/RFQs, that contractor is not allowed to submit a proposal in response to your RFP/RFQ. If the contractor submits a proposal, you must reject the proposal. Accepting the proposal will be in violation of 2 CFR § 200.319. You may, however, seek assistance from a contractor that will not submit a proposal in response to your RFP/RFQ.

**7. What is an example of an unfair competitive practice?**

One example of an unfair competitive practice is to allow a consultant (or any other type of contractor) who drafts specifications, requirements, statements of work, or invitations for bids or requests for proposals to compete for the services or products that will be procured. This practice violates 2 CFR § 200.319(b) and may result in EPA disallowing any costs for the tainted contract that are charged to CCG grant. Non-competitive contracts with consulting firms on retainers are another example of an unfair competitive practice as indicated at 2 CFR § 200.319(b)(4).

Additionally, EPA will not accept sole source justifications for procurement contracts for services such as consulting, engineering, construction services, or information technology support that are available in the commercial marketplace.

**8. Must I consider price when procuring a consultant or other contractor?**

It depends. EPA's position is that the "qualifications based" procurement procedures described in 2 CFR § 200.320(b)(2)(iv) may be used when acquiring services that can only be provided by a licensed Architectural and Engineering (A/E) firm such as when state or local law requires that a licensed A/E firm develop the design plans and other specifications for construction work. As stated in the regulation: "The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort." A/E firms are one potential source for a wide range of services in addition to those that only licensed A/E firms may perform as a legal matter.

**9. Is my RFP process federally compliant if I only receive one bid?**

Possibly, but additional inquiries by EPA are possible. Per the grant regulations at 2 CFR § 200.325(b)(2), when only one bid is received in response to a RFP/RFQ, you must make the procurement documents available to EPA if requested. Services necessary for performing CCGP grants are widely available in the commercial marketplace so it would be unusual for only one bid to be received under an RFP. Depending on the information contained in the procurement documents, as well as circumstances surrounding the procurement, EPA may require you to re-issue the RFP.

**10. What are the potential consequences for an applicant/recipient that does not conduct a fair and open competition for the procurement of a contractor?**

If an applicant/recipient fails to comply with the competitive procurement requirements in 2 CFR Parts 200 and 1500 or 40 CFR Part 33, EPA may impose additional conditions, as described in 2 CFR § 200.208 which may include re-issuing an RFP. If EPA determines that noncompliance cannot be remedied by imposing additional conditions, EPA may take one or more of the following actions, as outlined in 2 CFR § 200.339 Remedies for Non-Compliance, as appropriate in the circumstances:

**11. What should I do when a consultant has offered to prepare our application for a CCGP grant without charging a fee?**

If a consultant has offered to prepare your application for a CCGP grant without charge you need to be careful not to provide that consultant with an unfair competitive advantage when selecting a contractor to perform work under a CCGP grant.

Unfair competitive advantage is when the terms of the consultant's offer require the applicant/recipient to hire the consultant on a sole source basis if the application is successful. Such a practice unfairly restricts competition for services that are widely available in the marketplace. You must procure contractual services through fair and open competition when the amount of the contract exceeds the micro-purchase threshold (\$10,000 for most recipients).

**12. Can the same contractor that assists me with preparing the grant application also submit a proposal in response to an RFP/RFQ for consulting services that I may issue if I receive the grant?**

Yes. EPA does not prohibit consultants who prepare grant applications from competing for contracts that will be funded under the grant as long as the competition is conducted fairly and openly. The contractor may not assist with drafting specifications, requirements, statements of work, or invitations for bids or requests for proposals and also be allowed to compete for the services or products that will be procured as indicated in 2 CFR § 200.319(b).

**13. The terms of the contract for application preparation services require us to hire the consultant to provide services necessary to perform the CCGP grant if EPA selects the application for funding or pay the consultant a \$5,000 application preparation fee if we hire a different consultant. What is EPA's view on this practice?**



EPA considers this practice to be a violation of the procurement requirements in the grant regulations because it may provide the consultant who prepared the application an unfair competitive advantage. The grant regulations require recipients to fully and openly compete professional services contracts when the amount of the contract will exceed the general \$10,000 micro-purchase threshold (or a higher threshold as authorized in 2 CFR § 200.320(a)(1)). Additional information regarding EPA policies on procurements under EPA financial assistance programs is available in our Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements which is available through links in the CCG NOFO.

Additionally, if your organization did conduct a competition to procure environmental services, and the consultant that prepared the application won the bid/contract, EPA may question whether the decision to select the consultant was based on an improper factor such as the requirement to pay the consultant the \$5,000 application fee otherwise.

**14. Can an entity issue a competitive solicitation to procure a consultant for grant writing services as well as to implement the grant, if selected for funding?**

Yes, as long as the entity complies with the competitive procurement requirements in 2 CFR § 200.319, 2 CFR § 200.320, 2 CFR § 1500.10 and 40 CFR Part 33. Refer to EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements for additional guidance. The price for performing the grant implementation services must be a significant evaluation factor in the competitive solicitation. Since direct costs for proposal preparation are not allowable under the CCGP program, the price for preparing the proposal is not relevant to the EPA funded portion of the contract and cannot be a basis for selection.

**15. What is EPA's position on hiring a particular consulting firm or other contractor?**

EPA does not endorse hiring any particular firm or firms by EPA grant recipients. All contracts with consulting firms or any other type of contractor must be procured in compliance with the full and open competition requirements described in the Procurement Standards of 2 CFR Part 200. There are many qualified consulting firms in the commercial market.

**16. If I name a consulting, law, or engineering firm as a "partner" in the application is it proper to award that firm a sole source contract on that basis?**

No. All contracts for professional services in excess of the 2 CFR § 200.320(a)(1) micro-purchase threshold (\$10,000 for most recipients) must be awarded competitively to the maximum extent practicable and in compliance with requirements to consider disadvantaged business enterprises set forth in 40 CFR Part 33. The market for consulting, legal, and engineering services is robust and it is unlikely that competition is impractical. Note that as required by 2 CFR § 200.320(a)(1) recipients must distribute non-competitive micro-purchases equitably among qualified suppliers and the price must be reasonable. Recipient practices for distributing micro-purchases are also subject to requirements in 40 CFR Part 33 for the participation of disadvantaged business enterprises in EPA financial assistance programs. Additional information regarding EPA policies on procurements under EPA financial assistance programs is available in our Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements.

**17. How must recipients handle contracts for micro-purchases?**

As required by 2 CFR § 200.320(a)(1), for contracts that do not exceed the \$10,000 micro-purchase threshold (or a higher threshold as authorized in 2 CFR § 200.320(a)(1)) recipients must distribute non-competitive micro-purchases equitably among qualified suppliers and the price must be reasonable. Recipients' practices for distributing micro-purchases are also subject to requirements in 40 CFR Part 33 for the participation of disadvantaged business enterprises in EPA financial assistance programs.

### G. Disadvantaged Communities

**1. Do the disadvantaged communities that the grants are intended to benefit need to be identified in the application?**

Yes, the disadvantaged communities who are intended to benefit from the projects need to be identified in the application, as discussed in Sections III.D and IV.B of the NOFO, as well as in Appendix A.

**2. The NOFO is requesting documentation from an authorizing governmental entity for farmworker community validation—what types of documentation are you expecting for farmworker community validation and which public agencies would hold such authority?**

Appendix A of the NOFO states in pertinent part that: “Applicants can demonstrate that a farmworker community is comprised of such individuals by submitting verification documentation from an authorizing governmental entity or through comparable means.” How this is done may vary by state or local law.

**3. Would a project be funded if it “partially” benefits a disadvantaged community?**

As stated in relevant part in Appendix A: “While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects’ primary benefits will flow to disadvantaged communities in the Project Area.” In addition, Section III.D.3 states that: “All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A.”

## H. Project Area Map, CEJST, and EJScreen

### **1. Do applicants have to be located in a disadvantaged community to apply for a grant?**

No, while applicants must meet the eligibility requirements in Sections III.A and B of the NOFO to apply for a grant, they do not have to be located in a disadvantaged community to apply. However, all applications must benefit disadvantaged communities as expressed throughout the NOFO and in Appendix A and will be evaluated based on the criteria in Section V of the NOFO.

### **2. If a Track I application involves multiple disadvantaged communities that are in a geographically contiguous area but are not all right next to another, is this eligible?**

Yes, please refer to Appendix A to the NOFO which states that:

The Project Area Map should also reflect where each project submitted under the application is located within the Project Area. The Project Area may include multiple census block groups that are designated as a disadvantaged community by EPA as defined above, but the disadvantaged census block groups need not be fully contiguous with each other.

### **3. Can EPA modify the definition of disadvantaged community to include a community that isn't identified as disadvantaged based on CEJST and EJScreen?**

No. Applicants must use the methodology described in Appendix A to determine which communities are designated as disadvantaged. Applicants must use the EPA IRA Disadvantaged Communities Map (found here: <https://epa.maps.arcgis.com/home/item.html?id=f3be939070844eac8a14103ed6f9affd>), which combines multiple datasets (including CEJST and EJScreen), unless the community meets the definition of a Disadvantaged Unincorporated Community (DUC) or Farmworker Community in Appendix A.

### **4. Can you explain the color coding on the EPA IRA Disadvantaged Communities Map in Appendix A?**

On the EPA IRA Disadvantaged Communities Map, block groups highlighted in light orange are designated as disadvantaged communities. Block groups highlighted in light blue are not designated as disadvantaged communities.

### **5. Would an application be eligible if it primarily included projects benefitting communities that are not defined as disadvantaged in Appendix A to the NOFO?**

No. Projects must primarily benefit disadvantaged communities as defined in Appendix A to the NOFO. Also see Section III.D.3 of the NOFO which states that:

"All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A."

### **6. Can a project be on private land, such as the reclamation of polluted legacy mine land, if it benefits a disadvantaged community?**

If the term "reclamation" means cleaning up the soil and subsurface contamination from mine-scarred land that meets the definition of a Brownfields site in 42 U.S.C. 9601(39)(D), then the assessment and remediation portion of the project is not eligible for CCGP funding as indicated in Section I.G.3 of the NOFO. Please refer to the examples and guidelines for Climate Action Strategy 6 in Appendix C of the NOFO. The only exception to this exclusion would be if the private land was conveyed under the Alaska Native Claims Settlement Act (ANCSA) and would be eligible for assessment and remediation funding as described in Appendix H of the NOFO. However, if the remediation at the non-ANCSA site is complete,

CCGP funding could be used for post-cleanup redevelopment at the site if the project meets all other requirements described in the NOFO.

**7. For the Disadvantaged Unincorporated Communities category in Appendix A, can an application focus on all the unincorporated areas in a county, if they meet the Disadvantaged Unincorporated Community definition in Appendix A?**

It is up to the applicant to design their project based on the NOFO requirements. The criterion for Disadvantaged Unincorporated Communities is in Appendix A to the NOFO.

**8. Can there be an application that benefits both residents of disadvantaged communities and residents of communities that are not considered disadvantaged communities?**

Please see Appendix A to the NOFO which states that:

“All projects and activities should be located within the Project Area, except in cases where the project must be located outside of the Project Area to address the localized pollution issue at the source, or where otherwise necessary to ensure that the disadvantaged community will benefit from the project. One such example is if the project addresses water quality issues upstream to benefit a downstream community. While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects’ primary benefits will flow to disadvantaged communities in the Project Area.”

Please also see Section III.D.3 of the NOFO which states that:

“All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A.”

**9. Would a protected bike path that starts in a disadvantaged community tract, goes through a neighboring non-disadvantaged community tract, then goes through another disadvantaged community tract be eligible if they are geographically contiguous?**

Yes, see Appendix A to the NOFO which states that:

“The Project Area Map should also reflect where each project submitted under the application is located within the Project Area. The Project Area may include multiple census block groups that are designated as a disadvantaged community by EPA as defined above, but the disadvantaged census block groups need not be fully contiguous with each other.”

**10. Consistent with the Justice40 Initiative, is there a requirement that 40 percent of the project benefits flow to the census block groups designated as disadvantaged communities?**

As required by Section 138 of the Clean Air Act, all grants under the NOFO must benefit disadvantaged communities. While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects’ primary benefits will flow to disadvantaged communities in the Project Area as noted in Section III.D.3 of the NOFO and Appendix A.

## I. Track I Project Activities

### **1. Can applicants include multiple projects (in the same geographic area) in an application?**

Yes, as described in the NOFO, multiple projects may be included in an application if the NOFO requirements are met and if the projects are designed and focused to maximize benefits for the residents of disadvantaged communities in the Project Area.

### **2. Can I submit an application with one project if that project addresses at least one Climate Action Strategy and at least one Pollution Reduction Strategy?**

Yes, if the application demonstrates how the project meets at least one of each of the strategies and meets the other NOFO requirements. While this may be possible to do, applicants need to think carefully about whether one project can meet at least one of each of the strategies, and all the NOFO requirements, and would have to demonstrate this in the application.

### **3. Can a Track I application include projects with activities that are carried out on a regional, county, or statewide basis?**

While a regional, county, or statewide project may technically be eligible, depending on the specific content of an application, it may be unlikely that such an application would score well and be successful considering the NOFO evaluation criteria, objectives, and requirements as further discussed below.

Such an application, again depending on the specific projects in an application, may not be consistent with the following directions for Track 1 applications in the NOFO:

Community Change Grants Objectives in Section I.C:

“The Community Change Grants will support comprehensive community and place-based approaches to redressing environmental and climate injustices for communities facing legacy pollution, climate change, and persistent disinvestment. These concentrated local investments will fund community-driven, change-making projects that center collaborative efforts for healthier, safer, and more prosperous communities.”

Community Vision Description in Section IV.B:

“Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A, concentrated and compact Project Areas may maximize benefits to the residents of the disadvantaged communities in the Project Area. Activities spread across a large Project Area may be more dispersed and less impactful. As described in Section V.C, EPA will evaluate applications based in part on the extent and quality to which project benefits will accrue to the residents of disadvantaged communities in the Project Area as defined in Appendix A in an impactful manner.”

Appendix A:

“For Track I applications for geographically defined communities identified as disadvantaged communities on the EPA IRA Disadvantaged Communities Map, applicants must identify the specific census block groups designated as disadvantaged communities that the projects and supporting activities will directly benefit by submitting to EPA one contiguous Project Area Map with an outlined boundary as instructed below. Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A and the NOFO, concentrated and compact Project Areas may maximize benefits to the residents of the census block groups designated as disadvantaged communities in the Project Area. Activities spread across a large Project Area may be more dispersed and less impactful to the residents of the census block groups designated as disadvantaged communities in the Project Area.”

**4. Can an applicant use funding under Climate Action Strategy 6: Brownfields Redevelopment to acquire and redevelop a brownfield site but use other funding sources to remediate and clean up soil and subsurface contamination on the land before the Brownfield Redevelopment project begins?**

No, other than for projects to clean up contaminated ANCSA lands as described in Appendix H to the NOFO, an applicant cannot use a Community Change Grant to acquire a Brownfield site with soil and subsurface contamination that has not yet been cleaned up. Section III.D.8 of the NOFO states that as a threshold eligibility matter:

“All Track I applications for projects under Climate Action Strategy 6: *Brownfield Redevelopment*, must be performed on sites where cleanup is complete or where the site does not require any cleanup activities for the intended use or reuse of the site, as well as meet the requirements stated in Appendix C for Brownfields Redevelopment projects.”

Such a scenario would also not appear to be able to meet the Readiness Approach Requirements in Section I.G of the NOFO, which state that:

“Given the statutory requirement that all Community Change Grants must be completed within three years, applicants must describe their approach for initiating grant performance upon award, or generally within 120 days after award . . . so they can successfully complete the grant within the three-year period.”

Further, such a scenario would also raise feasibility concerns, which is an evaluation factor for Track I applications.

Note, however, that under the examples of projects for Pollution Reduction Strategy 1: Indoor Air Quality and Community Health Improvements, in Appendix D to the NOFO, “The remediation of contamination from asbestos and lead-based paint in buildings is an eligible activity, even if the building is on a Brownfields site.”

EPA will issue a modification to the NOFO to clarify this issue which will include changes to Climate Action Strategy 6 and Section III.D.8 of the NOFO.

**5. For a Brownfields Redevelopment project under Climate Action Strategy #6, does an applicant have to demonstrate that all soil and subsurface site cleanup has been completed by the time of application submission or just by the time the project would commence after award?**

Yes. Site cleanup must be complete by the time of application submission. EPA intends to clarify in a modification to the NOFO that for Brownfields Redevelopment projects under Climate Action Strategy 6, the applicant must demonstrate in its application that at the time of application submission no soil or subsurface site cleanup is necessary (e.g., through a Phase II Environmental Assessment Report by a Qualified Environmental Professional) or has been completed for the project to be eligible for funding.

Documentation of cleanup completion must be by an official written communication or other written documentation from the cognizant regulatory authority. Therefore, at the time of application submission, for all Brownfields Redevelopment projects under Climate Action Strategy 6, the applicant must demonstrate in their application that at the time of application submission, not by the time the project will begin, no cleanup at the site is necessary for the project to be eligible for funding consideration.

Note, however, that under the examples of projects for Pollution Reduction Strategy 1: Indoor Air Quality and Community Health Improvements, in Appendix D to the NOFO, the remediation of contamination from asbestos and lead-based paint inside buildings is an eligible activity, even if the building is on a Brownfields site.



**6. Is food waste reduction/food scrap diversion an eligible project activity under Track I?**

Yes, this is listed as an eligible activity under Climate Action Strategy 7 in Section I.G of the NOFO.

**7. Is adding protection to a currently unprotected bike lane an eligible activity, or would it need to be a completely new bike lane?**

Modifications and upgrades to existing bike lanes are eligible for funding, in addition to new construction, if the application meets all the NOFO requirements.

**8. Will new construction be allowed under the NOFO?**

Yes. Construction activities for new structures are eligible if the other requirements of the NOFO are met and as noted in Appendix G.

**9. Can the grants be used to maintain existing green infrastructure, or are they only to be targeted toward development/installation of new elements?**

Yes, subject to the statutory three-year project period limitation, a grant can be used for maintenance of green infrastructure if the NOFO requirements are met. Note that a green infrastructure maintenance project may not score well under the Readiness to Perform, Feasibility, and Sustainability evaluation criteria in Section V of the NOFO unless the applicant can provide an effective plan for sustaining the operation and maintenance of the green infrastructure when the performance period for the grant ends.

**10. Based on Section III.D of the NOFO, can research activities be part of an application?**

Please refer to Section III.D.17 of the NOFO which states that:

“EPA will not consider any application that includes projects that are exclusively designed to conduct scientific research. However, applications may include research components such as building blocks for outreach, training, and program implementation projects. In such cases, applications should clearly articulate this link, explain why the research is necessary for the project’s success, and ensure that such research does not already exist.”

**11. Would building demolition be an eligible expense under the CCGP NOFO?**

Yes. Strategy 6 in Appendix C of the NOFO states in part that: “[D]econstruction and green demolition activities to support adaptive reuse or new construction” is an activity that could be covered under a grant. Applicants can refer to [EPA’s Climate Smart Brownfields Manual](#) for information about green demolition activities.

**12. If an application includes construction activities, is there any special or extra documentation we need to submit with our application?**

The requirements for Track I applications, which could include construction activities, are set forth in Section I.G of the NOFO and also see Appendix G. Application requirements are also in Section IV of the NOFO. In addition, please note the Readiness Approach requirements in Section I.G of the NOFO including Government Approvals which states that:

“If government approval at any level (e.g., construction permits) is necessary to implement or perform a project, the applicant must demonstrate that they have obtained such approval. If such approval has not been obtained, then the applicant must demonstrate how they will obtain it immediately after award, so it does not impede grant implementation.”

Additionally, the Federal Requirements for Construction Projects section in Section I.G of the NOFO states that:

“Applicants must demonstrate that they have systems in place, or a plan to have such systems in place immediately after the grant award, to comply with CAA § 314 and the Davis-Bacon and Related Acts prevailing wage requirement, the Build America Buy America domestic preference

requirement, and other cross-cutting statutory and Executive Order requirements that apply to Federally funded construction projects.”

**13. Under the Site Control section in the Readiness Approach requirements in Section I.G of the NOFO, it states that, "Applicants must demonstrate that they own or control the site where a project will be performed or that they will have legally binding access or permission to the site so they can perform the project(s)." How can we demonstrate this?**

EPA does not mandate a specific way to demonstrate site control and access given the variances in state, Tribal, and local real property laws. There could be several ways for an applicant to demonstrate this requirement is met (e.g., site ownership, long-term irrevocable lease, site access agreement) depending on the project. We recommend that you consult with the legal department of the unit of government that has jurisdiction over the site or with a private attorney licensed to practice law in that jurisdiction.

**14. Is new housing construction an eligible activity under the NOFO?**

Yes, if the other NOFO requirements are met. For example, refer to the coverage in the NOFO on Strategy 3: Energy-efficient, Healthy, Resilient Housing and Buildings and Strategy 6: Brownfields Redevelopment in Section I.G of the NOFO.

**15. Can you buy land or property under the NOFO funding?**

Yes, land acquisition may be an eligible project cost, consistent with the grant cost principles, if the projects in the application otherwise meet the NOFO requirements. Please also refer to Appendix G of the NOFO. Note that EPA will require that recipients who use EPA funds to acquire real property to “...record liens or other appropriate notices of record to indicate that... real property has been acquired... with a federal award and that use and disposition conditions apply to the property” as provided in 2 CFR 200.316.

EPA may also, depending on the nature of the improvements, require that liens or other notices of the Federal interest in the proceeds of the sale of the property attributable to the improvements be recorded. Land acquisition must comply with the Uniform Relocation Act and Federal Highway Administration’s implementing regulations at 49 CFR Part 24 which requires grantees to follow certain procedures for acquiring property for grant purposes, such as notice, negotiation, and appraisal requirements.

**16. Does the creation of a resilience hub also include site acquisition funding?**

Yes, costs for land acquisition are eligible if reasonable and necessary to create the community resilience hub. Please refer to Section I.G and Appendix G of the NOFO, as well as the question immediately above regarding Federal requirements for acquisition of real property with the grant funding.

**17. If a school district has a mix of schools with some located in disadvantaged communities and others not located in disadvantaged communities, can an application for district-wide indoor air quality work be submitted?**

As stated in Appendix A of the NOFO and Section III.D.3, projects may benefit both disadvantaged communities and others that are not disadvantaged, but the projects’ primary benefits must flow to communities designated as disadvantaged.

**18. Can the grant funds be used to purchase instruments to collect data needed to perform the grant?**

Yes, if the instruments are necessary to perform the projects in the application and would be considered allowable and reasonable costs per the grant regulations. Please refer to Appendix G of the NOFO for guidance on how to characterize the estimated costs for purchasing instruments. Note also that acquisition of instruments may be subject to the competitive procurement requirements described on pages 21

through 23 of the Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance, which is available through a link in Appendix G of the NOFO.

**19. Would a project on agricultural lands be eligible under a Track I application?**

Yes. There is nothing that prevents a project being performed on agricultural lands if the application meets all NOFO requirements.

**20. Is removal of pollution above a Superfund site but not within the boundaries of the site as described in the Superfund site listing an allowable expenditure?**

Yes, if all the NOFO requirements are met. See Appendix D on Pollution Reduction Strategies.

**21. Would PFAS remediation of private wells and development of new water infrastructure to bypass PFAS contamination be an eligible activity?**

Yes, subject to the three-year statutory limit on the grant period of performance. Please see Pollution Reduction Strategy 3 in Section I.G of the NOFO and Appendix D to the NOFO as well as the coverage on Readiness and Feasibility in Section IV.B and Section V of the NOFO.

**22. Can you bury powerlines for improved climate resilience with these funds?**

If this activity is part of a Climate Action or Pollution Reduction strategy in the NOFO, then it may be an eligible activity. Applicants must design their projects to meet the NOFO requirements, including those in Section I.G of the NOFO.

**23. Are capital expenses such as basic repair that are needed for eligible energy efficiency projects an eligible cost?**

Yes, if the costs are allowable and reasonable, comply with the allowability standards in 2 CFR 200.436 and 200.439, and the project is consistent with Strategy 4: Microgrid Installation for Community Energy Resilience as described in the NOFO.

**24. Would the creation of staff positions within a CBO to create community-facing programming under a Climate Action strategy be an eligible expense?**

Yes, assuming the application and projects in it meet the NOFO requirements. Please note, however, that given the statutory three-year limit on the grant performance period, the CCGP is not intended to support long-term staffing for CBO programming. Applicants must describe their plan for sustaining the project when funding ends as provided in the NOFO.

**25. Would costs to provide or subsidize emissions-reducing equipment to benefit members of a disadvantaged community (e.g., electric equipment, stoves/landscaping, e-bikes, etc.) be an eligible activity?**

Yes, please refer to the discussion of Climate Action Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience as well as Climate Action Strategy 3: Energy-Efficient, Healthy, Resilient Housing and Buildings in Section I.G of the NOFO. Subsidies are allowable "Participant Support Costs" under 2 CFR 1500.1(a)(2) as implemented in the EPA Guidance on Participant Support Costs, which is available through Appendix G of the NOFO.

**26. Is stormwater infrastructure construction to mitigate flooding to homes such as underground outlets, above-ground inlets, drainage basins, etc. an eligible activity under this grant?**

Yes, please refer to the discussion of Climate Action Strategy 1: Green Infrastructure and Nature-Based Solutions and Pollution Reduction Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience in Section I.G of the NOFO.

**27. If we use a portion of the funds to establish a revolving loan fund to support green and climate resilient affordable housing, can the use of the funds extend beyond 3 years?**

Applicants can propose revolving loan fund programs that meet the NOFO requirements, but the performance period for the grant is limited by statute to 3 years. EPA would discontinue direct funding after the performance period ends. A close-out agreement would govern post-award program income accumulated during the performance period or generated after the period of performance ends. See 2 CFR 1500.8(b) and (d) for additional guidance.

**28. Can we include planning phases in our project?**

Please refer to the Readiness Approach requirements in Section I.G of the NOFO and other sections in the NOFO, including the evaluation criteria in Section V that relate to this. While some planning activities may be necessary for some projects, projects must be completed within the three-year statutory period of performance. EPA cannot provide extensions. In addition, readiness to perform is an evaluation factor under Section V. If a project is not ready to be performed upon award or soon thereafter, it may impact the evaluation of the application. Please also note the Readiness to Perform Requirements clause in Section VI of the NOFO.

**29. Can individuals who are not U.S. citizens or lawfully admitted to the U.S. as permanent residents receive training under the Climate Action Strategy for Workforce Development Programs (Climate Action Strategy 8)?**

Yes, individuals who are not U.S. citizens or lawfully admitted to the U.S. as permanent residents may receive training under CCGP funded Workforce Development Programs for occupations that reduce greenhouse gas emissions and air pollutants as indicated in Climate Action Strategy 8 in Section I.G of the NOFO, assuming all other NOFO requirements are met.

Notwithstanding this, based on EPA Policy referenced in Section 5.E of the [EPA Guidance on Participant Support Costs](#), individuals who are not U.S. citizens or lawfully admitted to the U.S. as permanent residents cannot receive EPA funded stipends for participating in the Workforce Development Program. It is up to the applicant to design their Workforce Development Program consistent with the requirements in the NOFO.

## J. Budget/Indirect Cost Issues

### **1. What is the indirect cost limitation?**

The applicability of the 20% total indirect cost limitation varies by types of recipients and subrecipients. Please see Appendix G of the NOFO, which addresses the indirect cost limitations.

### **2. Does the 20% indirect cost cap apply to all indirect cost expenses, and are there flow-down requirements to subrecipients?**

Yes, the cap is on all eligible indirect cost expenses. This limitation will extend to direct recipients of grants and cooperative agreements under the CCGP, as well as to subrecipients as defined in 2 CFR 200.1. Therefore, both direct recipients and subrecipients may charge up to 20% of their respective award or subaward-- e.g., up to 20% of the direct award (if they are the Pass-through entity) or up to 20% of the total subaward (if they are a subrecipient).

Due to the sovereign status of Indian tribes that meet the Federal recognition requirement in section 302(r) of the Clean Air Act, and the unique burdens placed on these entities due to the composition of their tax base where chargeable indirect costs can be an essential financing component for the Tribe, EPA is exempting Indian tribes and Intertribal consortia comprised of eligible Indian tribes from this 20% indirect cost limitation, provided the Intertribal Consortia meets the requirements of 40 CFR 33.504(a) and (c).

### **3. If the only source of funding for my organization is an EPA grant or subaward such that all overhead costs are charged directly to the EPA grant or subaward, can I still use the 10% de-minimis indirect cost rate?**

No. The 10% de-minimis indirect cost rate, like all Federally approved indirect cost rates, is intended to compensate recipients for the Federal government's share of overhead costs such as office space rental, insurance, utilities, and administrative personnel compensation that are borne by multiple sources of funds. Recipients and subrecipients who charge all overhead costs directly to their federal award would improperly "profit" from using the 10% de-minimis indirect cost rate. See OMB Frequent Question 122 from [2 CFR Frequently Asked Questions](#) which addresses this issue.

### **4. Can a recipient conducting a single function funded predominately by federal awards elect to charge the 10% de minimis rate if they currently only charge direct costs to their awards?**

No. If all costs are charged directly to the federal award (e.g., space costs, utility, and administrative costs), the recipient must not also charge the de minimis rate. Costs must be consistently charged as either indirect or direct cost and may not be double-charged or inconsistently charged. See prior question.

### **5. Does the 20% indirect cost rate cap change my negotiated indirect cost rate or authorize me to use a de-minimis rate of 20% rather than the 10% de-minimis rate?**

No. As stated in Appendix G of the NOFO "...indirect costs charged against any grant and/or cooperative agreement [or subaward] awarded under this NOFO shall not exceed 20 percent of the total amount of the federal award [or subaward]."

The actual indirect cost rate a recipient or subrecipient is authorized to charge does not change—the recipient or subrecipient charges their indirect cost rate at the negotiated level *or* the 10% de minimis rate to the authorized distribution base (typically *Modified total direct costs* as defined in 2 CFR 200.1). If the negotiated indirect cost rate exceeds 20%, then the recipient or subrecipient may apply that rate until the total indirect costs recovered equal 20% of the award or subaward. When that cap on indirect costs is reached, the recipient or subrecipient must stop charging indirect costs. Also, the 20% indirect cost rate cap is not an indirect cost rate -- it's a limitation on the total amount of indirect costs that can be charged to the EPA Award or Subaward.

Applicants who have a negotiated indirect cost rate have two calculations to make. The first calculation is to apply their approved IDC rate to their approved base (MTDC or direct labor). The second calculation is 20% of the total award amount. The two amounts are then compared and the lesser of the two amounts is the total amount of allowable indirect costs. The 10% de minimis rate applied to their MTDC will always result in less allowable IDCs than 20% the total award amount. Therefore, it does not require two calculations.

**6. Can a fixed amount subaward include the 10% de-minimis indirect cost rate?**

No. Fixed amount subawards are intended to compensate recipients on a milestone achievement or unit cost basis rather than to reimburse the recipient based on incurred direct or indirect costs documented in the subrecipient's financial management systems. Pass-through entities and subrecipients may, however, factor the subrecipients' overhead costs into the pricing structure for fixed amount subawards.

**7. Is predevelopment for equitable transit-oriented development an eligible cost?**

Yes. All costs that are necessary and reasonable for an equitable development transit project including pre-development costs such as engineering studies or community involvement may be eligible costs.

**8. Do Collaborating Entities need to be identified in the budget description/ template described in Appendix G?**

Yes, Collaborating Entities are subrecipients and must be identified in the budget description and in the "other" budget category in line-item amounts as described in Appendix G. As stated in the instructions for subawards in Appendix G, applicants must "identify each major subaward including those with the Collaborating Entities. Applicants must show the individual and aggregate amounts they propose to issue as subawards." Please also see the Community Engagement and Collaborative Governance Plan described in Section I.G of the NOFO.

**9. Do subrecipients need to comply with the procurement requirements if they are buying supplies or procuring services under the grant?**

Yes, federal procurement requirements flow down to subrecipients and apply to acquisition of both supplies and services. See Section III.B of the NOFO.

**10. Can subaward funds directly go to subrecipients from EPA?**

No, EPA does not pay subrecipients directly. The Lead Applicant (the *Pass-through entity* as defined in 2 CFR 200.1) draws down funds from EPA and then transfers the funds to the subrecipient in amounts necessary to meet the subrecipient's immediate need for cash as provided in 2 CFR 200.305(b).

**11. Is purchasing a multi-family apartment building with the intention of rehabilitating it to improve climate resilience and reduce pollution an allowable cost?**

Generally, yes, purchases of real property could be an eligible cost if the application met the other NOFO requirements.

**12. Could an application be partially funded?**

Yes. Partial funding is addressed in Section II.F of the NOFO.

**13. If we are awarded a grant, can we be reimbursed for our grant application preparation costs (e.g., hiring a grant writing consultant) and our grant management costs for managing the grant?**

No. Applicants will not be reimbursed for their grant application preparation costs as a direct cost because that is not an allowable cost for the CCGP. Those costs are normally covered by the recipient's indirect cost rate as provided in 2 CFR 200.460. The CCGP is not among those programs for which EPA has



made exceptions for application costs in Item 6 of the EPA Office of Grants and Debarment (OGD) Guidance on Selected Items of Cost for Recipients (<https://www.epa.gov/grants/rain-2018-g01-r>).

Direct costs of grant management may be allowable if those same costs are not covered by the recipient's indirect cost rate—as provided in 2 CFR 200.412 recipients must charge costs as direct or indirect consistently.

### K. Track II Applications

**1. Can Track II applications focus on benefitting multiple disadvantaged communities?**

Yes, applicants can propose Track II projects that benefit multiple disadvantaged communities if they meet the Track II NOFO requirements.

**2. Can a Track II application focus on facilitating the engagement of disadvantaged communities in different cities and/or states in governmental processes?**

Yes, there is no Project Area Map required for Track II applications, and Track II applications do not have to be as place-based as Track I applications. Please refer to the NOFO Track II requirements.

**3. Do Track II applications need to include a Project Area Map?**

No. See Appendix A of the NOFO which states that: "While Track II applications are not required to submit a Project Area Map. As stated in Section III.D and IV.B they must describe and identify the disadvantaged communities that will benefit from the projects."

**4. Is a statutory partnership needed for a Track II application?**

Yes, the applicant eligibility requirements in Sections III.A and III.B of the NOFO are the same for Track I and II applications.

**5. Can a Track II application include activities to facilitate the engagement of disadvantaged communities in, and build their capacity to participate in, public utility commission proceedings, state legislative campaigns, and advocacy before state agencies on environmental justice matters?**

The answer is yes for facilitating engagement of disadvantaged communities in public utility commission proceedings. However, the answer is no for engagement of disadvantaged communities in state legislative campaigns because the use of grant funding for those types of activities is unallowable as provided in 2 CFR 200.450, *Lobbying*. Whether advocacy before state agencies is allowable depends on the context of the advocacy. For example, costs for advocacy on matters that are decided administratively by state agencies, such as permitting of industrial facilities, may be allowable as indicated in the Track II Project Examples in Section I.H of the NOFO. Costs for advocating the introduction or modification of state statutes or legislation, however, are unallowable lobbying costs as indicated in 2 CFR 200.450.

**6. Under Track II, when it says, "facilitating the engagement of disadvantaged communities in... other public processes," what is meant by other public processes?**

Under Track II, eligible applicants may submit projects, as described in CAA § 138(b)(2)(E), for "facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes." EPA has interpreted "other public processes" broadly as encompassing local, Tribal, and other governmental processes, with the exception of unallowable lobbying activities as described at 2 CFR 200.450.

### L. Target Investment Areas (TIA)

**1. Does an application have to address one of the five Target Investment Areas identified in Section II.B of the NOFO?**

No, applications can address areas outside of the five Target Investment Areas (TIAs) if they meet the requirements of the NOFO. The TIAs are just priority categories, but applications can be submitted for projects outside of those areas if they meet the NOFO requirements.

**2. Is there a different application process for applications submitted for a TIA described in Section II.B of the NOFO?**

No, the application process is the same for all applications and is described in Section IV of the NOFO, but there may also be specific requirements for a particular TIA that need to be addressed as identified in the NOFO (e.g., see Sections II.B and III.D). If you are applying for a TIA, please note that you need to identify what TIA you are applying for as noted in the application instructions in Section IV.B of the NOFO. Also please note that the TIAs are only for Track I applications.

**3. Are there additional requirements that apply to TIA A for Alaska?**

Yes, they are identified in the NOFO, including in Section III.D.12 and Appendix H.

**4. What is considered a border community?**

Please see Section II.B of the NOFO.

**5. If an application is for a project that will be carried out to benefit disadvantaged communities in Alaska, but the applicant is not applying under the Tribes in Alaska TIA identified in Section II.B of the NOFO, can the application include projects identified in the “Alaska-specific Climate Action Strategies” found in Appendix H?**

Yes, the application can include Alaska-specific climate action strategies, even if it is not applying under the Tribes in Alaska TIA.

**6. Under the Tribes in Alaska TIA (TIA A) in Section II.B of the NOFO, is the EPA also accepting applications that are for projects on lands conveyed through the Alaska Native Claims Settlement Act (ANCSA) but not focused on the clean-up of contaminated ANCSA lands?**

Yes. Please note that all applications, including those for funding under TIA A, must benefit disadvantaged communities as defined in Appendix A of the NOFO and meet other applicable NOFO requirements. Additionally, as noted in Appendix H, under TIA A EPA strongly encourages applications that include Pollution Reduction strategy projects to clean up contaminated lands conveyed through ANCSA.

**7. If applying under the Tribes in Alaska TIA or for any project to benefit disadvantaged communities in Alaska, is it required that the project be on ANCSA land?**

Applications submitted to benefit disadvantaged communities in Alaska, whether under TIA A or not, are not required to be on ANCSA land. However, as noted in Appendix H, under TIA A EPA strongly encourages applications that include Pollution Reduction strategy projects to clean up contaminated lands conveyed through ANCSA.

**8. Can an eligible CBO be the Lead Applicant applying under the Alaska Tribal Lands TIA even if they are not an Alaska Native Village, Alaska Native Non-Profit, or Alaska Native Association?**

Yes. It is up to the Statutory Partnership that applies for the grant to determine who the Lead Applicant for the grant will be provided the Lead Applicant is an eligible entity. Please see Section III.B of the NOFO for more information.

**9. How can Alaska Native Corporations (ANCs) participate in the CCGP?**

Under the CCGP, ANCs may be Collaborating Entities that receive competitive or non-competitive subawards, or they may compete for procurement contracts, depending on the nature of the transaction. Please read this response carefully to assure such collaboration would meet NOFO requirements.

For purposes of clarity, please be aware that ANCs are not Community Based Non-Profit Organizations (CBO) under the CCGP. As indicated in Section III.A of the NOFO, this is because ANCs are for-profit organizations. Further, as explained in Section III.A of the NOFO, ANCs are not eligible to enter Statutory Partnerships with CBOs as “Indian Tribes.” This is based on the definition of “Indian Tribes” in section 302(r) of the Clean Air Act, which does not include ANCs. See also Appendix H.

The coverage on Collaborating Entities in Section III.B of the NOFO, however, notes that  
“Collaborating Entities may include Statutory Partners (CBOs, Federally recognized Tribes, local governments, and institutions of higher education) and entities that cannot legally be Statutory Partners (e.g., states, territorial governments, and international organizations). For-profit firms and individual consultants or other commercial service providers cannot be Collaborating Entities.”

While ANCs do not meet the definition of Indian Tribes under section 302(r) of the Clean Air Act, ANCs are considered Indian Tribes for the purposes of 2 CFR Part 200 and the EPA Subaward Policy, making them eligible to receive subawards.

That said, to receive a subaward (competitive or non-competitive), ANCs must agree not to profit from the receipt of the subaward. A more detailed explanation is included in the EPA Subaward Frequent Questions (<https://www.epa.gov/grants/epa-subaward-frequent-questions>) on ANCs (Number A.54), which states that program offices may, as a matter of policy, allow ANCs to receive subawards, provided that the ANC agrees not to profit from the transaction. Under this NOFO, we have determined that ANCs are eligible for CCGP subawards. Therefore, under this NOFO, ANCs may receive subawards under the Tribes in Alaska TIA if the terms of the subaward provide that the ANC only receive reimbursement of their direct and indirect costs.

Finally, ANCs may profit from EPA-funded procurement contracts if the transaction complies with the competitive procurement requirements in 2 CFR Part 200, including restrictions on personal conflicts of interest, as interpreted in the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements (<https://www.epa.gov/grants/best-practice-guide-procuring-services-supplies-and-equipment-under-epa-assistance>).

Note also that ANCs, like all businesses in disadvantaged areas, may receive participant support cost subsidies to enable them to purchase low-emission equipment or similar devices that reduce pollution.

## *M. Administrative Requirements*

### **1. Does the CCG program allow for waivers if Build America, Buy America (BABA) compliant components are not available?**

The BABA requirements are part of the Infrastructure and Investment Jobs Act (IIJA), which applies to federal financial assistance programs. Grant recipients may request BABA waivers for items that are not domestically available, but waivers must be based on robust market research. We expect recipients to make good faith efforts to comply with BABA. Please see Section VI of the NOFO for additional BABA information.

### **2. Are facility upgrades such as energy efficiency retrofits or installation of EV chargers subject to Build America, Buy America requirements?**

Build America, Buy America (BABA) requirements apply to “infrastructure projects,” which is broadly defined to include many project types. EV charger installation projects are subject to BABA as provided in 2 CFR 184.4(b). Energy retrofits could trigger BABA requirements in certain circumstances, depending on whether the project involves construction or installation of equipment that is permanently affixed to a structure or other real property. Please see Section VI of the NOFO and [EPA's BABA website](#) for more information.

### **3. Does NEPA apply to projects awarded under the NOFO?**

No, as stated in Section VI.B of the NOFO, “Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. § 793(c)(1)) exempts all actions under the CAA from the requirements of NEPA (National Environmental Policy Act).” This Section states: “No action taken under the Clean Air Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.” Therefore, as a grant program authorized under the CAA, NEPA will not apply to projects funded under the CCGP.

### **4. Does a project need to have an approved construction permit prior to applying for the grant?**

No, but please review the Readiness Approach Requirements in Section I.G of the NOFO and Section III.D.5 which states that: “Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must describe how the projects in the application, including any construction projects, can be completed within three years of award.”

Additionally, the NOFO describes the requirements for Readiness Approach for Track I applications in Section IV.B as follows:

“Applicants must demonstrate, based on the Readiness Approach Requirements described in Section I.G, their ability and readiness to proceed with grant performance for the projects in the application upon receiving an award, and generally no later than 120 days after award, in order to ensure that the projects can be completed within the statutory three-year grant period. As appropriate, this may include a description of the completed project planning and design phases related to the project(s) as well as demonstrating that the applicant has obtained and/or complied with the necessary approvals, permits, permissions, and any other applicable requirements, to commence project performance upon award, and if not their plan for doing so within 120 days of award. There is no page limit for this information, but applicants should be as concise as possible.”

## *N. Technical Assistance (TA)*

### **1. What are the TCTACs, and can they help with an application under the NOFO?**

The TCTACS are the EPA-funded Environmental Justice Thriving Communities Technical Assistance Centers, and they are available to provide general technical assistance for applicants and grantees. Further information on the TCTACS can be found on [EPA's website](#). However, while the TCTACs are available for general technical assistance, we recommend that applicants access the dedicated technical assistance for the CCGP for more specialized questions as noted in Section I.E of the NOFO.

### **2. What kind of technical assistance is available under the CCGP?**

Please see Section I.E of the NOFO for more information about technical assistance specific to the Community Change Grants. Both pre-award and post-award technical assistance may be available to eligible entities. Please note, however, that receiving technical assistance does not guarantee that an applicant will be selected for funding.

### **3. Is technical assistance available to help an eligible entity find a partner to apply with under the NOFO?**

Yes, technical assistance can be used for this purpose. See Section I.E of the NOFO for more information.

### **4. Will there be technical assistance available to help a grantee manage a grant?**

Yes, post-award technical assistance will be available from EPA as part of our substantial involvement in the cooperative agreement and through EPA's technical assistance contractor. Further information will be provided to the grantee after award.



### O. Webinars

**1. Will the webinars be available in other languages besides English?**

Yes, EPA provides Spanish and American Sign Language interpretation for our webinars.

**2. Will EPA conduct additional webinars?**

Information about future webinars will be available on the [Community Change Grant website](#) under the section at the bottom called “Engagement Opportunities.” In addition, EPA’s technical assistance contractor is expected to hold webinars about the NOFO. Further information about that will be posted once the information is available.

## Commission Agenda Item Report

**Title:** CSO55 – EPA Community Change Grant

**Proposed Agenda Date:** October 28, Standing Committee

October 28, Commission Meeting

**Presented by:** Jeff Miles/Sarah Shafer

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### BACKGROUND:

- The Integrated Overflow Control Plan (IOCP) consent decree program requires a combined sewer overflow (CSO) reduction project known as CSO55 to be completed by year end 2032
- The CSO55 project is the largest regulatory combined sewer overflow (CSO) reduction project
- CSO55 project includes public engagement, design, inspection, and construction
- The sewer rate long range plan for the CSO projects has insufficient future funding and requires annual rate increases
- The sewer long range plan is funded by the sewer rate payers
- Funding opportunities are needed to minimize future rate increases while funding regulatory and mandatory project programs
- Through EPA's Environmental and Climate Justice Community Change Grants program (Community Change Grants), Congress has appropriated approximately \$2 billion dollars in Inflation Reduction Act funds in environmental and climate justice activities to benefit underserved and overburdened disadvantaged communities.
- [Inflation Reduction Act Community Change Grants Program | US EPA](https://www.epa.gov/inflation-reduction-act/inflation-reduction-act-community-change-grants-program) (<https://www.epa.gov/inflation-reduction-act/inflation-reduction-act-community-change-grants-program>)
- The EPA Change grant is a \$20 Million opportunity that the UG is very competitively positioned within the regulatory combined sewer overflow reduction project boundary
- The UG is not eligible for this grant as a sole applicant. This grant requires a community statutory partner
- CABA has been identified through a livable communities call for interest and identified with recommendation from livable communities as a partner who is capable and meets the grant criteria
- CABA as statutory partner would conduct the engagement, education and outreach components of the grant program criteria and project needs

### BUDGET IMPACTS / FINANCIAL CONSIDERATIONS:

- No match is required to participate in this funding opportunity.

### POLICY CONSIDERATIONS:

- None

**PROCUREMENT CONSIDERATIONS:**

- None

**LEGAL CONSIDERATIONS:**

- Attached MOU is required as part of the grant application packet and has been reviewed by legal and signed by CABA

**RECOMMENDED ACTION:**

- Requesting the support of the grant program by authorizing resolution to allow staff to submit a \$20 Million application for the EPA Change Grant with CABA as statutory partner by signing the MOU.

**COUNTY ADMINISTRATION COMMENTS:**

- 

**MAYOR AGENDA DIRECTION:**

-



**EPA COMMUNITY  
CHANGE GRANT**



# Why EPA Community Change Grant?

1. Benefit to ratepayers
2. Supports required infrastructure work
3. Eligible and competitive with partnership activities that align with grant requirements and strategies

*Grant requirements are defined in a 'Notice of Funding Opportunity' or NOFO:*

Six (6) Requirements that may be defined:

- Climate Action Strategy
- Pollution Reduction Strategy
- Community Engagement & Governance Plan
- Community Strength Plan
- Readiness Approach
- Compliance Plan

# CSO 55 Grant Application - \$20Million

| Activity                                 | Benefit to UG Ratepayers                                                     |
|------------------------------------------|------------------------------------------------------------------------------|
| CSO 55 Design                            | Direct Offset to Sewer Fund Ratepayers                                       |
| CSO 55 Phase 1 Construction              | Direct Offset to Sewer Fund Ratepayers                                       |
| Community Engagement                     | Direct Offset to Sewer Fund Ratepayers;<br>Community Input on Project Design |
| Non-Residential Stormwater Credit Grants | Direct Offset to Stormwater Fund Ratepayers                                  |

## Other Community Benefits Aligned with Grant

- Mobility Improvements (GoDotte/Heritage Trail/NEA Local Area Plan)
- Air Quality and Heat Island (CAPA Heat Watch Report/UG Community Health Assessment)
- Brownfields and Landbank Strategies

## CSO 55 Estimated Total Cost \$60Million

- ~35Million Gallons of stormwater management



# CSO 55 Approximate Project Area



# CSO 55 Grant Funding Breakdown by Activities

Requested grant award - \$20M, no local match

## Unified Government

| Activity                                 | Proposed Budget |
|------------------------------------------|-----------------|
| CSO 55 Design & Phase 1 Construction     | \$19.0M         |
| Non-Residential Stormwater Credit Grants | \$0.5M          |

## CABA

| Activity                           | Proposed Budget |
|------------------------------------|-----------------|
| Facilitate Community Collaboration | \$0.5M          |

# CSO 19 Grant Application - \$20Million

| Activity                                    | Benefit to UG Ratepayers                    |
|---------------------------------------------|---------------------------------------------|
| CSO 19 Phase 2 Design & Construction        | Direct Offset to Sewer Fund Ratepayers      |
| Stormwater Treatment Facilities Maintenance | Direct Offset to Stormwater Fund Ratepayers |
| Community Engagement                        | Direct Offset to Sewer Fund Ratepayers      |

## Other Community Benefits Aligned with Grant

- Mobility Improvements (GoDotte/Heritage Trail)
- Air Quality and Heat Island (CAPA Heat Watch Report/UG Community Health Assessment)
- Area Plans (Plan KCK, Northeast Area, Downtown KCK, Douglas/Sumner)
- Brownfield and Landbank Strategies

## CSO 19 Estimated Cost \$29.5Million

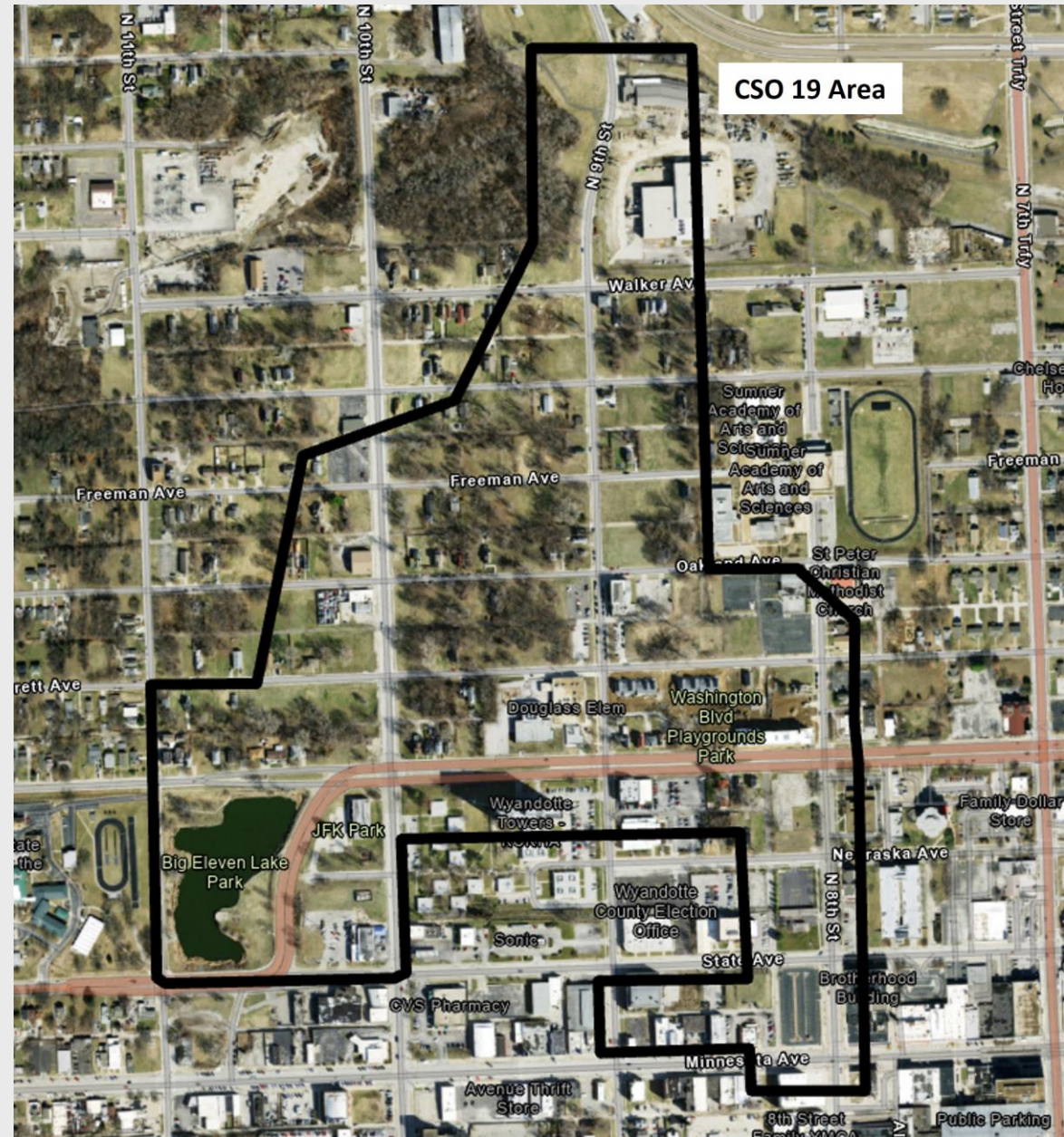
- CSO 19 Phase 1 – In construction (Estimate \$8.5M)
- CSO 19 Phase 1A – To be constructed (Estimate \$2.5M)

## CSO 19 Phase 2 – Estimate \$18.5M <= Grant Application Phase

- ~27Million Gallons of stormwater management



# CSO 19 Phase 2 Approximate Project Area



# CSO 19 Grant Funding Breakdown by Activities

Requested grant award - \$20M, no local match

## Unified Government

| Activity                                    | Proposed Budget |
|---------------------------------------------|-----------------|
| CSO 19 Phase 2 Design & Construction        | \$18.0M         |
| Stormwater Treatment Facilities Maintenance | \$1.0M          |

## Groundwork NRG

| Activity                           | Proposed Budget |
|------------------------------------|-----------------|
| Facilitate Community Collaboration | \$0.5M          |

## Douglass-Sumner

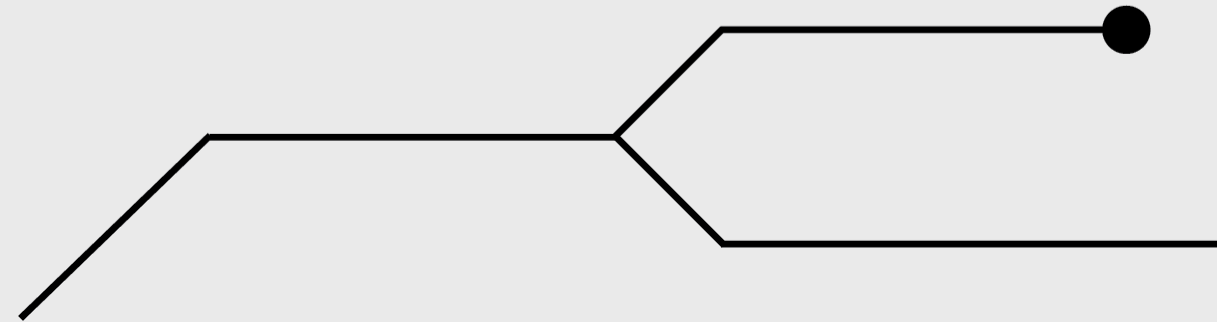
| Activity                         | Proposed Budget |
|----------------------------------|-----------------|
| Facilitate Workforce Development | \$0.5M          |

# Questions? Next Steps...

- 1 Action: Motion to authorize, through resolution, County Administrator to enter into MOUs with CBO partners, staff to submit the grant application, and to allow the UG to enter into grant contract upon award
- 2 Fast Track Request for November 7 Commission Meeting. Applications due November 21, 2024
- 3 All subawards between the UG and CBOs will be reviewed and approved by Commission



# Additional Information



# Why CSO 19 & 55 Design & Construction?

1. Benefit to ratepayers:
  - Consent Decree: \$90M+/- projects
  - Grant provides up to \$40M to offset ratepayer cost
2. Alignment with grant requirements:

## Requirement 1: Climate Action Strategies – Strategy 1

### **Strategy 1: Green Infrastructure and Nature-Based Solutions**

Many disadvantaged communities face complex climate challenges, such as urban heat island effects and flooding risks. Strategy 1 supports using nature-based solutions (NBS), also referred to as green infrastructure, to address such climate risks. Nature-based solutions are generally actions to protect, sustainably manage, or restore natural systems to address the impacts of climate change, while simultaneously providing benefits for people and the environment.<sup>4</sup> Projects under this strategy can include planting shade trees, restoring native plants and wetlands to capture stormwater, and deploying other green infrastructure solutions that often have the co-benefit of reducing GHG emissions. Communities also may incorporate vegetation or similar natural features into traditional infrastructure.

# Why CSO 19 & 55 Design & Construction?

## 2. Alignment with grant requirements (continued): Requirement 2: Pollution Reduction Strategies – Strategy 3

### **Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience**

Disadvantaged communities often lack access to clean water and clean drinking water. Functional water infrastructure is essential for protecting the quality of drinking water resources as well as the safety of recreational waters communities use for subsistence fishing, swimming, and other activities everyone deserves to enjoy. Strategy 3 addresses challenges communities face in accessing clean, reliable drinking water and wastewater treatment. Projects funded under this strategy may include focused infrastructure investments that can be completed within the three-year project period and within the funding amounts specified in this NOFO, as well as assessment and planning that will enable communities to better access tens of billions of dollars in federal water infrastructure funding from other sources such as EPA's Clean Water and Drinking Water State Revolving Funds. Targeted infrastructure projects can include identification and replacement of lead pipes in homes and public spaces, improved resilience of water systems through deployment of backup power such as onsite renewable energy and storage, targeted efficiency upgrades, septic to sewer conversions, lining waste lagoons, and investments in redundancy such as backup wells. Assessment and planning efforts could include, for example, a leak detection and pipe replacement plan, or a PFAS monitoring program that informs a funding application to one of several sources of state and federal funding.

# Why Community Engagement?

1. Benefit to ratepayers:
  - Offset cost of engagement activities
2. Alignment with grant requirements:  
Requirement 3:

**Requirement 3. Community Engagement and Collaborative Governance Plan:** Successful implementation of environmental and climate justice projects requires relationships among an ecosystem of community leaders and members along with partners across varied sectors. To help ensure that the community itself drives project development and implementation, applicants must submit a Community Engagement and Collaborative Governance Plan which should demonstrate how the applicant will inform, respond to, and engage community members throughout project development and implementation. This plan should include a Collaborative Governance Structure, which describes the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents in implementing the project.

# Why CSO 55 Non-Residential Stormwater Grants?

1. Benefit to ratepayers:
  - Reduction of impervious area and CSO volume credit for non-residential properties (stormwater rate credit)
2. Alignment with grant requirements:  
Requirement 4:

**Requirement 4. Community Strength Plan:** Applicants must submit a Community Strength Plan that describes how their proposed projects will enhance the overall strength and economic prosperity of the community, including maximizing the benefits of the projects for existing residents and minimizing potential risks associated with investing significant resources into the Project Area. This should include strategies for how the projects will promote inclusive economic development, drive benefits of the projects to existing residents, and proactively address unintended displacement consequences. This plan should speak to how the projects will enhance the overall wellbeing of the community, ensuring existing community members receive the benefits of these investments and can build on those benefits for future generations.



# Why Mobility Improvements?

## Requirement 1: Climate Action Strategies – Strategy 2

### **Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience**

Many disadvantaged communities lack access to affordable low- or zero-emission transportation options, leading to disproportionate difficulties in daily life, limiting access to educational and economic opportunities, and creating vulnerability to climate risks. Strategy 2 focuses on providing community members with access to low- and zero-emission technologies to improve their overall health and well-being, reduce emissions, and increase access to important community destinations such as schools, workplaces, health care centers, and community spaces. Projects funded under this strategy may include installing protected bike lanes or walking paths, supplying traditional or electric bikes to community members, and deploying other low- or zero-emission transportation solutions. The impact of such projects could include improved public health outcomes, reduced GHG emissions from the transportation sector, more equitable access to community resources, increased community connectivity and safety, and greater community resilience to extreme weather events.



# Why CSO 19 Workforce Development?

## Requirement 1: Climate Action Strategies – Strategy 8

### **Strategy 8: Workforce Development Programs for Occupations that Reduce Greenhouse Gas Emissions and Air Pollutants**

Individuals in disadvantaged communities often lack pathways into fast-growing and well-paying job opportunities related to environmental and climate justice. This strategy allows applicants to propose workforce development programs to enable individuals in these communities to pursue career pathways in fields related to the reduction of GHG emissions and other air pollutants. Strong workforce development proposals should include all three of the following features, as detailed in Appendix C: (1) multi-sectoral partnerships that bring together workforce expertise and enable pathways into high-quality careers that help reduce GHG emissions and other air pollutants; (2) high-quality training models, such as pre-apprenticeships or Registered Apprenticeship Programs, that are worker-centered, demand-driven, and lead to good jobs that help reduce GHG emissions and other air pollutants; and (3) strategies for recruiting and retaining individuals from disadvantaged communities, especially for populations that face barriers to employment. Given that workforce development opportunities can be significant to achieving environmental and climate justice in many communities, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training program as further described in [Section V.E](#). Note that it is a statutory requirement that workforce development activities funded under this program be focused specifically on reducing greenhouse gas emissions and other air pollutants.



# **Lead Applicant – Unified Government**

# UG Responsibilities

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- Drive collaboration to create grant application
  - UG - Lead Applicant
  - Upon award, manage grant funds & schedule
- **Design & Construction of CSO 55 project**
  - Phase 1 (Design & Construct) – Surface stormwater treatment facilities
  - Phases 2 & 3 (Design) – Storm sewer separation and stormwater treatment facilities
- **Design & Construction of CSO 19 project**
  - Phase 2 (Design & Construct) - Surface stormwater treatment facilities
- Create and manage subawards for the commission's approval on partnership activities





# **Statutory Partnerships**

# Grant Eligibility Requirement

## Section III. Eligibility Information

*[\(back to the Table of Contents\)](#)*

Note: Additional provisions that apply to this section of the NOFO can be found in the [EPA Solicitation Clauses](#).

### A. Eligible Applicants

Consistent with CAA §138(b)(3) and Assistance Listing 66.616, applicants eligible to apply and receive grants under this NOFO are (1) a partnership between two community-based nonprofit organizations (CBOs) as defined below, or (2) a partnership between a CBO and one of the following: a federally recognized Tribe, a local government, or an institution of higher education. These types of partnerships for eligibility purposes are known as Statutory Partnerships. Further eligibility requirements are described below.

# Grant Eligibility Requirement (continued)

## 1. Community-Based Non-Profit Organization (CBO)

To qualify as a CBO for eligibility purposes, an organization must demonstrate that they are a “nonprofit organization” as defined at 2 CFR 200.1, which “means any corporation, trust, association, cooperative, or other organization that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest and is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization.”



# Grant Eligibility Requirement (continued)

## B. Statutory Partnership Requirements and Collaborating Entities

Please refer to Section III.A above for who is eligible to apply for the grants. The Statutory Partnership application is comprised of one **Lead Applicant** (an eligible CBO, Federally recognized Tribe, **local government**, or institution of higher education) who enters into a Partnership Agreement with one **Statutory Partner** (which is one of the following eligible entities— a **CBO**, Federally recognized Tribe, local government, or institution of higher education) to carry out the grant activities if the application is selected for funding. Please note that **a CBO must be either the Lead Applicant or a Statutory Partner in every Statutory Partnership** (e.g., there cannot be a statutory partnership of a local government and an institution of higher education or either of these entities and an Indian Tribe). In other words, as identified in Section III.A all Statutory Partnerships must include a CBO. If the application is selected for award, the Lead Applicant will enter into a subaward with the Statutory Partner that must contain the elements of the Partnership Agreement in Appendix B. The Lead Applicant must include a copy of a written and signed Partnership Agreement with their application to be eligible for funding consideration.

# CSO 55 Statutory Partner

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- Drive Community Engagement:
  - Macro Vision
  - Strategic Planning
  - Historic Partnerships
- Promotors of Healthy Outcomes
  - Free Wheels For Kids Program
  - Central Avenue Reforestation Project



# Background

- Founded in 1977
- Long history of successful collaboration with UG
- Pillars of community development:
  - Leadership
  - Community Pride
  - Business Excellence
  - Entrepreneurship
  - Healthy Living



# Experience

- 2020 a Neighborhood Engagement Organization in partnership with the UG for the Central Area Master Plan, delivering responsibilities through COVID 19
- 2019 fruit tree and growth start deliveries to the community for Saint Margaret Park
- 2016, in partnership with the UG, performed the engagement activities with community members and local businesses regarding the Signage Code Rewrite
- 2014 Community Development Strategy improvements to the Central Area
- Bethany Park maintenance and improvements to existing trails, exercise equipment and community event inclusion
- In partnership with Latino Healf for All Coalition, promoted and participated in KU / UG walking clubs, organizing the community to participate in healthy practice
- Fiscally responsible for the installation of exercise equipment in Saint Margarets Park and the Gazebo and Shed installation at WCAC Pocket Park
- Conducted several neighborhood cleanups and leadership programs promoting civic engagement



# CSO 19 Statutory Partners

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**GROUNDWORK**  
Northeast Revitalization Group

- Lead Statutory Partner
- Community Engagement

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## **Douglass/Sumner Neighborhood Association**

- Focus on Workforce Development



# What We Do

**Groundwork USA Mission:** The mission of the Groundwork USA network is to bring about the sustained regeneration, improvement, and management of the physical environment by developing community-based partnerships that empower people, businesses, and organizations to promote environmental, economic, and social well-being.

**Groundwork NRG Local Mission:** Groundwork NRG's local mission is to sustain and revitalize our beloved Northeast KCK community through forward-looking and inclusive action rooted in the principles of equity, community cohesion, institutional transparency, and environmental justice.





# Why We Do It



## EQUITY. ENVIRONMENT. EVERYONE

**Equity:** Revitalization requires transparency and an equitable balance of power between residents, businesses, institutions, and government. Our vision is a Northeast KCK where frontline communities own the conditions of their built, natural, social, and cultural environment.

**Environment:** Northeast KCK has a wealth of social and environmental assets. Through community driven action and strategic investment in people and the natural and built environment, Groundwork NRG envisions a thriving ecosystem where residents are environmental stewards and leaders in the healing and restoration of their community.

**Everyone:** The residents of Northeast KCK represent broad and diverse backgrounds. As culturally and economically distinct new residents move in, we envision a comprehensive community engagement strategy that supports, preserves and elevates our rich multicultural heritage.

# Org Highlights

- Food Sovereignty
  - Previous Activities: Over 1,500 boxes of food and milk at distribution events
- Tax Sale Advocacy:
  - Over 300 doors knocked across the county.
  - 2022-2024: Raised over \$125K in funding to keep residents in their homes across the county.
- Minor Home Repair
  - \$35K in supplemental funding for NE KCK minor home repair.
- Anchor Institution Capital Investment
  - Secured \$1.5M+ in Heritage Trail funding since adopting the NE KCK Heritage Trail plan.
  - Secured \$500K in Brownfield remediation funding for 1726 Quindaro, the future site of NE Grocers Cooperative.
- Workforce Development
  - Secured \$340K in Green Infrastructure Workforce Development funding.

# Org Highlights

## ● Physical Interventions

- Planted over dozens of trees, and more than 100 native flowers, and broadcast over 1,000 square feet of native perennial seed.
- Green Team youth installed solar street lamps, and benches, constructed new trails and footpaths, and installed bird feeders and bird baths to support wildlife habitats in local neighborhoods.
- Jersey Creek Physical Improvements & Environmental Monitoring.
  - Previous Activities: Water quality monitoring, bench repair, lighting repair, wayfinding signage, trail counting.
  - Current Activities: rain garden installations, infrastructure improvements: new retaining walls, repairing city infrastructure, trail improvements.



# NEKCK Heritage Trail



## NEIGHBORHOOD TOUR

In July 2021, the planning team, along with local residents, stakeholders and partners, took a tour of the neighborhood to gather input and feedback. The tour was held on a Friday afternoon and was open to the public. The tour was led by a member of the planning team and was held in the neighborhood. The tour was held on a Friday afternoon and was open to the public. The tour was led by a member of the planning team and was held in the neighborhood.

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Following the tour, the planning team held a public meeting to discuss the tour findings and to gather input and feedback. The meeting was held on a Friday afternoon and was open to the public. The meeting was held on a Friday afternoon and was open to the public. The meeting was held on a Friday afternoon and was open to the public. The meeting was held on a Friday afternoon and was open to the public.

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## COMMUNITY AMBASSADORS

TO ASSIST IN NEKCK HERITAGE TRAIL PROJECT

Representatives of the community are invited to assist in the planning of the NEKCK Heritage Trail. The representatives will be responsible for gathering input and feedback from the community and for providing input and feedback to the planning team. The representatives will be responsible for gathering input and feedback from the community and for providing input and feedback to the planning team.

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## REPRESENTANTES DE LA COMUNIDAD

Para asistir en la planificación del Sendero de Herencia de KCK

Representantes de la comunidad son invitados a asistir en la planificación del Sendero de Herencia de KCK. Los representantes serán responsables de recopilar información y comentarios de la comunidad y de proporcionarlos al equipo de planificación. Los representantes serán responsables de recopilar información y comentarios de la comunidad y de proporcionarlos al equipo de planificación.

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## COMMUNITY CONVERSATION FEEDBACK



NE KCK HERITAGE TRAIL PROJECT

FALL FEST

SATURDAY, OCTOBER 23

NOON - 2:30PM

PARKWOOD PARK SHELTER

We're here to listen to your priorities and goals

All-ages event!

Learn about the NE KCK Heritage Trail Project

Share your memories and ideas

Green Team Workshop and GoBottle Plan 1:00 - 2:30

The NE KCK Heritage Trail Project includes the planning and design of a physical trail - bridging historic Kank City Point to the Quindaro Townsite and highlighting the rich culture and history of NE KCK along its route.

Free pumpkin and saving contest

Trick-or-treating, free snacks, and refreshments

Free raffle for a bicycle and other prizes

## COMMUNITY CONVERSATION 3 - JOHN'S JAVA AND JAZZ

On the afternoon of August 12, 2021, Groundwork Kansas City and the NEKCK Heritage Trail Project team held a community conversation at John's Java and Jazz. The conversation was held in the back room of the business and was open to the public. The conversation was held in the back room of the business and was open to the public. The conversation was held in the back room of the business and was open to the public.

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# NEKCK Heritage Trail

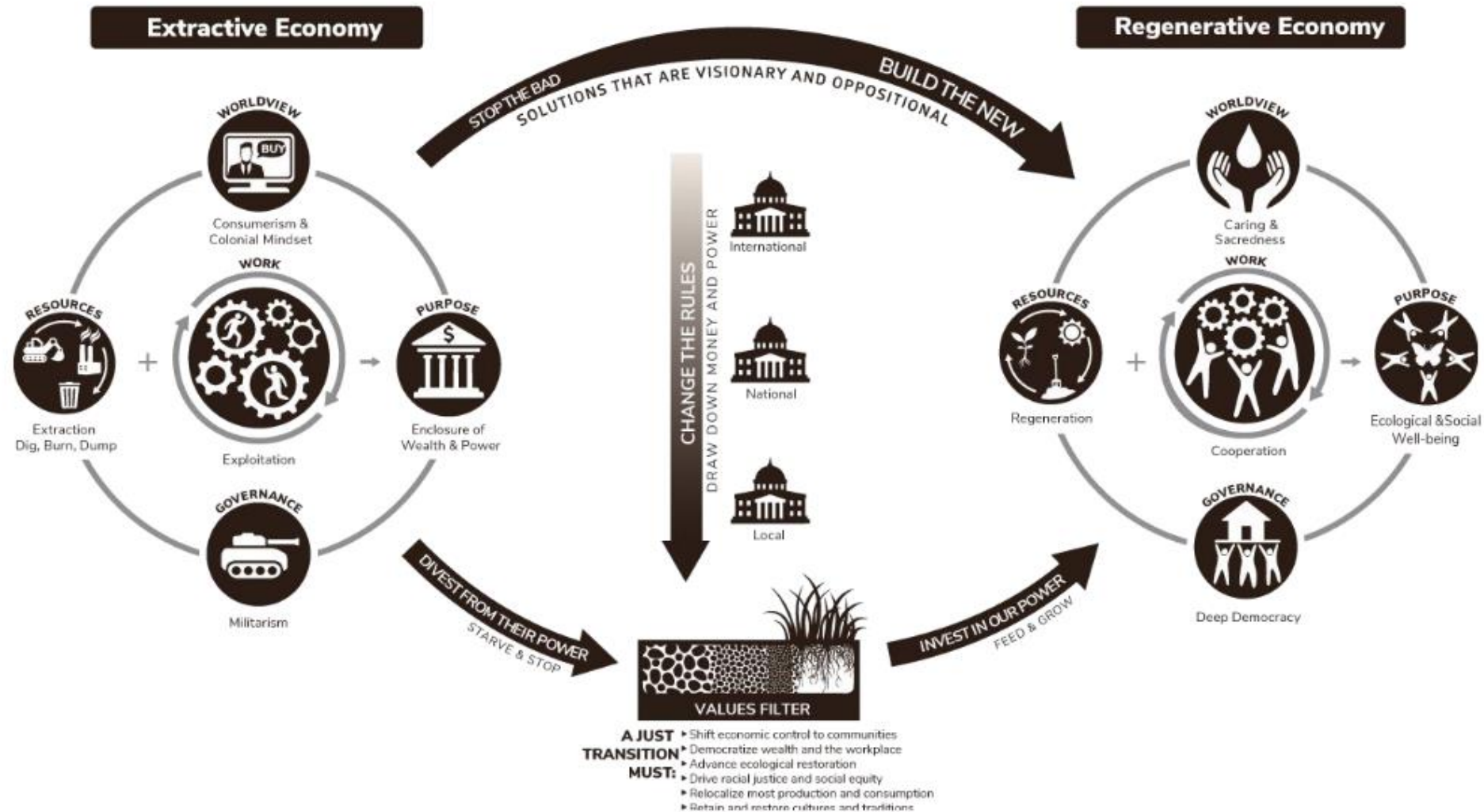
The NEKCK Heritage Trail was a priority project of the Northeast Area Master Plan.

Groundwork NRG partnered with the local government's planning department and applied for Planning Sustainable Places grant dollars to fund a planning process that included four guiding pillars, Environment, History, Mobility, and Economy.

Over the course of the year-long planning process, we hosted 6 Porch Conversations, 5 Steering Committee Meetings, Hired 4 Community Ambassadors, & held 3 Community-Wide Events.



# Just Transition Framework





# Just Transition Framework

- Front-loading and centering community.
- Focusing on healing and regeneration as active resistance.
- Paying residents for their valuable expertise.
- Co-learning together through peer-learning workshops.
- Partnerships that operate on shared values and uplift resident expertise and resident-led projects.
- Leveraging funding to support neighborhood-identified projects.
- Ensuring the plan is followed and doesn't set on a shelf.
- Inspecting what we expect.



# Just Transition Analysis Example: NE Grocers

## NE Grocers: Extractive Economy Analysis



Worldview - Using KCK as a source for sweat equity and a place to dig, dump, and burn. This area, this community has been mined for its resources for hundred of years.

Resources - Using KCK as a place for warehouses and factories that contribute to the decline of the environment and local health. There is no Earnings Tax like in neighboring communities.

Work - Food system workers underpaid, under-represented and over exploited. There is no Earnings Tax like in neighboring communities.

Purpose - to take from the community while overall quality of life declines

Governance - JoCo upper class not taxed for work in WYCO, while WYCO workers are

## NE Grocer: Regenerative Economy Analysis



Worldview - To radically shift the political and economical landscape, and to stop the replication of harmful practices in our food system.

Resources - A community owned and operated cooperative grocery store. The community, The relationships, the history of the Quindaro Townsite, education, cooperative economics, cooperative leadership, farmers, land, Ally organizations that share our values.

Work - Skill building and job training programs including but not limited to agriculture and construction. Empowering community members with trades and skills.

Purpose - Build community power, health and education around issues of food sovereignty. Ownership of the land and our destiny.

Governance - Projects shaped by community input and the organization of cooperative economics. Not just one cooperative, but groups of cooperatives cooperating. (grocery co-op, pharmacy co-op)

# CSO 19 Statutory Partners

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**GROUNDWORK**  
Northeast Revitalization Group

- Lead Statutory Partner
- Community Engagement

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## **Douglass/Sumner Neighborhood Association**

- Focus on Workforce Development

# Douglas/Sumner Neighborhood Association

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## Our Mission

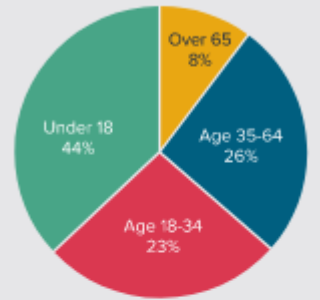
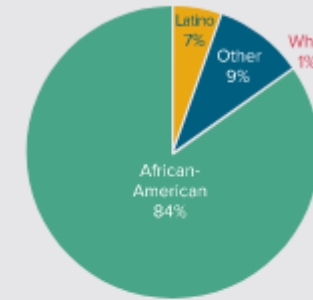
The Douglass/Sumner Neighborhood Association (DSNA) was formed in 1997 by a group of passionate residents who came together to address growing challenges in this traditionally African-American community. Our mission is to revitalize and preserve our culturally rich neighborhood. We envision a prosperous community that is affordable, safe, healthy and sustainable with multigenerational opportunities to grow, learn, live, do business, and raise families. In the next three years, DSNA will focus on implementing a housing strategy, increasing engagement and building organizational capacity to create a livable, vibrant multi-cultural community.

# Douglas/Sumner Neighborhood Association

- Use the Grant to focus on Workforce Development
- Facilitate and organize the outreach for local workforce inclusion
- Facilitate and organize educational opportunities about stormwater maintenance and installation careers
- Utilize existing green infrastructure as maintenance training grounds
- Coordinate with innovative partner to achieve local goals
- Participate in grant outreach coordination activities with engagement partner

| DIRECTIONAL CUES                                                                                                                                          | GOALS                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| Over 150 vacant parcels in the WyCO Land Bank<br>Aging housing stock in disrepair<br>Lack of playspace for increasing population of neighborhood children | <b>1</b><br>Increase and Improve Physical Development & Housing |
| Influx of new immigrant families<br>Multiple languages, cultures and religious affiliations<br>Low youth involvement in community leadership              | <b>2</b><br>Increase Neighborhood Engagement and Communication  |
| All-volunteer organization<br>Low residential population<br>Limited income streams for programs and physical development                                  | <b>3</b><br>Increase Organizational Capacity                    |

Total Population: 1,581



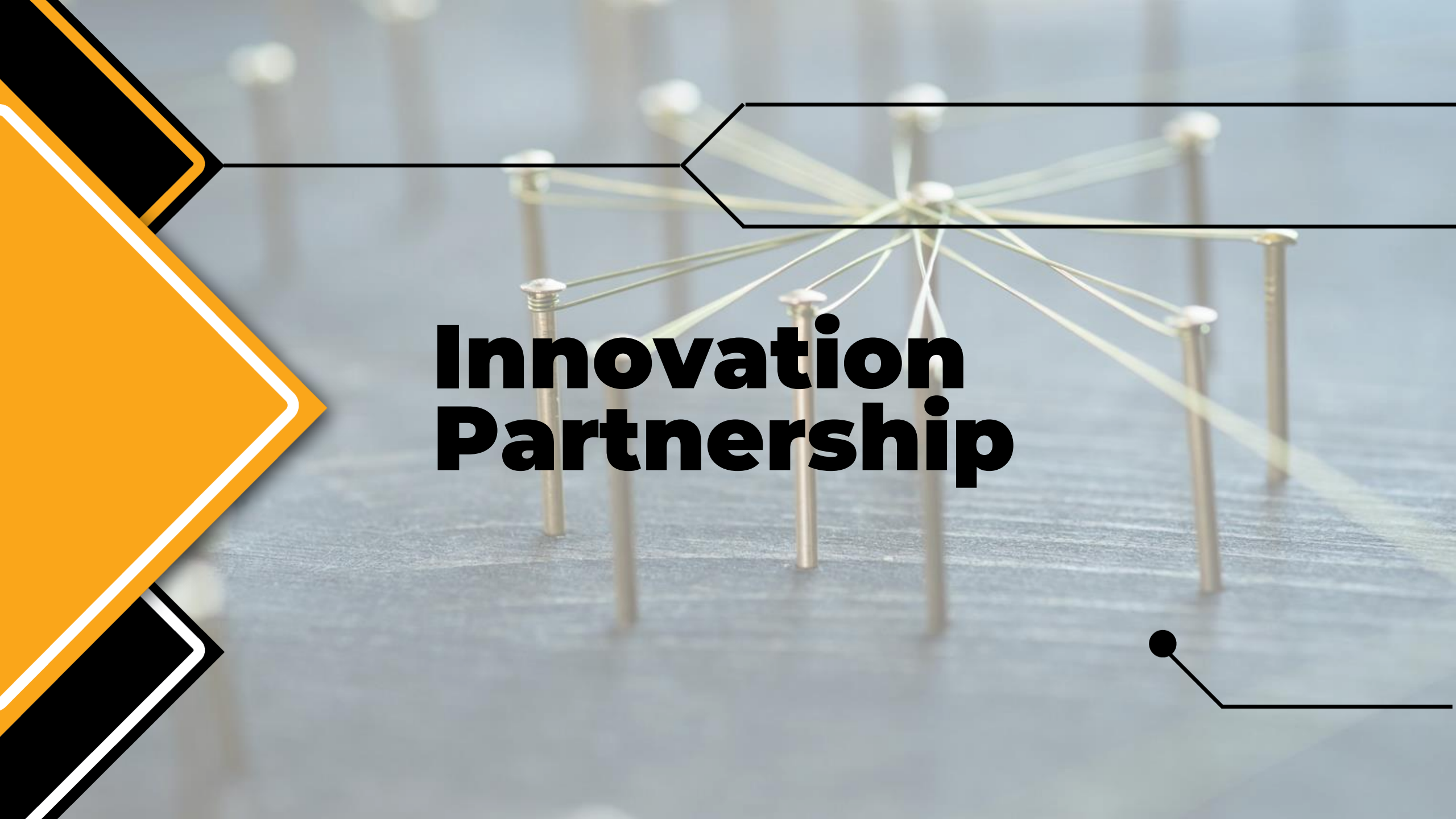
Owner Occupied 18%  
Vacancy Rate 15%



Median Household Income \$17,679  
Adults with At Least High School Education 65%  
Unemployment Rate 29%

**DOUGLASS/SUMNER**  
NEIGHBORHOOD ASSOCIATION  
933 Walker Ave. ~ KC KS 66101





# **Innovation Partnership**



# Community Based Partnership

EPA's Collaborative project delivery model that brings together:

- Local government
- Private sector entities, and
- The community

Model created in partnership with EPA  
UG has entered into partnership with Corvias Infrastructure Solutions (CIS) for CBP



# CBP and EPA Change Grant

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The CBP provides significant benefits aligned with proposed grant activities

- Programs and projects that foster economic growth via:
  - Workforce development
  - Local participation
    - Smaller construction bid packages
    - Engagement with local employers
- Comprehensive controls to meet grant reporting requirements





# **Benefits to Unified Government Residents**

# Benefits

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- Reduced burden to ratepayers for large consent decree (CSO) projects
  - No match required of UG
  - Direct offset to ratepayers in tangible ways
- Opportunity for enhanced community involvement
  - Community to educate community on process
  - Workforce development and inclusion
- Investment in community benefits
  - Climate resilience and community health outcomes
  - Pollution reduction
  - Accessible interaction with natural systems





# **EPA Community Change Grant**

# Background

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- EPA - \$3 billion through the Inflation Reduction Act (IRA) with \$2 billion for the Community Change Grants Program
- Key objective:
  - Fund environmental and climate justice activities to benefit disadvantaged communities



# Grant Benefits and Goals



- EPA grant opportunity goals align with UG goals and needs
- Offset UG funding burden for large consent decree projects
  - No non-federal match required
  - Awards up to \$10M to \$20M
- Funding for concentrated community collaboration
- Innovation and community involved implementation

# Grant Requirements



Comply with the content and submission requirements.



Meet the eligibility and statutory partnership requirements in Section III.A.



Meet threshold criteria in Section III.D, including that the projects will benefit disadvantaged communities.



Projects must be completed within three years.



Applications to conduct scientific research; assessment, removal, or remediation of Superfund sites; and permanent community relocation are ineligible.

- Awards made on rolling basis
  - Advantage to applying before deadline (Nov. 21, 2024)
- 3-year Period of Performance
- Relationship with Community-Based Organization
  - Termed 'statutory partnership'
  - MOU

# Eligible Grant Activities



- Climate Action
  - Wet Weather Management & Treatment
  - Mobility & Transportation Options
  - Workforce Development
- Pollution Reduction
  - Clean Water Infrastructure
- All activities funded by grant – no request for volunteered time



## Report to Public Works & Safety

| MEETING DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | PRESENTER                                                                                                          | DEPARTMENT   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|--------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <div>Troy Shaw, County Engineer/<br/>Interim Director of Public Works</div> <div>tshaw@wycokck.org<br/>x5416</div> | Public Works |
| AGENDA ITEM #IV.5.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                    |              |
| RESOLUTION: APPROVING EPA CHANGE GRANT SC019 (ADDED PER AGENDA UPDATE)                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                    |              |
| BACKGROUND                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                    |              |
| Authorizing resolution to allow staff to submit a \$20 Million application for the EPA Change Grant for SC019 with statutory partners. No matching funds are required.                                                                                                                                                                                                                                                                                                                    |                                                                                                                    |              |
| RECOMMENDATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                    |              |
| <p>Approve</p> <ul style="list-style-type: none"> <li>Requesting the support of the grant program by authorizing resolution to allow staff to submit a \$20 Million application for the EPA Change Grant for SC019 with statutory partners by signing the MOUs and if awarded, authorizing the County Administrator to sign all related documents to execute the grant, noting that the MOU with the statutory partner will be presented to the Commission prior to execution.</li> </ul> |                                                                                                                    |              |
| BUDGET IMPACTS / FINANCIAL CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                    |              |
| <ul style="list-style-type: none"> <li>No match is required to participate in this funding opportunity.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                    |              |
| IT/POLICY CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                    |              |
| No IT considerations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                    |              |
| PROCUREMENT CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                    |              |
| Grant procurement rules will be followed as well as the UG Purchasing Policy for the design and construction of the project if grant funds are approved.                                                                                                                                                                                                                                                                                                                                  |                                                                                                                    |              |
| LEGAL CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                    |              |
| <ul style="list-style-type: none"> <li>Attached MOUs are required as part of the grant application packet and has been reviewed by legal and signed by participating partners. If the grant is awarded, the MOUs will be submitted to the Commission for review and approval.</li> </ul>                                                                                                                                                                                                  |                                                                                                                    |              |

## ATTACHMENTS

Commission Resolution - CSO 19 EPA Change Grant, MOU\_EPA COMMUNITY CHANGE GRANT\_GROUNDWORK, MOU\_EPA COMMUNITY CHANGE GRANT\_DOUGLASS-SUMNER, EPA-R-OEJECR-OCS-23-04 -10.03.24, EPA-community-change-grants-nofo-faq-2.1.2024

Approved by Mayor and/or Chair and Administrator to add to agenda.

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

**A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS TO ENTER INTO PARTNERSHIP AGREEMENTS WITH THE DOUGLASS/SUMNER NEIGHBORHOOD ASSOCIATION AND THE GROUNDWORK NORTHEAST REVITALIZATION GROUP FOR THE PURPOSE OF APPLYING FOR A GRANT FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.**

**WHEREAS**, the Unified Government of Wyandotte County/ Kansas City, Kansas (“Unified Government”) is subject to a Consent Decree with the Environmental Protection Agency (“EPA”); and

**WHEREAS**, the Consent Decree contains an Integrated Overflow Control Program (“IOCP”) that requires the Unified Government to improve its sewer and storm water systems; and

**WHEREAS**, the EPA has a grant program to fund activities required by the IOCP; and

**WHEREAS**, the grant requires the Unified Government, as the Lead Applicant, to partner with one or more entities and submit signed Partnership Agreements; and

**WHEREAS**, the Douglass/Sumner Neighborhood Association (DSNA), and the Groundwork Northeast Revitalization Group (Groundwork NRG) have each agreed to enter into such a Partnership Agreement with the Unified Government, creating the UG-Douglass/Sumner Green Jobs Workforce Development Grant Partnership and the Environmental Protection Agency Community Change Grant Collaborative, respectively; and

**WHEREAS**, the parties have each reached and prepared a Partnership Agreement with the Unified Government to cooperate in the improvements required by the IOCP, and the Unified Government desires to enter said agreements.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:**

**Section 1.** The Unified Government Board of Commissioners hereby approves the Inter-departmental Grant Coalition Proposal to pursue grant funding for the above-described project.

**Section 2.** Further Action. That the Mayor/CEO of the Unified Government of Wyandotte County/ Kansas City, Kansas is hereby authorized to execute said Memorandum on behalf of the Unified Government, and the County Administrator is hereby authorized to take any action required and necessary to implement and satisfy the intent of this Resolution.

**Section 3.** Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the Unified Government.



**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE  
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

\_\_\_\_\_  
**Tyrone A. Garner, Mayor/CEO**

**Attest:**

\_\_\_\_\_  
**Unified Government Clerk**

**Approved as to Form:**

\_\_\_\_\_  
**Acting Chief Counsel**

**EPA COMMUNITY CHANGE GRANT PARTNERSHIP AGREEMENT**  
**BY AND BETWEEN**  
**THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**  
**AND**  
**THE GROUNDWORK NORTHEAST REVITALIZATION GROUP**

This Partnership Agreement ("Agreement") is made and entered into this \_\_\_\_ day of August 2024 ("Effective Date"). The "Partners" in this Agreement are as follows:

The Lead Applicant is the Unified Government of Wyandotte County/Kansas City, Kansas ("UG").

The Statutory Partner is the Groundwork Northeast Revitalization Group ("GWNRG").

**I. NAME**

The Partners are executing this document to create a partnership. This partnership will be known as the Environmental Protection Agency ("EPA") Community Change Grant ("CCG") Collaborative ("Partnership")

**II. PURPOSE AND LOCATION**

The Partners wish to become partners for the purpose of applying for and, if awarded, executing an EPA CCG. The Partnership's primary place of business will be 701 North 7<sup>th</sup> Street, Kansas City, KS 66101.

**III. PROJECT DESCRIPTION**

**GWNRG will partner with the UG to co-design and erect a collaborative "container" built on mutually agreed values and a mutually beneficial relationship to orchestrate authentic community engagement in our northeast Kansas City, Kansas ("NE KCK") neighborhoods. This container will support the EPA CCG's deliverables and incorporate new and existing projects that further mutually defined goals. GWNRG and the UG will activate existing resident expertise to co-design a resident-led strategy that centers the self-determination of our NE KCK neighbors in planning and executing relevant and needed interventions in the built and natural environment. We will leverage existing anchor institution projects such as the NE Grocers, NE KCK Heritage Trail, and the Quindaro Townsite, and fold in neighborhood-level investments to catalyze development across the seven capitals (Natural, Political, Cultural, Built, Human, Social, and Financial). The process will inherently rely upon consensus-based decision-making and increase resident expertise in the conditions that prevent us from achieving the Just Transition for a Just Future.**

**IV. THE PARTNERSHIP**

**A. The Partners Agree to the following:**

1. The terms and conditions of their Partnership will be outlined in this Agreement.
2. The Partnership will be in effect as of the date entered above.
3. The Partnership will only be terminated as outlined in this Agreement.
4. The Partnership will be governed by and construed under the laws of the State of Kansas.

**V. ROLES OF PARTNERS (if the EPA CCG is awarded)**

**A. UG Responsibilities.** The UG is responsible for:

1. Overall management, performance, oversight, and reporting under the grant, and for making subawards to collaborating entities.
2. Making a subaward to GWNRG in the amount consistent with the final EPA approved grant budget.
3. Making sure all subawards comply with the subaward requirements in the grant regulations at 2 CFR § 200.331 and in EPA's Subaward Policy and related guidance.
4. Receiving federal funds from EPA and ensuring the proper expenditure of these funds. UG will bear liability for unallowable costs.
5. All compliance, legal issues, and managing risks associated with the project.
6. Project-specific activities as outlined within the grant application submitted as response to the notice of funding opportunity for the EPA CCG.
7. Share decision-making authority with GWNRG and other parties as specified in the Collaborative Governance Structure submitted to EPA as part of the CCG application.
8. Upon award, enter into a grant agreement with the EPA.

**B. GWNRG Responsibilities.** GWNRG will be responsible for:

1. Project-specific activities as outlined within the grant application submitted as response to the notice of funding opportunity for the EPA CCG.
2. Share decision-making authority with the UG and other parties as specified in the Collaborative Governance Structure that is submitted to EPA as part of the CCG application.
3. Upon award, enter into a subaward agreement with the UG.

**VI. GENERAL PROVISIONS**

**A. Term of Partnership.**

1. This partnership will commence and be in effect upon notification of EPA CCG Award and will terminate, unless overridden by a new written agreement, in one of the following ways:
  - a. When GWNRG is replaced under the procedure listed in Paragraph VI.C. below,
  - b. When the CCG is completed as determined by the EPA,

- c. When the Partnership is informed that their application for a CCG is rejected unless, as agreed by both Partners, they resubmit an amended application, or
  - d. When the Partnership is informed that their resubmitted application is rejected.
2. Both Partners agree to be bound by the terms of this Agreement and agree that the Partners have received due consideration for entering into this contract.

**B. Dispute Resolution.**

1. In the event a dispute arises between the Partners regarding the rights or duties created by this Agreement, or in the event of a breach of this Agreement by either party, the Partners agree to meet and confer in a good faith effort to resolve the dispute. In the event the Partners are unable to informally resolve the dispute within thirty (30) days after the dispute has arisen, the Partners agree to non-binding mediation with a mediator approved by both Partners prior to any litigation.
2. Both Partners in this Partnership recognize and acknowledge that EPA is not a party to this Agreement, and any disputes between the Partners must be resolved under the law applicable to the Agreement.
3. This Agreement and the rights and obligations of the Partners hereunder are to be governed by and construed and interpreted in accordance with the laws of the State of Kansas applicable to contracts made and to be performed wholly within Kansas, without regard to choice or conflict of laws rules. The Partners hereto submit to the exclusive jurisdiction of and venue in the state courts located in Wyandotte County, Kansas, or the U.S. District Court, District of Kansas, for purposes of any suit arising hereunder instituted by any party.

**C. Assignment and Replacement of GWNRG as Statutory Partner.**

1. If it becomes necessary to replace GWNRG as the Statutory Partner, the UG will give GWNRG written notice transmitted by (a) registered or certified mail, return receipt requested, with Notice deemed to be given upon receipt; postage pre-paid, (b) delivered by hand or by nationally recognized courier service, or (c) if sent by facsimile or email transmission with confirmed receipt, and addressed as follows:

Groundwork Northeast Revitalization Group  
Contact: Rachel (Rah) N. R. Jefferson  
Address: 1913 Quindaro Boulevard, Kansas City, Kansas 66101

2. The UG will interview potential replacement Statutory Partners to ensure the replacement Statutory Partner has the comparable expertise, experience, knowledge, and qualifications of GWNRG to ensure successful grant completion within 3 years.
3. If GWNRG cannot perform for any reason, including, but not limited to, performance issues or other unforeseen reason under the terms of this Agreement, GWNRG will assist the UG in finding a replacement with due haste and will assign all its rights and obligations to the newly selected Statutory Partner.

4. Any replacement requires prior approval by an authorized EPA official pursuant to 2 CFR § 200.308(c)(6).
- D. **Costs.** The Partners will share programmatic funding consistent with the application budget submitted for the EPA CCG program and any EPA approved revisions.
- E. **Cash Basis Law.** This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 *et seq.* and amendments thereto. Any automatic renewal of the terms of the Agreement shall create no legal obligation on the part of the UG. This Agreement shall be construed and interpreted so as to ensure that the UG shall at all times stay in conformity with such laws and, as a condition of this Agreement, the UG reserves the right to unilaterally sever, modify, or terminate this Agreement at any time if, in the opinion of its legal counsel, the Agreement is deemed to violate the terms of such law. The UG is obligated only to pay periodic payments or monthly installments under the Agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during the UG's current budget year or (b) funds made available from any lawfully operated revenue producing source.
- F. **Accounting, Retention, and Access to Records.** The Partnership will maintain books, records, documents, and other evidence pertaining to the costs and expenses of the services provided under the Agreement to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies, and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this Agreement.
1. Both Partners will maintain and allow complete access to all books, records, documents, papers, and letters that are made or received by the Partners or Partnership in connection with this Agreement (collectively, "Records").
  2. All accounts related to the Partnership, including contribution and distribution accounts, are subject to audit.
  3. The Partnership will retain all Records applicable to this Agreement for a period of five (5) years after grant closeout, as required under 2 CFR§300.334, or until all audit questions have been resolved, whichever period of time is longer.
  4. Each partner will be responsible for their own tax returns.
  5. Accounting records will be kept on a cash basis.
  6. The fiscal year of the UG will end on December 31<sup>st</sup> each year.
- G. **Ownership.** GWNRG shall own and may independently use all plans, drawings, specifications, electronic files, and other documents provided by GWNRG hereunder, including those of persons engaged by GWNRG (collectively the "Work Product"). GWNRG shall own all rights, titles, interests, and ownership in and to such Work Product documents, including, without limitation, all rights relating to copyright arising under 17 U.S.C Section 101 *et seq.* and any and all copyright registrations or applications associated therewith. For purposes of this Section G, "documents" shall mean and include, without limitation, all reports, plans, studies, drawings, sketches, estimates, letters, data sheets, maps, and worksheets produced, acquired, or prepared by or for GWNRG in connection with the performance of these Terms and Conditions. UG shall have a limited license to the documents as needed to complete their

work under this Agreement but shall not publish in any manner any of the work completed by GWNRG without the express written permission of GWNRG.

- H. **Profits.** There are no anticipated profits from the grant agreement.
- I. **Modification to Partnership Agreement.** This Agreement and other documents specifically referred to herein constitute the entire partnership agreement and there are no verbal agreements between the Partners. This Agreement may only be revised or modified by a written amendment signed by authorized representatives of both Partners.
- J. **Independent Contractor Relation.** The Partners agree that the legal relationship between them is of a contractual nature. Nothing in this Agreement shall be construed to create a relationship of employer and employee or principal and agent or any other relationship other than that of independent parties contracting with each other solely for the purpose of carrying out the provisions of this Agreement. Nothing in this Agreement shall create any right or remedies in any third party. The Partners agree that no persons supplied by GWNRG are employees of the UG and that no right of the UG's civil service, retirement, or personnel rules accrue to such persons. The UG shall not be responsible for withholding of social security, workers compensation insurance, unemployment compensation, bonuses, retirement benefits, other benefits, and any taxes and premiums from any payments made by the UG to GWNRG.
- K. **Circumstances Beyond Control (Force Majeure).** The Partners shall not be responsible or liable for (i) special, consequential, indirect or punitive damages or (ii) any failure or delay in performing its obligations under this Agreement arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control, including: acts of God, earthquakes, fires, floods, wars, terrorist acts, civil or military authority or disturbances, sabotage, epidemics, pandemics, quarantine, riots, interruptions, loss or malfunctions of utilities, computer (hardware or software) or communications service, accidents, labor disputes, governmental actions or omissions, changes in laws or regulations, or generalized lack of availability of raw materials or energy.
- L. **Severability.** If any terms of this Agreement or its application to any person or circumstances shall, at any time or to any extent, be determined invalid or unenforceable, such as the inability to enter into a grant agreement with the EPA, the remaining provisions shall not be affected and shall be deemed valid and fully enforceable to the extent permitted by law.

**Lead Applicant**

**Unified Government of Wyandotte County and Kansas City Kansas**



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David W. Johnston  
Wyandotte County Administrator

**Statutory Partner**  
**Groundwork Northeast Revitalization Group**



Rachel N. R. Jefferson (10/10/24 09:42 PDT)

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Rachel N. R. Jefferson  
Executive Director

**EPA COMMUNITY CHANGE GRANT PARTNERSHIP AGREEMENT**  
**BY AND BETWEEN**  
**THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**  
**AND**  
**THE DOUGLASS/SUMNER NEIGHBORHOOD ASSOCIATION**

This Partnership Agreement ("Agreement") is made and entered into this \_\_\_\_ day of October 2024 ("Effective Date"). The "Partners" in this Agreement are as follows:

The Lead Applicant is the Unified Government of Wyandotte County/Kansas City, Kansas ("UG").

The Statutory Partner is the Douglass/Sumner Neighborhood Association ("DSNA").

**I. NAME**

The partners are executing this document to create a Partnership. This partnership will be known as **UG-Douglass/Sumner Green Jobs Workforce Development Grant Partnership** ("Partnership").

**II. PURPOSE AND LOCATION**

The Partners wish to become partners for the purpose of applying for and if awarded, executing an Environmental Protection Agency ("EPA") Community Change Grant ("CCG"). The Partnership's primary place of business will be 701 North 7<sup>th</sup> Street, Kansas City, KS 66101.

**III. PROJECT DESCRIPTION**

The Community Change Grant project will construct the capital project known as CSO-19 Phase 2 to meet the IOCP consent decree and maintain deteriorated water quality and stormwater runoff management facilities within the project area. Project activities with this partnership will include community education, workforce recruitment and project marketing, planting of native vegetation, enhancement of local mobility through trail improvements, and improved water quality through pollution reduction and stormwater management techniques. This project will pilot small-scale stormwater management maintenance and installations to train and increase workforce capacity to install and maintain green stormwater infrastructure. Workforce development will include key areas such as construction, landscaping, and maintenance.

**IV. THE PARTNERSHIP**

**A. The Partners Agree to the following:**

1. The terms and conditions of their Partnership will be outlined in this Agreement.
2. The Partnership will be in effect as of the date entered above.
3. The Partnership will only be terminated as outlined in this Agreement.
4. The Partnership will be governed by and construed under the laws of the State of Kansas.

**V. ROLES OF PARTNERS (if the CCG is awarded)**

**A. UG Responsibilities.** The UG is responsible for:

1. Overall management, performance, oversight, and reporting under the grant, and for making subawards to Collaborating Entities.
2. Making a subaward to DSNA in the amount consistent with the final EPA approved grant budget.
3. Making sure all subawards comply with the subaward requirements in the grant regulations at 2 CFR § 200.331 and in EPA's Subaward Policy and related guidance.
4. Receiving federal funds from EPA and ensuring the proper expenditure of these funds. UG will bear liability for unallowable costs.
5. All compliance, legal issues, and managing risks associated with the project.
6. Project-specific activities as outlined within the grant application submitted as response to the notice of funding opportunity for the EPA Community Change Grant.
7. Share decision making authority with DSNA and other parties as specified in the Collaborative Governance Structure that is submitted to EPA as part of the CCG application.
8. Upon award, enter into a grant agreement with the EPA.

**B. DSNA Responsibilities.** DSNA will be responsible for:

1. Project-specific activities as outlined within the grant application submitted as response to the notice of funding opportunity for the EPA Community Change Grant.
2. Share decision making authority with the UG and other parties as specified in the Collaborative Governance Structure that is submitted to EPA as part of the CCG application.
3. Upon award, enter into a subaward agreement with the UG.

**VI. GENERAL PROVISIONS**

**A. Term of Partnership.**

1. This partnership will commence and be in effect upon notification of EPA Community Change Grant Award and will terminate, unless overridden by a new written agreement, in one of the following ways:
  - a. When DSNA is replaced under the procedure listed in Paragraph VI.D. below,
  - b. When the CCG is completed as determined by EPA,
  - c. When the Partnership is informed that their application for a CCG is rejected unless, as agreed by both Partners, they resubmit an amended application, and
  - d. When the Partnership is informed that their resubmitted application is rejected.

2. Both Partners agree to be bound by the terms of this Partnership Agreement and agree that the Partners have received due consideration for entering into this contract.

**B. Dispute Resolution.**

1. In the event a dispute arises between the Partners regarding the rights or duties created by this Agreement, or in the event of a breach of this Agreement by either party, the Partners agree to meet and confer in a good faith effort to resolve the dispute. In the event the Partners are unable to informally resolve the dispute within thirty (30) days after the dispute has arisen, the Partners agree to non-binding mediation with a mediator approved by both Partners prior to any litigation.
2. Both members of this partnership recognize and acknowledges that EPA is not a party to this Agreement, and any disputes between the parties must be resolved under the law applicable to the Partnership Agreement.
3. This Agreement and the rights and obligations of the parties hereunder are to be governed by and construed and interpreted in accordance with the laws of the State of Kansas applicable to contracts made and to be performed wholly within Kansas, without regard to choice or conflict of laws rules. The parties hereto submit to the exclusive jurisdiction of and venue in the state courts located in Wyandotte County, Kansas, or the U.S. District Court, District of Kansas, for purposes of any suit arising hereunder instituted by any party.

**C. Assignment and Replacement of DSNA as Statutory Partner.**

1. If it becomes necessary to replace DSNA as the Statutory Partner, the UG will give DSNA written notice transmitted by (a) registered or certified mail, return receipt requested, with Notice deemed to be given upon receipt; postage pre-paid, (b) delivered by hand or by nationally recognized courier service, or (c) if sent by facsimile or email transmission with confirmed receipt, and addressed as follows:

Douglass/Sumner Neighborhood Association  
Contact: Beverly Easterwood, President  
Address: P.O. Box 171735  
Kansas City, Kansas 66117

2. The UG will interview potential replacement Statutory Partners to ensure the replacement Statutory Partner has the comparable expertise, experience, knowledge, and qualifications of DSNA to ensure successful grant completion within 3 years.
3. If DSNA cannot perform for any reason, including, but not limited to, performance issues or other unforeseen reason under the terms of this Agreement, DSNA will assist the UG in finding a replacement with due haste and will assign all its rights and obligations to the newly selected Statutory Partner.

4. Any replacement requires prior approval by an authorized EPA official pursuant to 2 CFR § 200.308(c)(6).
- D. **Costs.** The Partners will share programmatic funding consistent with the application budget submitted for the EPA Community Change Grant program and any EPA approved revisions.
- E. **Cash Basis Law.** This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 *et seq.* and amendments thereto. Any automatic renewal of the terms of the Agreement shall create no legal obligation on the part of the Unified Government. This Agreement shall be construed and interpreted so as to ensure that the Unified Government shall at all times stay in conformity with such laws and, as a condition of this Agreement, the Unified Government reserves the right to unilaterally sever, modify, or terminate this Agreement at any time if, in the opinion of its legal counsel, the Agreement is deemed to violate the terms of such law. The Unified Government is obligated only to pay periodic payments or monthly installments under the Agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during the Unified Government's current budget year or (b) funds made available from any lawfully operated revenue producing source.
- F. **Accounting, Retention, and Access to Records.** The Partnership will maintain books, records, documents, and other evidence pertaining to the costs and expenses of the services provided under the Agreement to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies, and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this Agreement.
1. Both Partners will maintain and allow complete access to all books, records, documents, papers, and letters that are made or received by the Partners or Partnership in connection with this Agreement (collectively, "**Records**").
  2. All accounts related to the Partnership, including contribution and distribution accounts, are subject to audit.
  3. The Partnership will retain all Records applicable to this Agreement for a period of five (5) years after grant closeout, as required under 2 CFR§300.334, or until all audit questions have been resolved, whichever period of time is longer.
  4. Each partner will be responsible for their own tax returns.
  5. Accounting records will be kept on a cash basis.
  6. The fiscal year will end on December 31<sup>st</sup> each year.
- G. **Ownership.** The Partners shall be joint owners with all property rights, including publication rights, in all interim, draft, and final reports and other documentation, including machine-readable media, produced by or in connection with the work pursuant to this Agreement.
- H. **Profits.** There are no anticipated profits from the grant agreement.
- I. **Modification to Partnership Agreement.** This Agreement and other documents specifically referred to herein constitute the entire partnership agreement and there are no verbal agreements between the Partners. This Agreement may only be revised or modified by a written amendment signed by authorized representatives of both Partners.

- J. **Independent Contractor Relation.** The parties agree that the legal relationship between them is of a contractual nature. Nothing in this Agreement shall be construed to create a relationship of employer and employee or principal and agent or any other relationship other than that of independent parties contracting with each other solely for the purpose of carrying out the provisions of this Agreement. Nothing in this Agreement shall create any right or remedies in any third party. The parties agree that no persons supplied by DSNM are employees of the Unified Government and that no right of the Unified Government's civil service, retirement, or personnel rules accrue to such persons. The Unified Government shall not be responsible for withholding of social security, workers compensation insurance, unemployment compensation, bonuses, retirement benefits, other benefits, and any taxes and premiums from any payments made by the Unified Government to the Contractor.
- K. **Circumstances Beyond Control (Force Majeure).** The Partners shall not be responsible or liable for (i) special, consequential, indirect or punitive damages or (ii) any failure or delay in performing its obligations under this Agreement arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control, including: acts of God, earthquakes, fires, floods, wars, terrorist acts, civil or military authority or disturbances, sabotage, epidemics, pandemics, quarantine, riots, interruptions, loss or malfunctions of utilities, computer (hardware or software) or communications service, accidents, labor disputes, governmental actions or omissions, changes in laws or regulations, or generalized lack of availability of raw materials or energy.
- L. **Severability.** If any terms of this Agreement or its application to any person or circumstances shall, at any time or to any extent, be determined invalid or unenforceable, such as the inability to enter into a grant agreement with the EPA, the remaining provisions shall not be affected and shall be deemed valid and fully enforceable to the extent permitted by law.

**Lead Applicant**

**Unified Government of Wyandotte County and Kansas City Kansas**

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David W. Johnston

Wyandotte County Administrator

**Statutory Partner**

**Douglass/Sumner Neighborhood Association**



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Beverly Easterwood  
President



**FEDERAL AGENCY AND OFFICE:** U.S. Environmental Protection Agency, Office of Environmental Justice and External Civil Rights (OEJECR)

**FUNDING OPPORTUNITY TITLE:** Environmental and Climate Justice Community Change Grants Program

**ANNOUNCEMENT TYPE:** Notice of Funding Opportunity (NOFO)

**FUNDING OPPORTUNITY NUMBER:** EPA-R-OEJECR-OCS-23-04

**ASSISTANCE LISTING NUMBER:** 66.616

**ACTION:** Modification No. 4 to the NOFO

**DATE:** October 2, 2024

**SUMMARY:** This modification revises and clarifies the NOFO, which was originally issued on November 21, 2023. This version of the NOFO supersedes previous versions of the NOFO. The revision made by this modification is as follows:

1. The paragraph on page 2 of the NOFO under “Deadline” was revised to add a citation to 41 Fed. Reg. 36,907 and clarify that applicants may assert a CBI claim and EPA will treat any information claimed as CBI consistent with our regulations.

|                                    |                                                                                                          |
|------------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>FEDERAL AGENCY AND OFFICE:</b>  | U.S. Environmental Protection Agency, Office of Environmental Justice and External Civil Rights (OEJECR) |
| <b>FUNDING OPPORTUNITY TITLE:</b>  | Environmental and Climate Justice Community Change Grants Program                                        |
| <b>ANNOUNCEMENT TYPE:</b>          | Notice of Funding Opportunity (NOFO)                                                                     |
| <b>FUNDING OPPORTUNITY NUMBER:</b> | EPA-R-OEJECR-OCS-23-04                                                                                   |
| <b>ASSISTANCE LISTING NUMBER:</b>  | 66.616                                                                                                   |
| <b>IMPORTANT DATES:</b>            |                                                                                                          |
| <b>November 21, 2023</b>           | <b>NOFO Opening Date</b>                                                                                 |
| <b>November 21, 2024</b>           | <b>Application Closing Date</b>                                                                          |
| <b>July 2024</b>                   | <b>Initial Award Selections Made</b>                                                                     |
| <b>November 2024</b>               | <b>Anticipated Start of Period of Performance for Initial Selections</b>                                 |

**DEADLINE:** Application packages will be accepted on a rolling basis, as further explained in the NOFO, until November 21, 2024, at 11:59 PM (Eastern Time) through Grants.gov. Applications received after the closing date and time will not be considered for funding.

In alignment with EPA’s commitment to conducting business in an open and transparent manner, copies of applications selected for award under this NOFO may, as appropriate, be made publicly available on the OEJECR website or other public website for a period after the selected applications are announced. Therefore, applicants should clearly indicate which portion(s) of the application, if any, they are claiming contains confidential business information. Information claimed as confidential will be treated in accordance with the procedures for handling information claimed as confidential under 40 CFR Part 2, Subpart B, and will be disclosed to the extent, and by means of procedures, set forth in Subpart B. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the applicant. See 40 CFR 2.203(a), 41 Fed. Reg. 36,907.

Notice To Applicants: The revisions to the grant regulations in [2 CFR described at 89 FR 30046-30208](#) (April 22, 2024) will apply to awards made under this NOFO, including the change to the de minimis indirect cost rate.

**NOTE:** Prior to naming a contractor (including consultants) or subrecipient in your application as a “partner,” please carefully review Section IV.d, “Contracts and Subawards,” of EPA’s Solicitation Clauses that are incorporated by reference in this NOFO in [Section I.J](#). EPA expects recipients of funding to comply with competitive procurement contracting requirements as well as 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 based on a contractor’s role in preparing an application or a firm or individual’s “unique” qualifications.

## TABLE OF CONTENTS:

|                                                                                                                             |           |
|-----------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>Section I. Funding Opportunity Description .....</b>                                                                     | <b>5</b>  |
| A. Background: Inflation Reduction Act and Executive Orders .....                                                           | 5         |
| B. Statutory and Regulatory Authority.....                                                                                  | 6         |
| C. Community Change Grants Objectives .....                                                                                 | 7         |
| D. NOFO Competition Features.....                                                                                           | 7         |
| E. Technical Assistance.....                                                                                                | 8         |
| F. Community or Tribal Relocation Resources.....                                                                            | 8         |
| G. Funding Track I: Community-Driven Investments for Change .....                                                           | 9         |
| H. Funding Track II: Meaningful Engagement for Equitable Governance .....                                                   | 20        |
| I. EPA Strategic Plan Linkage, Anticipated Outputs, Outcomes & Performance Measures.....                                    | 23        |
| J. Additional Provisions for Applicants Incorporated into the NOFO .....                                                    | 24        |
| <b>Section II. Federal Award Information .....</b>                                                                          | <b>25</b> |
| A. Number and Amount of Awards .....                                                                                        | 25        |
| B. Target Investment Areas (TIA) for Track I Applications.....                                                              | 25        |
| C. Rolling Application Submittal and Review Process, Application Award Limits, and Application Resubmission Procedures..... | 26        |
| D. Conditional Awards.....                                                                                                  | 27        |
| E. Period of Performance .....                                                                                              | 27        |
| F. Partial Funding.....                                                                                                     | 27        |
| G. Additional Awards.....                                                                                                   | 28        |
| H. Funding Type .....                                                                                                       | 28        |
| <b>Section III. Eligibility Information.....</b>                                                                            | <b>29</b> |
| A. Eligible Applicants .....                                                                                                | 29        |
| B. Statutory Partnership Requirements and Collaborating Entities .....                                                      | 31        |
| C. Cost-Sharing or Matching Funds.....                                                                                      | 32        |
| D. Threshold Eligibility Criteria .....                                                                                     | 32        |
| <b>Section IV. Application and Submission Information .....</b>                                                             | <b>35</b> |
| A. Requirement to Submit through Grants.gov and Limited Exception Procedures.....                                           | 35        |
| B. Content of Application Submission.....                                                                                   | 38        |
| C. Informational Webinars and Application Assistance .....                                                                  | 47        |
| <b>Section V. Application Review Information .....</b>                                                                      | <b>47</b> |
| A. Threshold Eligibility Review Process .....                                                                               | 48        |

|                                                                                                 |           |
|-------------------------------------------------------------------------------------------------|-----------|
| B. Review Panel and Evaluation Process .....                                                    | 48        |
| C. Track I Application Review Process and Evaluation Criteria .....                             | 48        |
| D. Track II Application Review Process and Evaluation Criteria.....                             | 53        |
| E. Final Selection Process and Other Factors.....                                               | 56        |
| F. Anticipated Announcement and Federal Award Date.....                                         | 57        |
| <b>Section VI. Award Administration Information .....</b>                                       | <b>59</b> |
| A. Award Notification and Disputes .....                                                        | 59        |
| B. Administrative and National Policy Requirements .....                                        | 59        |
| C. Audit Requirements .....                                                                     | 62        |
| D. Remedies for Non-Compliance .....                                                            | 62        |
| E. Program Administration Activities .....                                                      | 63        |
| F. Fraud, Waste, and Abuse Awareness .....                                                      | 63        |
| G. Quality Management Plans (QMPs) & Quality Assurance Project Plans (QAPPs).....               | 63        |
| <b>Section VII. Contact Information.....</b>                                                    | <b>65</b> |
| <b>Appendix A. Definition of Disadvantaged Communities and Mapping Requirements.....</b>        | <b>66</b> |
| <b>Appendix B. Partnership Agreement between the Lead Applicant and Statutory Partner .....</b> | <b>69</b> |
| <b>Appendix C. Climate Action Strategies and Associated Project Activities .....</b>            | <b>70</b> |
| <b>Appendix D. Pollution Reduction Strategies and Associated Project Activities .....</b>       | <b>77</b> |
| <b>Appendix E. Job Quality &amp; Equitable Employment Opportunities .....</b>                   | <b>80</b> |
| <b>Appendix F. Track I and II Outputs and Outcomes.....</b>                                     | <b>81</b> |
| <b>Appendix G. Budget Template .....</b>                                                        | <b>86</b> |
| <b>Appendix H. Alaska Tribal Lands Target Investment Area.....</b>                              | <b>91</b> |

## Section I. Funding Opportunity Description

[\(back to the Table of Contents\)](#)

### A. Background: Inflation Reduction Act and Executive Orders

The Environmental and Climate Justice Community Change Grant program (Community Change Grants) – the subject of this NOFO – offers an unprecedented opportunity to transform disadvantaged communities across the United States into healthy, climate resilient, and thriving communities for their current and future residents. The Community Change Grants will fund community-driven projects that address climate challenges and reduce pollution while strengthening communities through thoughtful implementation. The historic levels of support provided by these grants will enable communities and their partners to overcome longstanding environmental challenges and implement meaningful solutions to meet community needs now and for generations to come.

The Inflation Reduction Act (IRA) created the Environmental and Climate Justice Program (ECJP)—the largest investment in environmental and climate justice in U.S. history—when it was signed into law by President Biden on August 16, 2022. The ECJP is now contained in Section 138 of the Clean Air Act (CAA), 42 U.S.C. § 7438. Under this program, EPA was provided \$2.8 billion to award grants to help disadvantaged communities address a wide range of environmental and climate justice issues, and \$200 million for technical assistance related to these grants. This historic investment advances [Executive Order 13985](#), *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, which established a whole-of-government approach to advancing equity and opportunity, and [Executive Order 14008](#), *Tackling the Climate Crisis at Home and Abroad*, which created the government-wide [Justice 40 Initiative](#) that established the goal that 40 percent of the overall benefits of certain federal investments flow to disadvantaged communities. Awards under the ECJP also support core goals of [Executive Order 14091](#), *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and [Executive Order 14096](#), *Revitalizing Our Nation’s Commitment to Environmental Justice for All*.

The Community Change Grants are the final and most comprehensive piece of EPA’s implementation of ECJP IRA funding. The Community Change Grants will complement grant programs that EPA launched in 2022 and 2023, including those for the Collaborative Problem-Solving, Government-to-Government, and Thriving Communities Grantmaker programs. Collectively, these programs will empower communities and their partners to design, develop, and implement multi-faceted community-driven projects. These programs will address the diverse and unique needs of disadvantaged communities by:

1. Reducing and preventing pollution;
2. Building resilience to climate change and mitigating current and future climate risks;
3. Enhancing meaningful involvement in government processes related to environmental and climate justice;
4. Expanding access to high-quality jobs and economic opportunity through workforce development; and
5. Bolstering community strength by ensuring that local residents receive the benefits of investments and have the opportunity to build on them for current and future generations.

Through the approximately \$2 billion to be awarded under the Community Change Grants, and the technical assistance that will be available to eligible applicants related to the grants, EPA will advance the goals of these Executive Orders (EO) and the agency’s environmental and climate justice priorities. [Environmental justice](#), as defined by EO 14096, means 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:

- 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
- 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.

## B. Statutory and Regulatory Authority

The authority for the awards under this NOFO is Clean Air Act (CAA) § 138, codified at 42 U.S.C. § 7438. Of the \$2.8 billion appropriated, approximately \$2 billion will be awarded for the Community Change Grants under this NOFO. As provided in 42 U.S.C. § 7438(a)(1) and (b)(1), all the funds must be awarded by September 30, 2026, the grants cannot be longer than three years in duration, and no extensions will be granted.

Eligible entities and eligible activities are defined in 42 U.S.C. § 7438(b)(2) and (3) and are further described below and in [Section I](#) and [Section III](#) of this NOFO.

Section 138(b)(2) of the CAA specifies that an eligible entity may use a grant awarded under this NOFO for:

1. community-led air and other pollution monitoring, prevention, and remediation, and investments in low and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions<sup>1</sup> and other air pollutants;
2. mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;
3. climate resiliency and adaptation;
4. reducing indoor toxics and indoor air pollution; or
5. facilitating engagement of disadvantaged communities in state and federal advisory groups, workshops, rulemakings, and other public processes.

In addition, Section 102(2)(I) of the National Environmental Policy Act, 42 U.S.C. § 4332(2)(I) is applicable to international work, if any, under this NOFO. Further, all funded activities under this NOFO must comply with federal, state, and local laws and regulations, including but not limited to:

1. 2 CFR 200.435(b), which restricts the use of grant funds to defend a recipient that is subject to a criminal, civil or administrative proceeding against it commenced by any government for fraud or similar offenses;
2. 2 CFR 200.435(g), which precludes the use of grant funds to prosecute claims against the Federal Government; and
3. 2 CFR 200.450(c), which restricts the use of federal funds by nonprofit organizations for certain lobbying or electioneering activities but does not preclude the use of federal funds to promote adoption of local ordinances, including those related to zoning.

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<sup>1</sup> “Greenhouse gas” means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.



4. 40 CFR Parts 5 and 7, which prohibit discrimination on the basis of race, color, national origin (including limited-English proficiency), disability, sex, and age by recipients and subrecipients of federal financial assistance.

## C. Community Change Grants Objectives

The Community Change Grants will support comprehensive community and place-based approaches to redressing environmental and climate injustices for communities facing legacy pollution, climate change, and persistent disinvestment. These concentrated local investments will fund community-driven, change-making projects that center collaborative efforts for healthier, safer, and more prosperous communities.

Designed with meaningful community, Tribal, and other stakeholder involvement, the investments EPA makes through the Community Change Grants are intended to achieve the following objectives:

1. Provide resources for community-driven projects to address environmental and climate challenges in communities facing disproportionate and adverse health, pollution, and environmental impacts, and suffering from generations of disinvestment.
2. Invest in strong cross-sectoral collaborations with partners who bring a robust commitment to working with and for communities with environmental and climate justice concerns.
3. Unlock access to additional and more significant resources to advance environmental and climate justice goals from across the federal government and other sources.
4. Empower communities and strengthen their capacity to drive meaningful positive change on the ground for years to come.
5. Strengthen community participation in government decision-making processes that impact them.

## D. NOFO Competition Features

EPA anticipates awarding approximately \$2 billion in funding through this NOFO, depending on funding availability, quality of applications received, EPA priorities, and other applicable considerations. EPA will consider applications under two separate tracks.

- **Track I applications – Community-Driven Investments for Change** will focus on multi-faceted applications with Climate Action and Pollution Reduction Strategies to meaningfully improve the environmental, climate, and resilience conditions affecting disadvantaged communities. Awards under Track I are expected to be \$10-20 million each. EPA expects to award approximately \$1.96 billion for approximately 150 Track I awards, including those under the Target Investment Areas described in Section II.B.
- **Track II applications – Meaningful Engagement for Equitable Governance** will facilitate the engagement of disadvantaged communities in governmental processes to advance environmental and climate justice. Awards under Track II are expected to be \$1-3 million each. EPA will award approximately \$40 million for approximately 20 Track II awards.

The number of Track I and Track II awards are estimates, and EPA reserves the right to increase or decrease the total number of awards and dollar amounts for each track, contingent on the quality of applications received, the amount of funds awarded to selected applicants, budget availability, agency priorities, programmatic considerations, or a combination of these.

**Target Investment Areas for Track I Applications:** EPA has identified five Target Investment Areas (TIA) to help ensure that communities with unique circumstances, geography, and needs can equitably compete for funding (see [Section II.B](#)). Applicants applying under a specified TIA will compete against other applicants under the same TIA, as opposed to the broader application pool. Please note that applicants applying for the TIA for Alaska Tribal lands should review Appendix H for additional guidance pertaining to the Climate Action and Pollution Reduction Strategies to include in their application, including those related to the Alaska Native Claims Settlement Act (ANCSA).

**Eligible Applicants:** Eligible applicants for the Community Change Grants include a partnership between two community-based non-profit organizations (CBOs), or a partnership between a CBO and one of the following: a Federally recognized Tribe, a local government, or an institution of higher education (IHE), including Minority Serving Institutions as further described in [Section III.A](#). Other organizations and entities may participate in the Community Change Grants as Collaborating Entities through subawards, or as contractors selected in accordance with competitive procurement requirements. Further details about applicant eligibility, partnership requirements, Collaborating Entities, subawards, and procurement contracts are in [Section III](#).

Under this NOFO, Lead Applicants, as defined in [Section III.A](#), may submit a maximum of two eligible applications and may receive up to two awards, if they demonstrate the capacity and capabilities to effectively perform, manage, oversee, and complete the awards within the three-year grant period of performance. The two applications may be two Track I applications, two Track II applications, or one of each. Lead Applicants who submit more than two total eligible applications will be asked to withdraw the excess one(s). EPA will not review more than two eligible applications from any one Lead Applicant.

In addition, EPA is introducing several features to enhance community involvement and ease the application process. Unless otherwise noted, the following applies to both Track I and Track II applications:

- **Rolling Applications.** EPA will allow applications to be submitted on a rolling basis over a 12-month period, through November 21, 2024, and will permit applicants to resubmit an unsuccessful application after a debriefing with the agency. Further details about the rolling application and resubmission process are in Sections II and V.
- **Fast-Tracked Approach.** EPA will review and select high-quality applications to fund on a rolling basis to deliver results and benefits to disadvantaged communities.
- **Indirect Costs Limitation.** As further described in Appendix G, there is a 20% cap on indirect costs for certain recipients and subrecipients.

## E. Technical Assistance

Under the IRA, EPA received \$200 million for technical assistance to eligible entities in connection with the ECJP. Technical assistance will be available for pre-award technical assistance including but not limited to designing a project, preparing an application, or facilitating partnerships, and for post-award technical assistance to help grant recipients manage, oversee, perform, and report on the grants. Further details about technical assistance can be found [here](#), and additional information on technical assistance that may be available through EPA's technical assistance contractor can be found [here](#). Receiving technical assistance does not guarantee that applicants will be selected for funding.

## F. Community or Tribal Relocation Resources

Projects for community or Tribal relocation activities are not eligible for funding under this NOFO and will not be reviewed. For purposes of this NOFO, relocation activities generally include activities intended to plan or assist the moving of an individual from their residence or a business from its place of business.<sup>2</sup> EPA is working with other federal agencies on a separate and tailored effort to develop a support mechanism for communities that want to implement community-driven relocation plans. EPA intends to share relocation assistance information in future guidance [posted on the Community Change Grants website](#). In the interim, information related to Federally-assisted relocation can be found on [FEMA's webpage](#) and in the [HUD Climate Resilience Implementation Guide for Community Driven Relocation](#). Any questions about whether an activity is considered a relocation activity should be sent by email to [CCGP@epa.gov](mailto:CCGP@epa.gov) prior to applying.

## G. Funding Track I: Community-Driven Investments for Change

### 1. Track I Objectives

Track I is the primary emphasis for the Community Change Grants. These projects will be implemented through strong collaborations to achieve sustained impacts related to climate resilience, pollution reduction, community health, economic prosperity, and community strength. This approach catalyzes change by focusing on the following objectives:

- **Increase community resilience through climate action activities:** Implement comprehensive Climate Action Strategies and infrastructure that build the resilience and adaptive capacities of communities, reduce greenhouse gas (GHG) emissions, and better prepare for and reduce the impacts of climate change.
- **Reduce local pollution to improve public health:** Reduce and remediate quantifiable health-harming pollutants to improve public health.
- **Center meaningful community engagement:** Conduct robust community engagement throughout the project – from design to implementation.
- **Build community strength:** Develop strategies to increase the likelihood that benefits of the investments accrue to existing residents of disadvantaged communities, both immediately and sustainably beyond the grant period.
- **Reach priority populations:** Support people within the Project Area as described in Appendix A who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities to the impacts of environmental pollution.<sup>3</sup>
- **Maximize integration across projects:** Ensure that the projects and activities within the Project Area are integrated and complement each other to maximize benefits.

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<sup>2</sup> The Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. § 4601 et seq. (URA) would apply if a construction project funded through a Community Change Grant has an incidental effect of permanently displacing residents or businesses.

<sup>3</sup> This may include populations of concern as identified in [The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment \(2016\)](#) that “experience disproportionate, multiple, and complex risks to their health and well-being in response to climate change,” such as children and pregnant women, older adults, and those with low incomes, limited-English-proficiency, disabilities or chronic medical conditions, or other risks that may put them at greater vulnerability.

## **2. Track I Community Vision Description**

Track I applications should be rooted in addressing specific, community-driven environmental justice challenges. Accordingly, Track I applications should begin with a Community Vision Description that, at a minimum, provides an overview of the Project Area (as described in Appendix A) to benefit from the grant, a clear description of the challenges the Project Area faces, and a vision for how the grant will respond to those challenges to advance environmental and climate justice in the Project Area. This description should provide essential context for the rest of the application, informing how the Climate Action and Pollution Reduction Strategies were selected and the positive impact the applicant envisions the grant will have in the Project Area. The Community Vision Description is further described in [Section IV.B: Content of Application Submission](#).

## **3. Track I Application Requirements**

Track I applications must address the following six requirements, as further described below. Additional information about the contents of the Project Narrative for Track I applications can be found in [Section IV.B: Content of Application Submission](#) and information about how applications will be evaluated can be found in [Section V.C: Track I Application Review Process and Evaluation Criteria](#).

**Requirement 1. Climate Action Strategy:** Applications must include at least one project aligned with at least one of the Climate Action Strategies as described below. The Climate Action Strategies focus on strengthening the community's climate resilience and / or reducing GHG emissions. Climate Action Strategies should be responsive to the community challenges described in the Community Vision Description.

**Requirement 2. Pollution Reduction Strategy:** Applications must include at least one project aligned with at least one of the Pollution Reduction Strategy as described below. The Pollution Reduction Strategy can include monitoring, prevention, reduction, and remediation activities that support community efforts to address quantifiable and health-harming pollutants. Pollution Reduction Strategies range broadly depending on the type and pathway of pollution (e.g., indoor, or outdoor air pollution, water pollution, soil pollution). Pollution Reduction Strategies should be responsive to the community challenges described in the Community Vision Description.

**Requirement 3. Community Engagement and Collaborative Governance Plan:** Successful implementation of environmental and climate justice projects requires relationships among an ecosystem of community leaders and members along with partners across varied sectors. To help ensure that the community itself drives project development and implementation, applicants must submit a Community Engagement and Collaborative Governance Plan which should demonstrate how the applicant will inform, respond to, and engage community members throughout project development and implementation. This plan should include a Collaborative Governance Structure, which describes the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents in implementing the project.

**Requirement 4. Community Strength Plan:** Applicants must submit a Community Strength Plan that describes how their proposed projects will enhance the overall strength and economic prosperity of the community, including maximizing the benefits of the projects for existing residents and minimizing potential risks associated with investing significant resources into the Project Area. This should include strategies for how the projects will promote inclusive economic development, drive benefits of the projects to existing residents, and proactively address unintended displacement consequences. This plan should speak to how the projects will enhance the overall wellbeing of the community, ensuring existing

community members receive the benefits of these investments and can build on those benefits for future generations.

**Requirement 5. Readiness Approach:** Given the statutory requirement that all Community Change Grants must be completed within three years, applicants must describe how they will be able to initiate grant performance upon award, or generally no later than 120 days after award, so they can successfully complete the grant within the three-year period of performance.

**Requirement 6. Compliance Plan:** Applicants must submit a Compliance Plan that describes how they will: (1) ensure compliance with the grant's terms and conditions, including 2 CFR § 200.302(b) (financial management), 2 CFR § 200.303 (internal controls), and 2 CFR § 200.332 (requirements for pass-through entities); and (2) manage broader legal and compliance risks.

### **Details of Track I Application Requirements**

**Requirement 1. Climate Action Strategies:** Applicants must include at least one project aligned with at least one of the Climate Action Strategies identified below. When addressing the strategy in their application, applicants should describe relevant challenges faced in the Project Area and how the selected Climate Action Strategy(ies) and associated project(s) will address those challenges. Each Climate Action Strategy outlined below is focused on building short-term and long-term climate resilience, reducing GHGs, and providing additional co-benefits so that impacted communities can adapt to the changing climate. Applicants are also encouraged, as applicable, to integrate processes that minimize burdens to human health and the environment while maximizing benefits to the Project Area through such means as integrating nature-based solutions, utilization of low-carbon building materials, or sourcing sustainable products and materials to perform the projects. When selecting a Climate Action Strategy and designing their climate action projects, applicants may refer to the [National Climate Resilience Framework](#) released in September 2023.

Examples of project activities and guidelines associated with the strategies can be found in Appendix C. While applicants may select from among the examples in the Appendix, applicants may also submit other types of project activities as long as they are consistent with a Climate Action Strategy described in [Section I.G](#) of the NOFO and are eligible for funding under §138(b)(2) of the CAA.

#### **Strategy 1: Green Infrastructure and Nature-Based Solutions**

Many disadvantaged communities face complex climate challenges, such as urban heat island effects and flooding risks. Strategy 1 supports using nature-based solutions (NBS), also referred to as green infrastructure, to address such climate risks. Nature-based solutions are generally actions to protect, sustainably manage, or restore natural systems to address the impacts of climate change, while simultaneously providing benefits for people and the environment.<sup>4</sup> Projects under this strategy can include planting shade trees, restoring native plants and wetlands to capture stormwater, and deploying other green infrastructure solutions that often have the co-benefit of reducing GHG emissions. Communities also may incorporate vegetation or similar natural features into traditional infrastructure.

#### **Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience**

Many disadvantaged communities lack access to affordable low- or zero-emission transportation options, leading to disproportionate difficulties in daily life, limiting access to educational and

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<sup>4</sup> Applicants may use the White House's [Nature-Based Solutions Resource Guide](#) as a resource for integrating nature-based solutions.

economic opportunities, and creating vulnerability to climate risks. Strategy 2 focuses on providing community members with access to low- and zero-emission technologies to improve their overall health and well-being, reduce emissions, and increase access to important community destinations such as schools, workplaces, health care centers, and community spaces. Projects funded under this strategy may include installing protected bike lanes or walking paths, supplying traditional or electric bikes to community members, and deploying other low- or zero-emission transportation solutions. The impact of such projects could include improved public health outcomes, reduced GHG emissions from the transportation sector, more equitable access to community resources, increased community connectivity and safety, and greater community resilience to extreme weather events.

### **Strategy 3: Energy-Efficient, Healthy, and Resilient Housing and Buildings**

Residential and commercial buildings are a significant source of GHG emissions due to the large amounts of electricity consumed for heating, cooling, lighting, and other similar functions. Many disadvantaged communities also face a disproportionately high energy burden, defined as the percentage of gross household income spent on energy costs. Many factors can influence high energy burden, including higher-cost fuels, such as propane or other bottled fuels, and energy-inefficient homes due to a lack of insulation in older homes or older appliances. Strategy 3 supports investments in low- and zero-emission technologies and energy efficiency upgrades that can help decarbonize residential and commercial buildings, decrease energy burden, and increase resilience for communities. Many of these activities also contribute to positive public health outcomes by improving indoor air quality and the safety and comfort of buildings. Co-benefits associated with this strategy can be maximized by combining additional Climate Action and Pollution Reduction Strategies to improve indoor air quality and / or produce additional resiliency benefits. This strategy can support a range of residential and commercial buildings, including single-family homes, multi-family housing buildings, small businesses, community health facilities, community centers, nonprofit offices, schools, and other similar community-serving buildings.

### **Strategy 4: Microgrid Installation for Community Energy Resilience**

Many disadvantaged communities suffer from unreliable access to electricity, a problem that is becoming more acute due to increased heating and cooling demands during extreme weather events driven by climate change. Strategy 4 supports the installation of microgrids powered by low- and zero-emission renewable energy to improve electric reliability, enhance overall energy efficiency, reduce emissions of GHG and other air pollutants, and build a community's capacity to prepare for and withstand power disruptions. The U.S. Department of Energy [defines](#) microgrids as “a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that acts as a single controllable entity with respect to the grid.” A microgrid can operate autonomously when disconnected from the grid or when there is no grid to connect to, such as in some remote communities. When connected and operated with the grid, a microgrid can provide grid ancillary services.

### **Strategy 5: Community Resilience Hubs**

Many disadvantaged communities lack the resources to evacuate in a safe and timely manner when disaster strikes or is imminent. Strategy 5 supports the creation of, or upgrades to, community-level resilience hubs, which are public-serving spaces that provide shelter and essential services during extreme weather, natural hazards, or other events causing or contributing to an emergency or disaster, such as dangerous wildfire woodsmoke, toxic releases, industrial fires, or similar hazardous chemical incidents. These community-level resilience hubs can also serve as community-convening spaces that provide educational activities and related emergency and disaster preparedness resources to community residents year-round.



### **Strategy 6: Brownfield Redevelopment for Emissions Reduction and Climate Resilience**

Many disadvantaged communities contain brownfield sites that impede economic development. Redeveloping brownfields provides an opportunity to make investments that contribute to community revitalization, resilience, and GHG emissions reduction. Redeveloping brownfield sites also supports infill development that significantly reduces residential vehicle use and the associated GHG emissions. Strategy 6 supports the redevelopment of brownfield sites that have already been cleaned up, or where a site assessment indicates that cleanup is not necessary for reuse. These projects should seek to improve energy efficiency through investments in low- and zero-emission technologies, integrate climate resiliency, and / or mitigate climate change impacts while also promoting economic development and improving public health for residents. Examples could include construction of a public park or partnering on a LEED Certified low-income housing project on a former brownfield site.

Note: Projects funded under this Climate Action Strategy must be performed on sites where, at the time of application submission, the applicant demonstrates that cleanup is complete or that the site does not require any cleanup activities for the intended use or reuse of the site. See Section III.D.8 and Appendix C section on this Strategy.

### **Strategy 7: Waste Reduction and Management to Support a Circular Economy**

Disadvantaged communities often bear the brunt of environmental contamination from improper disposal of physical waste, or from disposal in landfills adjacent to those communities. This strategy supports circular economy<sup>5</sup> activities and promotes sustainable use of natural resources to keep materials and products in circulation for as long as possible, resulting in the reduction of GHG emissions and other pollution across a product's lifecycle. Examples of these projects may include efforts to reduce food waste (e.g., composting, anaerobic digestors), or to promote the reduction, reuse, and recycling of disaster debris, construction and demolition debris, and other materials and products. Project activities should demonstrate that they will result in materials being diverted from end-disposal facilities (e.g., landfills, incinerators) to reduce GHG emissions, toxic air pollution, and soil and water pollution.

### **Strategy 8: Workforce Development Programs for Occupations that Reduce Greenhouse Gas Emissions and Air Pollutants**

Individuals in disadvantaged communities often lack pathways into fast-growing and well-paying job opportunities related to environmental and climate justice. This strategy allows applicants to propose workforce development programs to enable individuals in these communities to pursue career pathways in fields related to the reduction of GHG emissions and other air pollutants. Strong workforce development proposals should include all three of the following features, as detailed in Appendix C: (1) multi-sectoral partnerships that bring together workforce expertise and enable pathways into high-quality careers that help reduce GHG emissions and other air pollutants; (2) high-quality training models, such as pre-apprenticeships or Registered Apprenticeship Programs, that are worker-centered, demand-driven, and lead to good jobs that help reduce GHG emissions and other air pollutants; and (3) strategies for recruiting and retaining individuals from disadvantaged communities, especially for populations that face barriers to employment. Given that workforce development opportunities can be significant to achieving environmental and climate justice in many communities, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training program as further described in [Section V.E](#). Note that it is a statutory requirement that workforce development activities funded under this program be focused specifically on reducing greenhouse gas emissions and other air pollutants.

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<sup>5</sup> A circular economy keeps materials, products, and services in circulation for as long possible.

**Requirement 2. Pollution Reduction Strategies:** Applications must include at least one project aligned with at least one of the Pollution Reduction Strategies identified below. When addressing the strategy in their application, applicants should describe relevant challenges faced in the Project Area and how the selected Pollution Reduction Strategy(ies) will address those challenges. Each Pollution Reduction Strategy outlined below is focused on pollution monitoring, prevention, and remediation of quantifiable and health-harming pollutants.

Applications that include activities to increase monitoring capabilities or raise community awareness of pollution must also include an associated remediation, implementation, or infrastructure pollution reduction project that addresses the identified pollution issue.

Examples of project activities and guidelines associated with the strategies can be found in Appendix D. While applicants may select from among the examples in the Appendix, applicants may also submit other types of project activities as long as they are consistent with a Pollution Reduction Strategy described in [Section I.G](#) of the NOFO and are eligible for funding under §138(b)(2) of the CAA.

### **Strategy 1: Indoor Air Quality and Community Health Improvements**

Disadvantaged communities often face high levels of indoor air pollution from several sources, including mold, lead paint, radon, asbestos, fossil fuel combustion, and pollution from outdoors that seeps inside. These pollutants can have a detrimental impact to human health, particularly for vulnerable populations including children, the elderly, and people with health conditions like asthma and heart disease.<sup>6</sup> Activities under Strategy 1 can include education on air toxins / toxics and how to monitor them (e.g., curriculum development, outreach strategies, public education activities) and direct assessment and remediation to reduce harmful air pollution (e.g., installation of filtration systems, building retrofits that address multiple sources of pollution, replacement of wood heaters that do not meet EPA standards, asbestos abatement in schools).

### **Strategy 2: Outdoor Air Quality and Community Health Improvements**

Outdoor air pollution from mobile and stationary sources can compromise human health and the environment in many ways, including by triggering asthma attacks and heart attacks, exacerbating respiratory disease, and causing children and adults to miss school and work on bad air days. Activities funded under Strategy 2 could include: funding the purchase, upgrade, and / or maintenance of equipment and technology to allow for the inspection, testing, monitoring, and sampling of air pollution; purchasing equipment that limits community exposure to outdoor air pollutants; and reducing exposure to near-road pollution, pollution from airports and ports, and mobile source pollution. This could include land use and zoning policies that enable households to live in affordable, dense, and vibrant communities within urban and rural areas. These activities can be bolstered by educating the public on air toxins / toxics and how to monitor them (e.g., curriculum development, outreach, public education), and communication of air pollution assessment results to reduce exposure, including during environmental emergencies or events where the risk of pollution exposure is high.

### **Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience**

Disadvantaged communities often lack access to clean water and clean drinking water. Functional water infrastructure is essential for protecting the quality of drinking water resources as well as the safety of recreational waters communities use for subsistence fishing, swimming, and other activities everyone deserves to enjoy. Strategy 3 addresses challenges communities face in accessing clean, reliable drinking water and wastewater treatment. Projects funded under this strategy may include focused

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<sup>6</sup> [Indoor Air Quality \(IAQ\)](#).

infrastructure investments that can be completed within the three-year project period and within the funding amounts specified in this NOFO, as well as assessment and planning that will enable communities to better access tens of billions of dollars in federal water infrastructure funding from other sources such as EPA's Clean Water and Drinking Water State Revolving Funds. Targeted infrastructure projects can include identification and replacement of lead pipes in homes and public spaces, improved resilience of water systems through deployment of backup power such as onsite renewable energy and storage, targeted efficiency upgrades, septic to sewer conversions, lining waste lagoons, and investments in redundancy such as backup wells. Assessment and planning efforts could include, for example, a leak detection and pipe replacement plan, or a PFAS monitoring program that informs a funding application to one of several sources of state and federal funding.

#### **Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste**

Disadvantaged communities are disproportionately exposed to solid and hazardous waste, which negatively impacts public health. This strategy supports pollution prevention, recycling, and disposal activities related to the management of solid and hazardous waste, such as discarded electronics, tires, single-use plastics, and other disposable items. Community-level responses to these challenges could include, for example, the purchase of equipment and the development of facilities to manage solid and hazardous waste to improve public health outcomes. Brownfields cleanup is not contemplated under this strategy and is not a Community Change Grants program priority.

**Requirement 3. Community Engagement and Collaborative Governance Plan:** Track I applications must include a Community Engagement and Collaborative Governance Plan. Successful implementation of environmental and climate justice projects requires relationships and meaningful engagement among an ecosystem of community leaders and members alongside partners across many sectors. This plan is required to help ensure that grant activities are driven and informed by the views of the Project Area community and are accomplished through collaboration among key stakeholders. The plan should describe how the applicant will engage, educate, and be responsive to community members throughout project development and / or implementation. Additionally, the plan should incorporate a Collaborative Governance Structure that demonstrates how the Lead Applicant and Collaborating Entities (as described in [Section III.A](#)) will work together to successfully implement the grant in a timely, effective, and equitable manner.

The Community Engagement and Collaborative Governance Plan cannot exceed 10 single spaced pages – excess pages will not be reviewed. It should address the following elements and any others the applicant deems relevant to their projects:

- **Past Community Outreach and Engagement Conducted:** The applicant should demonstrate what outreach and engagement methods were used to engage with the Project Area community, including any with specific neighborhoods or groups, and how this impacted the selection of the strategies and associated projects as well as the applicant's implementation approach.
- **Community Engagement Plan Implementation:** The applicant should demonstrate the specific community engagement methods, as well as how they will mitigate barriers and involve relevant governmental stakeholders, necessary to support overall implementation including:
  - **Clear Methods for Engagement and Transparency:** The applicant should describe the following elements:
    - Outreach methods that provide opportunities for broad and diverse community member involvement in project development and / or implementation and feedback during grant performance.
    - Transparent mechanisms that will promote meaningful accountability to the needs and preferences of residents in the Project Area.

- Mechanism(s) that will be used to continuously inform the community before and during project implementation on project status, benefits available to them through the project, and indicators being tracked, such as air quality improvements or trees planted.
  - **Mitigating Barriers:** The applicant should describe measures to minimize and mitigate barriers around community engagement and participation in project development and / or implementation including but not limited to those related to linguistic differences, communication challenges, disabilities, inaccessible technology, lack of trust or awareness, transportation, childcare, and elderly / adult care.<sup>7</sup>
  - **Government Involvement:** As applicable, the applicant should demonstrate the support and involvement of government agencies needed to facilitate successful grant performance. For example, projects that intersect with local-government authorities such as permitting, planning, and zoning are encouraged to demonstrate the involvement and cooperation of local government authorities.
- **Collaborative Governance Structure:** The applicant should provide details regarding the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents and / or community-selected representatives for implementing, managing, and overseeing the application's project activities, including how they should meet regularly to discuss project implementation. The description should include at a minimum:
  - Outreach methods to solicit community representatives and processes to choose representatives to enable a broad cross-section of community representatives to participate so different voices are heard.
  - An explanation of how the Lead Applicant and Collaborating Entities will coordinate with each other and community members to inform and engage the community on project development and progress.
  - An outline of the planned decision-making processes between the Lead Applicant and Collaborating Entities, including procedures to ensure that decisions are transparent and can be made in an expedited manner when necessary.
  - Processes for replacing a Collaborating Entity to ensure that the replacement entity has comparable skills, qualifications, expertise, community support, and experience to avoid any adverse impact on grant performance. EPA approval of the qualifications, expertise, and experience of the replacement Collaborating Entity will be required pursuant to 2 CFR 200.308I(2) and / I(c)(6).

Note: Awards may include terms and conditions requiring that subaward agreements between the Lead Applicant and Collaborating Entities (including the Statutory Partner described in [Section III.A](#)) contain provisions reflecting certain of the requirements above.

**Requirement 4. Community Strength Plan:** Track I applications must include a Community Strength Plan. Advancing environmental and climate justice requires bolstering the strength and economic prosperity of a community for the benefit of local residents, while also ensuring those residents can remain within the community and benefit from the investments over the long term. [Executive Order 14096](#), *Revitalizing Our Nation's Commitment to Environmental Justice for All*, states, "Advancing environmental justice will require investing in and supporting culturally vibrant, sustainable, and resilient communities in which every person has safe, clean, and affordable options for housing, energy, and transportation. It is also necessary to prioritize building an equitable, inclusive, and sustainable economy that offers economic opportunities.

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<sup>7</sup> Refer to the EPA Office of Grants and Debarment Guidance on Selected Items of Cost for Recipients, EPA Guidance on Participant Support Costs, and EPA Subaward Frequent Questions, including for additional information on paying for light refreshments, providing dependent care stipends or services for community meeting participants, and meeting participant transportation stipends. See Appendix G for additional information.

Pursuing these and other objectives integral to advancing environmental justice can successfully occur only through meaningful engagement and collaboration with underserved and overburdened communities to address the adverse conditions they experience and ensure they do not face additional disproportionate burdens or underinvestment.”

In alignment with this Executive Order and to help EPA assess whether the proposed projects will benefit disadvantaged communities, as required by §138(b)(1) of the CAA, this plan should describe how the projects in the application are intended to (1) maximize the economic benefits of the projects for existing residents in the Project Area, and (2) avoid unintended consequences for existing residents in the Project Area including the displacement of residents in the Project Area.

This plan cannot exceed 5 single-spaced pages – excess pages will not be reviewed. Consistent with the above discussion, the plan should address the following elements.

### **1. Maximizing Economic Benefits of Projects:**

The plan should describe how the projects included in the application will maximize economic benefits for individuals in the Project Area, including priority populations defined in footnote 3.

Examples of economic benefits, as described below, could include (1) opportunities for local small businesses or contractors; (2) jobs for community members; (3) financial savings for residents; and other similar benefits, in alignment with EPA grant regulations and applicable law.<sup>8</sup>

- **Business Opportunities:** Applicants may need to hire contractors to carry out certain project activities. Applicants may inform local businesses of open solicitations and encourage them to compete for contracts. For example, applicants may consider partnering with their local government’s small business office to broadly advertise contracting opportunities. Similarly, applicants should make a “good faith effort” to provide disadvantaged business enterprises (DBEs) with an opportunity to compete for contracts in accordance with [EPA’s 40 CFR Part 33 Disadvantaged Business Enterprise rule](#).<sup>9</sup>
- **Job Opportunities:** Applicants may propose measures to facilitate the employment and retention of workers from disadvantaged communities on funded projects. For example, applicants may propose developing recruitment strategies in partnership with their local workforce development board; funding supportive services for workers on grant-funded projects (e.g., transportation, childcare, mental health supports), coordinating such services with local social service providers; or establishing goals for hiring individuals from disadvantaged communities on the projects and transparently tracking progress toward those goals. Applicants may propose measures to increase community awareness of these job opportunities and the associated skill requirements, such as hiring workshops or job fairs. Applicants may also describe specific measures that will ensure Project Area residents are developing skills that are necessary to take advantage of existing or future jobs in professions contributing to the reduction of GHG emissions and other air pollutants.

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<sup>8</sup> Note that applicants are not bound by statutory or administrative local-preference requirements, per 2 CFR 200.319(c).

<sup>9</sup> Note: Please carefully review Section IV.d, “Contracts and Subawards,” of EPA’s Solicitation Clauses that are incorporated by reference in this NOFO in [Section I.J](#). EPA expects recipients of funding to comply with competitive procurement contracting requirements. The Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace based on a contractor’s role in preparing an application or a firm or individual’s “unique” qualifications. For example, applicants cannot name local contractors as part of this Community Strength Plan without adhering to these competitive procurement requirements.



Note: Jobs funded under this program should be high-quality jobs, in alignment with the U.S. Department of Labor and Commerce's [Good Jobs Principles](#), as described in Appendix E. Applicants may propose measures to increase the likelihood that these will be good jobs for individuals from disadvantaged communities, such as training for employers / contractors on grant-funded projects to promote best practices such as equal opportunity recruitment and hiring practices, good benefits, healthy organizational culture, and opportunities for advancement. Additionally, jobs for construction activities funded under this grant will be required to pay prevailing wage rates, as required by CAA § 314 and the Davis-Bacon and Related Acts.

- **Financial Savings:** Applicants may also describe how and the extent to which Project Area residents will receive direct economic benefits from the Climate Action and Pollution Reduction projects in the applications, such as through energy bill savings or affordable zero- or low-emission transportation solutions. The plan may also discuss how the applicant plans not only to deliver these benefits for residents in the short-term but also to preserve them for the long-term. As an example, applicants working on a transportation project that will deliver immediate cost savings for residents may negotiate with a vendor / contractor to lock-in long-term cost savings for community members.

Applicants may consider using tools to align stakeholders around these benefits, such as a Community Benefits Agreement (CBA), which is a legally binding contract that defines benefits. Parties to a CBA may include CBOs, neighborhood associations, local government entities, contractors and developers, and other similar project stakeholders. Applicants are reminded of the three-year period of performance for the grant and should be prepared to expeditiously begin the negotiation of community benefits to prevent project delays.

## **2. Displacement Avoidance:**

Benefits to disadvantaged communities can be evaluated by whether residents are able to retain the benefits of EPA-funded projects over the short and long-term. While climate action and pollution reduction can have a positive impact on a community, those benefits can also lead to unintended consequences, such as increased costs of living in a Project Area. Given that the purpose of CAA §138 is to fund activities that will benefit disadvantaged communities, applicants should describe measures to increase the likelihood that existing community members of the Project Area will benefit from investments in both the immediate and long term.

Applicants should discuss potential short-term and long-term risks associated with the proposed projects to residents, small businesses, nonprofits, and other community members in the Project Area. Applicants should assess and describe the community's vulnerability to rising costs attributable to the proposed projects and assess potential impacts to households, small businesses, and other existing groups. Based on the specific risks identified, applicants should describe measures for mitigating those risks as applicable. Some measures can mitigate these displacement vulnerabilities in the short-term, whereas other measures can have long-term impacts. For example, for projects that increase the energy efficiency of multi-family housing facilities, and that may have the unintended effect of raising rents for those facilities, the approach may focus on outreach / education to residents, such as information packets, tenant protection workshops that feature information about tenant rights under applicable state and local laws, or other educational activities. Other approaches may focus on securing commitments from landlords benefiting from EPA-funded property improvements to extend affordable housing covenants or agree not to raise rents



unnecessarily.<sup>10</sup> Applicants can also describe how they will work with relevant entities, such as local governments, to create policies, plans, or programs to mitigate unintended impacts of the EPA-funded investments.

Applicants should describe any work already underway in the Project Area that would mitigate these risks, or existing policies, ordinances, or programs that are relevant. For example, an applicant could describe any ordinances in the Project Area designed to expedite construction or availability of additional affordable housing. Applicants can also describe any Climate Action and Pollution Reduction Strategies proposed as part of this application that might help mitigate displacement risks by providing project co-benefits. For example, a strategy that promotes increased housing density as a tool to reduce emissions could have the co-benefit of reducing housing costs by increasing housing supply.

**Requirement 5. Readiness Approach:** Given the statutory requirement that all Community Change Grants must be completed within three years, applicants must describe their approach for initiating grant performance upon award, or generally within 120 days after award, in compliance with the requirements in 2 CFR Parts 200 and 1500, 40 CFR Part 33 that apply to all EPA grants so they can successfully complete the grant within the three-year period.

This includes addressing the readiness considerations listed below, and any others, that are applicable to the projects and how they will be met. If any of the below considerations are not applicable, the application should explain why not.

- **Government Approvals:** If government approval at any level (e.g., construction permits) is necessary to implement or perform a project, the applicant must demonstrate that they have obtained such approval. If such approval has not been obtained, then the applicant must demonstrate how they will obtain it immediately after award, so it does not impede grant implementation.
- **Federal Requirements for Construction Projects:** Applicants must demonstrate that they have systems in place, or a plan to have such systems in place immediately after the grant award, to comply with CAA § 314 and the Davis-Bacon and Related Acts prevailing wage requirement, the Build America Buy America domestic preference requirement, and other cross-cutting statutory and Executive Order requirements that apply to Federally funded construction projects.
- **Alignment with Existing Plans:** Applicants must demonstrate that the project(s) in the Project Area as defined in Appendix A are consistent with any community development, climate resilience, or hazard mitigation plans, or other comparable government land use restrictions.
- **Site Control:** Applicants must demonstrate that they own or control the site where a project will be performed or that they will have legally binding access or permission to the site so they can perform the project(s).
- **Operations and Maintenance:** Applicants must describe their operations and maintenance plan and financing approach for their project's infrastructure investments, if relevant, which may include long-term service costs, fee structures, detailed indebtedness for all properties, and other relevant information demonstrating how operations and maintenance of the investment will be assured during and after the grant award.

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<sup>10</sup> Note that any agreements must be in alignment with local and state housing laws. For example, in some instances, state or local law may allow a landlord to raise rents to compensate for increases in property taxes attributable to the value of EPA funded improvements.

**Requirement 6. Compliance Plan:** Applicants must submit a Compliance Plan that describes how they will: (i) ensure compliance with the grant’s terms and conditions, including 2 CFR § 200.302(b) (financial management), 2 CFR § 200.303 (internal controls), and 2 CFR § 200.332 (requirements for pass-through entities); and (ii) manage broader legal and compliance risks. This plan cannot exceed 5 single-spaced pages – excess pages will not be reviewed.

## H. Funding Track II: Meaningful Engagement for Equitable Governance

Under this track, eligible applicants may submit projects, as described in CAA § 138(b)(2)(E), for “facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.” EPA has interpreted “other public processes” as encompassing local, Tribal, and other governmental processes. All funded activities under this NOFO must comply with federal, state, and local laws and regulations, including but not limited to:

1. 2 CFR 200.435(b), which restricts the use of grant funds to defend a recipient that is subject to a criminal, civil or administrative proceeding against it commenced by any government for fraud or similar offenses;
2. 2 CFR 200.435(g), which precludes the use of grant funds to prosecute claims against the federal Government; and
3. 2 CFR 200.450(c), which restricts the use of federal funds by nonprofit organizations for certain lobbying or electioneering activities but does not preclude the use of federal funds to promote adoption of local ordinances, including those related to zoning.
4. 40 CFR Parts 5 and 7, which prohibit discrimination on the basis of race, color, national origin (including limited-English proficiency), disability, sex, and age by recipients and subrecipients of federal financial assistance.

### **Track II Objectives**

Section 138 of the CAA provides that grants may be awarded for the purpose of “facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.” Accordingly, Track II applications intend to build the capacity of communities and governments to evaluate and redress environmental and climate injustices by giving disadvantaged communities a meaningful voice in government decision-making processes. By supporting direct participation of disadvantaged communities in the development and implementation of solutions, policies, and programs, the Community Change Grants can help close equity gaps and redress environmental and climate injustices.

Track II applications should focus on breaking down systemic barriers to community participation in government processes impacting environmental and climate justice. This can be done by creating engagement and feedback mechanisms with two-way communications between community members and government decision-makers. Applications should focus on ways to provide disadvantaged communities with information about issues that directly impact them, while simultaneously creating mechanisms for the government to gather input to ensure community needs inform decision-making and are integrated into government processes and policies. Applications in this track should strive to enable communities to play a meaningful role in making and implementing decisions.

Effective projects should also involve partnerships between community organizations, governments, philanthropic organizations, the private sector, and / or third-party facilitators and evaluators who can support collaboration across sectors to facilitate the engagement of disadvantaged communities in governmental decision-making processes.

## **Track II Project Examples**

The following are examples of activities that may be proposed under Track II. Applicants may expand or refine these examples or submit projects that are not listed below if they demonstrate how they will facilitate the engagement of disadvantaged communities in governmental processes.

### **Example 1. Educational and Training Programs**

These projects prepare, train, and educate members of disadvantaged communities on how to engage in government processes related to environmental and climate justice activities.

Examples of activities that could be performed under this type of project include but are not limited to:

- Creating a leadership development program that trains community members to identify environmental and climate justice challenges, devise strategies to address them, and recommend actions to governmental authorities. Example topics could include how to review public sector budgets, navigate specific processes such as land-use ordinances or National Environmental Policy Act (NEPA) reviews, and participate effectively in public meetings. The [EPA EJ Academy](#) is an example of a type of project applicants may consider developing for their own community.
- Designing and implementing a training program to help members of disadvantaged communities effectively participate in advisory boards, commissions, land use authorities, or other bodies that involve community members in environmental and climate related policy making.
- Partnering with a government to develop and / or implement Equity Action Plans that identify and address barriers to equity and opportunity and discrimination that disadvantaged communities may face. Equity Action Plans should meaningfully incorporate community input and result in city-or-statewide transformational, equitable change in environmental or climate related policies. For informational purposes only, please find [here](#) a link to Equity Action Plans developed by federal agencies that may help applicants with designing and preparing these types of projects.

### **Example 2. Environmental Advisory Boards (EABs)**

These are projects that facilitate the engagement of disadvantaged communities in environmental decision-making by establishing advisory councils, taskforces, or similar bodies to engage with government. These boards should have regular meetings to create consistent opportunities for disadvantaged communities to provide recommendations on actions government entities should take to address environmental and climate justice challenges. These bodies should include members from disadvantaged communities, may include additional representatives from other stakeholder groups that can effectively represent important and related perspectives (including Tribal, academia, youth / elderly / disability populations, government, etc.).

Examples of activities under an EAB-type project may include but are not limited to facilitating the engagement and involvement of disadvantaged communities in governmental processes at different levels of government to provide input, recommendations, and advice on matters such as:

- Permitting decisions for factories or industrial sites.
- Community infrastructure upgrades to address pollution and climate concerns.

- Zoning and siting guidance for fence-line / frontline communities<sup>11</sup> such as new school placements, highway construction, and industrial and commercial uses of land.
- Issues and actions of municipal and public utilities related to workforce development, drinking water shutoffs, drinking water quality and affordability, and aging wastewater treatment infrastructure in / near disadvantaged communities.

### **Example 3. Collaborative Governance Activities**

These are projects that facilitate the process of providing recommendations and implementing decisions that will benefit disadvantaged communities. Projects can focus on creating collaborative bodies with members from and / or representing the interests of disadvantaged communities, governmental entities, and other stakeholders to work on environmental and climate justice issues.

Functions these bodies may focus on include co-producing solutions with disadvantaged communities to identify and address environmental issues. This could be done through obtaining feedback from a wide range of experts and stakeholders, including but not limited to those working in public health, housing, economic development, environmental justice, and other relevant fields, to identify environmental and directly related public health issues, develop solutions, and then work towards implementing the ideas with the necessary parties.

Examples of activities under a collaborative governance project may include but are not limited to facilitating the engagement and involvement of disadvantaged communities in governmental processes on matters such as:

- Participating in the development of one or more community benefits agreements to help ensure that environmental projects funded by federal, state, and / or private entities meaningfully engage and account for community needs. For informational purposes only, the resource [here](#) from the Department of Energy provides information that may help applicants with designing and preparing these types of projects.
- Creating a governance body or “development community” for a brownfields post-cleanup redevelopment project.<sup>12</sup>
- Creating a source water protection plan to protect public health and reduce burdens on water systems.
- Recommending organizational changes to government entities that make them more receptive and sensitive to the environmental and climate justice concerns of disadvantaged communities.

### **Example 4. Participation in Governmental Funding and Budgeting Processes**

These are projects that use participatory budgeting to inform public spending on environmental priorities. Participatory budgeting is an approach to making decisions about governmental spending that is focused on meaningfully and deeply engaging the community in governmental funding processes. Projects can enable community-based organizations to partner with a public entity to design and implement processes whereby members of disadvantaged communities have input into, and influence, decisions about how to allocate public budgets for environmental and climate justice priorities. An example of a project using participatory budgeting could involve designing a program where the community identifies problems,

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<sup>11</sup> A fence-line community or frontline community is generally one immediately adjacent to high polluting facilities such as industrial parks, manufacturing facilities, or commercial facilities and is directly affected by the noise, odors, traffic, and chemical and pollution emissions of the operations of these entities.

<sup>12</sup> U.S. Department of Health & Human Services. [Build a Development Community](#).

evaluates proposals, and recommends decisions for public funding of projects that implicate environmental and climate justice issues.

## I. EPA Strategic Plan Linkage, Anticipated Outputs, Outcomes & Performance Measures

### 1. Strategic Plan Linkage

Awards made under this NOFO will support the following goals and objectives of the [FY 2022-2026 EPA Strategic Plan](#). Applications must explain how their projects will further these goals and objectives.

Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights

- Objective 2.1: Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels which includes the strategy of Building Community Capacity and Climate Resilience and Maximizing Benefits to Overburdened and Underserved Communities: EPA will increase support for community-led action by providing unprecedented investments and benefits directly to communities with environmental justice concerns and by integrating equity throughout Agency programs.

Depending on the projects included in them, awards will also support and advance the following EPA [Strategic Plan Goals](#) as applicable:

- Goal 1: Tackle the Climate Crisis
- Goal 4: Ensure Clean and Healthy Air for All Communities
- Goal 5: Ensure Clean and Safe Water for All Communities
- Goal 6: Safeguard and Revitalize Communities; and
- Goal 7: Ensure Safety of Chemicals for People and the Environment.

### 2. Environmental Results: Outputs and Outcomes

Pursuant to [EPA Order 5700.7A1, Environmental Results under Assistance Agreements](#), applicants must describe the environmental outputs and outcomes to be achieved under the award. Applicants should specifically describe 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 goals and objectives of the Community Change Grants program.

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

- What measurable short- and longer-term results will the grant achieve?
- How will the Lead Applicant and Collaborating Entities measure progress in achieving the expected results (including outputs and outcomes), and how will the approach to measuring progress use resources effectively and efficiently?
- Are the projected outputs and outcomes specific and detailed? Are specific target measures included where possible? Are target measures reasonable and achievable within the project period and for the funding amount?

See Appendix F for further details on expected outputs and outcomes from Track I and II awards.

### **3. Performance Measurement Plan**

The evaluation component of the Community Change Grants is essential. In their Performance Measurement Plan, applicants should describe how they plan to track and measure their project implementation and progress towards achieving the expected outputs and outcomes, including those identified in Appendix F, throughout the performance period.

Generally, higher quality performance measurement plans include specific target metrics for both outputs and outcomes. The applicant's performance measurement plan should help gather insights, will be a mechanism to track progress toward output and outcome objectives, and may provide the basis for developing lessons learned to inform future funding recipients.

Applicants should incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting project goals. Applications may include funding in the budget for personnel with expertise in planning, designing, developing, implementing, and evaluating programs.

### **J. Additional Provisions for Applicants Incorporated into the NOFO**

Additional provisions that apply to Sections III, IV, V, and VI of this NOFO and / or awards made under this NOFO can be found at [EPA Solicitation Clauses](#). These provisions are important for applying to this NOFO, and applicants must review them when preparing applications for this NOFO. If you are unable to access these provisions electronically at the website above, please email [CCGP@epa.gov](mailto:CCGP@epa.gov) to obtain the provisions.



## Section II. Federal Award Information

[\(back to the Table of Contents\)](#)

### A. Number and Amount of Awards

EPA anticipates awarding approximately \$2 billion in funding through this NOFO depending on funding availability, quality of applications received, EPA priorities, and other applicable considerations. Awards under Track I are expected to be between \$10-20 million each. Awards under Track II are expected to be between \$1-3 million each. EPA expects to award approximately \$1.96 billion for about 150 Track I awards, including those under the Target Investment Areas described below in B, and approximately \$40 million for about 20 Track II awards. These amounts are estimates only, and EPA reserves the right to increase or decrease the total number of awards and funding amounts for each Track contingent on the quality of applications received, the amount of funds awarded to selected applicants, budget availability, and / or agency priorities and programmatic considerations. In addition, given that workforce development programs as described in [Section I.G](#) can be significant to achieving environmental and climate justice in many communities, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training program(s) as further described in [Section V.E](#).

### B. Target Investment Areas (TIA) for Track I Applications

Out of the approximate \$2 billion in funding, EPA has identified five Target Investment Areas (TIA) listed below to help ensure that communities with unique circumstances, geography, and needs can equitably compete for funding. The amounts are estimates only and subject to change based on the number and quality of applications received, funding considerations, and agency priorities. Applicants interested in submitting an application for projects benefitting a TIA must identify this in their application. Consistent with the Track I evaluation process described in [Section V](#), the TIA applications will be ranked and selected per TIA. Applications for the TIAs must address the Track I application requirements identified in [Section I.G](#).

- TIA A: Tribes in Alaska: an estimated \$150 million for projects benefitting Indian Tribes in Alaska. As noted in Appendix H and Section V.E below, the EPA anticipates making a minimum of 5 awards for high-ranking applications under this TIA that include projects to assess and/or clean up lands conveyed under the Alaska Native Claims Settlement Act that were contaminated at the time of their conveyance from the federal government to an Alaska Native Corporation.
- TIA B: Tribes in the Continental United States: an estimated \$300 million for projects benefitting Tribal communities outside Alaska, which include Indian Tribes as defined by the Clean Air Act in Section III.A.3 below and Tribal Lands included in the EPA Disadvantaged Community Environmental and Climate Justice Program Map referenced in Appendix A. This also includes projects benefitting such Tribal communities that are located in the Border Area identified below in TIA E.
- TIA C: Territories: an estimated \$50 million for projects benefitting disadvantaged communities in the United States' territories of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.
- TIA D: Disadvantaged Unincorporated Communities: an estimated \$50 million for projects benefitting disadvantaged unincorporated communities as defined in Appendix A.
- TIA E: United States (U.S). – Southern Border Communities: Consistent with EPA's longstanding approach to addressing transborder climate and pollution challenges, an estimated \$100 million for projects benefitting non-Tribal disadvantaged communities within 100 kilometers north of the U.S.-Mexico border.

## Special Requirements for Cross-Border Projects to Benefit U.S. Disadvantaged Communities

EPA's strong preference is that the work for all projects to be performed under the awards made through this NOFO will be performed entirely within the United States. However, in limited circumstances, projects to benefit U.S. disadvantaged communities near an international border may require some international work to be performed within 100 kilometers of that border (e.g., within 100 km south of the U.S.-Mexico border for a TIA E application, or within 100 km north of the U.S.-Canada border for any application). In those limited cases, to be eligible for funding consideration, the applicant must demonstrate in their application that:

- The project(s) will directly and predominantly benefit disadvantaged communities in the U.S., for example by monitoring and / or preventing pollution from an international source that is impacting the disadvantaged community in the U.S.
- Any work outside of the U.S. is necessary for the project(s) to be successful in benefitting the disadvantaged communities in the U.S. — e.g., the project(s) will not be effective otherwise.
- Any work outside of the U.S. will not be a substantial part of the project.
- The applicant will ensure that any work outside of the U.S. will be timely and properly completed and monitored to ensure it is effectively performed.

Failure to address how the application meets these conditions will render the application ineligible for review as stated in Section III.D. Applications involving cross-border work that are selected for award must address any cross-border work issues (e.g., site access and control) during the workplan negotiations following selection and before award. The appropriate terms and conditions will be included in the grant. Projects benefitting Project Areas along the U.S.-Mexico Border should be consistent with guidance and best practices outlined by EPA's Border Program.<sup>13 14</sup>

## C. Rolling Application Submittal and Review Process, Application Award Limits, and Application Resubmission Procedures

1. Applications may be submitted under this NOFO through November 21, 2024, to provide applicants, to the maximum extent practicable, flexibility on when to submit an application. Applications will be reviewed and evaluated on a rolling basis as described in [Section V](#) to facilitate and expedite the review and award process. EPA cannot guarantee that funding will be available through the end of the NOFO 12-month application period as funding availability is dependent on the volume and quality of applications received, as well as other applicable programmatic and funding considerations. As such, it is possible that funding could be exhausted before the conclusion of the 12-month rolling application period.
2. Under this NOFO, Lead Applicants, as defined in [Section III.A](#), may submit a maximum of two eligible applications and receive up to two awards if they demonstrate their capacity and capabilities to effectively perform, manage, oversee, and complete both awards within the three-year grant period of performance. The two applications may be either two Track I applications or two Track II applications, or one of each. Lead Applicants who submit more than two total eligible applications will be asked to withdraw the excess one(s). EPA will not review more than two eligible applications from any one Lead Applicant.

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<sup>13</sup> [United States – Mexico Environmental Program.](#)

<sup>14</sup> [U.S.-Mexico Border Program – Borderwide Resources.](#)

3. Lead Applicants whose initial eligible application(s) is not selected for funding may, after timely requesting and receiving a debriefing on the application (as described in the Section VI Debriefings and Disputes clauses included in the [EPA Solicitation Clauses](#)), resubmit a revised application one additional time while the NOFO remains open. For example, if a Lead Applicant submits two eligible applications and both are not initially selected for funding, they may resubmit each application one additional time within the 12-month NOFO open period as explained above and further below. There is no guarantee that resubmissions, even after a debriefing, will be selected for funding. In addition, applicants who submit applications towards the end of the 12-month rolling period may not have an opportunity to resubmit the application because the NOFO is expected to close for applications on November 21, 2024. While EPA intends to review applications and provide debriefings as expeditiously as possible, applicants should keep this in mind when determining the timing of their application submission to ensure there is sufficient time for a resubmission.
4. The resubmitted application must be clearly identified as a resubmission of a previously submitted application by providing the date of the original submission through [www.grants.gov](http://www.grants.gov) and / or the date of the EPA debriefing in the updated application package. The resubmission should take into consideration the feedback received during a debriefing and any other relevant considerations, and it cannot be a completely different application from the one initially submitted. If EPA determines, in its sole discretion, that it is a different application bearing little resemblance to the original application, it may be rejected and not reviewed.

#### D. Conditional Awards

EPA may make conditional awards under this NOFO, which will be subject to applicable terms and conditions in the grant award.

#### E. Period of Performance

The period of performance of every grant funded under this NOFO cannot by statute exceed three years. There can be no extensions. Projects must be designed to be successfully and effectively completed within three years. EPA anticipates that the first awards under this NOFO will be made in the fall of 2024 and will continue to be made on a rolling basis until funding is exhausted. EPA cannot predict when funding will be exhausted since it is dependent on the volume and quality of applications received, as well as other applicable programmatic and funding considerations. As such, it is possible that funding could be exhausted before the 12-month rolling application period is over.

#### F. Partial Funding

EPA reserves the right to partially fund applications by funding discrete portions or phases of applications. If EPA decides to partially fund an application, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the application, or portion thereof, was evaluated and selected for award, and therefore maintains the integrity of the competition and selection process. **To facilitate consideration of an application for partial funding, if applicable, EPA recommends that applications separate costs for the proposed grant in the program budget by project category, to the extent practicable.**

## G. Additional Awards

EPA reserves the right to make additional awards under this NOFO, consistent with EPA policy and guidance, if additional funding becomes available after all the selections are made under this NOFO. For this NOFO, this only applies to making additional awards for those applications considered during the final monthly review, described in [Section V](#). Any additional selections for awards will be made no later than 6 months after the final monthly review.

## H. Funding Type

EPA anticipates awarding cooperative agreements under this NOFO because it is expected that there will be substantial Federal involvement through the EPA Project Officer with selected applicants in the performance of the grant and for effective EPA oversight of grantee performance. Although EPA will negotiate precise terms and conditions relating to substantial federal involvement as part of the award process with each grantee awarded a cooperative agreement, the anticipated substantial federal involvement may include:

- Closely monitoring the grantee's performance to verify the results reported by the applicant;
- Reviewing proposed procurement, in accordance with the Procurement Standards in 2 CFR Parts 200 and 1500;
- Reviewing evidence of completion of project phases (e.g., planning) before providing approval for the grantee to begin work on the next project phase (e.g., implementation);
- Reviewing the substantive terms of contracts, subawards, or other financial transactions (EPA will not select contractors, subrecipients, or program beneficiaries);
- Approving qualifications of key personnel (EPA will not select employees or contractors employed by the grantee);
- Reviewing and commenting on reports prepared under the cooperative agreement (the final decision on the content of reports will rest with the grantee); and
- Addressing compliance with Build America, Buy America requirements, in accordance with 2 CFR § 184, and providing technical assistance, if necessary, on compliance with CAA § 314 and the Davis-Bacon and Related Acts.

In addition, there may be Federal involvement with selected applicants in the performance of the grant, which may include co-sponsoring community meetings and other events and collaborating during performance of the scope of work.

## Section III. Eligibility Information

[\*\(back to the Table of Contents\)\*](#)

Note: Additional provisions that apply to this section of the NOFO can be found in the [EPA Solicitation Clauses](#).

### A. Eligible Applicants

Consistent with CAA §138(b)(3) and Assistance Listing 66.616, applicants eligible to apply and receive grants under this NOFO are (1) a partnership between two community-based nonprofit organizations (CBOs) as defined below, or (2) a partnership between a CBO and one of the following: a federally recognized Tribe, a local government, or an institution of higher education. These types of partnerships for eligibility purposes are known as Statutory Partnerships. Further eligibility requirements are described below.

#### **1. Community-Based Non-Profit Organization (CBO)**

To qualify as a CBO for eligibility purposes, an organization must demonstrate that they are a “nonprofit organization” as defined at 2 CFR 200.1, which “means any corporation, trust, association, cooperative, or other organization that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest and is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization.”

Applicants must include documentation in their application demonstrating that they are a nonprofit organization by one of two ways: 1) a written determination by the Internal Revenue Service that they are exempt from taxation under Section 501 of the Internal Revenue Code, or 2) based on a written determination by the state, territory, commonwealth, Tribe, or other United States governmental entity in which they are located. This can be done, for example, by submitting a letter, certificate, or articles of incorporation from the state where the organization is located that recognizes them as a nonprofit organization. Nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995 are not eligible to apply. Foreign non-profit organizations cannot qualify as a CBO for eligibility purposes.

In addition to being considered a nonprofit organization, an organization must demonstrate that they are a public or private nonprofit organization that supports and / or represents a community and/or certain populations within a community through engagement, education, and other related services provided to individual community residents and community stakeholders. A “community,” for these purposes, can be characterized by a particular geographic area and / or by the relationships among members with similar interests and can be characterized as part of a local, regional, or national community where organizations are focused on the needs of urban, rural, and / or Tribal areas, farmworkers, displaced workers, children with high levels of lead, people with asthma, subsistence fishers, and other similar groups. For purposes of this NOFO, the CBO must have a geographic presence or connection in, or relationship with, the specified community that the projects are intended to benefit. For example, national or statewide CBOs must demonstrate the CBO’s connection to the community that will benefit from the grants.

For the purposes of this NOFO, applicants that demonstrate that they are Alaska Native Nonprofit Organizations or Alaska Native Nonprofit Associations are considered CBOs. In addition, Intertribal Consortia may be able to qualify as CBOs if they meet the above requirements and 40 CFR 35.504(a) and (c). The for-profit Alaskan Native Corporations are not eligible under the CBO definition and therefore are unable to apply as CBOs.

## **2. Local Government (in partnership with a CBO)**

The following units of government within a state, as defined by the regulations in [2 CFR 200.1](#), are eligible to enter a Statutory Partnership with a CBO:

- County
- Borough
- Municipality
- City
- Town
- Township
- Parish
- Local public authority, including any public housing agency under the United States Housing Act of 1937
- Special district
- School district
- Intrastate district
- Council of governments, whether incorporated as a nonprofit corporation under State law; and
- Any other agency or instrumentality of a multi-, regional, or intra-State or local government.

## **3. Federally Recognized Tribe (in partnership with a CBO)**

For the purposes of eligibility for entering into a Statutory Partnership with a CBO, EPA uses the definition of “Indian Tribe” in §302I of the CAA which provides that the term “...means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.” Note that this definition does not include Alaskan Native Corporations or State-recognized Tribes.

## **4. Institutions of Higher Education (in partnership with a CBO)**

For the purposes of eligibility for entering into a Statutory Partnership with a CBO, the grant regulations at [2 CFR 200.1](#) state that Institutions of Higher Education (IHEs) are defined at [20 U.S.C. § 1001](#).

EPA also recognizes that it is important to engage all available minds to address the environmental and climate justice challenges the nation faces. Accordingly, EPA encourages Minority Serving Institutions (MSIs) to participate in the grants under this NOFO, including by partnering with a CBO.

For purposes of this NOFO, the following are considered MSIs:

1. Historically Black Colleges and Universities, as defined by the Higher Education Act (20 U.S.C. § 1061(2)). A list of these schools can be found at [Historically Black Colleges and Universities](#).
2. Tribal Colleges and Universities (TCUs), as defined by the Higher Education Act (20 U.S.C. § 1059c(b)(3) and (d)(1)). A list of these schools can be found at [American Indian Tribally Controlled Colleges and Universities](#).
3. Hispanic-Serving Institutions (HSIs), as defined by the Higher Education Act (20 U.S.C. § 1101a(a)(5)). A list of these schools can be found at [Hispanic-Serving Institutions](#).
4. Asian American and Native American Pacific Islander-Serving Institutions; (AANAPISIs), as defined by the Higher Education Act (20 U.S.C. § 1059g(b)(2)). A list of these schools can be



found at [Asian American and Native American Pacific Islander-Serving Institutions](#).

5. Predominantly Black Institutions (PBIs), as defined by the Higher Education Act of 2008, 20 U.S.C. § 1059e(b)(6). A list of these schools can be found at [Predominantly Black Institutions](#).

## B. Statutory Partnership Requirements and Collaborating Entities

Please refer to Section III.A above for who is eligible to apply for the grants. The Statutory Partnership application is comprised of one Lead Applicant (an eligible CBO, Federally recognized Tribe, local government, or institution of higher education) who enters into a Partnership Agreement with one Statutory Partner (which is one of the following eligible entities— a CBO, Federally recognized Tribe, local government, or institution of higher education) to carry out the grant activities if the application is selected for funding. Please note that a CBO must be either the Lead Applicant or a Statutory Partner in every Statutory Partnership (e.g., there cannot be a statutory partnership of a local government and an institution of higher education or either of these entities and an Indian Tribe). In other words, as identified in Section III.A all Statutory Partnerships must include a CBO. If the application is selected for award, the Lead Applicant will enter into a subaward with the Statutory Partner that must contain the elements of the Partnership Agreement in Appendix B. The Lead Applicant must include a copy of a written and signed Partnership Agreement with their application to be eligible for funding consideration.

To ensure effective grant performance to meet the objectives of the Community Change Grants outlined in [Section I](#), subawards from the Lead Applicant to other entities to implement and perform specific grant project activities identified in the application will be necessary. These other entities, including the Statutory Partners, are collectively referred to as Collaborating Entities in the NOFO. Given the community centered focus of the Community Change Grants, applications that do not include Collaborating Entities will likely not score well during the evaluation process. Collaborating Entities may include Statutory Partners (CBOs, Federally-recognized Tribes, local governments, and institutions of higher education) and entities that cannot legally be Statutory Partners (e.g., states, territorial governments, and international organizations). However, for-profit firms and individual consultants or other commercial service providers cannot be Collaborating Entities. Subawards made by the Lead Applicant and Collaborating Entities to implement the project strategies and activities under the application must be made consistent with the grant regulations at 2 CFR 200.331 and as permitted in [Appendix A of the EPA Subaward Policy](#).

If selected for award, the Lead Applicant will become the grantee, operating as a pass-through entity for purposes of 2 CFR Part 200 and the [EPA Subaward Policy](#), and taking responsibility for making subawards to Collaborating Entities. The Lead Applicant will also be accountable to EPA for effectively carrying out the full scope of work and the proper financial management of the grant (including the subawards it makes under the grant, and contracts to consultants and procurement contractors selected in accordance with the competitive procurement requirements in 2 CFR Parts 200 and 1500 as well as EPA's 40 CFR Part 33 Disadvantaged Business Enterprise rule). Additionally, as provided in 2 CFR § 200.332, the Collaborating Entities, and other subrecipients, will be accountable to the Lead Applicant for proper use of EPA funding. Note that pursuant to 2 CFR § 200.332(a)(2), as implemented in Items 2 and 4 of EPA's *Establishing and Managing Subawards* [General Term and Condition](#), successful Lead Applicants in the Statutory Partnership must ensure that the terms and conditions of the grant agreement “flow down” to all subrecipients in the subawards. EPA has developed an optional template for subaward agreements, available in [Appendix D of the EPA Subaward Policy](#).

As noted above, Collaborating Entities cannot include for-profit procurement contractors or individual consultants who may be involved in project performance but who receive procurement awards made in compliance with the competitive procurement requirements in 2 CFR Parts 200 and 1500 and 40 CFR Part 33. Further information on procurement and distinguishing between subawards and procurement

transactions can be found in the [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) and in [EPA Subaward Policy](#).

### C. Cost-Sharing or Matching Funds

No cost-sharing or matching is required as a condition of eligibility under this NOFO.

### D. Threshold Eligibility Criteria

Applications must meet the threshold eligibility criteria below to be considered for funding. **Applications that do not meet all the applicable threshold eligibility criteria will be deemed ineligible for funding consideration and will not be considered further.** If necessary, EPA may contact applicants to clarify issues relating to threshold eligibility criteria compliance prior to making an eligibility determination. In addition, applicants should contact EPA with any questions about the threshold eligibility criteria prior to submission of their applications. Applicants whose applications are deemed ineligible for funding consideration because of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.

Applications must meet the following threshold eligibility criteria to be considered eligible for funding under this NOFO:

1. Applications must comply with the content and submission requirements listed below.
  - Applications must substantially comply with the application submission instructions and requirements set forth in [Section IV](#) of this NOFO or else they will be rejected. However, where a page limit is expressed in [Section IV](#) with respect to the application, or parts thereof, pages in excess of the page limitation will not be reviewed. Applicants are advised that readability is of paramount importance and should take precedence in application format, including selecting a legible font type and size for use in the application.
  - In addition, initial applications must be submitted through Grants.gov as stated in [Section IV](#) of this NOFO (except in the limited circumstances where another mode of submission is specifically allowed for as explained in [Section IV](#)) on or before the application submission deadline published in [Section IV](#) of this NOFO. Applicants are responsible for following the submission instructions in [Section IV](#) of this NOFO to ensure that their application is timely submitted. Please note that applicants experiencing technical issues with submitting through Grants.gov should follow the instructions provided in [Section IV](#), which include both the requirement to contact Grants.gov and email a full application to EPA prior to the deadline.
  - Applications submitted outside of Grants.gov will be deemed ineligible without further consideration unless the applicant can clearly demonstrate that it was due to EPA mishandling or technical problems associated with Grants.gov or SAM.gov. An applicant's failure to timely submit their application through Grants.gov because they did not timely or properly register in SAM.gov or Grants.gov will not be considered an acceptable reason to consider a submission outside of Grants.gov.

**DO NOT WAIT! Register in SAM.gov or Grants.gov as soon as possible.** Finalizing these registrations could take a month or more. You do not want a late registration to prevent you from being able to properly submit your application through [Grants.gov](#).

2. All applicants must meet the eligibility and statutory partnership requirements in III.A and include a Partnership Agreement (See Appendix B) with the application.

3. All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A.
4. Track I applications proposing to serve a geographically defined community identified as disadvantaged in Appendix A must submit a Project Area Map that defines which specific census block groups are designated as disadvantaged within the Project Area. Track I applications proposing to serve a farmworker community or DUC as defined in Appendix A must submit a Project Area Map showing where the communities that will benefit from the project are located.
5. Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must describe how the projects in the application, including any construction projects, can be completed within three years of award.
6. All Track I applications must include projects under at least one [Climate Action Strategy](#) and at least one [Pollution Reduction Strategy](#) as described in [Section I.G](#). Track I applications also must include a [Community Engagement and Collaborative Governance Plan](#), [Community Strength Plan](#), [Readiness Approach](#), and [Compliance Plan](#) as described in [Section I.G](#).
7. All Track I applications including a workforce development project under the Climate Action Strategy must demonstrate how it will help reduce air pollutants and GHG emissions.
8. Track I applications that include projects under Climate Action Strategy 6, Brownfields Redevelopment, must demonstrate that the project will be performed on sites where, at the time of application submission, cleanup is complete or where the site does not require any cleanup activities for the intended use or reuse of the site. Please refer to the Climate Action Strategy 6 section in Appendix C for how to show that cleanup is complete or is not necessary.
9. All Track I applications for Pollution Reduction activities to increase monitoring capabilities or raise community awareness of pollution must also include an associated remediation, implementation, or infrastructure pollution reduction project that addresses the identified pollution issue.
10. Track I applications cannot request more than \$20 million in EPA funding and Track II applications cannot request more than \$3 million in EPA funding. Applications requesting more than these amounts will be rejected. If necessary, EPA will clarify any questions about the funding amounts requested prior to application review.
11. A Track I application for a TIA defined in [Section II.B](#) can only address one TIA. An application cannot address more than one TIA.
12. Track I applications submitted for TIA A benefitting Alaskan Tribal lands that include a project(s) for the assessment and cleanup of sites covered by the Contaminated ANCSA Lands Assistance Program must meet the relevant requirements specified in Appendix H.

13. Applications submitted for TIA E for U.S.-Southern Border Communities projects, as well as any including projects that may include project activities within 100 km of a U.S. border as discussed in [Section II.B](#), must meet the special requirements identified in [Section II.B](#).
14. Applications must be submitted in English only. Applications written in languages other than English will not be reviewed or considered for award. If you need assistance to submit the written application in English, technical assistance may be available. Please refer to [Section I.E](#).
15. Multiple Applications. Lead Applicants may submit no more than two eligible applications under this NOFO, and receive no more than two awards, as explained in [Section II](#). Excess applications will not be reviewed. If a Lead Applicant submits more than two eligible applications, they will be contacted by EPA to determine which one(s) to withdraw. Notwithstanding this limitation, a Lead Applicant may be a Statutory Partner or Collaborating Entity on other applications.
16. Resubmissions. As stated in [Section II.C](#), a resubmitted application must be clearly identified as a resubmission of a previously submitted eligible application through such means as providing the date of the original submission and / or date of the EPA debriefing. It cannot be a completely different application from the one originally submitted. If EPA determines, in its sole discretion, that it is a completely different application bearing little resemblance to the original application, it may be rejected and not reviewed.
17. EPA will not consider any application that includes projects that are exclusively designed to conduct scientific research. However, applications may include research components such as building blocks for outreach, training, and program implementation projects. In such cases, applications should clearly articulate this link, explain why the research is necessary for the project's success, and ensure that such research does not already exist.
18. EPA will not consider any application requesting funding for assessment, removal, or remediation of Superfund sites.

Note: If an application is submitted that includes any ineligible projects, tasks, or activities, including but not limited to ones that EPA determines cannot be funded under the statutory / regulatory authorities for the grant, that portion of the application will be ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible for funding. This includes but is not limited to projects requesting funding for relocation activities as described in [Section I.F](#).

Applicants who have any questions about whether their project can be funded under the statutory / regulatory authorities for the grants and this NOFO, or whether certain costs related to the project are allowable costs, should clarify the issue with EPA prior to submitting their application. Failure to do so may result in the projects and / or costs being ineligible for funding and may impact the eligibility of the entire application.

## Section IV. Application and Submission Information

[\(back to the Table of Contents\)](#)

Note: Additional provisions that apply to this section of the NOFO, including those related to Intergovernmental Review, can be found in the [EPA Solicitation Clauses](#).

### **A. Requirement to Submit through Grants.gov and Limited Exception Procedures**

Applicants must apply electronically through [Grants.gov](#) under this NOFO based on the grants.gov instructions below. If your organization has no access to the internet or access is very limited, you may request an exception from applying through Grants.gov for the remainder of this calendar year by following the procedures outlined [here](#).

Issues with submissions with respect to this NOFO only are addressed in section 3: *Technical Issues with Submission* below.

#### **1. SAM.gov (System for Award Management) Registration Instructions**

Organizations applying to this funding opportunity must have an active SAM.gov registration. If you have never done business with the Federal Government, you will need to register your organization in SAM.gov. If you do not have a SAM.gov account, then you will need to create an account using [login.gov](#) to complete your SAM.gov registration.

SAM.gov registration is FREE. The process for entity registration includes obtaining a Unique Entity ID (UEI), a 12-character alphanumeric ID assigned an entity by SAM.gov, and requires assertions, representations and certifications, and other information about your organization. Please review the [Entity Registration Checklist](#) for details on this process.

If you have done business with the Federal Government previously, you can check your entity status using your government issued UEI to determine if your registration is active. SAM.gov requires you renew your registration every 365 days to keep it active.

Please note that SAM.gov registration is different than obtaining a UEI only. Obtaining a UEI only validates your organization's legal business name and address. Please review the [Frequently Asked Question](#) on the difference for additional details.

Organizations should ensure that their SAM.gov registration includes a current e-Business (EBiz) point of contact name and email address. The EBiz point of contact is critical for Grants.gov Registration and system functionality.

Contact the [Federal Service Desk](#) for help with your SAM.gov account, to resolve technical issues or chat with a help desk agent: (866) 606-8220. The Federal Service desk hours of operation are Monday – Friday 8am – 8pm ET.

#### **2. Grants.Gov Registration Instructions**

Once your SAM.gov account is active, you must register in Grants.gov. Grants.gov will electronically receive your organization information, such as e-Business (EBiz) point of contact email address and UEI. Organizations applying to this funding opportunity must have an active Grants.gov registration. Grants.gov registration is FREE. If you have never applied for a federal grant before, please review the [Grants.gov](#)

[Applicant Registration instructions](#). As part of the Grants.gov registration process, the EBiz point of contact is the only person that can affiliate and assign applicant roles to members of an organization. In addition, at least one person must be assigned as an Authorized Organization Representative (AOR).

Only person(s) with the AOR role can submit applications in Grants.gov. Please review the [Intro to Grants.gov-Understanding User Roles](#) and [Learning Workspace – User Roles](#) and [Workspace Actions](#) for details on this important process.

Please note that **registering in grants.gov for the first time can take a month or more** for new registrants. Applicants must ensure that all registration requirements are met to apply for this opportunity through Grants.gov and should ensure that all such requirements have been met well in advance of the application submission deadline.

Contact [Grants.gov](#) for assistance at 1-800-518-4726 or [support@grants.gov](mailto:support@grants.gov) to resolve technical issues with Grants.gov. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by calling 606-545-5035. The Grants.gov Support Center is available 24 hours a day 7 days a week, excluding federal holidays.

### **Application Submission Process**

To begin the application process under this NOFO, go to Grants.gov and click the red “Apply” button at the top of the view grant opportunity page associated with this opportunity.

The electronic submission of your application to this NOFO must be made by an official representative of your organization who is registered with [Grants.gov](#) and is authorized to sign applications for Federal financial assistance. If the submit button is grayed out, it may be because you do not have the appropriate role to submit in your organization. Contact your organization’s EBiz point of contact or contact [Grants.gov](#) for assistance at 1-800-518- 4726 or [support@grants.gov](mailto:support@grants.gov).

Applicants need to ensure that the Authorized Organization Representative (AOR) who submits the application through [Grants.gov](#) and whose UEI is listed on the application is an AOR for the applicant listed on the application. Additionally, the UEI listed on the application must be registered to the applicant organization's SAM.gov account. If not, the application may be deemed ineligible.

### **Application Submission Deadline**

Your organization's AOR must submit your complete application package (including any resubmission as explained in Section II.C) electronically to EPA through [Grants.gov](#) no later than November 21, 2024, at 11:59 PM ET. Please allow for enough time to successfully submit your application and allow for unexpected errors that may require you to resubmit. Please see [Section II](#) and [Section V](#) describing the rolling application submittal and review process for this NOFO.

Applications submitted through Grants.gov will be time and date stamped electronically. Please note that successful submission of your application through Grants.gov does not necessarily mean your application is eligible for award. Any application submitted after the application deadline time and date deadline will be deemed ineligible and not considered.

### **3. Technical Issues with Submission**

If applicants experience technical issues during the submission of an application that they are unable to



resolve, follow these procedures **before** the application deadline date:

- a. Contact the Grants.gov Support Center **before** the application deadline date.
- b. Document the Grants.gov ticket / case number.
- c. Send an email with EPA-R-OEJECR-OCS-23-04 in the subject line to [CCGP@epa.gov](mailto:CCGP@epa.gov) before the application deadline time and include the following information:
  - i. Grants.gov ticket / case number(s)
  - ii. Description of the issue
  - iii. The entire application package in PDF format

Without this information, EPA may not be able to consider applications submitted outside of Grants.gov. Any application submitted after the application deadline will be deemed ineligible and **not** be considered.

Please note that successful submission through Grants.gov or email does not necessarily mean your application is eligible for award.

EPA will make decisions concerning acceptance of each application submitted outside of Grants.gov on a case-by-case basis. EPA will only consider accepting applications that were unable to submit through Grants.gov due to [Grants.gov](https://www.grants.gov) or relevant [SAM.gov](https://www.sam.gov) system issues or for unforeseen exigent circumstances, such as extreme weather interfering with internet access. Failure of an applicant to submit the application prior to the application submission deadline time and date because they did not properly or timely register in SAM.gov or Grants.gov is **not** an acceptable reason to justify acceptance of an application outside of Grants.gov.

#### **4. Required Forms and Documents**

The following forms and documents are required under this NOFO:

##### **Mandatory Documents for Track I and Track II Applications**

1. **Application for Federal Assistance** (SF-424)
2. **Budget Information for Non-Construction Programs** (SF-424A)
3. **EPA Key Contacts Form** 5700-54
4. **EPA Preaward Compliance Review Report Form** 4700-4 (Please see these [Useful Tips](#) for completing this form)
5. **Project Narrative Attachment Form**: Use this to prepare your Project Narrative as described in [Section IV.B](#) below.
6. **Attachments**: Use the “Other Attachments Form” in Grants.gov for the following additional documents. These attachments are not subject to the page limitation that applies to the Project Narrative identified below and some have their own page limitation as identified below:
  - **Attachments for Track I and Track II Applications:**
    - **Attachment A**: Program Budget Template (See below in [Section IV.B](#) and also optional template in Appendix G)
    - **Attachment B**: Partnership Agreement (See [Section III.A](#) and Appendix B)
    - **Attachment C**: Indirect Cost Rate Agreement, if applicable.
  - **Attachments for Track I Applications Only:**
    - **Attachment D**: Project Area Map as described in Appendix A.
    - **Attachment E**: Community Engagement and Collaborative Governance Plan as described in [Section I.G](#) that does not exceed 10 single spaced pages-excess pages will not be reviewed.

- **Attachment F:** Community Strength Plan as described in [Section I.G](#) that does not exceed 5 single spaced pages--excess pages will not be reviewed.
- **Attachment G:** Readiness Approach Information as described in [Section I.G](#).
- **Attachment H:** Compliance Plan as described in [Section I.G](#) that does not exceed 5 single-spaced pages--excess pages will not be reviewed.

## B. Content of Application Submission

Applicants should read the following sections very carefully. A complete application package includes the forms, documents, and attachments listed above in [Section IV.A.4: Required Forms and Documents](#), which includes the materials further described below.

Applicants should ensure that their application materials, including attachments, address all the applicable evaluation criteria in Section V, and applicable threshold eligibility criteria in Section III.D, for Track I and II applications. The evaluation criteria in Section V place increased emphasis on certain evaluation criteria that are integral to ensuring that the application will advance environmental and climate justice, meet CCG objectives, and maximize benefits to disadvantaged communities.

### **Project Narrative for Track I and II Applications**

Below are the instructions for both Track I and Track II applications. There are different instructions for each track, so applicants should carefully read the instructions and contact EPA at [CCGP@epa.gov](mailto:CCGP@epa.gov) with any questions. There are also certain attachments for Track I and II applications that must be submitted as identified in Section IV.A.4 above.

The Project Narrative for both application tracks are comprised of Sections A and B as described below for each track and should include the information and content below. Applicants should ensure they include information addressing the relevant evaluation criteria in [Section V](#) for Track I or II applications and any applicable threshold eligibility criteria in [Section III.D](#). Please make sure the required attachments identified in Section IV.A.4 for Track I and II applications also include the applicable information.

- The Project Narrative for Track I applications must not exceed twenty (20) single-spaced pages and be on letter size pages (8 ½ X 11 inches). Excess pages will not be reviewed. The attachments for Track I described in Section IV.A.4 are not part of the Project Narrative.
- The Project Narrative for Track II applications must not exceed fifteen (15) single spaced pages and be on letter size pages (8 ½ X 11 inches). Excess pages will not be reviewed. The attachments for Track II described in Section IV.A.4 are not part of the Project Narrative.

Applicants are encouraged to be concise and do not need to use all the pages within the page limit. Links to external websites or content will not be reviewed or considered. Any pages beyond the page limitations will not be reviewed by the Review Panel. It is recommended that applicants use a standard font (e.g., Times New Roman, Calibri, and Arial) and a 12-point font size with 1- inch margins. While these guidelines establish the acceptable type size requirements, applicants are advised that readability is of paramount importance and should take precedence in selection of an appropriate font for use in the application. **The grant application forms and other attachments identified in [Section IV.A.4: Required Forms and Documents](#) above are not included in the Project Narrative page limits for Track I and II applications.**

To assist EPA reviewers, applicants should reference the numbers and titles of the evaluation criteria identified in Section V.C in their Project Narratives (and attachments) to help identify where the criteria are being addressed as applicable. Applicants should contact EPA with any questions about the application content requirements.

## **Track I Project Narrative**

Track I applications include a Project Narrative with two sections as identified below: (A) Executive Summary and (B) Project Workplan. Together these cannot exceed 20 pages as described above.

### **Section A. Executive Summary**

The Executive Summary should contain the elements below and should not exceed three pages.

- **Application Title:** Provide a name for the application.
- **Lead Applicant:** Name of the Lead Applicant.
- **Statutory Partner to the Lead Applicant:** Name of the Statutory Partner.
- **Contact Information:** Include a name, title, email address, and phone number for key personnel for the Lead Applicant and, Statutory Partner.
- **Eligibility:** Describe how the Lead Applicant and Statutory Partner meet the eligibility requirements in [Section III.A](#) of the NOFO.
- **Climate Action Strategy:** Specify which Climate Action Strategy(ies) is addressed in the application.
- **Pollution Reduction Strategy:** Specify which Pollution Reduction Strategy(ies) is addressed in the application.
- **Grant Award Period and Completion:** Provide estimated beginning and ending dates for the period of performance for your proposed grant. Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must state how the projects in the application, including any construction projects, can be completed within three years of award.
- **Amount of EPA Funding Requested:** See award sizes specified in [Section II.A](#).
- **Target Investment Area:** If the application is for a Target Investment Area as defined in Section II.A, please identify which one. If the application is not for a Target Investment Area, put N/A.
- **Disadvantaged Community to benefit from the projects:** Identify and describe the disadvantaged community, as defined in Appendix A, intended to benefit from the projects in the application.
- **Other Sources of Funding:** Briefly explain, to the extent you can, whether funding for the projects in your application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and if so your reasons for seeking funding for these projects under this NOFO. Please also note the Duplicate Funding clause included in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO and referenced in Section V.E.
- **Resubmission Status:** Specify if the application is for a resubmission of a previously submitted and reviewed application. If so, please identify the date of the original submission and the date of EPA debriefing of the previously submitted application (See Section II.C for further information on the resubmission process).

### **Section B. Project Workplan**

The Project Workplan should contain the elements below.

#### **Part 1. Community-Driven Investments for Change**

##### **1.1 Community Vision Description.**

- **Community Description:** Provide an overview of the Project Area described in Appendix A,

including its resources, assets, and characteristics. Describe how the boundary of the Project Area was determined and demonstrate how the project activities in the Project Area are designed and focused to provide impactful benefits to the residents of disadvantaged communities in the Project Area as defined in Appendix A.<sup>15</sup>

Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A, concentrated and compact Project Areas may maximize benefits to the residents of the disadvantaged communities in the Project Area. Activities spread across a large Project Area may be more dispersed and less impactful. As described in Section V.C, EPA will evaluate applications based in part on the extent and quality to which project benefits will accrue to the residents of disadvantaged communities in the Project Area as defined in Appendix A in an impactful manner.

- **Community Challenges:** Describe the needs and challenges the Project Area is facing, including climate impacts, climate change risks / exposures, and / or localized pollution. Describe the impact of these challenges on the residents of the disadvantaged communities in the Project Area as defined in Appendix A and particularly on priority populations within the Project Area who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities or susceptibilities to the impacts of environmental pollution. See footnote 3 for more information on priority populations.
- **Community Vision:** Articulate an overall vision for the impact and benefits the grant would have on the Project Area in the near and long term, including the effect it will have on reducing and preventing pollution; building resilience to climate change and mitigating current and future climate risks; creating high-quality jobs and expanding economic opportunity through workforce development; and bolstering Project Area strength by ensuring that residents of the disadvantaged communities in the Project Area receive the benefits of investments and have the opportunity to build on them for current and future generations.

**1.2 Selected Strategies:** As described in [Section I.G](#), applications must address at least one Climate Action Strategy and at least one Pollution Reduction Strategy. Accordingly, applications should address the following requirements:

- **Strategy Overview** – for each selected Climate Action and Pollution Reduction Strategy:
  - Provide an overview of the strategy and associated projects and describe how they will be implemented during the grant term.
  - Describe how the strategies and associated projects in the application are integrated and / or designed to complement each other to provide impactful benefits to the residents of disadvantaged communities within the Project Area as defined in Appendix A and describe how the scale and scope of the Project Area was designed to accomplish this.
  - Explain how the amount / proportion of the requested funding was determined for each strategy and associated project in the application.
- **Climate Action Strategies**

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<sup>15</sup> Disadvantaged communities as defined in Appendix A include census block groups designated as geographically defined disadvantaged communities, as well as farmworker communities and DUCs.

- Describe how the project(s) associated with the Climate Action Strategy(ies) will address the climate impacts, risks, and / or challenges facing the Project Area and especially the residents of disadvantaged communities within the Project Area as defined in Appendix A; will decrease GHG emissions within the Project Area and increase the overall resilience of the Project Area to current and anticipated climate impacts; and are responsive to the Project Area needs and challenges identified in the Community Vision Description.
- **Pollution Reduction Strategies**
  - Describe how the project(s) associated with the Pollution Reduction Strategy(ies) will address the localized pollution challenges facing the Project Area and especially the residents of disadvantaged communities within the Project Area as defined in Appendix A; will make substantial and measurable (i.e., quantifiable) progress towards preventing, reducing, and / or mitigating existing and future sources of pollution to benefit the Project Area; and are responsive to the Project Area needs and challenges identified in the Community Vision Description.

## **Part 2. Program Management, Capability and Capacity**

- 2.1 **Performance Management Plan, Outputs / Outcomes:** Applicants should describe 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 Community Change Grants goals and objectives. (See [Section I.I](#) and [Appendix F](#) for more detail on expected outputs and outcomes). In addition to identifying expected project outputs and outcomes, applicants should describe how they plan to track and measure their project performance, including through indicator tracking, to monitor progress towards achieving the expected outputs and outcomes throughout the performance period.

Applicants should also:

- Describe how they selected the expected outputs and outcomes and how they will lead to improvements to the environmental conditions and public health of the community members of the Project Area in the short and long term.
  - Describe how the expected project outputs and outcomes are specific and include achievable and reasonable target measures within the project period.
  - Describe how the recipient will use program evaluation activities (e.g., utilizing proper evaluation tools and personnel / organizations with experience in evaluating program and project progress / success) from project initiation through project completion to meaningfully document and measure their progress towards achieving project goals.
- 2.2 **Project Linkages to the EPA Strategic Plan:** Applications should describe how the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels). See [Section I.I](#). In addition, applications, depending on the projects included in them, should also address how they support and advance the following EPA Strategic Plan Goals as applicable:
- Goal 1 - Tackle the Climate Crisis

- Goal 4 - Ensure Clean and Healthy Air for All Communities
- Goal 5 - Ensure Clean and Safe Water for All Communities
- Goal 6 - Safeguard and Revitalize Communities; and
- Goal 7 - Ensure Safety of Chemicals for People and the Environment

Refer to the [EPA Strategic Plan](#).

2.3 **CBO Experience and Commitment:** Applications should describe the following for the Lead Applicant and / or Statutory Partner for the proposed grant:

- Their history and experience as a CBO.
- The depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.

2.4 **Programmatic and Managerial Capability and Resources:** Applications should provide information demonstrating the Lead Applicant's and Statutory Partner's ability to successfully complete, oversee, and manage the award including:

- Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application).
- Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period.
- Their financial stability, controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls to be in place for project oversight and to manage program risk. This includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse, by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections), and risk management.
- A projected milestone schedule for the proposed projects (up to three years) with a breakout of the project activities into phases with associated tasks and timeframes for completion of tasks, including the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable.

2.5 **Past Performance:** Describe federally funded and / or non-federally funded assistance agreements (assistance agreements include grants and cooperative agreements but not contracts) that the Lead Applicant performed within the last three years (no more than three agreements in total) and provide the information below for them. EPA agreements are preferred to be included.

- Describe whether, and how, the Lead Applicant was able to successfully complete and manage the agreements.
- Describe the history of the Lead Applicant in meeting the reporting requirements under the agreements including submitting acceptable final technical reports.



- Describe how the Lead Applicant documented and / or reported on whether progress towards achieving the expected results (i.e., outputs and outcomes) under those agreements was being made. If progress was not made, please indicate whether, and how, that was documented.

Note: In evaluating the Lead Applicant's past performance, the Agency will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and / or from current and prior federal agency grantors (e.g., to verify and / or supplement the information provided by the applicant). If there is no relevant or available past performance information, please indicate this in the application, and you will receive a neutral score for these factors under Section V. Failure to provide any past performance information, or to include a statement that you do not have any relevant or available past performance or reporting information, may result in a zero score for these factors (see also Section V).

**Part 3. Feasibility, Sustainability, and Budget:** Provide the following information:

- 3.1 **Feasibility:** Demonstrate that all the projects in the application can be successfully and effectively performed within the three-year grant period of performance, and the degree of risk that they cannot be. This includes describing how the strategies and associated projects can individually and collectively be completed within three years.
- 3.2 **Sustainability:** Demonstrate the extent to which the benefits and outcomes from the projects can be sustained after the three-year grant period of performance based on factors including but not limited to whether (i) the applicant will leverage funding and / or resources from other sources to ensure the sustainability of the projects beyond the three-year grant term and (ii) the description of an operations and maintenance approach including plans and commitments to ensure there is continued funding available for operation and maintenance activities of infrastructure activities for the projects after the grant term is over (e.g., are there demonstrated commitments for continuing operation and maintenance funding / resources from the appropriate parties after the three year grant term is over) including coordination with appropriate responsible parties.
- 3.3 **Program Budget Description:** Provide a detailed budget description and estimated funding amounts for each project component / task similar to that on the budget found in SF-424A, which includes the EPA funding requested to be expended over the three-year period of performance. This section provides an opportunity for a narrative description of the budget or aspects of the budget found in the SF-424A. In the description, explain how the budget is reasonable to accomplish the projects, and the cost-effectiveness of the budget in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs).

Note: A template to depict the program budget description is included as Appendix G and may be used to supplement the budget description in the Project Narrative. Applicants that do not use the template will not be penalized and applicants can convey the information in other forms. While the program budget description is part of the Project Narrative page limit, the template is not part of the page limit for the Project Narrative and will not count against the 20-page Project Narrative page limit for Track I applications.

C. Track I Application Attachments. These attachments must be submitted with the application as stated in Section IV.A.4 above and are not part of the Project Narrative described above. Please note any page limits that apply to these attachments.

- Project Area Map (Attachment D). Submit a Project Area Map as described in Appendix A.
- Community Engagement and Collaborative Governance Plan (Attachment E). Applications must include a Community Engagement and Collaborative Governance Plan that should address the elements of the plan as described in [Section I.G](#). This plan cannot exceed 10 pages (excess pages will not be reviewed).
- Community Strength Plan (Attachment F). Applications must include a Community Strength Plan that should address the elements of the plan as described in [Section I.G](#). This plan cannot exceed 5 pages (excess pages will not be reviewed).
- Readiness Approach (Attachment G). Applicants must demonstrate, based on the Readiness Approach Requirements described in [Section I.G](#), their ability and readiness to proceed with grant performance for the projects in the application upon receiving an award, and generally no later than 120 days after award, in order to ensure that the projects can be completed within the statutory three-year grant period. As appropriate, this may include a description of the completed project planning and design phases related to the project(s) as well as demonstrating that the applicant has obtained and / or complied with the necessary approvals, permits, permissions, and any other applicable requirements, to commence project performance upon award, and if not their plan for doing so within 120 days of award. There is no page limit for this information, but applicants should be as concise as possible.
- Compliance Plan (Attachment H). Applications must include a Compliance Plan as described in [Section I.G](#) that does not exceed 5 pages (excess pages will not be reviewed).

## **Track II Application Requirements**

Track II applications include a Project Narrative with two sections as identified below: (A) Executive Summary and (B) Project Workplan. Together these cannot exceed 15 pages as described above.

### **Section A. Executive Summary**

The Executive Summary should contain the elements below and should not exceed two pages.

- **Application Title:** Provide a name for the application.
- **Lead Applicant:** Name of the organization applying.
- **Statutory Partner to the Lead Applicant:** Name of the Statutory Partner.
- **Contact information:** Include a name, title, email address, and phone number for key personnel for Lead Applicant, Statutory Partner.
- **Eligibility:** Describe how the Lead Applicant and Statutory Partner meet the eligibility requirements in [Section III.A](#) of the NOFO.
- **Disadvantaged Community to benefit from the projects:** Identify and describe the disadvantaged communities, as defined in Appendix A, intended to benefit from the projects in the application.
- **Grant Award Period and Completion:** Provide estimated beginning and ending dates for the period of performance for your proposed grant. Given the requirement under CAA § 138(b)(1) that

all grants must be completed within three years, all applications must state how the projects in the application can be completed within three years of award.

- **EPA Funding Requested:** See award sizes specified in [Section II.A.](#)
- **Other Sources of Funding** Briefly explain, to the extent you can, whether funding for the projects in your application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and, if so, your reasons for seeking funding for these projects under this NOFO. Please also note the Duplicate Funding clause included in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO and referenced in Section [V.E.](#)
- **Resubmission Status:** Specify if the application is for a resubmission of a previously submitted and reviewed application. If so, please identify the date of the original submission and date of EPA debriefing of the previously submitted application (See Section II.C for further information on the resubmission process).

## Section B. Project Workplan

### 1. **Track II Program Objectives:** Applications should describe the following:

- How the application addresses the Track II objectives identified in [Section I.H.](#)
- What methods, tools, and trainings the applicant will use to facilitate the engagement of disadvantaged communities in state and Federal advisory groups, workshops, rulemakings, and / or other public processes, including local, Tribal, and other governmental processes, related to environmental and climate justice.
- How the application addresses the disadvantaged community's lack of access to, or weak relationships with, governmental entities, including how the application improves those relationships, increases points of access for disadvantaged communities with government entities, and creates channels to work cooperatively to promote environmental and climate justice
- How the application will result in governmental entities better understanding the root causes of environmental and climate justice issues that impact disadvantaged communities, so government leaders and decision-makers are better prepared to proactively address concerns before issues materialize.

### 2. **Project Collaboration and Participation:** Applications should describe the following:

- How meaningful input and feedback was considered from the disadvantaged community and other stakeholders in designing and developing the project and how input will continue to be obtained and considered during grant performance.
- The facilitation and accountability measures to establish and maintain trust between the disadvantaged community and government officials to ensure the community can collaborate in an authentic and meaningful way, rather than an insincere manner, on environmental and climate justice issues with governmental bodies.
- The applicant's and any Collaborating Entities' history of relationships and collaborations with disadvantaged communities, governmental bodies, and other stakeholders to address environmental and environmental / climate justice issues.

### 3. **Project linkages:** Applicants should describe how their application supports and advances [EPA Strategic Plan](#) Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).

4. **Program Budget Description:** Provide a detailed budget description and estimated funding amounts for each project component / task similar to that on the budget found in SF-424A, which includes the EPA funding requested to be expended over the three-year period of performance. This section provides an opportunity for a narrative description of the budget or aspects of the budget found in the SF-424A. In the description, explain how the budget is reasonable to accomplish the projects, and the cost-effectiveness of the budget in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs).

Note: A template to depict the program budget description is included as Appendix G and may be used to supplement the budget description in the Project Narrative. Applicants that do not use the template will not be penalized and applicants can convey the information in other forms. While the program budget description is part of the Project Narrative page limit, the template is not part of the page limit for the Project Narrative and will not count against the 15-page Project Narrative page limit for Track II applications.

5. **Environmental Results:** Applicants should describe the following:
- Their plan, with associated timeframes, for tracking and measuring their progress in achieving the expected project outcomes and outputs for Track II applications. See [Section I.I and Appendix F](#) for more detail on expected outputs and outcomes.
  - Whether and how the projects and their outcomes are sustainable beyond the three-year grant period, and how they will leverage resources, community support, etc. to facilitate this. The quality and specificity of the proposed outputs and outcomes, and how they will lead to the success of the grants, should also be addressed.
6. **CBO Experience and Commitment:** Applicants should describe the following for the Lead Applicant and / or Statutory Partner for the proposed grant:
- Their history and experience as a CBO.
  - The depth of their commitment, historical connections, and relationships with the disadvantaged community the application is intended to benefit.
7. **Programmatic and Managerial Capability and Resources:** Provide information demonstrating the Lead Applicant's and Statutory Partner's ability to successfully complete, oversee, and manage the award including:
- Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application).
  - Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period.
  - Their milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable.
  - Their legal and financial controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and

abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections).

8. **Past Performance:** Describe federally funded and / or non-federally funded assistance agreements (assistance agreements include grants and cooperative agreements but not contracts) that the Lead Applicant performed within the last three years (no more than three agreements in total) and provide the information below for them. EPA agreements are preferred to be included.
- Describe whether, and how, the Lead Applicant was able to successfully complete and manage the agreements.
  - Describe the Lead Applicant's history of meeting the reporting requirements under the agreements including submitting acceptable final technical reports.
  - Describe how the Lead Applicant documented and / or reported on whether progress towards achieving the expected results (i.e., outputs and outcomes) under those agreements was being made. If progress was not being made, please indicate whether, and how, this was documented.

Note: In evaluating the Lead Applicant's past performance, the Agency will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and / or from current and prior federal agency grantors (e.g., to verify and / or supplement the information provided by the applicant). If there is no relevant or available past performance information, please indicate this in the application, and you will receive a neutral score for these factors under Section V. Failure to provide any past performance information, or to include a statement that you do not have any relevant or available past performance or reporting information, may result in a zero score for these factors (see also Section V).

## C. Informational Webinars and Application Assistance

EPA will host and/or participate in a series of webinars about this NOFO while it remains open for application submission. EPA will post information about the webinars, schedule for webinars, as well as additional information about this NOFO (e.g., frequently asked questions, technical assistance) on the [Inflation Reduction Act Community Change Grants Program](#) page. A recording of each webinar will be posted at the link above along with presented materials.

In addition, EPA's technical assistance contractor may host webinars related to the NOFO and information on that will be posted on their [website](#).

Please note that in accordance with [EPA's Policy for Competition of Assistance Agreements](#), EPA Order 5700.5A1, EPA staff will not meet with individual applicants to discuss draft applications, provide informal comments on draft applications, or provide advice to applicants on how to respond to evaluation criteria. Please note, however, that as stated in Section I, technical assistance will be available to eligible applicants for help with this NOFO.

Applicants are responsible for the contents of their applications. However, consistent with the provisions in the NOFO, EPA will respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the application, and requests for clarification about this NOFO.

## Section V. Application Review Information

[\(back to the Table of Contents\)](#)

Note: Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

## A. Threshold Eligibility Review Process

All applications will be evaluated for threshold eligibility purposes based on the threshold eligibility criteria described in [Section III.D](#).

## B. Review Panel and Evaluation Process

All applications that pass the threshold eligibility review process will be evaluated and scored by review panels, on a rolling basis, using the track-specific evaluation criteria and processes described below. Review panels will be comprised of EPA staff and / or external reviewers. See below for additional detail about the evaluation criteria and processes for each track.

## C. Track I Application Review Process and Evaluation Criteria

All eligible Track I applications (including those for the TIAs described in [Section II.B](#)) will be evaluated, on a rolling basis, based on the 155 point scale described below.

### Track I Application Criteria

| Section                                                              | Possible Points |
|----------------------------------------------------------------------|-----------------|
| <b>Part 1. Community Driven Investments for Change</b>               | <b>80 total</b> |
| 1.1 Community Overview                                               | 10              |
| 1.2 Selected Strategies                                              | 45              |
| 1.3 Community Engagement and Collaborative Governance Plan           | 15              |
| 1.4 Community Strength Plan                                          | 10              |
| <b>Part 2. Program Management, Capability, and Capacity</b>          | <b>35 total</b> |
| 2.1 Performance Management Plan, Outputs / Outcomes                  | 6               |
| 2.2 Project Linkages to the EPA Strategic Plan                       | 4               |
| 2.3 CBO Experience and Commitment                                    | 5               |
| 2.4 Programmatic and Managerial Capability and Resources             | 15              |
| 2.5 Past Performance                                                 | 5               |
| <b>Part 3. Readiness to Perform, Feasibility, and Sustainability</b> | <b>40 total</b> |
| 3.1 Readiness Approach                                               | 8               |
| 3.2 Feasibility                                                      | 9               |
| 3.3 Sustainability                                                   | 5               |
| 3.4 Program Budget Description                                       | 8               |
| 3.5 Compliance Plan                                                  | 10              |
| <b>TOTAL</b>                                                         | <b>155</b>      |

### Evaluation Criteria for Track I Applications (155 points total)

#### **Part 1. Community Driven Investments for Change (80 points total)**



## 1.1 Community Vision Description (10 points)

- **Community Description:** Applications will be evaluated based on their description of the Project Area including its resources, assets, and local characteristics, as well as how the project activities in the Project Area are designed and focused to maximize benefits for the residents of disadvantaged communities in the Project Area. Please note that in evaluating applications under this criterion, EPA will evaluate the extent and quality to which project benefits will accrue to the residents of the disadvantaged communities in the Project Area, as defined in Appendix A, in an impactful manner. (4 points)
- **Community Challenges:** Applications will be evaluated based on how well they describe the challenges and needs the residents of the disadvantaged communities in the Project Area, as defined in Appendix A, are facing, including climate impacts, climate change risks / exposures, and / or localized pollution, and the impact these challenges have on priority populations within the Project Area who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities or susceptibilities to the impacts of environmental pollution. See footnote 3 for more information on priority populations. (3 points)
- **Community Vision:** Applications will be evaluated based on the quality and extent to which they articulate an overall and clear vision for the impacts and benefits the grant would have on the residents of the disadvantaged communities in the Project Area as defined in Appendix A in the near and long term. (3 points).

## 1.2 Selected Strategies (45 points)

- **Strategy Overview (15 points).** Applications will be evaluated based on the quality and extent to which they:
  - Provide an overview of the strategies and associated projects and describe how they will be implemented during the grant term. (5 points)
  - Describe how the strategies and associated projects in the application are integrated and / or designed to complement each other to benefit the residents of the disadvantaged communities in the Project Area, and how the scale and scope of the Project Area was developed to accomplish this. (7 points)
  - Explain how the amount / proportion of the requested funding was determined for each strategy and aligned project in the application. (3 points)
- **Climate Action Strategies (15 points).** Applications will be evaluated based on the quality and extent to which they:
  - Describe how the associated projects will address the identified climate impacts and / or climate change risk(s) / exposure(s) within the Project Area, and especially those facing residents of disadvantaged communities in the Project Area as defined in Appendix A and explain how the project(s) will decrease GHG emissions within the Project Area and / or increase overall Project Area resilience to current and anticipated climate impacts. (8 points)
  - Describe how the selected Climate Action Strategies and associated projects help meet the needs and challenges of the Project Area as articulated in the Community Vision Description. (7 points)
- **Pollution Reduction Strategies (15 points).** Applications will be evaluated based on the

quality and extent to which they:

- Describe how the associated project(s) will address the identified localized pollution challenges facing the Project Area, and especially the residents of disadvantaged communities within the Project Area as defined in Appendix A, and will make substantial and measurable (i.e., quantifiable) progress towards preventing, reducing, and / or mitigating existing and future sources of pollution to benefit the Project Area. (8 points)
- Describe how the selected Pollution Reduction Strategies help meet the needs and challenges of the Project Area as articulated in the Community Vision Description. (7 points)

1.3 **Community Engagement and Collaborative Governance Plan (15 points):** The Community Engagement and Collaborative Governance Plan described in [Section I.G will be evaluated based on the quality and extent to which it demonstrates:](#)

- **Past Community Outreach and Engagement Conducted:** How the applicant's past engagement with the Project Area community impacted the Strategy and associated project selection and implementation approach included in the application, including the outreach and engagement methods used for the Project Area and specific neighborhoods or groups within the Project Area. (4 points)
- **Community Engagement Plan Implementation:** The specific community engagement methods used by the applicant, as well as how they will mitigate barriers and involve relevant governmental stakeholders necessary to support overall project implementation. (6 points)
- **Collaborative Governance Structure:** The details regarding the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents and / or community-selected representatives for implementing, managing, and overseeing the application's project activities, including how regularly they will meet to discuss project implementation. (5 points)

1.4 **Community Strength Plan (10 points):** The Community Strength Plan as described in [Section I.G will be evaluated based on the quality and extent to which it demonstrates:](#)

- **Maximizing Economic Benefits of Projects:** How the projects included in the application are intended to provide economic benefits for individuals in the Project Area, including priority populations as defined in footnote 3. (5 points)
- **Displacement Avoidance:** The measures for mitigating potential near-term and long-term risks associated with the proposed projects to residents, small businesses, nonprofits, and other community members, the vulnerability the community faces to rising costs attributable to their proposed project, and the potential project impacts to households, small businesses, and other existing groups. (5 points)

**Part 2. Program Management, Capability, and Capacity (35 points total)**

2.1 **Performance Management Plan and Outputs / Outcomes (6 points):** Applications will be evaluated based on:

- Whether the application describes an effective plan, with associated timeframes, for tracking and measuring progress in achieving the expected project outcomes and outputs including those identified in Appendix F, as appropriate, and any additional ones identified in the application. (2 points)
- The quality and specificity of the proposed outputs and outcomes and how they will lead to improvements to the environmental conditions and public health of the disadvantaged communities in the short and long term. (2 points)
- Whether, and how, the applicant has incorporated program evaluation activities (e.g., utilizing proper evaluation tools and personnel / organizations with experience in evaluating program and project progress / success) from project initiation through project completion to meaningfully document and measure their progress towards achieving project goals and how they will use the results of the evaluations to meet the project goals within the required timeframes. (2 points)

**2.2 Project Linkages to the EPA Strategic Plan (4 points):** Applications will be evaluated based on the extent and quality to which the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).

In addition, applications, depending on the projects included in them, will also be evaluated based on the quality and extent to which they also support and advance the following EPA Strategic Plan Goals as applicable:

- Goal 1 - Tackle the Climate Crisis
- Goal 4 - Ensure Clean and Healthy Air for All Communities
- Goal 5 - Ensure Clean and Safe Water for All Communities
- Goal 6 - Safeguard and Revitalize Communities; and
- Goal 7 - Ensure Safety of Chemicals for People and the Environment

**2.3 CBO Experience and Commitment (5 points):** The CBO(s) that are either the Lead Applicant and / or Statutory Partner for the proposed grant will be evaluated based on their history and experience as a CBO and the depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.

**2.4 Programmatic and Managerial Capability and Resources (15 points):** The Lead Applicant and Statutory Partner will be evaluated based on their ability to successfully complete, oversee, and manage the award considering:

- Their organizational experience and capacity related to performing the proposed project(s) or similar activities (e.g., experience in managing projects and activities like those in the application). (4 points)
- Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period (4 points)

- The milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable. (3 points)
- Their financial stability, controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections). (4 points)

**2.5 Past Performance (5 points):** The Lead Applicant will be evaluated based on their ability to successfully complete and manage the proposed projects considering their:

- Past performance in successfully completing and managing the assistance agreements identified in response to [Section IV.B](#). (3 points)
- History of meeting the reporting requirements under the assistance agreements identified in response to [Section IV.B](#) including whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements and if such progress was not being made whether the applicant adequately reported why not. (2 points)

Note: The focus of this criterion is on the Lead Applicant's past performance and not that of any other Collaborating Entities or contractors / consultants who may be assisting the applicant with performance of the award. In evaluating the Lead Applicant under these factors, EPA will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and from current / prior grantors. If the Lead Applicant does not have any relevant or available past performance related to federal or non-federal grants, this should be stated explicitly in the application (e.g., our organizations have no relevant past grants experience). Including this statement will ensure you receive a neutral score for these factors (a neutral score is half of the total points available in a subset of possible points). Failure to include this statement may result in your receiving a score of 0 for these factors.

### **Part 3. Readiness to Perform, Feasibility, and Sustainability (40 points total):**

- 3.1 Readiness Approach (8 points):** Applications will be evaluated based on the applicant's ability and readiness to proceed with grant performance for the projects in the application, based on the Readiness Approach Requirements described in [Section I.G](#), upon receiving an award, or generally no later than 120 days after award, to ensure that the projects can be completed within the statutory three-year grant period. As appropriate, this may include evaluating the description of the completed project planning and design phases related to the project(s) as well as demonstrating that the applicant has obtained and / or complied with the necessary approvals, permits, permissions, and any other applicable requirements, to commence project performance upon award, and if not generally within 120 days of award.
- 3.2 Feasibility (9 points):** Applications will be evaluated based on whether it is demonstrated that all the projects in the application can be successfully and effectively performed within the three-year grant period of performance, and the degree of risk that they cannot be. This includes also

evaluating how the strategies and associated projects can individually and collectively be completed within three years.

- 3.3 Sustainability (5 points):** Applications will be evaluated based on whether it is demonstrated that the benefits and outcomes from the projects in the application can be sustained after the three-year grant period of performance based on factors including but not limited to whether (i) the Applicant will leverage funding and / or resources from other sources to ensure the sustainability of the projects beyond the three-year grant term and (ii) the description of an operations and maintenance approach including the plans and commitments to ensure there is continued funding available for operation and maintenance activities of infrastructure activities for the projects after the grant term is over (e.g., are there demonstrated commitments for continuing operation and maintenance funding / resources from the appropriate parties after the three year grant term is over) including coordination with appropriate responsible parties.
- 3.4 Program Budget Description (8 points):** The program budget will be evaluated based on:
- The reasonableness of the budget and allowability of the costs for each component / activity of the projects in the application. This includes evaluating whether funding is well balanced and equitably distributed to project partners, including sub-awardees, commensurate with their role in the project, and whether funding is categorized into the proper budget categories providing clarity, accuracy, and granularity on the applicant's planned use of the grant funds during the project period. (4 points)
  - The cost effectiveness of the budget / project in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs to the greatest extent practicable). (4 points)
- 3.5 Compliance Plan (10 points):** Applications will be evaluated based on the quality and extent to which the Compliance Plan addresses the elements for the Compliance Plan described in [Section I.G.](#)

## D. Track II Application Review Process and Evaluation Criteria

All eligible Track II applications will be evaluated, on a rolling basis, based on a 100-point scale using the criteria specified below.

### Evaluation Criteria for Track II Applications

Track II applications will be evaluated using the criteria below on a 100-point scale.

#### Track II Evaluation Criteria

| Section                                    | Possible Points |
|--------------------------------------------|-----------------|
| 1. Program Objectives                      | 35              |
| 2. Project Collaboration and Participation | 20              |
| 3. Project Linkages                        | 4               |
| 4. Budget                                  | 8               |
| 5. Environmental Results                   | 6               |

|                                                                |            |
|----------------------------------------------------------------|------------|
| <b>6. CBO Experience &amp; Commitment</b>                      | <b>5</b>   |
| <b>7. Programmatic and Managerial Capability and Resources</b> | <b>16</b>  |
| <b>8. Past Performance</b>                                     | <b>6</b>   |
| <b>TOTAL</b>                                                   | <b>100</b> |

1. **Track II Program Objectives (35 points):** Applications will be evaluated based on the quality and extent to which they demonstrate:
  - How the project(s) in the application address the Track II objectives identified in [Section I.H.](#) (10 points)
  - The methods, tools, and trainings, the applicant will use to facilitate the engagement of disadvantaged communities in state and Federal advisory groups, workshops, rulemakings, and / or other public processes, including local, Tribal, and other governmental processes, related to environmental and climate justice. (10 points)
  - How the project(s) in the application address and improve the disadvantaged community's lack of access to, or weak relationships with, governmental entities and changes those relationships to increase points of access for disadvantaged communities with government to work cooperatively to promote environmental and climate justice. (8 points)
  - Will result in governmental entities better understanding the root causes of environmental and climate justice issues that impact disadvantaged communities, so the communities are better prepared to proactively address them before the issues materialize. (7 points)
2. **Project Collaboration and Participation (20 points):** Under this criterion, applications will be evaluated based on the quality and extent to which they:
  - Demonstrate that meaningful input and feedback was considered from the disadvantaged community and other stakeholders in designing and developing the applications and how feedback / input will continue to be obtained and considered during grant performance. (10 points)
  - Describe the facilitation and accountability measures to establish and maintain trust between the disadvantaged community and government officials to ensure the community can collaborate in a meaningful manner on environmental and climate justice issues with governmental bodies. (5 points)
  - Demonstrate the applicant's and Collaborating Entities relationships and history of collaborations with disadvantaged communities, governmental bodies, and other stakeholders to address environmental and environmental / climate justice issues. (5 points)
3. **Project linkages (4 points):** Applications will be evaluated based on the extent and quality to which the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).
4. **Budget (8 points):** Under this criterion, applicants will be evaluated based on:



- The reasonableness of the budget and allowability of the costs for each component / activity of the project and their approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner to comply with the statutory 3-year project period limitation. (4 points)
  - The cost effectiveness of the budget / project in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs to the greatest extent practicable). (4 points)
5. **Environmental Results (6 points):** Applications will be evaluated based on the quality and extent to which:
- They describe an effective plan, with associated timeframes, for tracking and measuring their progress in achieving the expected project outcomes and outputs for Track II applications including those identified in Appendix F. (2 points)
  - They demonstrate that the project can ensure sustainability of outcomes beyond the three-year grant period, and how they will leverage resources, community support, etc. to facilitate this. (2 points)
  - The quality and specificity of the proposed outputs and outcomes, and how they will lead to the success of the grants, are described. (2 points)
6. **CBO Experience and Commitment (5 points):** The CBO(s) that are either the Lead Applicant and / or Statutory Partner for the grant will be evaluated based on their history and experience as a CBO and the depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.
7. **Programmatic and Managerial Capability and Resources (16 points):** The Lead Applicant and Statutory Partner will be evaluated based on their ability to successfully complete, oversee, and manage the award considering:
- Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application). (4 points)
  - Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period. (4 points)
  - The milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable. (3 points)
  - Their legal and financial controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and

program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections). (5 points)

8. **Past Performance (6 points total):** The Lead Applicant will be evaluated based on their ability to successfully complete and manage the proposed projects considering their:

- Past performance in successfully completing and managing the assistance agreements identified in response to Section IV. (3 points)
- History of meeting the reporting requirements under the assistance agreements identified in response to Section IV including whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements and if such progress was not being made whether the applicant adequately reported why not. (3 points)

The focus of this criterion is on the Lead Applicant's past performance and not that of any other Collaborating Entities or contractors / consultants who may be assisting the applicant with performance of the project. In evaluating the Lead Applicant under these factors, EPA will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and from current / prior grantors. If you do not have any relevant or available past performance related to federal or non-federal grants, you should state this explicitly in your application (e.g., our organization has no relevant past grants experience). Including this statement will ensure you receive a neutral score for these factors (a neutral score is half of the total points available in a subset of possible points). Failure to include this statement may result in your receiving a score of 0 for these factors.

## E. Final Selection Process and Other Factors

The Selection Official will make the final selection recommendations for Track I and II applications based on the evaluation criteria and process described above on a rolling basis. In addition, in making the final selection recommendations for award, the Selection Official may also consider any of the "other" factors below.

Further, as noted in Sections I.G and II.A, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training project(s) as described in Section I.G. In addition, as noted in Sections II.B and Appendix H, EPA anticipates making a minimum of five awards for high-ranking applications under the Target Investment Area A-Tribes in Alaska (projects benefitting Alaska Tribal lands) that include projects to assess and/or clean up lands conveyed under the Alaska Native Claims Settlement Act that were contaminated at the time of their conveyance from the federal government to an Alaska Native Corporation.

In making the final selection recommendations for award, the Selection Official may consider any of the following "other factors":

1. Geographic diversity to promote a mix of high-scoring applications benefitting disadvantaged communities located in urban, rural, or remote areas, different regions of the country, territories, as well as the geographical nature or impact of the project(s).

2. Program priorities- how the application supports and advances EPA and OEJEER's goals and priorities, including those in EPA's Strategic Plan that focus on environmental climate and justice issues. This may also include considering how the application promotes Community Change Grant program objectives, the depth and extent of community involvement in project development and implementation, the extent and quality to which the project activities will provide impactful benefits to the residents of disadvantaged communities in the Project Area as defined in Appendix A rather than attenuated benefits spread out throughout a large Project Area, and the priority that the grants must be able to be successfully completed within three years to meet CAA § 138 statutory requirements.
3. Organizational diversity in terms of applicant type and size to ensure a broad representation of applicants receiving awards to improve program effectiveness and equity.
4. Whether the applicant is participating in a federal capacity building program as part of the Thriving Communities Network (please see complete list at [Federal Interagency Thriving Communities Network](#) or the [Rural Partners Network](#)).
5. Whether the projects support, advance, or complement funding related to [Community Disaster Resilience Zones \(CDRZs\)](#) as designated by FEMA.
6. The capacity and capabilities of Lead Applicants, who are selected for two awards under this NOFO, to successfully perform, manage, and oversee both grants within the three-year grant term and the risks posed by multiple awards to successful grant performance.
7. The extent to which the EPA funding may complement or be coordinated with other EPA funding or other Federal and / or non-Federal sources of funds / resources to leverage additional resources to contribute to the performance and success of the grant. This includes but is not limited to funds and other resources leveraged from businesses, labor organizations, non-profit organizations, education and training providers, and / or Federal, state, Tribal, and local governments, as appropriate.
8. Duplicate funding considerations as stated in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO. This includes considering whether funding for the projects in the application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and if so the applicant's reasons for seeking funding for these projects under this NOFO.
9. Consistent with the language in Section II.B and Appendix H for Target Investment Area A-Tribes in Alaska (projects benefitting Alaska Tribal lands), whether an application includes projects to assess and/or clean up lands conveyed under the Alaska Native Claims Settlement Act that were contaminated at the time of their conveyance from the federal government to an Alaska Native Corporation.
10. Availability of funds.

In addition, because the objectives of this NOFO are part of a government-wide effort to address environmental and climate justice concerns and challenges, information pertaining to proposed selection recommendations may be shared by EPA with other Federal, state, local, territorial, or Tribal governmental departments or agencies before final selections are made in order to determine whether potential selections under this NOFO: (1) are expected to be funded by another department or agency to minimize the possibility of duplicate funding, (2) could be affected by permitting, regulatory or other issues involving another department or agency, and / or (3) will complement or can be used to leverage funding and capacity-building by another department or agency to maximize value. Note that this process is separate from the Intergovernmental Review requirements in 40 CFR Part 29.

## F. Anticipated Announcement and Federal Award Date

As stated in [Section II.C](#), applications will be reviewed and selected on a rolling basis and may be submitted through November 21, 2024. EPA announced initial selection decisions for awards in July 2024 and expects initial awards being made in November 2024.

## Section VI. Award Administration Information

[\(back to the Table of Contents\)](#)

Note: Additional provisions that apply to this section of the NOFO, including those related to responsibilities under civil rights laws, can be found in the [EPA Solicitation Clauses](#).

### A. Award Notification and Disputes

EPA anticipates that the first notification of selected applicants will be made via electronic mail in July 2024 and will continue to be done on a rolling basis. The notification will be sent to the original signer of the application, or the contact listed in the application. This notification, which informs the applicant that its application has been selected, is not an authorization to begin work. The official notification of an award will be made by the EPA Award Official. Applicants are cautioned that only a grants officer is authorized to bind the Government to the expenditure of funds; selection does not guarantee an award will be made. For example, statutory authorization, funding, readiness to perform projects, or other issues discovered during the award process may affect the ability of EPA to make an award to an applicant. The award notice, signed by a grants officer, is the authorizing document and will be provided through electronic mail. The successful applicant may be requested to prepare and submit additional documents and forms that must be approved by EPA before the grant can officially be awarded. The time between notification of selection and finalization of the award agreement can take up to 90 days or longer.

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005), which can be found at [Grant Competition Dispute Resolution Procedures](#). Copies of these procedures may also be requested by contacting the person listed in [Section VII](#) of the announcement. Note, the FR notice references regulations at 40 CFR Parts 30 and 31 that have been superseded by regulations in 2 CFR Parts 200 and 1500. Notwithstanding the regulatory changes, the procedures for competition-related disputes remain unchanged from the procedures described at 70 FR 3629, 3630, as indicated in 2 CFR Part 1500, Subpart E.

Non-profit applicants that are recommended for funding under this announcement are subject to pre-award administrative capability reviews consistent with Section 8b, 8c, and 9d of [EPA Order 5700.8: EPA's Policy on Assessing Capabilities of Non-Profit Applicants for Managing Assistance Awards](#). In addition, non-profit applicants selected for awards over \$200,000 may be required to fill out and submit to the grants management office EPA Form 6600.09, United States Environmental Protection Agency Administrative Capability Questionnaire with supporting documents as required in EPA Order 5700.8.

Depending on the projects in the grant award, EPA will impose programmatic terms and conditions to ensure successful and timely grant performance. In addition, if applicants have any questions about whether a proposed project cost is eligible or allowable, they should contact EPA for clarification prior to application submittal.

### B. Administrative and National Policy Requirements

Grantees will be subject to administrative and national policy requirements. Note that EPA plans to establish programmatic requirements in the terms and conditions of each grant agreement to implement these administrative and national policy, and other relevant, requirements, which will include but not be limited to: this award is subject to the requirements of the Uniform Administrative Requirements, Cost

Principles and Audit Requirements for Federal Awards; Title 2 CFR, Parts 200 and 1500. EPA also has programmatic regulations located in 40 CFR Chapter 1 Subchapter B.

A listing and description of general EPA regulations applicable to the award of assistance agreements is available on the [EPA Policies and Guidance for Grants](#) page.

**Readiness to Perform Requirements:** Following selection and before award, EPA may work with selected applicants to ensure that all approvals, requirements, permits, and permissions that are needed to begin performance will, if not already obtained or complied with, be resolved by the time of award, and if not generally within 120 days of award (unless extended by EPA). A term and condition may also state that EPA may terminate the award for the recipients' failure to meet these requirements.

**State / Territories Operation and Maintenance:** Because of their unique roles, State and territorial governments may receive subawards to help implement specific project activities such as an infrastructure project in which they own the land or where they have governmental technical expertise and staffing necessary to effectively implement activities of an infrastructure or other type of project. The terms of the EPA award will also require, if applicable, that state and territorial subrecipients commit to operation and maintenance funding for any infrastructure constructed or improved on land they own with funding available under the NOFO.

**Build America, Buy America Act (BABA):** Certain projects under this NOFO may be subject to the Buy America domestic content sourcing requirements under the Build America, Buy America (BABA) provisions of the Infrastructure Investment and Jobs Act (IIJA) (P.L. 117-58, §§ 70911-70917). These provisions apply when using Federal funds for the purchase of goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States. BABA requires that all iron, steel, manufactured products, and construction materials consumed in, incorporated into, or affixed to federally funded infrastructure projects must be produced in the United States. Please consider this information when preparing budget information and your application. The award recipient must implement these requirements in its procurements, and these requirements must flow down to all subawards and contracts at any tier. For more information, consult EPA's Build America, Buy America [website](#). When supported by rationale provided in the Infrastructure Investments and Jobs Act (IIJA) §70914, the recipient may submit a BABA waiver request to EPA. The recipient should request guidance on the submission instructions of an EPA waiver request from their EPA Project Officer. A list of approved EPA waivers is available on the BABA website. In addition to BABA requirements, all procurements under grants may be subject to the domestic preference provisions of 2 CFR §200.322.

**Davis-Bacon and Related Acts (DBRA):** The Davis-Bacon and Related Acts (42 U.S.C. §§ 3141-3144) set labor standards, including prevailing wages and fringe benefits, and apply to most federally funded contracts for construction of public works. The DBRA labor standards and reporting requirements apply to construction projects assisted with grants authorized by the CAA, including this program, as provided in CAA § 314 (42 U.S.C. § 7614).<sup>16</sup> A term and condition specifying DBRA compliance requirements will be included in the grant agreement.

**Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA):** The URA applies to acquisitions of property and displacements of individuals and businesses that result from federally

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<sup>16</sup> EPA will use the definition of *Construction* in 40 CFR 33.103 to determine whether funding will be for a construction project. That definition defines *Construction* as “. . . erection, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other improvements to real property, and activities in response to a release or a threat of a release of a hazardous substance into the environment, or activities to prevent the introduction of a hazardous substance into a water supply.”



assisted programs. The URA and Federal Highway Administration's implementing regulations at 49 CFR Part 24 require grantees to follow certain procedures for acquiring property for grant purposes, such as notice, negotiation, and appraisal requirements. The statute and regulations also contain requirements for carrying out relocations of displaced persons and businesses, such as reimbursement requirements for moving expenses and standards for replacement housing. A term and condition specifying URA compliance requirements will be included in the grant agreement.

**National Historic Preservation Act (NHPA):** Section 106 of the NHPA requires all federal agencies to consider the effects of their undertakings, including the act of awarding a grant agreement, on historic properties. If NHPA compliance is required, necessary Section 106 consultation activities, such as historic or architectural surveys, structural engineering analysis of buildings, public meetings, and archival photographs, can be considered allowable and allocable grant costs. A term and condition specifying NHPA compliance requirements will be included in the grant agreement.

Note that Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. § 793(c)(1)) exempts all actions under the CAA from the requirements of NEPA (National Environmental Policy Act). This Section states: "No action taken under the Clean Air Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969." Therefore, as a grant program authorized under the CAA, NEPA will not apply to projects funded under the Community Change Grants.

**Justice40 Reporting:** The activities to be performed under the awards are expected to contribute to the President's goal that 40% of overall benefits of certain federal investments flow to disadvantaged communities (the Justice40 Initiative. See Section I.A). Recipients, therefore, will be expected to report on certain metrics to demonstrate to what extent the activities contribute to the 40% goal. A term and condition specifying reporting of metrics demonstrating the extent to which the grant's activities advance this 40% goal will be included in each grant agreement.

**Signage:** The activities to be performed under the awards are expected to publicize that they were funded by the U.S. Environmental Protection Agency and the Inflation Reduction Act (e.g., via signs at the place(s) of performance. The award will include appropriate terms and conditions about signage requirements.

**Environmental Justice Grant Applicant Database:** The Community Change Grants program strives to support as many CBOs that apply regardless of their ultimate success in receiving a grant, by, as appropriate 1) familiarizing applicants with federal grant application requirements, 2) sharing expectations and responsibilities of managing federal grants, 3) providing constructive feedback and recommendations on ways to strengthen unselected applications, 4) helping organizations build sustainability into projects so they continue to grow and develop after the project period is over, and 5) facilitating connections with other potential resources that can help organizations address community needs. To facilitate the achievement of these, all applicants who apply under this NOFO will be added to our Environmental Justice Grant Applicant Database.

**Reporting Requirements:** Grantees will be subject to both program performance as well as financial and administrative reporting requirements, as described below. Note that EPA will only collect reporting information from the Lead Applicant (rather than from any subrecipients), but each Lead Applicant may need to collect reporting information from subrecipients (e.g., Collaborating Entities, Statutory Partners) to meet these reporting requirements.

**Program Performance Reporting:** In accordance with 2 CFR § 200.329, each grantee will be subject to program performance reporting requirements. Reporting requirements effective during the period of

performance will be established in the grant agreement's terms and conditions, and reporting requirements effective after the period of performance will be established in a closeout agreement.

During the period of performance, EPA will require each grantee to submit quarterly performance reports within 30 days after the end of each reporting period (and with additional requirements every fourth quarterly report i.e., annually) as well as a final performance report within 90 days after the end of the period of performance. EPA will require that each grantees chief executive officer or equivalent review and submit each of these reports. EPA will use information from these reports as part of program-wide public reporting, except to the extent such information includes confidential business information (CBI) or personally identifiable information (PII) pursuant to 2 CFR § 200.338.<sup>17</sup> Included below is information that EPA may require in these reports.

**Financial and Administrative Reporting Requirements:** Each grantee will be subject to financial and administrative reporting requirements, which will be included in the grant agreement's terms and conditions ([EPA's General Terms and Conditions](#)). These requirements will include, but not be limited to:

- **Federal Financial Report:** In accordance with 2 CFR § 200.328 and 2 CFR § 200.344, each grantee must submit the Federal Financial Report ([SF-425](#)) at least annually and no more frequently than quarterly. The frequency of reporting and report submission instructions will be specified in the terms and conditions.
- **Financial Records Retention:** In accordance with 2 CFR § 200.334, each grantee will be required to retain financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to the grant award for a period of three years from the date of submission of the final expenditure report. Additional record retention requirements on program income used after the end of the period of performance will be specified in close-out agreements.
- **MBE / WBE Utilization:** When required, each grantee must complete and submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report ([EPA Form 5700-52A](#)) on an annual basis.
- **Real Property Status Report:** In accordance with 2 CFR § 200.329, each grantee must submit a "Real Property Status Report" ([SF-429](#)) to report real property status or request agency instructions on real property that was / will be provided as Government Furnished Property (GFP) or acquired (i.e., purchased or constructed) in whole or in part under a federal financial assistance award.

## C. Audit Requirements

In accordance with 2 CFR § 200.501(a), each grantee will be required to obtain a single audit from an independent auditor, if the grantee expends \$750,000 or more in total federal funds in the grantee's fiscal year. Audits will be made public in accordance with the process described in 2 CFR § 200.512. The grantee must submit the form SF-SAC and a Single Audit Report Package within 9 months of the end of the grantee's fiscal year or 30 days after receiving the report from an independent auditor. The SF-SAC and a Single Audit Report Package MUST be submitted using the [Federal Audit Clearinghouse's Internet Data Entry System](#). In addition, each grantee may be subject to additional audit requirements, including but not limited to compliance requirements as part of any compliance supplement to the single audit.

## D. Remedies for Non-Compliance

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<sup>17</sup> Information claimed as CBI in accordance with this Notice will be disclosed only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B.

In accordance with 2 CFR § 200.208, 2 CFR § 200.339, and 2 CFR § 200.340, EPA is provided authority for multiple potential responses if a grantee violates the terms of the grant agreement.

## E. Program Administration Activities

Under 2 CFR § 200.403 and other applicable provisions of 2 CFR Part 200, Subpart E, costs are allowable under federal awards so long as they are necessary and reasonable for the performance of the grant award. Under this NOFO, consistent with these regulations, program administration activities are allowable costs, with such activities supporting administration of the grant program. Program administration activities include (but are not limited to) conducting due diligence and underwriting financial transactions; establishing and convening advisory councils; conducting program performance and other reporting activities (e.g., expenditures for personnel and equipment to procure technology infrastructure and expertise for data analysis, performance, and evaluation); and supporting, monitoring, overseeing, and auditing subrecipients, contractors, and program beneficiaries.

## F. Fraud, Waste, and Abuse Awareness

Recipients of awards under this NOFO need to be alert and sensitive to indicators of fraud, waste, and abuse regarding the use of federal funds under the award. Fraud generally is a false representation about a material fact and can be any intentional deception designed to unlawfully deprive the United States or the EPA of something of value or to secure for an individual a benefit, privilege, allowance, or consideration to which he or she is not entitled. Waste generally involves the taxpayers not receiving a reasonable value for money in connection with any government-funded activities due to an inappropriate act or omission. Most waste does not involve a violation of law; rather, waste relates primarily to mismanagement, inappropriate actions, and inadequate oversight. Abuse generally involves behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances. Abuse may also include misuse of authority or position for personal financial interests of those of an immediate or close family member or business associate. Abuse does not necessarily involve fraud or violation of laws, regulations or grant provisions. Indicators of fraud, waste, and abuse can be found on the EPA Office of Inspector General [website](#). Recipients should report any suspected fraud, waste, and / or abuse to the EPA Project Officer for the award or the EPA Office of Inspector General. Note that EPA Project Officers will refer matters to the EPA Office of Inspector General as appropriate.

## G. Quality Management Plans (QMPs) & Quality Assurance Project Plans (QAPPs)

Quality assurance documentation is required for awards that involve environmental information operations. EPA Project Officers will work with all selected recipients on quality assurance (QA) requirements. Once the award is made, if a QMP and / or QAPP is required for the project, the applicant will develop the document and submit for EPA's approval. Selected applicants cannot begin environmental information operations until EPA approves the QMP and / or QAPP.

**Environmental Information Operations:** A collective term that encompasses the collection, production, evaluation, or use of environmental information and the design, construction, operation, or application of environmental technology. Environmental information includes data and information that describe environmental processes or conditions. Examples include but are not limited to: direct measurements of environmental parameters or processes, analytical testing results of environmental conditions (e.g., geophysical, or hydrological conditions), information on physical parameters or processes collected using environmental technologies, calculations or analyses of environmental information, information provided by models, information compiled or obtained from databases, software applications, decision support tools,

websites, existing literature, and other sources, and development of environmental software, tools, models, methods, and applications.

**Quality Management Plan (QMP):** The recipient may need to develop a QMP. The QMP describes an organization's Quality Program. Requirements for QMPs are found in the most recent version of EPA's [Quality Management Standard](#). A QMP documents the technical activities to be performed and how the program will integrate QA, quality control, QAPPs, training, etc., into all its environmental information operations.

**Quality Assurance Project Plans (QAPP):** The recipient may need to develop a QAPP(s). A QAPP describes how environmental information operations are planned, implemented, documented, and assessed during the life cycle of a project. Requirements for QAPPs are found in the most recent version of [EPA's Quality Assurance Project Plan Requirements / Standard Quality Assurance Project Plans \(QAPP\)](#). Quality assurance is sometimes applicable to assistance projects (see 2 CFR 1500.12). Quality assurance requirements apply to the collection of environmental data. Environmental (data are any measurements or information that describe environmental processes, location, or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data include information collected directly from measurements, produced from models, and compiled from other sources, such as databases or literature. Once the award is made, if a Quality Assurance Project Plan is required for the project, the applicant will have to draft a QAPP prior to beginning work on the project. You must reserve time and financial resources in the beginning of your project to prepare your QAPP and include the cost for developing your QAPP in your Detailed Budget. Selected applicants cannot begin data collection until EPA approves the QAPP.

## Section VII. Contact Information

*[\(back to the Table of Contents\)](#)*

For information or questions about this NOFO, please email: [CCGP@epa.gov](mailto:CCGP@epa.gov)

## Appendix A. Definition of Disadvantaged Communities and Mapping Requirements

[\(back to the Table of Contents\)](#)

Applicants must demonstrate that the projects in their application would benefit a disadvantaged community. EPA is defining a disadvantaged community as one that meets at least one of the following criteria:

1. A geographically defined community designated as disadvantaged by the [EPA Disadvantaged Community Environmental and Climate Justice Program Map](#), which includes the following components:
  - a. EPA IRA Disadvantaged Communities 1.0 map
  - b. EPA IRA Disadvantaged Communities 2.0 map
  - c. Any area of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the U.S. Virgin Islands.
2. A community that falls into one of the following two categories:
  - a. A farmworker community comprised of individuals with no fixed work address, who travel from their permanent residence to work in agriculture on a temporary or seasonal basis and may relocate several times throughout the year. Applicants can demonstrate that a farmworker community is comprised of such individuals by submitting verification documentation from an authorizing governmental entity or through comparable means.
  - b. A Disadvantaged Unincorporated Community (DUC). For purposes of this NOFO, DUCs are generally defined as Census Designated Places<sup>18</sup> that lack fixed legally determined geographic boundaries and have certain common characteristics and conditions (e.g., the absence of adequate potable permanent water, adequate sewage systems, or acceptable housing). For example, all areas defined as Colonias by the U.S. Department of Housing and Urban Development (HUD),<sup>19</sup> and Colonias that are not defined by HUD but are identifiable on the “Colonias” layer in [EJScreen](#), are considered DUCs for purposes of this NOFO. In other cases, DUC status can be demonstrated through submitting localized data that represent similar characteristics. Applicants who seek funding for projects benefitting DUCs need to explain in their Project Narrative (e.g., in the Executive Summary) that the projects will either benefit Colonias as defined above or show how the projects otherwise meet the DUC criteria listed above, including demonstrating how the area to be benefitted is both unincorporated and shares “common characteristics and conditions” with DUCs as described above.

### **Project Area and Project Area Map for Track I Applications**

#### **Track I Applications**

For Track I applications to benefit geographically defined communities identified as disadvantaged communities on the [EPA Disadvantaged Community Environmental and Climate Justice Program Map](#),

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<sup>18</sup> [Census Designated Places](#) (CDPs) are statistical equivalents of incorporated places and represent unincorporated communities that do not have a legally defined boundary or an active, functioning governmental structure.

<sup>19</sup> [Colonias History – HUD Exchange](#).



applicants must identify the specific census block groups designated as disadvantaged communities that the projects and supporting activities will benefit by submitting to EPA one contiguous Project Area Map with an outlined boundary as instructed below. Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A and the other relevant parts of the NOFO, concentrated and compact Project Areas may maximize benefits to the residents of the census block groups designated as disadvantaged communities in the Project Area. Activities spread across large Project Areas may be more dispersed and less impactful to the residents of the census block groups designated as disadvantaged communities in the Project Area.

The Project Area Map should also reflect where each project submitted under the application is located within the Project Area. The Project Area may include multiple census block groups that are designated as a disadvantaged community by EPA as defined above, but the disadvantaged census block groups need not be fully contiguous with each other.

For Track 1 applications addressing farmworker communities or DUCs as defined above, applicants must submit a Project Area Map specifying where the communities and projects designed to benefit them are located. Applications addressing these communities are not required to submit a map showing census block groups designated as disadvantaged.<sup>20</sup>

All projects and activities should be located within the Project Area, except in cases where the project is located outside of the Project Area to address the localized pollution (or other) issue at the source, or where otherwise necessary to ensure and/or facilitate that disadvantaged communities as defined above will benefit from the project. One such example is if the project addresses water quality issues upstream to benefit a downstream disadvantaged community. While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects' primary benefits will flow to disadvantaged communities in the Project Area.

Applicants may submit a map generated in EPA's [EJScreen](#) tool. Applicants also have the option to submit a map in another geospatial format such as a shapefile (.shp), geodatabase (.gdb), or map service.

**The submitted Project Area Map should include the following:**

- a. The Project Area with an outlined boundary.
- b. The disadvantaged communities intended to benefit from the projects as identified on the [EPA Disadvantaged Community Environmental and Climate Justice Program Map](#).
- c. Main streets, landmarks, community assets (e.g., parks or play areas, schools, community centers), and/or any other attributes that may provide important context about the Project Area.
- d. Jurisdictional boundaries, including incorporated and unincorporated areas.

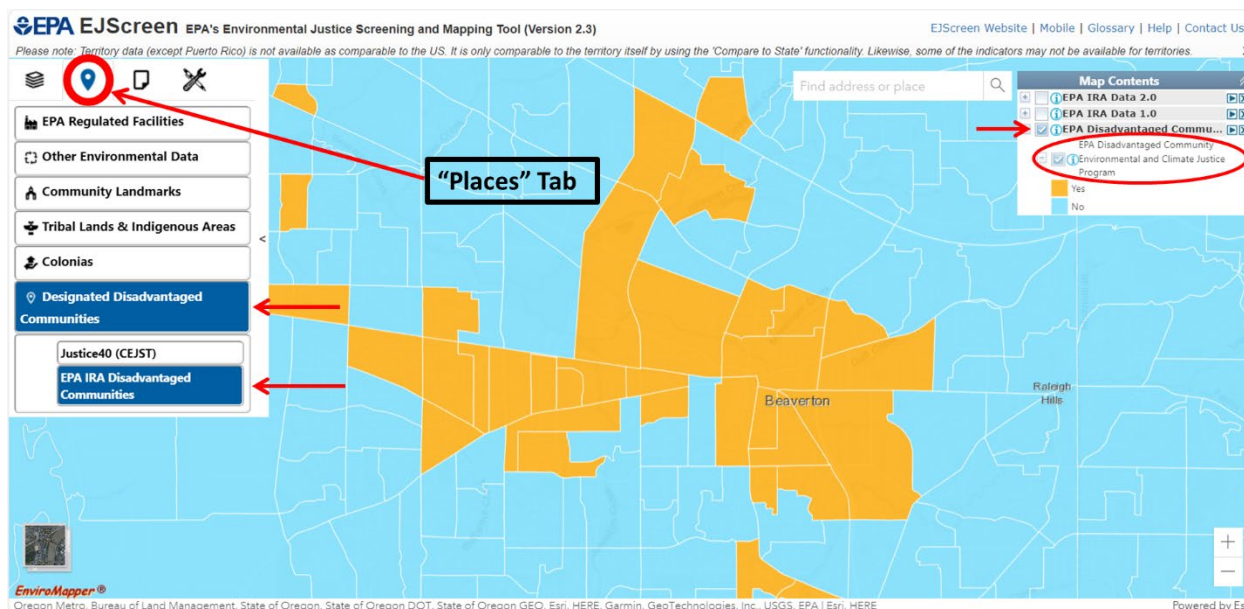
Note: While Track II applications are not required to submit a Project Area Map, they must still use the EPA Disadvantaged Community Environmental and Climate Justice Program Map layer in [EJScreen](#) to describe and identify in their application (e.g., Executive Summary) the disadvantaged communities as defined above that will benefit from the projects as required by Section III.D.

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<sup>20</sup> However, applicants are encouraged to indicate in the relevant portion of the Executive Summary whether projects benefitting DUCs or farmworkers would also benefit areas identified as disadvantaged as described in #1.

## EPA's Disadvantaged Community Environmental and Climate Justice Program Map Availability

Within [EJScreen](#), the EPA Disadvantaged Community Environmental and Climate Justice Program Map can be found in the “Places” tab by clicking the “Designated Disadvantaged Communities” category and then “EPA IRA Disadvantaged Communities”. Please note, applicants must turn on the layer in the legend on the right of the screen. See screenshot below.



Please see the [video](#) that EPA’s technical assistance contractor prepared that may be useful in helping to create a Project Area Map.

If you would like the data products and technical document associated with this map layer, please visit: [Inflation Reduction Act Disadvantaged Communities Map](#).

## Appendix B. Partnership Agreement between the Lead Applicant and Statutory Partner

*([back to the Table of Contents](#))*

To be eligible for funding, the Lead Applicant must include in the application a copy of a written and signed Partnership Agreement with the Statutory Partner that is legally binding. At a minimum, the Partnership Agreement must specify the following:

- Who will be the Lead Applicant and the Statutory Partner.
- The Lead Applicant is responsible for the overall management, performance, oversight, and reporting responsibilities under the grant, and for making subawards to Collaborating Entities.
- The Lead Applicant will be responsible for the receipt of federal funds from EPA and the proper expenditure of these funds and will bear liability for unallowable costs.
- The roles and responsibilities of the Lead and Statutory Partner for project activities and how disputes between them will be handled and resolved. Please note that EPA is not a party to the Partnership Agreement, and any disputes between the parties must be resolved under the law applicable to the Partnership Agreement.
- The Lead Applicant is responsible for compliance and legal issues, and managing risks associated with the project. It must also describe the procedures for replacing a Statutory Partner with another Statutory Partner, and for ensuring the replacement has the comparable expertise, experience, knowledge, and qualifications of the replaced Statutory Partner to ensure successful grant completion within 3 years. Replacement may be necessary for various reasons including performance issues. Note that replacement requires prior approval by an authorized EPA official pursuant to 2 CFR 200.308(c)(6).
- The Lead Applicant and Statutory Partner's agreement, if the proposed application is selected for award, to enter a subaward that complies with the subaward requirements in the grant regulations at 2 CFR 200.331 and in EPA's Subaward Policy and related guidance and that contains terms and conditions including those above.

## Appendix C. Climate Action Strategies and Associated Project Activities

[\*\(back to the Table of Contents\)\*](#)

Eligible project activities associated with each Climate Action Strategy identified in Section I.G. of the NOFO could include but are not limited to the following examples. Applicants may propose different activities as long as they are consistent with the applicable Climate Action Strategy as described in Section I.G of the NOFO and are eligible for funding under section 138(b)(2) of the Clean Air Act.

### **Strategy 1: Green Infrastructure and Nature-based Solutions**

Examples:

- **Building climate resilience and carbon sequestration through tree planting**
  - Mitigate urban heat islands through reflective surfaces and shade trees or other vegetation, including preparing planting sites and establishing and caring for trees and other vegetation.
  - Plant trees in public spaces.
  - Plant trees in sites that are strategically selected to shade buildings (i.e., planted within 60 feet of a building).
- **Multi-benefit stormwater projects**
  - Construct permeable surfaces, collection basins, rain gardens, bioswales and other green infrastructure.
  - Restore and / or protect wetlands.
  - Improve urban forest site(s) to create new or more functional planting locations for trees and other vegetation, such as bioswales, which contribute to:
    - Greening to protect and conserve community lands and water;
    - Watershed protection that supports sensitive wildlife habitat and enhances water access.; and / or
    - Replacement of concrete or pavement and restoring spaces to more natural conditions to restore water to the community, reduce flooding, and improve public greenspace.
- **Public parks and open spaces**
  - Create new parks or enhance / expand existing parks to provide climate resilience benefits like heat island reduction and flood mitigation or other demonstrable environmental benefits.
  - Green existing schoolyards to protect vulnerable populations by adding nature-based solutions.

### **Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience**

Examples:

- Construct new, expanded, or enhanced bikeways, walkways, or non-motorized urban trails that reduce vehicle miles traveled and related air pollution by providing safe routes for zero-emission travel between residences, workplaces, commercial and community centers, and schools.
- Implement “[Complete Streets](#)” projects to improve walkability, bike-ability, and transit use, including improved access for people with disabilities. projects to improve walkability, bike-ability, and transit use, including improved access for people with disabilities that reduce vehicle miles traveled and related air pollution.

- Implement climate resilience measures on bikeways or trailways such as raising the elevation or installing permeable pavers to reduce flooding or increasing shade coverage to mitigate extreme heat.
- Conduct the measurement, analysis, design, planning and engineering work necessary to submit a competitive application for state and / or federal funding that will fund large-scale improvements (larger than this competition is able to fund) to significantly reduce a community's Greenhouse Gas (GHG) emissions and / or improve climate resilience.
- Purchase, lease, or contract for the use of zero-emission vehicles for community car sharing, vanpooling, ride-sharing, and related mobility options.
- Purchase, construct, and / or install infrastructure, equipment, or facilities to create and / or support low or zero-emission transportation options.

Guidelines:

- Transportation projects that involve public transit or improvements to public property should include a governmental agency as a Collaborating Entity that will help perform and oversee the project.

**Strategy 3: Energy-Efficient, Healthy, Resilient Housing and Buildings**

Examples:

- Install energy efficiency measures such as insulation, double or triple glazed windows, “cool roofs” that reflect sunlight, and energy management systems in public buildings.
- Install ventilation systems to help improve indoor air quality during pollution-related events such as wildfires.
- Install or retrofit homes or multi-family housing with higher-efficiency electric heating, cooling, and cooking systems (e.g., heat pumps, heat pump water heaters, electric and induction stoves, electric clothes dryers).
- Reduce heat island effects by installing cool roofs on homes, multi-family housing, or public buildings.
- Implement other similar projects qualified under [HUD's Green and Resilient Retrofit Program \(GRRP\)](#). Note that applicants who have received or will receive HUD funding under this program must have internal controls in place to ensure that the same costs are not charged to more than one Federal grant.<sup>21</sup>

Guidelines:

- In their Project Narrative, applicants should describe how low-income residents will directly benefit from the project through lower costs and how residents will be trained on how to operate and maintain new technology and equipment, where applicable.
- For projects that will fund home or multi-family housing improvements, applicants should include details of their target tenants or homeowners, such as with those incomes at or below the greater of:
  - For Metropolitan Areas: (1) 80% Area Median Income (AMI) and (2) 200% of the Federal Poverty Level

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<sup>21</sup> Refer to 2 CFR 200.403(f).

- For Non-Metropolitan Areas: (1) 80% AMI; (2) 80% Statewide Nonmetropolitan Area AMI; and (3) 200% of the Federal Poverty Level
- Applicants may also target community housing (e.g., land bank, housing conservancy, cooperative, or other community-based nonprofit) or public housing for this strategy.
- Applicants should refer to the description of the Community Strength Plan in the NOFO, particularly the need to minimize the risks associated with displacing current residents due to EPA-funded investments for this strategy.

#### **Strategy 4: Microgrid Installation for Community Energy Resilience**

Examples:

- Construct microgrid infrastructure.
- Install microgrids with onsite renewable energy generation and storage.
- Install ancillary energy infrastructure necessary to support microgrids.
- Install other energy infrastructure for microgrid operations.

Guidelines:

- The application should include details that demonstrate the extent to which the microgrid will serve the target community, such as: that the microgrid will be used to ensure that reliable power is provided for any community-serving buildings or critical facilities during extreme weather emergencies or any weather-related outages; that the community lacks an external grid, and the microgrid will be used to meet local energy consumption needs during normal or “blue sky” conditions; or where an external grid is available, that the microgrid will be capable of interconnecting with that grid to meet peak energy consumption demands and increase grid reliability.

#### **Strategy 5: Community Resilience Hubs**

Examples:

- Assess the most acute climate risks facing a community (e.g., extreme heat, flooding, wildfire), identify where the community has gaps in its resilience strategy, then design a plan to mitigate specific risks by creating or upgrading community facilities to serve as resilience hubs that remain operable during an emergency.
- Purchase and install backup power equipment such as generators or onsite solar and storage at one or more resilience hubs.
- Implement structural and non-structural retrofits to enhance the resilience of the hub (e.g., raise the building elevation to reduce flood risk, improve cooling systems and / or insulation to reduce extreme heat risk).
- Implement wildfire mitigation measures such as retrofitting the hub to reduce flammability, creating a defensible space between the hub and its surrounding environment, and installing air filtration equipment to reduce the risks of smoke inhalation.
- Purchase and install communications devices that can operate even with loss of local power and telecommunications systems.

Guidelines:

- The resilience hubs should be operable during an emergency. Applicants are encouraged to develop plans that will help ensure the facility is operable, including an emergency communications plan,



plan for backup power during emergencies, and agreements and processes for activating the facility in the event of an emergency.

- The community resilience hub should be a community-convening space that provides climate resilience and related resources and services to community residents.
- Applicants should demonstrate how they will work with relevant emergency response organizations to maximize the efficacy and use of the resilience hub.

## **Strategy 6: Brownfields Redevelopment**

### **Examples:**

- Build and / or upgrade existing structures and sites to improve community use while reducing GHG emissions and / or improving climate resilience.
- Implement greening efforts (tree-planting, park construction or renovations, community garden developments, etc.) that mitigate GHG emissions and / or improve climate resilience.
- Install low or zero emission energy infrastructure such as solar and storage.
- Conduct deconstruction and green demolition activities to support adaptive reuse or new construction. Applicants can refer to EPA's Climate Smart Brownfields Manual for information about green demolition activities.
- Acquire land to enable a brownfield redevelopment that has emissions mitigation and / or climate resilience benefits.

### **Guidelines:**

- Redevelopment sites eligible for funding must be consistent with the federal definition of a Brownfield site in 42 U.S.C. 9601(39) as follows: a brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.
- Projects for adaptive reuse should explore and can leverage national and state historic preservation tax credits to maximize funding streams.<sup>22</sup>
- In order for a Brownfields Redevelopment project to be eligible, the applicant must demonstrate at time of application submission that all cleanup activities have been completed at the site and / or that cleanup activities are not necessary at the site for the intended use or reuse. This can be demonstrated by, for example, one of the following:
  - A completed Phase I Environmental Site Assessment with no recognized environmental conditions (RECs) at actionable levels;
  - A completed Phase II Environmental Site Assessment with sampling result levels below actionable levels;
  - Lead or asbestos building survey or equivalent environmental or building investigation to determine no likely sources of contamination or hazardous materials will be encountered on site that pose risks to the adjacent community or occupational health and safety risks to workers; or
  - No Further Action letter from the state or Tribal Brownfields response program.

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<sup>22</sup> See guidelines for [Tax Incentives for Preserving Historic Properties](#).

## Strategy 7: Waste Reduction and Management to Support a Circular Economy<sup>23</sup>

### Examples:

- Implement a community-scale composting program to reduce emissions from food waste that includes an educational campaign to inform Project Area residents about climate benefits of reducing food waste.
- Implement a community-scale recycling program.
- Reduce emissions from food waste by implementing programs that distribute unused food to project area residents.

### Guidelines:

- Where relevant, applicants should demonstrate that all inedible food scraps derived from projects are composted, and that other materials are diverted from landfills and support a circular economy.
- Where relevant, project activities should demonstrate how they are using EPA best practices related to the circular economy or other sources of guidance.<sup>24</sup> Resources include the [Planning for Natural Disaster Debris](#) guidance and [Sustainable and Resilient Communities Through Solid Waste Investments and Best Practices After Disasters](#).
- Applicants should consider EPA's ranking of [wasted food management pathways](#) and [EPA Waste Management hierarchy](#) for sustainable materials management.

## Strategy 8: Workforce Development Programs for Occupations that Reduce GHG Emissions and Air Pollutants

This strategy allows applicants to propose workforce development programs that will help reduce GHG emissions and other air pollutants to benefit disadvantaged communities.

This strategy allows applicants to propose workforce development programs for employment in fields that will help reduce GHG emissions and other air pollutants to benefit disadvantaged communities. A wide range of occupations support the reduction of GHG emissions and air pollutants. Because EPA cannot provide an exhaustive list of such occupations, applicants should describe how their workforce development program will support the reduction of GHG emissions or other air pollutants.

Examples of career pathways that may be part of a workforce development program include but are not limited to: electricians, steamfitters, pipefitters, laborers, and other skilled trades occupations that support building electrification, renewable energy projects, and other similar activities; occupations related to the manufacturing of low- and zero-emission technologies; careers in low- and zero-emissions transportation such as vehicle mechanics supporting electric vehicle technologies; community health and outreach workers that assist households in reducing their emissions and addressing sources of pollution; and other careers related to emissions reduction, such as methane mitigation or agricultural carbon mitigation. Applicants should describe how their workforce development program will support the reduction of GHG emissions or other air pollutants.

### Guidelines:

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<sup>23</sup> A circular economy is generally described as a model of production and consumption, which involves sharing, leasing, reusing, repairing, refurbishing, and recycling materials and products as long as possible and based on three main principles: eliminate waste and pollution, circulate products and materials, and regenerate nature.

<sup>24</sup> Refer to EPA's guidance on the [Circular Economy | US EPA](#)

As noted in Section I.G of the NOFO, strong workforce development programs should include the following three features at a minimum:

### **1. Multi-sectoral partnerships that bring together workforce expertise and enable pathways into high-quality careers.**

The foundation of a strong workforce development initiative is a set of partners that represent diverse expertise, community and worker voice, and employer needs. For these programs, applicants may collaborate with organizations with workforce development expertise, such as labor unions, tradeswomen organizations, local workforce development boards (locate yours using this [U.S. Department of Labor search tool](#)), career and technical schools, community colleges, workforce development nonprofits, and other similar organizations.

Examples of the types of expertise and experience that are important for a successful workforce development program include, but are not limited to:

- Technical skills and experience to lead classroom and on-the-job training, including equipping students and individuals with the skills needed to succeed and be safe on the job, including knowledge of new and emerging greenhouse gas and other air emissions-reduction technologies;
- Knowledge of the local, State, and regional labor market and relevant relationships to have a deep understanding of employer hiring, staffing, and skilling needs, emerging trends especially related to the clean energy transition, and considerations for local job quality and worker voice;
- Strong awareness of the barriers individuals in the community face to training and employment, including an understanding of unique barriers specific populations face, and clear strategies for how to address those barriers; and
- Established relationships of trust within the community, including knowledge of relevant history and community dynamics, in addition to meaningful, long-lasting relationships in the community that will support trainee recruitment and participation.

### **2. High-quality training models that are worker-centered, demand-driven, and lead to good jobs.**

Workforce development projects should be focused on training individuals for high-quality, long-term career pathways in family-sustaining jobs, rather than short-term or temporary, low-wage jobs. Applications should demonstrate that the workforce development project fulfills an industry demand in the Project Area and surrounding region, is informed and supported by employers, and has a clear pathway to long-term employment with family-sustaining wages. This will be key to delivering programs that enable true economic mobility for individuals in disadvantaged communities and bolster the capacity of communities to respond to environmental justice concerns in a sustained fashion.

Examples of high-quality, evidence-backed training models are: Apprenticeship readiness programs (or “pre-apprenticeships”) with a connection to one or more Registered Apprenticeship Programs; Registered Apprenticeship Programs (registered via the U.S. Department of Labor (DOL) Office of Apprenticeship or State Apprenticeship Agency); Joint Labor-Management Training Programs; paid internships; partnerships with community colleges or vocational schools that award an industry-recognized credential; and similar models that combine on-the-job learning, classroom learning, and mentorship. DOL has a resource on “high-road training programs” that applicants are invited to review [here](#).

Workforce development programs can serve adult or youth populations. Applicants may consider high-quality youth-serving training models, including: pre-apprenticeship programs that prepare young people to enter Registered Apprenticeship Programs; career and technical education programs (as described by the

[U.S. Department of Education](#)); and other similar models. Please note that applicants may propose programs to be included in the [American Climate Corps](#) (ACC), which is a federal government initiative focused on training young people for high-demand skills for jobs in the clean energy economy. To qualify as an ACC program, the program must provide youth with at least 300 hours of paid skills-based training and / or service. Applicants submitting a workforce development project to be considered for the ACC should note that in their application.

### **3. Strategies for recruiting and retaining individuals from disadvantaged communities, especially for populations that face disproportionate barriers to employment.**

It is a statutory requirement (section 138(b)(1) of the Clean Air Act) for this program to benefit disadvantaged communities. These benefits may include providing opportunities to individuals with barriers to training and / or employment, so they can find long-term employment and economic opportunity in fields associated with air pollutants and GHG reduction. Projects should be designed with comprehensive research and evidence-based strategies for addressing barriers to recruitment, training, employment, and retention. Examples include supportive services to meet the needs of the disadvantaged community, such as childcare and transportation assistance; life skills and basic skills training, such as financial literacy and job readiness, to prepare for a career related to GHG and air pollutant reduction; career services, such as developing individualized employment plans; peer-to-peer mentorship programs to connect experienced workers with new workers to help them learn the job and find a sense of belonging in the workplace; reasonable accommodations consistent with federal equal employment opportunity laws; coaching to support work-based learning; and case workers to support workers with barriers to employment.

**Applicants proposing a workforce development project are encouraged to describe the following elements and any additional details identified by the applicant:**

- Design of the program, including if the applicant is proposing a high-quality, evidence-backed training model as described above, and a description of the credential(s) the participants will earn.
- Duration of the program and program components, such as time spent in classroom and on-the-job training. Applicants are encouraged to also describe ongoing support participants will receive once they exit the training program and connect to full-time employment to support retention.
- How applicants will engage employers and how the program will connect to high-quality jobs. Applicants can review the federal Good Jobs Principles [here](#).
- Estimated number of participants that will be trained in the program.
- Plan for how the program will recruit participants and how the program will build visibility and trust among residents of the Project Area.
- Curriculum the program will use and how it is informed by industry standards and employer demand.
- Wages or stipends for the duration of the program. Applicants are strongly encouraged to provide reasonable compensation for time spent in training to increase participation and retention.
- Strategies the program will use to meet the needs of populations that experience barriers to training and employment.
- Applicant's approach to administering supportive services to mitigate barriers to training and employment.
- Indicators the program will use to evaluate success as well as the methodology the program will use to track the progress of participants during and after the program. Applicants may review the Six Primary Indicators of Performance used by the public workforce system, as described by the Department of Labor [here](#).

## Appendix D. Pollution Reduction Strategies and Associated Project Activities

[\*\(back to the Table of Contents\)\*](#)

Eligible project activities associated with each Pollution Reduction Strategy could include but are not limited to the following examples. Applicants may propose different activities as long as the activities are consistent with the applicable Pollution Reduction Strategy described in Section I.G of the NOFO and are eligible for funding under section 138(b)(2) of the Clean Air Act.

### **Strategy 1: Indoor Air Quality and Community Health Improvements**

Examples:

- Remediate or mitigate harmful substances in buildings, including lead, mercury, pesticides, radon, mold, PCBs (caulk, flooring, etc.), lead-based paint, asbestos, and other toxic substances.<sup>25</sup>
- Install, upgrade, or replace HVAC and / or filtration systems that improve indoor quality in schools, community-serving buildings, and single-and-multifamily homes. These upgrades may be done in conjunction with climate strategies that reduce building GHG emissions.
- Equip community centers and community buildings in agricultural worker communities with decontamination stations (e.g., publicly available shower and laundry stations) to eliminate take-home pesticide exposures.
- Purchase equipment that can enable “do-it-yourself” upgrades using research-based methods, to distribute within communities impacted by smoke.
- Replace wood heaters that do not meet EPA’s New Source Performance Standards with more efficient, cleaner heaters certified by EPA, and independently verified to meet (or to have emissions below) the most stringent Step 2 emission reduction standards described in Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters, and Forced-Air Furnaces heaters.

### **Strategy 2: Outdoor Air Quality and Community Health Improvements**

Examples:

- Reduce exposure from mobile and stationary sources by:
  - developing or expanding vegetative barriers.
  - creating alternate truck route programs to decrease impacts to sensitive communities.
  - providing grants, rebates, or subsidies for households, small businesses, public partners, and community organizations to replace portable diesel equipment such as leaf blowers and lawn mowers with zero-emission alternatives.
  - retrofitting spray booths in local small businesses to reduce VOC contamination from auto body painters.
  - providing grants, rebates, or subsidies for backup battery systems to replace diesel backup generators in homes, public facilities, or small businesses.
- Create clean air zones or low-emission zones such as:

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<sup>25</sup> The prohibition on using Community Change Grant funding to remediate Brownfields sites does not apply to this activity.

- Encouraging “last-mile” delivery through electric delivery vehicles (e.g., trucks, vans, cargo bikes).
- Electrifying local government-owned fleets providing services to communities (e.g., sanitation trucks, public buses).
- Implementing urban designs that promote air flow and reduce the concentration of pollution along street corridors (e.g., remove or reduce costly parking mandates, reduce idling of diesel vehicles).
- Implement sustainable construction practices such as minimizing dust and emissions during building projects (e.g., electrify equipment, cover construction sites, utilize water sprays, properly manage waste).
- Replace toxic play surfaces that emit harmful pollutants (e.g., tire crumb and certain turfs at schools, community playgrounds, and fields) with non-toxic, permeable options to provide safe places for children to play.
- Develop other policies that promote reductions in air pollution from transportation such as land use and zoning policies that enable households to live in affordable, dense, and vibrant communities within urban and rural areas.

Guidelines:

- Communities seeking funding for zero-emission school buses should encourage their local school district apply to EPA’s \$5 billion [Clean School Bus program](#).

### **Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience**

Examples:

- Perform targeted infrastructure upgrades such as:
  - Replacing private-side lead lines in a home, childcare facility, school, or other community-serving building during full lead service line replacement<sup>26</sup>
  - Septic to sewer conversions that connect homes to nearby community water systems.
  - Installing working water fountains at schools and parks where there are no fountains or they are inoperable, malfunctioning, or contaminated.
  - Installing water conservation and efficiency technologies that will allow utilities to better monitor and reduce energy consumption onsite.
  - Installing water reuse technologies that allow for system decreases in both energy and water use efficiencies through water capture, loss prevention, and closed loop approaches.
- Prepare and apply for state and / or federal water infrastructure funding to address larger community needs (e.g., a leak detection and pipe replacement plan, a PFAS action plan, or upgrades to water and wastewater treatment facilities that reduce pollution) by:
  - Assessing the problem through water sampling and monitoring.
  - Developing a plan, which could include the necessary design and engineering work.
  - Preparing an application for federal funding to one of several sources such as to EPA’s State Revolving Loan funds.
- Provide emergency interventions such as:

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<sup>26</sup> [EPA’s Drinking Water Regulations for Lead. Lead Service Lines. Strategies to Achieve Full Lead Service Line Replacement.](#)



- providing recurring point-of-use filters while communities await lead service line replacement.
- providing alternate water supplies for communities and buildings that have contaminated water (PFAS, lead, PCBs, arsenic, nitrates, etc.) in communities with contaminated water systems.
- adopting facility procedures or system upgrades that allow for service flexibilities, mobility, and continuity in the event of an emergency due to climate-related disaster events.

**Guidelines:**

- The projects should also include a public outreach / education campaign on safe drinking water and / or wastewater, working with the public water system where possible.<sup>27 28</sup>
- Activities should be coordinated with the EPA funded [Environmental Finance Centers](#) to minimize duplication of effort.

**Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste**

**Examples:**

- Purchase equipment for hazardous waste sampling to determine classification.
- Collect, process, recycle, or otherwise dispose of household hazardous waste and electronics programs and infrastructure.
- Conduct compliance oversight for the collection, processing, recycling, storage and disposition of household hazardous waste and electronics.
- Develop or expand hazardous waste collection, recycling, and safe recycling programs and infrastructure.
- Develop or expand safe disposal technologies for hazardous waste.
- Reduce demand for single-use plastic products (by installing public water bottle refill stations and water fountains or implementing community and city-scale water reuse and refill systems) and phasing out single-use products that may be unnecessary.

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<sup>27</sup> [EPA on Reducing Lead in Drinking Water](#), [EPA Communication Plan 3Ts](#), [Basic Information about Your Drinking Water](#).

<sup>28</sup> [Drinking Water Analytical Methods](#).

## Appendix E. Job Quality & Equitable Employment Opportunities

[\(back to the Table of Contents\)](#)

It is a priority of the EPA that this grant program supports high-quality, family-sustaining, community-strengthening jobs with the free and fair choice to join a union, consistent with [Executive Order 14082, Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022](#). As such, EPA is interested in funding proposals that have a commitment to creating good jobs and utilizing a diverse, highly skilled workforce, including an emphasis on creating employment opportunities for populations living in communities that are disadvantaged.

This supports the broader goals of environmental justice by making sure federal funds are spent on Climate Action and Pollution Reduction projects that have a commitment to strong labor standards, creating stronger communities where worker, employer, and community needs are collectively met. Characteristics of a good job include strong wages and family-sustaining benefits; worker empowerment and neutrality with respect to union organizing and collective bargaining; work environments that promote worker health and safety; job security; equitable workforce development pathways and opportunities for career advancement; and supportive services, such as childcare and transportation, to support individuals that face barriers to employment; among others. When considering how to support job quality, EPA encourages applicants to review the eight [Good Jobs Principles](#) developed by the U.S. Department of Labor and Department of Commerce. The Department of Labor has produced several resources that help potential applicants understand the Good Jobs Principles and implement them through federal funding programs including: [Good Jobs in Federal Investments: A Toolkit for Employers, Workers, and Government](#); [Good Jobs Initiative Job Quality Check List](#); [Good Jobs in Federal Investments: Data and Reporting Appendix](#).

Grant funding for construction projects under this program is subject to Davis Bacon and Related Acts prevailing wage laws as provided in Section 314 of the Clean Air Act. Beyond this requirement, applicants are encouraged to articulate additional strategies they will use to deliver on the goals outlined above, including ensuring high labor standards and a diverse workforce to benefit the local community where the EPA funded work is taking place. These commitments should be concrete, specific, and measurable rather than vague statements, and may be integrated into EPA's agreement with the recipient through programmatic terms and conditions.

## Appendix F. Track I and II Outputs and Outcomes

[\(back to the Table of Contents\)](#)

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

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

Examples of expected outputs and outcomes for the Track I and II awards under this NOFO include but are not limited to the following as applicable depending on the strategies and projects in the application. Applicants may identify additional outputs and outcomes as relevant to their specific strategies and projects in their application.

### Track I Output and Outcome Examples

| Strategy                                                                                                                        | Output Examples                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Outcome Examples                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Climate Action Strategies</b>                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Strategy 1: Green Infrastructure and Nature-based Solutions                                                                     | <ul style="list-style-type: none"> <li>▪ Coastal green infrastructure projects, including blue-green trails (#)</li> <li>▪ Green / complete streets, sidewalks, bus stops (#)</li> <li>▪ Green / cool roofs (#)</li> <li>▪ Area of impermeable surfaces replaced with vegetation (acres)</li> <li>▪ New parks and / or public green space developed (acres)</li> <li>▪ New shade tree canopy (square footage, # of shade trees planted)</li> <li>▪ Area under implementation of low tillage / composting practices (acres)</li> <li>▪ New community gardens and greenhouses (#)</li> </ul> | <ul style="list-style-type: none"> <li>▪ Increased green space as measured by square footage of added greenspace</li> <li>▪ Increased resilience to extreme weather and climate conditions as measured by reduction in flash flooding events, improved groundwater recharge, and cooler ambient temperatures during heat waves</li> <li>▪ Increased community resilience as measured by reduced damage and recovery costs for infrastructure, property, and cultural resources</li> </ul> |
| Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience | <ul style="list-style-type: none"> <li>▪ New EVs, bikes / electric bikes, and other low-and-zero emissions vehicles that are available via carsharing / bike sharing programs (#)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>▪ Reduced air pollution from transportation (e.g., GHG reductions, reduced number of days with unsafe air quality for vulnerable populations)</li> <li>▪ Increased use of public transportation services and</li> </ul>                                                                                                                                                                                                                            |

|                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                        | <ul style="list-style-type: none"> <li>▪ Streets improved to encourage walkability, bike-ability, and transit use (#, miles)</li> <li>▪ EVs that can be used as backup power in lieu of diesel generators (#)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                  | <p>programs that promote electric vehicles, car sharing, and bike sharing</p>                                                                                                                                                                                                                                                                                              |
| Strategy 3: Energy-efficient, Healthy, Resilient Housing and Buildings | <ul style="list-style-type: none"> <li>▪ Home energy audits performed (#)</li> <li>▪ Air sealings completed (#)</li> <li>▪ Homes insulated (#)</li> <li>▪ Natural gas appliances replaced with electric equivalents (#)</li> <li>▪ Mobile homes retrofitted with solar panels and storage (#)</li> <li>▪ Electrification, weatherization, and HVAC upgrades / replacements of low-income houses, apartments, small businesses, and other community buildings (#)</li> <li>▪ Energy efficient home-heating appliances installed (#)</li> <li>▪ Homes or units converted to electric heating (#)</li> </ul> | <ul style="list-style-type: none"> <li>▪ Lower consumption of home heating fuels (propane, heating oil, natural gas, and wood) and reduction in associated climate pollutants (e.g., black carbon, methane, CO<sub>2</sub>), as well as ambient and indoor emissions of Hazardous Air Pollutants and PM<sub>2.5</sub>.</li> <li>▪ Decreased incidence of asthma</li> </ul> |
| Strategy 4: Microgrid Installation for Community Energy Resilience     | <ul style="list-style-type: none"> <li>▪ Renewable energy capacity installed (MW)</li> <li>▪ Battery storage installations (MWh)</li> <li>▪ GHG emissions reductions (ton CO<sub>2</sub>)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>▪ Enhanced resilience during extreme weather events as measured by fewer power disruptions</li> <li>▪ Increased number of homes connected to a resilient power source</li> </ul>                                                                                                                                                    |
| Strategy 5: Community Resilience Hubs                                  | <ul style="list-style-type: none"> <li>▪ Space built or converted into a community resilient hub (square ft)</li> <li>▪ Disaster preparedness trainings delivered (#)</li> <li>▪ Stormwater management flood preparedness training delivered (#)</li> </ul>                                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>▪ Enhanced physical safety during natural disasters as measured by the number of hospitalizations and lives lost among vulnerable populations</li> <li>▪ Increased community awareness of emergency preparedness</li> </ul>                                                                                                         |
| Strategy 6: Brownfield Redevelopment                                   | <ul style="list-style-type: none"> <li>▪ Impervious surface reduced (square footage)</li> <li>▪ Community meetings to involve impacted residents (#)</li> <li>▪ Green demolition activities to support adaptive reuse or new construction (#)</li> <li>▪ Shade trees planted (#) and new vegetation (square footage)</li> </ul>                                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>▪ Square footage of space redeveloped for resilience purposes, such as heat-reducing shade</li> <li>▪ New economic opportunities created through the redevelopment of previously polluted land (e.g., number of business or low-income housing units)</li> </ul>                                                                    |

|                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Strategy 7: Waste Reduction and Management to Support a Circular Economy                                           | <ul style="list-style-type: none"> <li>Waste diverted from landfills (pounds / tons)</li> <li>Waste recycled (pounds / tons)</li> <li>Food waste composted (pounds / tons)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>Cleaner communities with less trash / waste on land and in waterbodies as measured by litter surveys</li> <li>Reduced food waste and associated emissions as measured by weight of compost diverted from landfills</li> </ul>                                                                                                                                                                              |
| Strategy 8: Workforce Development Programs for Occupations that Reduce Greenhouse Gas Emissions and Air Pollutants | <ul style="list-style-type: none"> <li>Individuals in disadvantaged communities that participate in workforce training in sectors related to GHG emissions and air pollution reduction who are currently unemployed, under-employed, or face employment barriers (#)</li> <li>People in disadvantaged communities hired and retained into high-quality jobs to reduce air pollution and GHG emissions based on participation in a workforce training program (#)</li> <li>Individuals who receive wages / stipends and supportive services delivered to enable community members' participation in workforce training programs (# individuals receiving such wages / stipends)</li> </ul> | <ul style="list-style-type: none"> <li>Increased literacy among community members about environmental sectors and skills required to pursue these jobs</li> <li>Increased number of high-quality workforce training programs, such as pre-apprenticeship and Registered Apprenticeship, in disadvantaged communities</li> <li>Increased wages, benefits, job quality, and job security for participants in workforce training programs</li> </ul> |
| Alaskan-specific Climate Action Strategies                                                                         | <ul style="list-style-type: none"> <li>Renewable generation capacity installed (MW)</li> <li>Fuel storage facilities repaired (#)</li> <li>Greenhouses constructed (#)</li> <li>Portable micro-water treatment systems installed (#)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>Improved water and soil quality so water / land can be used for Alaskan Native traditional uses</li> <li>Increased access to energy sources with low air pollution and carbon emissions</li> <li>Protection of cultural resources including environmental habitats</li> </ul>                                                                                                                              |
| <b>Pollution Reduction Strategies</b>                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Strategy 1: Indoor Air Quality and Community Health Improvements                                                   | <ul style="list-style-type: none"> <li>[Type of] trainings implemented (#)</li> <li>Classrooms with air cleaners (#)</li> <li>Houses / schools with upgraded / improved HVAC systems (#)</li> <li>Homes in which moisture issues have been addressed (#)</li> <li>Wood appliance upgraded or replaced (#)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>Increased public and environmental health literacy</li> <li>Decreased incidence of asthma symptoms as measured by doctor visits or school nurse visits for asthma symptoms</li> <li>Reduced exposure to radon and risk of developing radon-induced lung cancer</li> </ul>                                                                                                                                  |
| Strategy 2: Outdoor Air Quality and Community Health Improvements                                                  | <ul style="list-style-type: none"> <li>Clean air zones or low-emission zones created (#)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>Increased public and environmental health literacy</li> </ul>                                                                                                                                                                                                                                                                                                                                              |

|                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                            | <ul style="list-style-type: none"> <li>▪ Abandoned oil / gas wells plugged (#)</li> <li>▪ Toxic play surfaces replaced (#)</li> <li>▪ Community monitoring and alert systems installed to alert households to increasing pollution levels (#)</li> <li>▪ Wildfire smoke preparedness trainings delivered (#)</li> </ul>                                                                                                         | <ul style="list-style-type: none"> <li>▪ Reduced exposure to PM, carbon dioxide, VOCs, ozone, nitrogen dioxides, and toxics.</li> <li>▪ Increased skill development and improvements in community capacity to independently assess air pollution reduction options</li> </ul> |
| Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience | <ul style="list-style-type: none"> <li>▪ Clean water fountains installed in schools / parks (#)</li> <li>▪ Full lead service lines replaced for low-income homes (miles)</li> <li>▪ Private wells tested for PFAS (#)</li> <li>▪ Stormwater management / flood preparedness trainings delivered (#)</li> <li>▪ Water efficiency systems installed (e.g., drought mitigation systems, rain capture installations) (#)</li> </ul> | <ul style="list-style-type: none"> <li>▪ Decreased levels of water contamination and pollution as measured by boil water advisories, lead poisoning, or water quality monitoring results</li> <li>▪ Increased availability of clean, safe drinking water</li> </ul>           |
| Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste                                      | <ul style="list-style-type: none"> <li>▪ Lead paint remediations completed (#)</li> <li>▪ Tires diverted from landfills / the environment to disposal facilities (#, weight)</li> <li>▪ Neighborhoods / cities / residents served through residential waste composting / chipping program (#)</li> <li>▪ Waste transfer, material reuse, and / or recycling stations installed in underserved communities (#)</li> </ul>        | <ul style="list-style-type: none"> <li>▪ Decreased exposure to toxics and hazardous chemicals</li> <li>▪ Reduced odors and pathogens</li> <li>▪ Increased residential waste composting</li> </ul>                                                                             |
| Strategy 5: Eliminate Harmful Chemicals through Product Replacements                                       | <ul style="list-style-type: none"> <li>▪ Conventional products replaced with Safer Choice-certified or other EPA recommended products (#, volume, customers impacted)</li> <li>▪ Units of PFAS food contact materials replaced (#)</li> </ul>                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>▪ Reduced exposure to hazardous chemicals for those who live and work in and near places with chemical use and application</li> </ul>                                                                                                  |
| ANCSA-Specific Pollution Reduction Strategies                                                              | <ul style="list-style-type: none"> <li>▪ Homes served with micro-water treatment systems (#)</li> <li>▪ Planning documents and Environmental Information Document created (#)</li> <li>▪ Site assessments and initial cleanups completed (#)</li> </ul>                                                                                                                                                                         | <ul style="list-style-type: none"> <li>▪ Improved water and soil quality so water / land can be used for Alaskan Native traditional uses</li> <li>▪ Protection and preservation of cultural resources including environmental habitats</li> </ul>                             |



|  |                                                                                                                                                                                                                       |  |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  | <ul style="list-style-type: none"> <li>▪ Reduced exposure to harmful chemicals and pollutants on Alaskan Native lands through remediation of contaminated lands and buildings (acres of land, # buildings)</li> </ul> |  |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

## **Track II Output and Outcome Examples**

### **Outputs**

- New policies developed and implemented in response to community recommendations (e.g., through a new advisory council, participatory budgeting) (#)
- Community benefits agreements or memoranda of understanding signed (#)
- Number of community residents who complete a training that builds their capacity to participate in government processes (#)
- Amount of new funding allocated to benefit disadvantaged communities (dollars)
- Number of residents who participate in a community-based participatory research initiative that informs a government process and / or priority (#)
- Research products published with data reflecting community opinions and preferences (#)
- Number of educational forums and / or meetings held between governmental officials and community members (#)

### **Outcomes**

- Increased involvement of individuals from disadvantaged communities in local, state, federal and other governmental environmental public processes
- Expanded knowledge of local, state, federal and other governmental environmental public processes among disadvantaged communities
- Stronger relationships and trust between disadvantaged communities and government entities on matters relating to environmental protection
- More transparent processes for governmental decision-making on environmental protection policies and greater governmental focus on inclusivity
- Increased accountability and community input into governmental decision-making on environmental protection policies
- More informed decisions made, and environmental actions taken, by government bodies to benefit disadvantaged communities
- Enhanced capacity in disadvantaged communities to be involved in local, state, federal, and other governmental environmental public processes
- Increased funding to enable disadvantaged communities to address environmental and climate justice issues
- New environmental or climate policies developed to be responsive to community needs

## Appendix G. Budget Template

[\*\(back to the Table of Contents\)\*](#)

(This template is optional, and applicants may use a different format for the template).

| Category                                                                  | Description | Total |
|---------------------------------------------------------------------------|-------------|-------|
| Personnel                                                                 |             |       |
| Fringe Benefits                                                           |             |       |
| Travel                                                                    |             |       |
| Equipment                                                                 |             |       |
| Supplies                                                                  |             |       |
| Contractual                                                               |             |       |
| Construction                                                              |             |       |
| Other (separate by participant support costs, subawards, and other costs) |             |       |
| Total Direct Costs (sum of the above categories)                          |             |       |
| Indirect Costs                                                            |             |       |
| Total Project Costs (sum of direct and indirect costs)                    |             |       |
|                                                                           |             |       |

## **Guidance for Budget Template**

The budget template is an attachment to the application and does not count toward the Project Narrative's page limit as described in Section IV of the NOFO. Applicants should include applicable rows of costs for each budget category in their budget template to accurately reflect the proposed application budget for each year of the grant. EPA provides detailed guidance on budget development in the [Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#), but applicants may use other forms instead of this template as long as total costs per category (and specific descriptions of costs) are included.

Applicants must itemize costs related to personnel, fringe benefits, travel, equipment, supplies, contractual costs (including acquisitions of intangible property), construction, and other costs (including subawards and participant support costs) as direct costs. Direct costs plus the indirect costs equal the total project costs. Descriptions of these cost categories are below. Applicants should be aware that if their projects include using federal funds to purchase goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States, they must comply with the Build America, Buy America Term and Condition if they are selected for an award.

**To facilitate consideration of an application for partial funding, EPA recommends that applicants separate costs for financial assistance in the program budget by project category, to the extent practicable.**

- **Personnel - List all staff positions by title. Give annual salary, percentage of time assigned to the project, and total cost for the budget period.** This category includes only direct costs for the salaries of those individuals who will perform work directly for the program (paid employees of the applicant organization as reflected in payroll tax records). Personnel costs do not include: (1) costs for services of contractors (including individual consultants), which are included in the "Contractual" category; (2) costs for employees of subrecipients under subawards or non-employee program participants (e.g., interns or volunteers), which are included in the "Other" category; or (3) effort that is not directly in support of the proposed program, which may be covered by the organization's negotiated indirect cost rate. The budget table must identify the personnel category type by Full Time Equivalent (FTE), including percentage of FTE for part-time employees, number of personnel proposed for each category, and the estimated funding amounts.
- **Fringe Benefits - Identify the percentage used, the basis for its computation, and the types of benefits included.** Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits may include, but are not limited to, the cost of leave, employee insurance, pensions, and unemployment benefit plans. If the applicant's fringe rate does not include the cost of leave, and the applicant intends to charge leave to the agreement, it must provide supplemental information describing its proposed method(s) for determining and equitably distributing these costs.
- **Travel - Specify the mileage, per diem, estimated number of trips in-state and out-of-state, number of travelers, and other costs for each type of travel.** Travel may be integral to the purpose of the proposed program (e.g., site visits); related to proposed program activities (e.g., attendance at community engagement meetings); or for a technical training or workshop that supports effective implementation of the program activities (e.g., consumer awareness activities). Only include travel costs for employees in the travel category. Travel costs do not include: (1) costs for travel of contractors (including consultants), which are included in the "Contractual" category; or (2) travel costs for employees of subrecipients under subawards and non-employee program participants (e.g., trainees), which are included in the "Other" category. Further, travel does not

include bus rentals for group trips, which would be covered under the “Contractual” category. Finally, if the applicant intends to use any funds for travel outside the United States, it must be specifically identified. All proposed foreign travel must be approved by EPA’s Office of International and Tribal Affairs prior to being taken.

- **Equipment - Identify each item to be purchased that has an estimated acquisition cost of \$5,000 or more per unit and a useful life of more than one year.** Equipment also includes accessories necessary to make the equipment operational. Equipment does not include: (1) equipment planned to be leased / rented, including lease / purchase agreement; or (2) equipment service or maintenance contracts that are not included in the purchase price for the equipment. These types of proposed costs must be included in the “Other” category. Items with a unit cost of less than \$5,000 must be categorized as supplies, pursuant to 2 CFR § 200.1. The budget table must include an itemized listing of all equipment proposed under the program. If installation costs are included in the equipment costs, labor expenses shall be itemized with the detailed number of hours charged and the hourly wage. If the applicant has written procurement procedures that define a threshold for equipment costs that is lower than \$5,000, then that threshold takes precedence.
- **Supplies - “Supplies” means all tangible personal property other than “equipment.” The budget detail should identify categories of supplies to be procured (e.g., laboratory supplies or office supplies).** Non-tangible goods and services associated with supplies, such as printing services, photocopy services, and rental costs must be included in the “Other” category.
- **Contractual - Identify proposed contracts, specifying the purpose and estimated cost for typical contractual services and disaggregating any costs for acquisitions of intangible property.** Contractual services (including consultant services) are those services to be carried out by an individual or organization, other than the applicant, in the form of a procurement relationship. The [EPA Subaward Policy](#) and supplemental frequently asked questions have detailed guidance available for differentiating between contractors and subrecipients. Leased or rented goods (equipment or supplies) must be included in the “Other” category. EPA does not require applicants to identify specific contractors, but if an applicant does so they must demonstrate that the contractor was selected in compliance with competitive procurement requirements in 2 CFR Parts 200 and 1500. Subcontracts are not subawards and belong in the “Contractual” category.

In the budget description, the applicant should list the proposed contract activities along with a brief description of the anticipated scope of work or services to be provided, proposed duration, and proposed procurement method (competitive or non-competitive), if known. Any proposed non-competed / sole-source contracts more than the applicant’s 2 CFR § 200.320(a) micro-purchase threshold (generally \$10,000) must include a justification. Note that EPA rarely accepts proposed sole source contracts for goods and services (e.g., consulting) that are widely available in the commercial market absent a copyright, patent, or equipment warranty requirement or similar restriction that establishes that only one source can provide the necessary good or service; unique qualifications or long-standing relationships with a grantee do not provide an adequate basis for a sole source contract. Applicants must provide the aggregate amount they propose to issue as acquisitions of intangible property as a separate line item in the “Contractual” category. Refer to the [EPA Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) for EPA’s policies on competitive procurements and encouraging the use of small and disadvantaged business enterprises.

- **Construction.**

Include costs for activities that fall under the definition of construction in EPA's Small and Disadvantaged Business (DBE) rule at 40 CFR 33.103 which defines construction as "... erection, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, **or other improvements to real property**, and activities in response to a release or a threat of a release of a hazardous substance into the environment, or activities to prevent the introduction of a hazardous substance into a water supply." (Emphasis added). As stated on p. 32 of the **Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance mentioned above:**

Construction costs may include site preparation, demolishing and building facilities, making permanent improvements to facilities or other real property, major renovations of existing facilities, remediation of contamination and related architectural or engineering services. With very few exceptions, recipients carry out construction projects by hiring contractors which typically include a general contractor and an architectural or engineering firm for design work and in some cases purchasing equipment for installation at the site.

Construction costs are to be categorized on the SF 424A budget table as follows:

1. Anticipated costs for hiring general contractors and other contractors performing activities described in the DBE Rule's definition of Construction will be categorized as "Construction".
  2. Anticipated costs for pre-construction architectural and engineering Services as defined in the DBE rule for design and specifications documents will be categorized as "Contractual".
  3. Anticipated costs for separately purchased Equipment as defined in the DBE Rule that will be installed in a facility or used to remediate contamination will be categorized as "Equipment".
  4. Anticipated costs for land acquisition or relocation assistance paid to individuals or businesses will be categorized as "Other".
- **Other - List each item in sufficient detail for EPA to determine the reasonableness and allowability of the cost.** This category should include only those types of direct costs that do not fit in any of the other budget categories including subawards, participant support costs, and additional costs (e.g., insurance, costs for acquiring real property, rental / lease of equipment or supplies, equipment service or maintenance contracts, and printing or photocopying).
  - **Subawards** - 2 CFR § 200.1 defines a subaward as "an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity." 2 CFR § 200.1 defines a Pass-through entity as "a non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program" and a Subrecipient as "an entity...that receives a subaward from a pass-through entity to carry out part of a federal award; but does not include an individual that is a beneficiary of such award." Identify each major subaward including those with the Collaborating Entities. Applicants must show the individual and aggregate amounts they propose to issue as subawards. Additional guidance is available in the EPA Subaward Policy and below.
  - **Participant Support Costs** - 2 CFR § 200.1 defines participant support costs as "direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training

projects.” EPA regulations at 2 CFR § 1500.1(a)(1) expands the definition of participant support costs to include “[S]ubsidies, rebates, and other payments to program beneficiaries to encourage participation in statutorily authorized environmental stewardship programs.” Additional guidance is available in the [EPA Guidance on Participant Support Costs](#).

## **Indirect Costs**

If indirect costs are budgeted, indicate the approved rate and distribution base. Indirect costs are those incurred by the grantee for a common or joint purpose that benefit more than one cost objective or project and are not readily assignable to specific cost objectives or projects as a direct cost. Indirect costs must be based on a rate approved by the applicant’s cognizant federal agency, or the 10% de-minimus rate authorized by 2 CFR § 200.414(f). Additional indirect cost guidance is available in [Indirect Cost Guidance for Recipients of EPA Assistance Agreements](#) and in Section VI.u, “IDC Competition Clause,” of the [EPA Solicitation Clauses](#).

Notwithstanding this, indirect costs have been capped as described below based on a deviation approved per 2 CFR 200.414:

### **Limitation on indirect costs for grants and cooperative agreements**

- a. In general: Except as otherwise provided by statute, indirect costs charged against any grant and / or cooperative agreement awarded under this NOFO shall not exceed 20 percent of the total amount of the federal award.
- b. Exception: Subsections (a) and (c) shall not apply to Indian Tribes as defined in section 302(r) of the Clean Air Act who serve in the role of direct recipient and / or subrecipient under the program or to Intertribal consortia that meet the requirements of 40 CFR 35.504(a) and (c) even if the Intertribal consortia is eligible for funding as a Community Based Nonprofit Organization.
- c. Treatment of subawards: In the case of a grant and / or cooperative agreement described in subsection (a), the limitation on indirect costs specified in such subsection shall be applied to both the initial direct assistance award amount and any subaward of the federal funds provided under the initial assistance award so that the total of all indirect costs charged to each of the federal awards (i.e., both the initial direct assistance award amount and any subawards) funded under the initial assistance award does not exceed such limitation. As provided in 2 CFR 200.332(a)(2) pass-through entities are responsible for ensuring compliance with the indirect cost limitation by their subrecipients.

Note: This limit does not extend to indirect costs on procurement contracts.



## Appendix H. Alaska Tribal Lands Target Investment Area

[\*\(back to the Table of Contents\)\*](#)

As noted in Section II.B, this NOFO includes a Target Investment Area for projects benefitting Alaska Tribal lands that are defined as disadvantaged communities in Appendix A. Under this Target Investment Area, EPA is accepting applications that include projects focusing on the clean-up of contaminated lands conveyed through the Alaska Native Claims Settlement Act (ANCSA).

Applications submitted by eligible applicants including Alaska Native Villages (ANVs), Alaska Native Nonprofit Organizations, and Alaska Native Nonprofit Associations for the Alaskan Target Investment Area must include, like all other Track I applications, at least one Climate Action Strategy and at least one Pollution Reduction Strategy and meet the other Track I application requirements in Section I.G of the NOFO, to be eligible for funding. Applicants are not limited to a single project activity under a strategy and may select several project activities associated with a strategy. Note that the for-profit Alaska Native Corporations are not eligible to be Lead Applicants or Statutory Partners for this NOFO. The Climate Action and Pollution Reduction Strategies addressed in applications for the Alaskan Target Investment Area can address either the Climate Action and Pollution Reduction Strategies (and project activities referenced in Appendices C and D) in Section I.G, or any specific Alaskan ones described below under paragraphs 1 and 3. EPA strongly encourages applications that include Pollution Reduction strategy projects to clean up contaminated lands conveyed through ANCSA as addressed in Section 1 below. Consistent with this priority, EPA anticipates making a minimum of 5 awards for high-ranking applications that include projects to assess and/or clean up contaminated lands conveyed under ANCSA in furtherance of the federal government's interest in addressing this historic injustice as noted in Sections II.B and V.E.

### **1. ANCSA-Specific Pollution Reduction Strategy and Associated Project Activities**

This section describes project activities specific to the assessment and cleanup of sites covered by the Contaminated ANCSA Lands Assistance Program. The specific requirements that apply to ANCSA cleanup projects are below.

ANCSA was enacted in 1971 to settle aboriginal claims to public lands through the conveyance of 46 million acres of land to Alaska Native regional and village corporations and the transfer of one billion dollars from the state and federal governments as compensation for lands which could not be returned to Alaska Native ownership. Many of the lands promised and conveyed to corporations pursuant to the settlement in ANCSA were contaminated. The contaminants on some of these lands—which include arsenic, asbestos, lead, mercury, pesticides, polychlorinated biphenyls, and petroleum products—pose health and other concerns to Indigenous Alaskans and communities and are present in quantities above state and federal clean-up levels, negatively impacting subsistence resources and hampering cultural, social, and economic activities.

In 2023, EPA initiated a new [Contaminated ANCSA Lands Assistance Program](#) (ANCSA Program) to assist with addressing contamination on lands conveyed pursuant to ANCSA and provide funding to (1) characterize, assess, and conduct planning and community involvement activities related to these lands and (2) to carry out cleanup activities at ANCSA sites contaminated at the time of conveyance. The statutory authority for the ANCSA Program (Public Law 117-328) states that recipients of grants awarded under the ANCSA Program may use the funding to “. . . supplement other funds provided by the Environmental Protection Agency through individual media or multi-media grants or cooperative agreements.”

**Eligible ANSCA project activities:**

- Conducting Planning and Developing Site Plans:
  - Planning and site plan development for individual contaminated sites.
  - Where multiple sites are connected through location, infrastructure, or economic, social, and environmental conditions, planning and site plan development can take an area-wide approach for multiple sites. Applicants must demonstrate how work conducted at several sites will benefit the primary site selected for investment. Project Area requirements are outlined in I.D of the NOFO but may be waived for purposes of coordinated cleanup.
- Conducting Site Assessments and Related Activities:
  - Conducting site assessment and sampling activities
  - Developing a Health and Safety Plan, Quality Assurance Project Plan and / or Sampling Plan prior to conducting any environmental sampling and analysis (a requirement for any projects conducting sampling).
  - Submitting samples for analysis to an EPA accredited laboratory. Analytical costs from evaluating site samples.
  - Developing a report of the sample results and conclusions based on analysis (i.e., Conceptual Site Model, Assessment report, Site Inspection or Sampling Summary Report).
  - Supporting planning for future cleanup activities such as analysis of cleanup alternatives.
- Conducting Initial Cleanup Activities:
  - Developing a site cleanup approach and documenting the approach in a Site Cleanup Plan to include agreed upon cleanup endpoints, aligned with Alaska Department of Environmental Conservation (ADEC) cleanup process.
  - If necessary, procuring contract services to conduct cleanup activities such as contaminated material removal, sampling, or health and safety monitoring.
  - Conducting environmental confirmation sampling post-cleanup activities to determine if further action is required. If necessary, planning for next phase of site cleanup.
  - Developing a report documenting removal and / or cleanup activities.
- Conducting Community Engagement Activities:
  - As noted in Section I of the NOFO, all applicants are required to develop a Community Engagement Plan. Effective community engagement is vital to working effectively with Alaska Native communities. Therefore, for ANCSA-related cleanup projects, Community Engagement Plans should include community engagement activities and / or development of culturally sensitive protocols for project implementation of cleanup activities.
  - Costs of conducting community engagement activities, including training for workforce development, youth engagement, elder engagement in documentation of Traditional Knowledge, and other costs associated with meaningfully engaging the community in the project can be included in the proposal budget.
- Compiling Information to Use to Comply with NEPA
  - The projects funded under this NOFO do not require Environmental Information Documents (EID) because EPA awards under this NOFO are not subject to the National Environmental Policy Act (NEPA), under Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 793(c)(1)). However, applicants may seek funding to prepare EIDs as needed to comply with NEPA in connection with other federal grant-funded projects in Alaska. EPA awards under the ANCSA program, for example, are subject to NEPA, as are programs funded by other federal agencies.

### **Additional Eligibility Requirements for ANCSA-related projects and activities:**

Applicants proposing ANCSA-related cleanup projects must provide the following documentation of eligibility in their application. Failure to do so may render the application ineligible for funding. Specifically, applicants must provide the following site-specific information for where the cleanup activities will be performed, demonstrating that the site:

- was conveyed pursuant to ANCSA;
- was contaminated by hazardous substances, pollutants, contaminants, or petroleum at the time of conveyance; and
- is listed on the interim EPA inventory of Contaminated ANCSA Lands (for more information on EPA's interim inventory and program related to cleaning up contaminated lands conveyed pursuant to ANCSA, visit EPA Region 10's [website](#)).
- If the applicant is not the owner of the contaminated site(s) to be addressed, EPA will require proof that the landowner will provide access to the site and supports taking action to address contamination.

### **2. General Alaskan Pollution Reduction Strategies**

In addition to the ANCSA land contamination projects identified above, applicants for the Alaskan Tribal Lands Target Investment Area may include Pollution Reduction Strategies as identified in Section I.G of the NOFO.

### **3. Alaska-Specific Climate Action Strategies**

Below are examples of additional Alaska-specific Climate Action Strategies and project activities that may be included in applications for the Alaskan Tribal Lands Target Investment Area, which are in addition to the Climate Action Strategies described in Section I.G of the NOFO.

- Community energy resilience, which may include activities such as:
  - Multi-energy systems including renewable (solar, wind, etc.) and traditional (bulk fuel) sources to increase resilience during extreme events and support a clean energy transition.
  - Power system projects, including renewable energy projects, and the construction, repair, and maintenance of fuel storage facilities in rural areas.
- Improving human health and climate resilience, which may include activities such as:
  - Construction of greenhouses that enable sustainable food growth that can promote healthy foods, food accessibility, and food availability.
  - Food storage facilities to enable sustainable access to traditional foods to support places where permafrost degradation is destroying traditional ice cellars. New food storage facilities may be constructed to support the access and availability of traditional foods. Selection of this project component must include a permafrost mitigation strategy.
  - Projects to support new and improved access points to traditional food resources, such as construction of new fishing docks or river / lake boat ramps to allow for improved fishing opportunities in places that have a high reliance on traditional foods, where climate change has degraded access and availability of food sources.
- Permafrost degradation management strategies that may include strategies such as:
  - Source water protection (impacts from landfills, thawing of permafrost, and potential impacts to traditional drinking water sources as well as established drinking water systems).

- Portable micro-water treatment systems applicable to those impacted by emergencies which impact drinking water systems, with the ability to treat water until system repairs are complete or new systems built.
- Manage and monitor contamination impacting land, food, and water backhaul / removal of waste materials not suitable for disposition in permitted landfills in Alaska.
- Climate emergency management and response strategies that may include activities such as:
  - Purchase of emergency response cargo containers with materials ready to deploy, including four-wheeler, snowmachine, communications, temporary office location, boat, oil spill response materials, smoke management equipment, etc.
  - Development of emergency alert and warning systems for wildfires, flooding and other emergencies stemming from climate change.
- Nature-based resilience strategies that may include activities such as:
  - Restoration of natural systems to help protect coastal communities from the impacts of storms, floods, and other natural hazards.
  - Storm damage prevention and reduction, coastal erosion, and ice and glacial damage stemming from climate change.

# Environmental and Climate Justice Community Change Grants Program (CCGP) Notice of Funding Opportunity (NOFO) Frequently Asked Questions (FAQ)

*Last updated: February 1, 2024*

*Please note:* It is expected that this document will be updated regularly. In addition, all the answers are predicated on the assumption that an application meets the applicable NOFO requirements.

These FAQs are intended to clarify elements of the NOFO. To the extent of any inconsistency between an FAQ and the NOFO and/or the applicable requirements in the Clean Air Act and grant regulations, the NOFO and Clean Air Act/grant regulations take precedence.

## Table of Contents

|                                                        |           |
|--------------------------------------------------------|-----------|
| <i>A. Application Process .....</i>                    | <i>1</i>  |
| <i>B. Scoring and Evaluation.....</i>                  | <i>5</i>  |
| <i>C. Awards and Payments.....</i>                     | <i>6</i>  |
| <i>D. Eligibility and Statutory Partnerships .....</i> | <i>8</i>  |
| <i>E. Collaborating Entities.....</i>                  | <i>15</i> |
| <i>F. Procurement Questions.....</i>                   | <i>16</i> |
| <i>G. Disadvantaged Communities .....</i>              | <i>20</i> |
| <i>H. Project Area Map, CEJST, and EJScreen .....</i>  | <i>21</i> |
| <i>I. Track I Project Activities .....</i>             | <i>23</i> |
| <i>J. Budget/Indirect Cost Issues .....</i>            | <i>29</i> |
| <i>K. Track II Applications .....</i>                  | <i>32</i> |
| <i>L. Target Investment Areas (TIA) .....</i>          | <i>33</i> |
| <i>M. Administrative Requirements .....</i>            | <i>35</i> |
| <i>N. Technical Assistance (TA).....</i>               | <i>36</i> |
| <i>O. Webinars.....</i>                                | <i>37</i> |

## A. Application Process

### **1. Is there a limit on how many times we can apply under the NOFO?**

Yes. As stated in Sections II.C and III.D.15 of the NOFO, Lead Applicants can only submit up to two applications under the NOFO. Further, as stated in Section III.D.15, notwithstanding this limitation, a Lead Applicant may be a Statutory Partner or Collaborating Entity on other applications. There is no limit on how many applications an entity can be a Collaborating Entity on as long as the NOFO requirements are met, and all applications are evaluated based on the criteria in Section V of the NOFO.

### **2. Can we submit applications for both Track I and Track II under the NOFO?**

Section II.C.2 of the NOFO states that: “Under this NOFO, Lead Applicants, as defined in Section III.A, may submit a maximum of two eligible applications and receive up to two awards if they demonstrate their capacity and capabilities to effectively perform, manage, oversee, and complete both awards within the three-year grant period of performance. The two applications may be either two Track I applications or two Track II applications, or one of each. Lead Applicants who submit more than two total eligible applications will be asked to withdraw the excess one(s). EPA will not review more than two eligible applications from any one Lead Applicant.”

### **3. Can I apply for a grant under the CCGP if I am already receiving another grant from EPA?**

Yes. There is nothing that prevents a recipient that received a separate award from EPA under another program from applying under the NOFO if the entity meets all requirements listed in the NOFO. However, as required by 2 CFR 200.403(f), recipients must have financial management systems capable of ensuring that the same costs are not charged to more than one EPA grant.

### **4. Does the 20-page limit for the Track I Project Narrative include the Community Engagement and Collaborative Governance Plan and Community Strength Plan or are there separate page limits for the plans?**

This was clarified in the modification to the NOFO that was published on December 21, 2023. The application requirements are described in Section IV.B of the NOFO. The Track I Project Narrative 20-page limit does not include the Community Engagement and Collaborative Governance or Community Strength Plans. There are separate page limits for those plans. Please see the relevant parts of the Section IV.B Track I application requirements.

### **5. Are there any application templates?**

The application requirements are described in Section IV of the NOFO. The only template that is provided is the optional budget template in Appendix G of the NOFO. EPA will not provide templates for other portions of the application, but technical assistance may be available to help with application preparation as described in Section I.E of the NOFO.

### **6. Can you clarify who needs to register with SAM.gov? Do entities who may serve as contractors under the grant need to register?**

The Lead Applicant needs to register with SAM.gov to receive a Unique Entity Identifier (UEI). Any subrecipients (including the Statutory Partner) or Collaborating Entities that will receive subaward funding must also have a valid UEI. Contractors do not need to register with SAM.gov but keep in mind that the selection of contractors is governed by competitive procurement requirements as described in Appendix G of the NOFO.

### **7. Will applicants be notified of the status of their application as it is being reviewed?**



Generally, yes. As stated in Section III.D of the NOFO: “Applicants whose applications are deemed ineligible for funding consideration because of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.” Due to the volume of applications, we anticipate receiving, EPA does not currently plan to provide interim notifications of the status of applications that pass the threshold eligibility reviews.

**8. Is the CCGP a pass-through grant program like the Thriving Communities Grantmaker Program?**

No, the CCGP is not designed as a subaward pass-through program like the Grantmaker Program. While the NOFO does not specify any minimum or maximum amount of grant funds that must be provided via subawards to Collaborating Entities or other subrecipients, as indicated in Section III.B and throughout the NOFO the Lead Applicant is responsible for grant performance. There are evaluation factors in Section V of the NOFO that focus on the Lead Applicant and Statutory Partner’s role in the grant. These factors include experience and expertise, including those related to the Community Engagement and Collaborative Governance Plan, past performance, programmatic and managerial capability and resources, CBO commitment and experience, and the Compliance Plan.

Also please note this language in Section III.B of the NOFO:

“To ensure effective grant performance to meet the objectives of the Community Change Grants outlined in Section I, subawards from the Lead Applicant to other entities to implement and perform specific grant project activities identified in the application will be necessary. These other entities, including the Statutory Partners, are collectively referred to as Collaborating Entities in the NOFO. Given the community centered focus of the Community Change Grants, applications that do not include Collaborating Entities will likely not score well during the evaluation process.”

**9. If our application is not selected for award, can we submit it again before the NOFO closing date?**

Yes, applicants whose applications are not selected may resubmit an application as described in Section II.C of the NOFO.

**10. Does the debriefing and application resubmission follow a separate process from a dispute?**

If you are resubmitting your application consistent with Section II.C of the NOFO, then you are not disputing the initial non-selection decision. Applicants that wish to dispute an eligibility or selection decision, either after the initial submission or the resubmission, may do so using the dispute process referred to in Section VI.A. of the NOFO.

**11. When will applicants know if they have been selected for award?**

Grant applications will be reviewed on a rolling basis as stated in the NOFO. EPA expects the first application reviews to begin sometime in February 2024. Applicants selected for award will be notified as soon as possible after the evaluation and selection process is complete. As noted in Section VI of the NOFO, selection does not mean award. Following selection, the official award process must be completed.

**12. Will applying early increase the likelihood that an applicant will be selected for an award?**

Not necessarily. EPA cannot provide advice on competition strategy or when to apply. Applications will be evaluated based on the criteria in Section V of the NOFO. As noted in Section II.C of the NOFO, EPA cannot predict how long funding will be available under the NOFO since this depends on the quality and volume of applications received, but EPA encourages applicants to take the time necessary to prepare a thorough application that is responsive to the NOFO requirements.

**13. After the expected initial March 2024 award selections, what is the schedule for future selections?**

EPA will be reviewing applications on a rolling basis and anticipates doing approximately monthly reviews and will announce selections as soon as practicable after the review process is complete. The timing of the review and selection process are dependent on the volume of applications received and other considerations. The dates in the NOFO are estimates only.

**14. Is the CCGP a one-time funding opportunity or will there be another cycle of the CCGP in the future?**

As of this time, the CCGP that is covered by the NOFO is a one-time funding opportunity using Inflation Reduction Act funds. Future funding cycles depend on Congressional appropriations.

**15. When does the three-year period to complete the grants begin?**

The grant period of performance is three years from award date, which is the same as the “agreement date.” Recipients may incur pre-award costs to the extent authorized by 2 CFR 1500.9, but EPA will adjust the period of performance and budget period to cover the pre-award costs as provided in 2 CFR 200.403(h). All costs must be incurred, and grant activities must be completed, during this 3-year period of performance. As provided in 2 CFR 200.344(b), recipients will have 120 days following the end of the period of performance to liquidate financial obligations incurred during the period of performance.

**16. The NOFO states that all funds must be awarded by September 30, 2026. If an award is made on September 1, 2024, when must it be completed?**

As required by law (Section 138(a)(1) and (b)(1) of the Clean Air Act), all the grants under the NOFO must be awarded and funds obligated by September 30, 2026, and the performance period for the grants must not extend beyond three years. If a grant is awarded on September 1, 2024, then it must be completed by September 1, 2027, and there can be no extensions.

**17. Is there a minimum and maximum amount of funding that may be requested for Track I and II applications?**

There is a maximum amount of funding that applicants may request under Track I and II, but there is not a minimum. Section II.A of the NOFO states that:

“EPA anticipates awarding approximately \$2 billion in funding through this NOFO depending on funding availability, quality of applications received, EPA priorities, and other applicable considerations. Awards under Track I are expected to be between \$10-20 million each and cannot exceed \$20 million. Awards under Track II are expected to be between \$1-3 million each and cannot exceed \$3 million.”

Further information is also in Section III.D.10 of the NOFO. Based on this, while there is a maximum ceiling for Track I and II applications, there is no required minimum amount of funding that may be requested for Track I and II applications because we wanted to provide applicants with some flexibility. However, while applications for Track I and II that are submitted below the stated range may be eligible, they will be evaluated based on the criteria and requirements in the NOFO and Track I applications for significantly less than \$10 million may not be as competitive as those between \$10-20 million.

**18. Can projects receiving funds from the CCGP also leverage federal funds for the same project?**

Generally, yes, if the requirements for each program are met. Costs must be attributed to each individual federal grant/loan and properly accounted for pursuant to 2 CFR 200.403(f) and other applicable provisions of 2 CFR Part 200. In addition, Section V.E.7 of the NOFO (also see Sections V.E.5 and 6) states that in making final funding decisions EPA may consider:

The extent to which the EPA funding may complement or be coordinated with other EPA funding or other Federal and/or non-Federal sources of funds/resources to leverage additional resources to contribute to the performance and success of the grant. This includes but is not limited to funds and other resources leveraged from businesses, labor organizations, non-profit organizations, education, and training providers, and/or Federal, state, Tribal, and local governments, as appropriate.

**19. Are letters of support required to be submitted with an application?**

No, there is no requirement to submit letters of support. However, there is a Statutory Partnership requirement as explained in Section III.A of the NOFO and Appendix B.

## **B. Scoring and Evaluation**

### **1. Who will review applications and determine who is selected for awards?**

The review and selection process are described in Section V of the NOFO for Track I and II applications. As stated in Section V.B of the NOFO, all applications that pass the threshold eligibility review process will be evaluated and scored by review panels using the track-specific evaluation criteria in Section V. Review panels may be comprised of EPA staff, other Federal reviewers, and/or external reviewers.

### **2. Will more points be awarded if a Track I application addresses more than one Climate Action and/or Pollution Reduction strategy?**

Not necessarily. The NOFO requirement is to address at least one Climate Action Strategy and at least one Pollution Reduction Strategy. Track I applications will be evaluated based on the Track I criteria in Section V of the NOFO.

### **3. Does having a previous EPA grant impact scoring for this grant?**

Having a prior EPA grant may be evaluated as part of the past performance evaluation factor for Track I and II applications as well as any other relevant criteria. Applications will be evaluated based on the evaluation criteria in Section V of the NOFO.

### **4. Will EPA fund two applications that focus on the same or similar project activities?**

All applications will be evaluated based on the evaluation criteria in Section V of the NOFO. In addition, in making final selection decisions, EPA may also consider the other factors in Section V.E. One of those factors (number 8) includes duplicate funding considerations.

### **5. If a Lead Applicant applies for two grants, would that be considered in the evaluation of their applications?**

Yes, applying for two grants as a Lead Applicant could be considered in the evaluation process, including under the Programmatic Capability evaluation factors in Section V for Track I and II applications and as a “other” factor (number 6) under Section V.E of the NOFO. Also see Section II.C.2 of the NOFO.

### **6. Is there a minimum score for receiving an award?**

The scoring process for Track I and II applications is described in Section V of the NOFO and particularly Sections V.C and V.D. For Track I applications, there is a minimum score necessary to proceed to an oral presentation.

### **7. Do high scoring applications that are not initially selected carry over to subsequent review cycles?**

No. EPA will review all incoming applications on a rolling basis as described in the NOFO, and applications do not carry over to subsequent review cycles. Please also note the resubmission process described in Section II.C of the NOFO.

### **8. What is meant by the “geographical diversity” other selection factor in Section V.E of the NOFO?**

This is a factor EPA may consider when making final selection recommendations, as appropriate, so that awards are not disproportionately concentrated in one or more areas.

### C. Awards and Payments

**1. How will the grant funds be awarded and distributed among the entities that are part of an application?**

As stated in Section III.B of the NOFO: “If selected for award, the Lead Applicant will become the grantee, operating as a pass-through entity for purposes of 2 CFR Part 200 and the EPA Subaward Policy, and taking responsibility for making subawards to Collaborating Entities.” The Lead Applicant will describe its process and capacity to make subawards in the application, including in the required Partnership Agreement among the Statutory Partners.

**2. Does the entire award amount need to flow down to subrecipients?**

No, the entire award amount does not need to flow down to subrecipients.

**3. Is there cost-share or match requirement for awards under the NOFO?**

No. There is no cost-sharing or matching requirement under the NOFO.

**4. Will grant funds be paid to recipients via a draw-down system or will there be an opportunity to get the initial lump sum?**

EPA will pay recipients under a draw-down system unless the recipient qualifies for an initial lump sum payment as a working capital advance under 2 CFR 200.305(b)(4). Working capital advances, however, will not be made in the entire amount of the award but will only “...cover [the recipient’s] estimated disbursement needs for an initial period generally geared to the [recipient’s] disbursing cycle. Thereafter, [EPA] must reimburse the [recipient] for its actual cash disbursements” as provided in that regulation.

Here is a summary of the draw-down requirements from EPA’s General Term and Conditions, “Automated Standard Application Payments (ASAP) and Proper Payment Draw Down.”

“Recipients must enroll in the Automated Standard Application for Payments (ASAP) system to draw down funds. Payments made to recipients through ASAP are virtually instantaneous—typically the same business day. Recipients must draw down funds based on actual costs incurred (“immediate cash requirements”) rather than in a single draw at the beginning of the grant or multiple lump sum draws based on estimated costs in order to comply with 2 CFR 200.305(b). Recipients do not have to pay employees, contractors and subrecipients before obtaining payment from ASAP but must disburse the funds for the incurred costs within 5 working days of receiving the ASAP payment subject to a 5% of the amount of payment or \$1,000 cushion for calculation errors. EPA’s Award Official may make exceptions to the 5-business day disbursement basis based on documented circumstances that prevent the recipient from complying with that requirement. Recipients must return excess funds through ASAP.”

**5. Can the grants be used as match for other federal grants?**

That depends on the statutory authority of the other Federal grant program. As provided in 2 CFR 200.306(b)(5), funds from one Federal grant may not be used as cost-share for another Federal grant unless a federal statute (e.g., HUD’s Community Development Block Grant statute) provides otherwise. Section 138 of the Clean Air Act, the statutory authority for the CCGP, does not authorize the use of CCGP grant funding as cost share for other Federal grants.

**6. Can a project receive funding from other Federal or state funding sources in addition to the CCGP award?**

Yes, you may be able to use CCGP funding as part of a larger project that is receiving resources from other sources. However, you must have effective accounting controls in place to ensure that the same costs are not charged to two different funding sources as required by 2 CFR 200.403(f) and 2 CFR 200.405(a).

**7. If we receive an award under the NOFO, can we delay the official award issuance date so we can delay grant performance?**

No, EPA will award and issue the grant simultaneously. Please note the Readiness, Feasibility, and other requirements in the NOFO.



## D. Eligibility and Statutory Partnerships

### **1. Are non-profit organizations with a 501(c)(6) designation eligible to apply under the NOFO?**

Yes, non-profit organizations exempt from Federal taxation under section 501(c)(6) of the Internal Revenue Code are eligible to compete under the NOFO assuming they meet the other requirements for a CBO as described in Section III A. of the NOFO.

### **2. Are the District of Columbia, Puerto Rico, the Virgin Islands, and any other territories eligible to be in a Statutory Partnership with a CBO to apply under the NOFO?**

No. For the purposes of the NOFO and pursuant to the Clean Air Act, the District of Columbia, Puerto Rico, the Virgin Islands, and other territories are States, and are not eligible to apply for grants under the NOFO. In this regard, please note that the Clean Air Act defines State at 42 USC 7602(d) as:

“State means any non-Federal permitting authority, including any local agency, interstate association, or statewide program. The term “State” also includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Where such meaning is clear from the context, “State” shall have its conventional meaning.”

However, local governments (e.g., public housing authorities) and institutions of higher education that are in the District of Columbia and the U.S. territories (Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Puerto Rico) may be eligible to apply as part of a Statutory Partnership with a CBO under the NOFO if they meet the NOFO requirements.

### **3. Are the Freely Associated States eligible to apply under this NOFO?**

No, the Freely Associated States are not eligible to apply under the NOFO, nor can projects be performed in the Freely Associated States.

### **4. Are hospitals eligible to apply under the NOFO?**

It depends. Non-profit hospitals may be eligible as CBOs if they meet the criteria outlined in Section III.A of the NOFO for a CBO. A hospital that is an agency or instrumentality of a local government is eligible to participate in a Statutory Partnership as a local government as defined in Section III.A of the NOFO. For-profit hospitals are not eligible to apply.

### **5. Can a nonprofit organization incorporated as an LLC be considered a CBO and be part of a Statutory Partnership to apply under the NOFO?**

Yes, if the applicant can demonstrate that the LLC is recognized as a nonprofit organization under state law as described in Section III.A of the NOFO, and otherwise meets the requirements for a CBO described in Section III.A of the NOFO. For example, an LLC whose sole member is a nonprofit organization may qualify as a CBO if the other requirements in the NOFO are met.

### **6. What are some examples of local governments that may apply under the NOFO with a CBO partner?**

EPA uses the definition of local government in 2 CFR 200.1 as indicated in Section III.A.2 of the NOFO. Refer to that coverage for examples of local governments.

Please note that Regional Planning Councils or similar regional entities may qualify as a local government, but such applicants would need to document eligibility by securing an opinion from the Chief Legal Officer of the regional entity or the equivalent citing the specific state statute or local ordinance that establishes that the Regional Planning Council or other regional entity qualifies under Item 9 or 13 of the 2 CFR 200.1 definition of local government.

**7. Is there a preference for collaborations with local governments over partnerships between two CBOs under the NOFO?**

There is no EPA preference for any Statutory Partnership structure as long as one of the Statutory Partners is a CBO as required by section 138(b)(3) of the Clean Air Act and indicated in Section III.B of the NOFO. Applications will be evaluated based on the criteria in Section V of the NOFO.

**8. What constitutes a Statutory Partnership agreement between the two Statutory Partners, and does EPA have a model agreement?**

See Appendix B of the NOFO for the requirements of the Statutory Partnership Agreement. EPA does not have a model partnership agreement because they may vary per State law.

**9. Can a letter of collaboration between the two Statutory Partners be a substitute for the Statutory Partnership Agreement?**

No, a letter of collaboration between two entities would not suffice as a substitute for the Partnership Agreement that is outlined in Appendix B.

**10. Must local governments enter into subaward agreements prior to award to meet the Statutory Partnership requirements in Appendix B even if local law prohibits binding commitments on the part of local governments?**

Not necessarily. If the Partnership Agreement demonstrates that the local government intends to enter the required subaward with the Statutory Partner (the CBO) after EPA makes the award, that is sufficient. For example, the terms of the Partnership Agreement may include a contingency that makes receipt of a CCGP award a prerequisite for the subaward or a similar arrangement that complies with local law.

Note that EPA takes the same position regarding any Lead Applicant (CBO, Tribe, local government, institution of higher education) that includes a contingency in the Partnership Agreement that makes receipt of a CCGP award a prerequisite for the actual subaward to the Statutory Partner. In addition, please refer to the Community Engagement and Collaborative Governance structure in Section I.G. of the NOFO.

**11. Does the Lead Applicant have to make subawards to Collaborating Entities before they are awarded a grant?**

No and see above answer also. The Lead Applicant need not have a subaward in place with Collaborating Entities at time of application submission but must assure EPA that they will provide the subawards if the application is successful, and otherwise meet the NOFO requirements. They must also address the evaluation factors in Section V of the NOFO, including the Community Engagement and Collaborative Governance Plan requirements, and the Appendix G budget requirements.

In addition, the Partnership Agreement between the Lead Applicant and the Statutory Partner described in Appendix B must include a commitment to provide the Statutory Partner a subaward as indicated in Section III.B of the NOFO, although that commitment may be contingent on the award of CCGP funding as indicated in the prior question.

**12. Do the two Statutory Partners have to demonstrate that they have worked together in the past to apply as a Statutory Partnership?**

No. The requirements for a Statutory Partnership are explained in Sections III.A and B of the NOFO and Appendix B. The Statutory Partners do not have to show that they have worked together in the past to apply as Statutory Partners. Notwithstanding this, there are evaluation factors in Section V that focus on the Lead Applicant and Statutory Partners.

**13. How do organizations determine which eligible entity should be the Lead Applicant and which should be the Statutory Partner?**

It is up to the applicants to decide who is the Lead Applicant and who is the Statutory Partner as long as a CBO is one of them. See Section III.B of the NOFO. In deciding who should be the Lead Applicant, please consider the Lead Applicant's responsibilities for managing the grant as outlined in Section III.B of the NOFO.

**14. Can a federal agency be a Lead Applicant or a Statutory Partner on an application?**

No, a federal agency cannot be a Lead Applicant or a Statutory Partner because of the requirements in Section 138 of the Clean Air Act. However, if the federal agency has statutory authority to provide services to non-federal entities on a reimbursable basis, it may participate as a Collaborating Entity that receives a subaward.

**15. Can we apply as a collaboration between multiple Federally recognized Tribes?**

Please see the definition of Federally recognized Tribe in Section III.A.3 of the NOFO. Informal partnerships of Tribes are not eligible entities. Intertribal Consortia that meet the definition of a CBO in the NOFO are eligible to apply as CBOs with a Statutory Partner as indicated in Section III.A of the NOFO. Federally recognized Tribes may apply in partnership with a CBO including an Intertribal Consortium that meets the definition of a CBO.

**16. Can the Statutory Partnership that applies for a grant consist of more than 2 entities?**

No. As described in Section III.B of the NOFO, the Statutory Partnership is comprised of two eligible entities, one of which must be a CBO. Other entities may be involved in the grant as Collaborating Entities or procurement contractors as explained in Section III.B of the NOFO.

**17. Can an institution of higher education apply with a Resource Conservation District (RCD) as the CBO?**

It depends. Whether an RCD can qualify as a CBO depends on the legal status of the RCD and whether it can meet the CBO requirements in the NOFO. Some RCDs may be structured as CBOs, and others are structured more like local governments as defined in 2 CFR 200.1.

**18. If a CBO is partnering with a single Joint Powers Association (JPA) entity made up of five local governments, then can the JPA serve as the Lead Applicant?**

It depends. If the JPA is considered a *Local government*, as defined in 2 CFR 200.1, and it meets the eligibility requirements outlined in Section III.A of the NOFO, then yes. For example, depending on state or local law, the JPA may be a "special district," an "intrastate district," or a "council of governments." But the JPA would apply as one local government, not five separate local governments. EPA will require that the Chief Legal Officer for the JPA or the State Attorney General's Office provide a legal opinion documenting that the JPA is a local government within the meaning of the regulation.

**19. Can a CBO that works in a disadvantaged community partner with an Institution of Higher Education that is not located in that disadvantaged community?**

Yes. As described in Section III.A of the NFO, a CBO must demonstrate that it is "a public or private nonprofit organization that supports and/or represents a community and/or certain populations within a community through engagement, education, and other related services provided to individual community residents and community stakeholders." Institutions of Higher Education do not have to meet the same requirements. However, as noted throughout the NOFO, all applications must benefit disadvantaged communities as defined in Appendix A of the NOFO.

**20. Can a nonprofit Community Development Financial Institution (CDFI) be considered a CBO and apply in partnership with another CBO or a local government?**

Yes, if the nonprofit CDFI meets the requirements for a CBO described in Section III A.1 of the NOFO.

**21. Can a Public Benefit Corporation with non-profit CBO “shareholders” apply as a CBO or other eligible entity?**

Probably not. Public Benefit Corporations are for-profit entities, and for-profits are ineligible to apply under the NOFO. Even though some of the shareholders are non-profit CBOs, the Public Benefit Corporation may also have other shareholders including companies or individuals who may receive profits from services or products the Public Benefit Corporation sells commercially. A PBC that only has nonprofit shareholders may qualify as a CBO, but EPA will need detailed information (including documentation that the State of incorporation recognizes the PBC as a nonprofit organization) to determine whether the PBC qualifies as CBO.

**22. Can a collaborative of CBOs apply as one CBO?**

It depends. If the collaborative of CBOs has its own independent legal existence and meets the requirements for a CBO in Section III.A.1 of the NOFO, it may apply as one CBO. However, the requirement to partner with another CBO, local government, Federally recognized Tribe, or institution of higher education would still apply.

**23. Can the Department of Energy’s National Laboratories receive funding under the NOFO as a subrecipient to a Lead Applicant?**

Nonprofit organizations that operate National Laboratories under contract with the U.S. Department of Energy are eligible subrecipients provided they receive permission from DOE to perform the subaward and comply with the NOFO requirements.

**24. Are investor-owned public utilities eligible to apply for the grants?**

No, they are considered for-profit entities and not eligible to apply. In some circumstances they can receive subawards under Appendix A of the EPA Subaward Policy such as a subaward to upgrade pollution-control equipment or provide energy efficiency upgrades (via subsidies or direct construction or services) to their rate payers in disadvantaged communities.

**25. If a CBO partners with a local government to apply for a grant, does the Partnership Agreement between them need to be adopted by the local government?**

The answer depends on the local government’s legal requirements. However, as stated in Appendix B of the NOFO “[T]o be eligible for funding, the Lead Applicant must include in the application a copy of a written and signed Partnership Agreement with the Statutory Partner that is legally binding.”

**26. Is a national Tribal consortium eligible to apply as part of a Statutory Partnership under the NOFO?**

An Intertribal Consortium that meets the requirements for a CBO as well as 40 CFR 35.504(a) and (b) may be eligible for funding as stated in Section III.A and Appendix G of the NOFO.

**27. Can religious-affiliated organizations be considered CBOs under the NOFO?**

Yes, religious-affiliated nonprofit organizations can apply as part of a Statutory Partnership if they meet the eligibility requirements for a CBO described in Section III.A of the NOFO. Grant funding may not, however, be used for religious purposes, and recipients may not select program or project beneficiaries based on a religious purpose.

**28. Is a state agency eligible to apply for funding under the NOFO?**

No, neither States nor State agencies are eligible to apply under the NOFO based on the statutory requirements for the CCGP. However, they can be involved as Collaborating Entities and receive subawards. Please refer to Sections III.A and III.B of the NOFO for more information.

**29. The NOFO refers to Institutions of Higher Education as being eligible to apply with a CBO, but are K-12 educational institutions also eligible to participate?**

A school district is eligible to apply as a local government as defined in 2 CFR 200.1 and described in Section III.A of the NOFO in partnership with a CBO. An individual school may also be eligible to participate and receive subawards as a Collaborating Entity depending on its status under the state statutes or local ordinances establishing the school district. Incorporated nonprofit organizations affiliated with schools such as Parent Teacher Organizations may also be eligible as CBOs if they can meet the CBO criteria in the NOFO. Private schools may be eligible to apply as part of Statutory Partnership if they meet the requirements for a CBO as described in Section III.A. of the NOFO.

**30. Can CCGP funding be used for AmeriCorps stipends?**

It depends. As a federal agency, AmeriCorps is not eligible to apply under the NOFO because they do not meet the statutory eligibility requirements for the CCGP. However, CCGP funding may be used for AmeriCorps program participant stipends if the recipient's agreement with AmeriCorps authorizes the use of grant funds from another Federal agency to pay AmeriCorps stipends. EPA understands that AmeriCorps has unique statutory authority that allows funds from Federal grants from other agencies to be used to pay part of the cost for an AmeriCorps project or program.

**31. Is there a list of Federally recognized Tribes who are eligible?**

Please refer to Section III.A.3 of the NOFO for information on the eligibility of Federally recognized Tribes. The Department of Interior keeps a list of Federally recognized Tribes. Be aware that Alaska Native Corporations (ANCs) are not eligible to apply in a Statutory Partnership because they are not Indian tribes as defined in section 302(r) of the Clean Air Act, but they may participate as Collaborating Entities to receive subawards. See questions in the Target Investment Area section of this document for further information.

**32. What is EPA's position on "fiscal sponsors" applying under the NOFO?**

EPA does not recognize the "fiscal sponsor" or "fiscal agent" concept. Thus, a fiscally sponsored organization is not eligible to apply as a Statutory Partner as described in Section III.A and III.B of the NOFO unless they meet the requirements of a CBO described in Section III A.1 of the NOFO. Please also refer to Questions 49 through 51 of the EPA Subaward Frequent Questions which are available at <https://www.epa.gov/grants/epa-subaward-frequent-questions>.

**33. Can a community college or other Institution of Higher Education with non-profit status qualify as a CBO?**

No. Community colleges and other Institutions of Higher Education are *Institutions of Higher Education* as defined in 2 CFR 200.1 and noted in Section III.A of the NOFO, which is the definition EPA uses to interpret the term "institution of higher education" in section 138(b)(3) of the Clean Air Act. That definition incorporates the definition of an Institution of Higher Education under Title I of the Higher Education Act of 1965, as amended, 20 U.S.C. 1001.

Community colleges are identified in 20 U.S.C. 1001(a)(3) as Institutions of Higher Education offering 2-year programs "...that is acceptable for full credit toward...a bachelor's degree." The fact that any such institution also has nonprofit status does not alter their designation as such an institution indicated by 20 U.S.C. 1001(a)(4).

**34. Our university's research corporation, a 501(c)(3) non-profit, submits and administers grant dollars on behalf of the university. Would the research corporation be eligible to be a CBO on an application submitted under the NOFO?**

A nonprofit organization affiliated with a university could qualify as a CBO if they meet the other requirements for a CBO specified in Section III.A of the NOFO. However, if the nonprofit intends to name the university parent as a Statutory Partner or otherwise provide a subaward to the university parent, then EPA's Financial Assistance Conflict of Interest Policy (<https://www.epa.gov/grants/epas-final-financial-assistance-conflict-interest-policy>) would be implicated due to the potential for personal and organizational conflicts of interest.

**35. Are local government agencies considered part of a local government even if they have their own unique entity identifier (UEI) and indirect cost rates?**

Yes, local governments are “unitary” legal entities even if they have separate agencies and departments, unless the agencies and departments can demonstrate they are legally independent of the local government. For example, if City Y is a local government, then all its agencies and departments are considered part of the local government, unless they can convincingly demonstrate that they are legally independent of, and do not report to, the executive of the local government (either elected or appointed) and the legislative body of the local government. This means that City Y, including its agencies and departments, can only submit up to two applications as a Lead Applicant under the NOFO.

However, EPA recognizes the legal structure of local governments varies and that there may be nonprofit organizations such as community economic development agencies or public bodies such as school systems, public utilities, and public housing authorities that may be sufficiently independent of the local government to qualify as separate legal entities.

**36. My organization is a national organization but has a presence in certain communities to work on community issues-- would we be considered a CBO?**

To be considered a CBO you must meet the requirements in Section III.A of the NOFO. The NOFO states in pertinent part in Section III A.1 that:

“For purposes of this NOFO, the CBO must have a geographic presence or connection in, or relationship with, the specified community that the projects are intended to benefit. For example, national or statewide CBOs must demonstrate the CBO's connection to the community that will benefit from the grants.”

**37. If there is a university that has a multi-campus system with only one sponsored project office for the entire system, and assuming it is an Institution of Higher Education and wants to be a Lead Applicant on an application, are they limited to two applications for all campuses, or would each campus be permitted to submit up to two applications as a Lead Applicant?**

Our policy is to treat multi-campus Institutions of Higher Education as unitary entities for the purposes of the two-application limit in the Threshold Eligibility Criteria in Section III.D of the NOFO unless there is some unique state law feature that makes each campus a separate legal entity for liability, contracting, or similar purposes. Otherwise, these multi-campus universities would be able to submit more applications than other Lead Applicants. The fact that each campus has its own Unique Entity Identifier and academic leadership is not determinative if the contracting authority for all campuses would be the same office and the campuses are not separate legal entities.

**38. Are Federally Funded Research and Development Centers (FFRDC) eligible to apply for the grants as a CBO?**

Yes, as long as the contractor operating the FFRDC is a nonprofit organization and can meet the definition of a CBO in Section III.A of the NOFO. The nonprofit contractor operating the FFRDC may apply as part of a Statutory Partnership as described in Section III.A of the NOFO in its nonprofit capacity if they otherwise meet the requirements for a CBO in Section III.A of the NOFO and other NOFO requirements, and the Department of Energy or another Federal agency operating the FFRDC gives the FFRDC contractor permission to apply for the grant.



**39. Can a Tribe apply as a Lead Applicant even if the project isn't on tribal land?**

Yes, a Tribe can apply as a Lead Applicant for a project, even if it isn't on tribal land, if their project benefits a disadvantaged community as described in Appendix A of the NOFO and meets all the other requirements noted in the NOFO. The determination of who becomes the Lead Applicant is up to the Tribe and its Statutory Partner.

**40. Can a Federally recognized Tribe qualify as a CBO since they are exempt from Federal taxation?**

No. Federally recognized Indian tribes as defined in section 302(r) of the Clean Air Act are units of government. Their exemption from taxation, like that of states, stems from governmental powers such as taxation, law enforcement, and civil authority recognized in Federal law.

## *E. Collaborating Entities*

### **1. Is there a minimum or maximum number of subawards that a Lead Applicant must make to Collaborating Entities?**

No, the NOFO doesn't indicate a required number of subawards to Collaborating Entities.

### **2. Can a Collaborating Entity be an organization located outside of the United States?**

In limited circumstances, projects to benefit U.S. disadvantaged communities near an international border may require some international work to be performed within 100 kilometers of that border (e.g., within 100 km south of the U.S.-Mexico border or north of the U.S.-Canada border). See Section II.B of the NOFO. In these cases, there may be some limited instances where a Collaborating Entity may be located outside of the United States. This may also apply to projects benefitting U.S. Territories.

### **3. Can subawards only be granted to Collaborating Entities named in the application?**

Applicants need to identify and describe existing relationships with Collaborating Entities in the application based on the NOFO requirements and as indicated in Appendix G for the budget template. However, grant recipients may find it necessary to issue subawards to entities not originally named in the application. Replacing a previously named Collaborating Entity requires prior approval by an authorized EPA official pursuant to 2 CFR 200.308(e)(6).

Collaborating Entities will receive subawards as explained in the NOFO, including in Section III.B and Appendix G, but the NOFO also acknowledges in Section III.B that there may be "other subrecipients" in addition to those recognized as Collaborating Entities. Subawards may be made to Statutory Partners (CBOs, Federally recognized Tribes, local governments, and institutions of higher education), as well as entities that cannot legally be Statutory Partners (e.g., states, territorial governments, Alaska Native Corporations, and international organizations).

### **4. Can for-profit/private companies be Collaborating Entities?**

No. As stated in Section III.B of the NOFO, for-profit private companies cannot be Collaborating Entities that receive subawards. When a for-profit firm is providing commercial services to the recipient as a vendor, then the recipient cannot circumvent competitive procurement requirements by providing the firm a subaward even if the firm agrees not to "profit" from the transaction.

### **5. Can a for-profit entity receive a subaward, or otherwise be a program participant?**

Yes, in certain very limited circumstances. For example, as Appendix A to EPA's Subaward Policy (incorporated into Section III B. of the NOFO) notes, a for-profit firm can receive a subaward for a project to install pollution-control equipment at its facilities, since the firm in that case is not providing goods or services to the recipient on commercial terms.

Similarly, an investor-owned utility could receive a subaward to provide energy efficient HVAC equipment to residents of low-income communities via subsidies or actual installation of equipment. The utility would not be providing the recipient with the services (energy transmission or other services/products the utility "sells" to ratepayers or others) that generate profits for its investors. For-profit firms may receive rebates or subsidies for purchases of pollution control equipment including electric vehicles and related charging infrastructure as program participants under 2 CFR 1500.1(b) and the EPA Guidance on Participant Support Costs, which is referenced in Appendix G of the NOFO.

## *F. Procurement Questions*

**1. If we have already completed a competitive procurement in advance of applying, can we list the contractor/consultant in the application? And does this apply to engineering contracts as well?**

For the first question, yes, provided the procurement process complied with the requirements specified in the Procurement Standards in 2 CFR Part 200, the Good Faith Efforts to encourage participation of small and disadvantaged businesses described in 40 CFR 33.301, and the compensation that you intend to charge to the grant for individual consultants (if any) complies with 2 CFR 1500.10. Please refer to the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements (<https://www.epa.gov/sites/default/files/2021-03/documents/best-practice-guide-for-procuring-services-supplies-equipment.pdf>), which is incorporated into the CCG NOFO as well (See Appendix G).

And yes, this requirement applies to engineering contracts as well, although for architectural and engineering (A/E) services you may use a qualifications-based competitive procurement as long as the requirements in 2 CFR 200.320(b)(2)(iv) are met. EPA also recognizes that geographic preferences may be used as provided in 2 CFR 200.319(c). Note that EPA takes the position that qualifications-based and geographic preference procurements may only be used to acquire services such as the development of building specifications that must be performed by a licensed A/E firm under state or local law.

**2. What if we have a Master Service Agreement that was previously competed in compliance with federal procurement policies? Can we list it in the application?**

It depends. Your Master Service Agreement may not be so “stale” that it does not reflect current market conditions and cannot be a non-competitive retainer type of consulting contract prohibited by 2 CFR 200.319(b)(4). As indicated on page 13 in our Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements (found here: <https://www.epa.gov/sites/default/files/2021-03/documents/best-practice-guide-for-procuring-services-supplies-equipment.pdf>), which is referenced in the NOFO including in Appendix G, EPA will accept properly competed long-term contracts that are 5 years or less in length. We also expect recipients to ensure that the pricing under Master Service Agreements remains consistent with market conditions to meet the “reasonable cost” standard in 2 CFR 200.404, which applies to all expenditures of grant funds.

**3. Can a Lead Applicant procure contractors to assist with grant performance, or should procurement be managed by subrecipients who receive subawards from the Lead Applicant?**

Both Lead Applicants and subrecipients may procure contractors in compliance with competitive procurement requirements as described in Section III.B of the NOFO.

**4. Based on the NOFO, the period of performance cannot exceed 3 years, and projects should begin no later than 120 days of award. Does this mean that issuing a procurement solicitation and initiating a competitive procurement process to implement the project must begin within the 120 days, or can the procurement be conducted before award and be a pre-award cost?**

When to begin the procurement process is a matter for applicants to decide based on the time it takes to acquire services or products under their procurement procedures. We recommend, however, that applicants as a minimum wait until EPA notifies them of initial selection before initiating the competitive procurement process.

Costs for conducting a procurement that complies with federal requirements can be an allowable pre-award cost subject to the restrictions in 2 CFR 1500.9 and 2 CFR 200.458. Recipients incur pre-award costs at their own risk, and EPA will only reimburse recipients for pre-award costs for competitive programs if the pre-award costs were incurred after the recipient was notified of initial selection for funding. More importantly, as provided in 2 CFR 200.211(b)(5) and 2 CFR 200.403(h), the *Period of Performance* (defined in 2 CFR 200.1) will be adjusted to encompass the time frame in which the pre-award costs were incurred. The Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance that is referenced in Appendix G of the NOFO says this on pre-award costs:

“2. EPA defines pre-award costs as costs incurred prior to the award date, but on or after the start date of the Budget period and Period of performance as defined in 2 CFR 200.1. Under EPA’s interpretation of 2 CFR 200.308(e)(1) and 2 CFR 1500.9, all eligible costs must be incurred during the budget/ performance period as defined by the start and end date shown on the grant award to receive EPA approval. This interpretation is implemented in a grant-specific Term and Condition entitled ‘Pre-award Costs,’ which will be included in all awards when the recipient has incurred EPA approved costs prior to award.”

By statute, the performance period for these grants is limited to 3 years. The total amount of time for incurring costs will not be lengthened by incurring the costs for procurements prior to the date of the award although depending on the “construction season” in the applicant’s locale there may be sound reasons for initiating the procurement process immediately following EPA’s notification of selection. Again, any pre-award costs the recipient incurs are at their own risk.

**5. If an applicant is interested in procuring a consultant do they have to do so before submitting an application?**

No. Applicants are not required to procure a consultant before submitting an application. Consultants, regardless of when they are procured, must be selected in compliance with the fair and open competition requirements in 2 CFR Part 200 and 2 CFR Part 1500. EPA provides guidance on complying with the competition requirements in the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements.

**6. Can I receive sample Requests for Proposals (RFPs)/Requests for Quotes (RFQs) or other forms of assistance in developing RFPs/RFQs from potential contractors that will then be allowed to bid on the procurement that will be made under the RFP?**

No. If you seek any assistance from a contractor, including obtaining sample RFPs/RFQs, that contractor is not allowed to submit a proposal in response to your RFP/RFQ. If the contractor submits a proposal, you must reject the proposal. Accepting the proposal will be in violation of 2 CFR § 200.319. You may, however, seek assistance from a contractor that will not submit a proposal in response to your RFP/RFQ.

**7. What is an example of an unfair competitive practice?**

One example of an unfair competitive practice is to allow a consultant (or any other type of contractor) who drafts specifications, requirements, statements of work, or invitations for bids or requests for proposals to compete for the services or products that will be procured. This practice violates 2 CFR § 200.319(b) and may result in EPA disallowing any costs for the tainted contract that are charged to CCG grant. Non-competitive contracts with consulting firms on retainers are another example of an unfair competitive practice as indicated at 2 CFR § 200.319(b)(4).

Additionally, EPA will not accept sole source justifications for procurement contracts for services such as consulting, engineering, construction services, or information technology support that are available in the commercial marketplace.

**8. Must I consider price when procuring a consultant or other contractor?**

It depends. EPA's position is that the "qualifications based" procurement procedures described in 2 CFR § 200.320(b)(2)(iv) may be used when acquiring services that can only be provided by a licensed Architectural and Engineering (A/E) firm such as when state or local law requires that a licensed A/E firm develop the design plans and other specifications for construction work. As stated in the regulation: "The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort." A/E firms are one potential source for a wide range of services in addition to those that only licensed A/E firms may perform as a legal matter.

**9. Is my RFP process federally compliant if I only receive one bid?**

Possibly, but additional inquiries by EPA are possible. Per the grant regulations at 2 CFR § 200.325(b)(2), when only one bid is received in response to a RFP/RFQ, you must make the procurement documents available to EPA if requested. Services necessary for performing CCGP grants are widely available in the commercial marketplace so it would be unusual for only one bid to be received under an RFP. Depending on the information contained in the procurement documents, as well as circumstances surrounding the procurement, EPA may require you to re-issue the RFP.

**10. What are the potential consequences for an applicant/recipient that does not conduct a fair and open competition for the procurement of a contractor?**

If an applicant/recipient fails to comply with the competitive procurement requirements in 2 CFR Parts 200 and 1500 or 40 CFR Part 33, EPA may impose additional conditions, as described in 2 CFR § 200.208 which may include re-issuing an RFP. If EPA determines that noncompliance cannot be remedied by imposing additional conditions, EPA may take one or more of the following actions, as outlined in 2 CFR § 200.339 Remedies for Non-Compliance, as appropriate in the circumstances:

**11. What should I do when a consultant has offered to prepare our application for a CCGP grant without charging a fee?**

If a consultant has offered to prepare your application for a CCGP grant without charge you need to be careful not to provide that consultant with an unfair competitive advantage when selecting a contractor to perform work under a CCGP grant.

Unfair competitive advantage is when the terms of the consultant's offer require the applicant/recipient to hire the consultant on a sole source basis if the application is successful. Such a practice unfairly restricts competition for services that are widely available in the marketplace. You must procure contractual services through fair and open competition when the amount of the contract exceeds the micro-purchase threshold (\$10,000 for most recipients).

**12. Can the same contractor that assists me with preparing the grant application also submit a proposal in response to an RFP/RFQ for consulting services that I may issue if I receive the grant?**

Yes. EPA does not prohibit consultants who prepare grant applications from competing for contracts that will be funded under the grant as long as the competition is conducted fairly and openly. The contractor may not assist with drafting specifications, requirements, statements of work, or invitations for bids or requests for proposals and also be allowed to compete for the services or products that will be procured as indicated in 2 CFR § 200.319(b).

**13. The terms of the contract for application preparation services require us to hire the consultant to provide services necessary to perform the CCGP grant if EPA selects the application for funding or pay the consultant a \$5,000 application preparation fee if we hire a different consultant. What is EPA's view on this practice?**

EPA considers this practice to be a violation of the procurement requirements in the grant regulations because it may provide the consultant who prepared the application an unfair competitive advantage. The grant regulations require recipients to fully and openly compete professional services contracts when the amount of the contract will exceed the general \$10,000 micro-purchase threshold (or a higher threshold as authorized in 2 CFR § 200.320(a)(1)). Additional information regarding EPA policies on procurements under EPA financial assistance programs is available in our Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements which is available through links in the CCG NOFO.

Additionally, if your organization did conduct a competition to procure environmental services, and the consultant that prepared the application won the bid/contract, EPA may question whether the decision to select the consultant was based on an improper factor such as the requirement to pay the consultant the \$5,000 application fee otherwise.

**14. Can an entity issue a competitive solicitation to procure a consultant for grant writing services as well as to implement the grant, if selected for funding?**

Yes, as long as the entity complies with the competitive procurement requirements in 2 CFR § 200.319, 2 CFR § 200.320, 2 CFR § 1500.10 and 40 CFR Part 33. Refer to EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements for additional guidance. The price for performing the grant implementation services must be a significant evaluation factor in the competitive solicitation. Since direct costs for proposal preparation are not allowable under the CCGP program, the price for preparing the proposal is not relevant to the EPA funded portion of the contract and cannot be a basis for selection.

**15. What is EPA's position on hiring a particular consulting firm or other contractor?**

EPA does not endorse hiring any particular firm or firms by EPA grant recipients. All contracts with consulting firms or any other type of contractor must be procured in compliance with the full and open competition requirements described in the Procurement Standards of 2 CFR Part 200. There are many qualified consulting firms in the commercial market.

**16. If I name a consulting, law, or engineering firm as a "partner" in the application is it proper to award that firm a sole source contract on that basis?**

No. All contracts for professional services in excess of the 2 CFR § 200.320(a)(1) micro-purchase threshold (\$10,000 for most recipients) must be awarded competitively to the maximum extent practicable and in compliance with requirements to consider disadvantaged business enterprises set forth in 40 CFR Part 33. The market for consulting, legal, and engineering services is robust and it is unlikely that competition is impractical. Note that as required by 2 CFR § 200.320(a)(1) recipients must distribute non-competitive micro-purchases equitably among qualified suppliers and the price must be reasonable. Recipient practices for distributing micro-purchases are also subject to requirements in 40 CFR Part 33 for the participation of disadvantaged business enterprises in EPA financial assistance programs. Additional information regarding EPA policies on procurements under EPA financial assistance programs is available in our Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements.

**17. How must recipients handle contracts for micro-purchases?**

As required by 2 CFR § 200.320(a)(1), for contracts that do not exceed the \$10,000 micro-purchase threshold (or a higher threshold as authorized in 2 CFR § 200.320(a)(1)) recipients must distribute non-competitive micro-purchases equitably among qualified suppliers and the price must be reasonable. Recipients' practices for distributing micro-purchases are also subject to requirements in 40 CFR Part 33 for the participation of disadvantaged business enterprises in EPA financial assistance programs.



### G. Disadvantaged Communities

**1. Do the disadvantaged communities that the grants are intended to benefit need to be identified in the application?**

Yes, the disadvantaged communities who are intended to benefit from the projects need to be identified in the application, as discussed in Sections III.D and IV.B of the NOFO, as well as in Appendix A.

**2. The NOFO is requesting documentation from an authorizing governmental entity for farmworker community validation—what types of documentation are you expecting for farmworker community validation and which public agencies would hold such authority?**

Appendix A of the NOFO states in pertinent part that: “Applicants can demonstrate that a farmworker community is comprised of such individuals by submitting verification documentation from an authorizing governmental entity or through comparable means.” How this is done may vary by state or local law.

**3. Would a project be funded if it “partially” benefits a disadvantaged community?**

As stated in relevant part in Appendix A: “While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects’ primary benefits will flow to disadvantaged communities in the Project Area.” In addition, Section III.D.3 states that: “All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A.”

## H. Project Area Map, CEJST, and EJScreen

### **1. Do applicants have to be located in a disadvantaged community to apply for a grant?**

No, while applicants must meet the eligibility requirements in Sections III.A and B of the NOFO to apply for a grant, they do not have to be located in a disadvantaged community to apply. However, all applications must benefit disadvantaged communities as expressed throughout the NOFO and in Appendix A and will be evaluated based on the criteria in Section V of the NOFO.

### **2. If a Track I application involves multiple disadvantaged communities that are in a geographically contiguous area but are not all right next to another, is this eligible?**

Yes, please refer to Appendix A to the NOFO which states that:

The Project Area Map should also reflect where each project submitted under the application is located within the Project Area. The Project Area may include multiple census block groups that are designated as a disadvantaged community by EPA as defined above, but the disadvantaged census block groups need not be fully contiguous with each other.

### **3. Can EPA modify the definition of disadvantaged community to include a community that isn't identified as disadvantaged based on CEJST and EJScreen?**

No. Applicants must use the methodology described in Appendix A to determine which communities are designated as disadvantaged. Applicants must use the EPA IRA Disadvantaged Communities Map (found here: <https://epa.maps.arcgis.com/home/item.html?id=f3be939070844eac8a14103ed6f9affd>), which combines multiple datasets (including CEJST and EJScreen), unless the community meets the definition of a Disadvantaged Unincorporated Community (DUC) or Farmworker Community in Appendix A.

### **4. Can you explain the color coding on the EPA IRA Disadvantaged Communities Map in Appendix A?**

On the EPA IRA Disadvantaged Communities Map, block groups highlighted in light orange are designated as disadvantaged communities. Block groups highlighted in light blue are not designated as disadvantaged communities.

### **5. Would an application be eligible if it primarily included projects benefitting communities that are not defined as disadvantaged in Appendix A to the NOFO?**

No. Projects must primarily benefit disadvantaged communities as defined in Appendix A to the NOFO. Also see Section III.D.3 of the NOFO which states that:

“All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A.”

### **6. Can a project be on private land, such as the reclamation of polluted legacy mine land, if it benefits a disadvantaged community?**

If the term “reclamation” means cleaning up the soil and subsurface contamination from mine-scarred land that meets the definition of a Brownfields site in 42 U.S.C. 9601(39)(D), then the assessment and remediation portion of the project is not eligible for CCGP funding as indicated in Section I.G.3 of the NOFO. Please refer to the examples and guidelines for Climate Action Strategy 6 in Appendix C of the NOFO. The only exception to this exclusion would be if the private land was conveyed under the Alaska Native Claims Settlement Act (ANCSA) and would be eligible for assessment and remediation funding as described in Appendix H of the NOFO. However, if the remediation at the non-ANCSA site is complete,

CCGP funding could be used for post-cleanup redevelopment at the site if the project meets all other requirements described in the NOFO.

**7. For the Disadvantaged Unincorporated Communities category in Appendix A, can an application focus on all the unincorporated areas in a county, if they meet the Disadvantaged Unincorporated Community definition in Appendix A?**

It is up to the applicant to design their project based on the NOFO requirements. The criterion for Disadvantaged Unincorporated Communities is in Appendix A to the NOFO.

**8. Can there be an application that benefits both residents of disadvantaged communities and residents of communities that are not considered disadvantaged communities?**

Please see Appendix A to the NOFO which states that:

“All projects and activities should be located within the Project Area, except in cases where the project must be located outside of the Project Area to address the localized pollution issue at the source, or where otherwise necessary to ensure that the disadvantaged community will benefit from the project. One such example is if the project addresses water quality issues upstream to benefit a downstream community. While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects’ primary benefits will flow to disadvantaged communities in the Project Area.”

Please also see Section III.D.3 of the NOFO which states that:

“All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A.”

**9. Would a protected bike path that starts in a disadvantaged community tract, goes through a neighboring non-disadvantaged community tract, then goes through another disadvantaged community tract be eligible if they are geographically contiguous?**

Yes, see Appendix A to the NOFO which states that:

“The Project Area Map should also reflect where each project submitted under the application is located within the Project Area. The Project Area may include multiple census block groups that are designated as a disadvantaged community by EPA as defined above, but the disadvantaged census block groups need not be fully contiguous with each other.”

**10. Consistent with the Justice40 Initiative, is there a requirement that 40 percent of the project benefits flow to the census block groups designated as disadvantaged communities?**

As required by Section 138 of the Clean Air Act, all grants under the NOFO must benefit disadvantaged communities. While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects’ primary benefits will flow to disadvantaged communities in the Project Area as noted in Section III.D.3 of the NOFO and Appendix A.

## I. Track I Project Activities

### **1. Can applicants include multiple projects (in the same geographic area) in an application?**

Yes, as described in the NOFO, multiple projects may be included in an application if the NOFO requirements are met and if the projects are designed and focused to maximize benefits for the residents of disadvantaged communities in the Project Area.

### **2. Can I submit an application with one project if that project addresses at least one Climate Action Strategy and at least one Pollution Reduction Strategy?**

Yes, if the application demonstrates how the project meets at least one of each of the strategies and meets the other NOFO requirements. While this may be possible to do, applicants need to think carefully about whether one project can meet at least one of each of the strategies, and all the NOFO requirements, and would have to demonstrate this in the application.

### **3. Can a Track I application include projects with activities that are carried out on a regional, county, or statewide basis?**

While a regional, county, or statewide project may technically be eligible, depending on the specific content of an application, it may be unlikely that such an application would score well and be successful considering the NOFO evaluation criteria, objectives, and requirements as further discussed below.

Such an application, again depending on the specific projects in an application, may not be consistent with the following directions for Track 1 applications in the NOFO:

Community Change Grants Objectives in Section I.C:

“The Community Change Grants will support comprehensive community and place-based approaches to redressing environmental and climate injustices for communities facing legacy pollution, climate change, and persistent disinvestment. These concentrated local investments will fund community-driven, change-making projects that center collaborative efforts for healthier, safer, and more prosperous communities.”

Community Vision Description in Section IV.B:

“Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A, concentrated and compact Project Areas may maximize benefits to the residents of the disadvantaged communities in the Project Area. Activities spread across a large Project Area may be more dispersed and less impactful. As described in Section V.C, EPA will evaluate applications based in part on the extent and quality to which project benefits will accrue to the residents of disadvantaged communities in the Project Area as defined in Appendix A in an impactful manner.”

Appendix A:

“For Track I applications for geographically defined communities identified as disadvantaged communities on the EPA IRA Disadvantaged Communities Map, applicants must identify the specific census block groups designated as disadvantaged communities that the projects and supporting activities will directly benefit by submitting to EPA one contiguous Project Area Map with an outlined boundary as instructed below. Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A and the NOFO, concentrated and compact Project Areas may maximize benefits to the residents of the census block groups designated as disadvantaged communities in the Project Area. Activities spread across a large Project Area may be more dispersed and less impactful to the residents of the census block groups designated as disadvantaged communities in the Project Area.”

**4. Can an applicant use funding under Climate Action Strategy 6: Brownfields Redevelopment to acquire and redevelop a brownfield site but use other funding sources to remediate and clean up soil and subsurface contamination on the land before the Brownfield Redevelopment project begins?**

No, other than for projects to clean up contaminated ANCSA lands as described in Appendix H to the NOFO, an applicant cannot use a Community Change Grant to acquire a Brownfield site with soil and subsurface contamination that has not yet been cleaned up. Section III.D.8 of the NOFO states that as a threshold eligibility matter:

“All Track I applications for projects under Climate Action Strategy 6: *Brownfield Redevelopment*, must be performed on sites where cleanup is complete or where the site does not require any cleanup activities for the intended use or reuse of the site, as well as meet the requirements stated in Appendix C for Brownfields Redevelopment projects.”

Such a scenario would also not appear be able to meet the Readiness Approach Requirements in Section I.G of the NOFO, which state that:

“Given the statutory requirement that all Community Change Grants must be completed within three years, applicants must describe their approach for initiating grant performance upon award, or generally within 120 days after award . . . so they can successfully complete the grant within the three-year period.”

Further, such a scenario would also raise feasibility concerns, which is an evaluation factor for Track I applications.

Note, however, that under the examples of projects for Pollution Reduction Strategy 1: Indoor Air Quality and Community Health Improvements, in Appendix D to the NOFO, “The remediation of contamination from asbestos and lead-based paint in buildings is an eligible activity, even if the building is on a Brownfields site.”

EPA will issue a modification to the NOFO to clarify this issue which will include changes to Climate Action Strategy 6 and Section III.D.8 of the NOFO.

**5. For a Brownfields Redevelopment project under Climate Action Strategy #6, does an applicant have to demonstrate that all soil and subsurface site cleanup has been completed by the time of application submission or just by the time the project would commence after award?**

Yes. Site cleanup must be complete by the time of application submission. EPA intends to clarify in a modification to the NOFO that for Brownfields Redevelopment projects under Climate Action Strategy 6, the applicant must demonstrate in its application that at the time of application submission no soil or subsurface site cleanup is necessary (e.g., through a Phase II Environmental Assessment Report by a Qualified Environmental Professional) or has been completed for the project to be eligible for funding.

Documentation of cleanup completion must be by an official written communication or other written documentation from the cognizant regulatory authority. Therefore, at the time of application submission, for all Brownfields Redevelopment projects under Climate Action Strategy 6, the applicant must demonstrate in their application that at the time of application submission, not by the time the project will begin, no cleanup at the site is necessary for the project to be eligible for funding consideration.

Note, however, that under the examples of projects for Pollution Reduction Strategy 1: Indoor Air Quality and Community Health Improvements, in Appendix D to the NOFO, the remediation of contamination from asbestos and lead-based paint inside buildings is an eligible activity, even if the building is on a Brownfields site.

**6. Is food waste reduction/food scrap diversion an eligible project activity under Track I?**

Yes, this is listed as an eligible activity under Climate Action Strategy 7 in Section I.G of the NOFO.

**7. Is adding protection to a currently unprotected bike lane an eligible activity, or would it need to be a completely new bike lane?**

Modifications and upgrades to existing bike lanes are eligible for funding, in addition to new construction, if the application meets all the NOFO requirements.

**8. Will new construction be allowed under the NOFO?**

Yes. Construction activities for new structures are eligible if the other requirements of the NOFO are met and as noted in Appendix G.

**9. Can the grants be used to maintain existing green infrastructure, or are they only to be targeted toward development/installation of new elements?**

Yes, subject to the statutory three-year project period limitation, a grant can be used for maintenance of green infrastructure if the NOFO requirements are met. Note that a green infrastructure maintenance project may not score well under the Readiness to Perform, Feasibility, and Sustainability evaluation criteria in Section V of the NOFO unless the applicant can provide an effective plan for sustaining the operation and maintenance of the green infrastructure when the performance period for the grant ends.

**10. Based on Section III.D of the NOFO, can research activities be part of an application?**

Please refer to Section III.D.17 of the NOFO which states that:

“EPA will not consider any application that includes projects that are exclusively designed to conduct scientific research. However, applications may include research components such as building blocks for outreach, training, and program implementation projects. In such cases, applications should clearly articulate this link, explain why the research is necessary for the project’s success, and ensure that such research does not already exist.”

**11. Would building demolition be an eligible expense under the CCGP NOFO?**

Yes. Strategy 6 in Appendix C of the NOFO states in part that: “[D]econstruction and green demolition activities to support adaptive reuse or new construction” is an activity that could be covered under a grant. Applicants can refer to [EPA’s Climate Smart Brownfields Manual](#) for information about green demolition activities.

**12. If an application includes construction activities, is there any special or extra documentation we need to submit with our application?**

The requirements for Track I applications, which could include construction activities, are set forth in Section I.G of the NOFO and also see Appendix G. Application requirements are also in Section IV of the NOFO. In addition, please note the Readiness Approach requirements in Section I.G of the NOFO including Government Approvals which states that:

“If government approval at any level (e.g., construction permits) is necessary to implement or perform a project, the applicant must demonstrate that they have obtained such approval. If such approval has not been obtained, then the applicant must demonstrate how they will obtain it immediately after award, so it does not impede grant implementation.”

Additionally, the Federal Requirements for Construction Projects section in Section I.G of the NOFO states that:

“Applicants must demonstrate that they have systems in place, or a plan to have such systems in place immediately after the grant award, to comply with CAA § 314 and the Davis-Bacon and Related Acts prevailing wage requirement, the Build America Buy America domestic preference



requirement, and other cross-cutting statutory and Executive Order requirements that apply to Federally funded construction projects.”

**13. Under the Site Control section in the Readiness Approach requirements in Section I.G of the NOFO, it states that, "Applicants must demonstrate that they own or control the site where a project will be performed or that they will have legally binding access or permission to the site so they can perform the project(s)." How can we demonstrate this?**

EPA does not mandate a specific way to demonstrate site control and access given the variances in state, Tribal, and local real property laws. There could be several ways for an applicant to demonstrate this requirement is met (e.g., site ownership, long-term irrevocable lease, site access agreement) depending on the project. We recommend that you consult with the legal department of the unit of government that has jurisdiction over the site or with a private attorney licensed to practice law in that jurisdiction.

**14. Is new housing construction an eligible activity under the NOFO?**

Yes, if the other NOFO requirements are met. For example, refer to the coverage in the NOFO on Strategy 3: Energy-efficient, Healthy, Resilient Housing and Buildings and Strategy 6: Brownfields Redevelopment in Section I.G of the NOFO.

**15. Can you buy land or property under the NOFO funding?**

Yes, land acquisition may be an eligible project cost, consistent with the grant cost principles, if the projects in the application otherwise meet the NOFO requirements. Please also refer to Appendix G of the NOFO. Note that EPA will require that recipients who use EPA funds to acquire real property to “...record liens or other appropriate notices of record to indicate that... real property has been acquired... with a federal award and that use and disposition conditions apply to the property” as provided in 2 CFR 200.316.

EPA may also, depending on the nature of the improvements, require that liens or other notices of the Federal interest in the proceeds of the sale of the property attributable to the improvements be recorded. Land acquisition must comply with the Uniform Relocation Act and Federal Highway Administration’s implementing regulations at 49 CFR Part 24 which requires grantees to follow certain procedures for acquiring property for grant purposes, such as notice, negotiation, and appraisal requirements.

**16. Does the creation of a resilience hub also include site acquisition funding?**

Yes, costs for land acquisition are eligible if reasonable and necessary to create the community resilience hub. Please refer to Section I.G and Appendix G of the NOFO, as well as the question immediately above regarding Federal requirements for acquisition of real property with the grant funding.

**17. If a school district has a mix of schools with some located in disadvantaged communities and others not located in disadvantaged communities, can an application for district-wide indoor air quality work be submitted?**

As stated in Appendix A of the NOFO and Section III.D.3, projects may benefit both disadvantaged communities and others that are not disadvantaged, but the projects’ primary benefits must flow to communities designated as disadvantaged.

**18. Can the grant funds be used to purchase instruments to collect data needed to perform the grant?**

Yes, if the instruments are necessary to perform the projects in the application and would be considered allowable and reasonable costs per the grant regulations. Please refer to Appendix G of the NOFO for guidance on how to characterize the estimated costs for purchasing instruments. Note also that acquisition of instruments may be subject to the competitive procurement requirements described on pages 21

through 23 of the Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance, which is available through a link in Appendix G of the NOFO.

**19. Would a project on agricultural lands be eligible under a Track I application?**

Yes. There is nothing that prevents a project being performed on agricultural lands if the application meets all NOFO requirements.

**20. Is removal of pollution above a Superfund site but not within the boundaries of the site as described in the Superfund site listing an allowable expenditure?**

Yes, if all the NOFO requirements are met. See Appendix D on Pollution Reduction Strategies.

**21. Would PFAS remediation of private wells and development of new water infrastructure to bypass PFAS contamination be an eligible activity?**

Yes, subject to the three-year statutory limit on the grant period of performance. Please see Pollution Reduction Strategy 3 in Section I.G of the NOFO and Appendix D to the NOFO as well as the coverage on Readiness and Feasibility in Section IV.B and Section V of the NOFO.

**22. Can you bury powerlines for improved climate resilience with these funds?**

If this activity is part of a Climate Action or Pollution Reduction strategy in the NOFO, then it may be an eligible activity. Applicants must design their projects to meet the NOFO requirements, including those in Section I.G of the NOFO.

**23. Are capital expenses such as basic repair that are needed for eligible energy efficiency projects an eligible cost?**

Yes, if the costs are allowable and reasonable, comply with the allowability standards in 2 CFR 200.436 and 200.439, and the project is consistent with Strategy 4: Microgrid Installation for Community Energy Resilience as described in the NOFO.

**24. Would the creation of staff positions within a CBO to create community-facing programming under a Climate Action strategy be an eligible expense?**

Yes, assuming the application and projects in it meet the NOFO requirements. Please note, however, that given the statutory three-year limit on the grant performance period, the CCGP is not intended to support long-term staffing for CBO programming. Applicants must describe their plan for sustaining the project when funding ends as provided in the NOFO.

**25. Would costs to provide or subsidize emissions-reducing equipment to benefit members of a disadvantaged community (e.g., electric equipment, stoves/landscaping, e-bikes, etc.) be an eligible activity?**

Yes, please refer to the discussion of Climate Action Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience as well as Climate Action Strategy 3: Energy-Efficient, Healthy, Resilient Housing and Buildings in Section I.G of the NOFO. Subsidies are allowable “Participant Support Costs” under 2 CFR 1500.1(a)(2) as implemented in the EPA Guidance on Participant Support Costs, which is available through Appendix G of the NOFO.

**26. Is stormwater infrastructure construction to mitigate flooding to homes such as underground outlets, above-ground inlets, drainage basins, etc. an eligible activity under this grant?**

Yes, please refer to the discussion of Climate Action Strategy 1: Green Infrastructure and Nature-Based Solutions and Pollution Reduction Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience in Section I.G of the NOFO.

**27. If we use a portion of the funds to establish a revolving loan fund to support green and climate resilient affordable housing, can the use of the funds extend beyond 3 years?**

Applicants can propose revolving loan fund programs that meet the NOFO requirements, but the performance period for the grant is limited by statute to 3 years. EPA would discontinue direct funding after the performance period ends. A close-out agreement would govern post-award program income accumulated during the performance period or generated after the period of performance ends. See 2 CFR 1500.8(b) and (d) for additional guidance.

**28. Can we include planning phases in our project?**

Please refer to the Readiness Approach requirements in Section I.G of the NOFO and other sections in the NOFO, including the evaluation criteria in Section V that relate to this. While some planning activities may be necessary for some projects, projects must be completed within the three-year statutory period of performance. EPA cannot provide extensions. In addition, readiness to perform is an evaluation factor under Section V. If a project is not ready to be performed upon award or soon thereafter, it may impact the evaluation of the application. Please also note the Readiness to Perform Requirements clause in Section VI of the NOFO.

**29. Can individuals who are not U.S. citizens or lawfully admitted to the U.S. as permanent residents receive training under the Climate Action Strategy for Workforce Development Programs (Climate Action Strategy 8)?**

Yes, individuals who are not U.S. citizens or lawfully admitted to the U.S. as permanent residents may receive training under CCGP funded Workforce Development Programs for occupations that reduce greenhouse gas emissions and air pollutants as indicated in Climate Action Strategy 8 in Section I.G of the NOFO, assuming all other NOFO requirements are met.

Notwithstanding this, based on EPA Policy referenced in Section 5.E of the [EPA Guidance on Participant Support Costs](#), individuals who are not U.S. citizens or lawfully admitted to the U.S. as permanent residents cannot receive EPA funded stipends for participating in the Workforce Development Program. It is up to the applicant to design their Workforce Development Program consistent with the requirements in the NOFO.

## J. Budget/Indirect Cost Issues

### **1. What is the indirect cost limitation?**

The applicability of the 20% total indirect cost limitation varies by types of recipients and subrecipients. Please see Appendix G of the NOFO, which addresses the indirect cost limitations.

### **2. Does the 20% indirect cost cap apply to all indirect cost expenses, and are there flow-down requirements to subrecipients?**

Yes, the cap is on all eligible indirect cost expenses. This limitation will extend to direct recipients of grants and cooperative agreements under the CCGP, as well as to subrecipients as defined in 2 CFR 200.1. Therefore, both direct recipients and subrecipients may charge up to 20% of their respective award or subaward-- e.g., up to 20% of the direct award (if they are the Pass-through entity) or up to 20% of the total subaward (if they are a subrecipient).

Due to the sovereign status of Indian tribes that meet the Federal recognition requirement in section 302(r) of the Clean Air Act, and the unique burdens placed on these entities due to the composition of their tax base where chargeable indirect costs can be an essential financing component for the Tribe, EPA is exempting Indian tribes and Intertribal consortia comprised of eligible Indian tribes from this 20% indirect cost limitation, provided the Intertribal Consortia meets the requirements of 40 CFR 33.504(a) and (c).

### **3. If the only source of funding for my organization is an EPA grant or subaward such that all overhead costs are charged directly to the EPA grant or subaward, can I still use the 10% de-minimis indirect cost rate?**

No. The 10% de-minimis indirect cost rate, like all Federally approved indirect cost rates, is intended to compensate recipients for the Federal government's share of overhead costs such as office space rental, insurance, utilities, and administrative personnel compensation that are borne by multiple sources of funds. Recipients and subrecipients who charge all overhead costs directly to their federal award would improperly "profit" from using the 10% de-minimis indirect cost rate. See OMB Frequent Question 122 from [2 CFR Frequently Asked Questions](#) which addresses this issue.

### **4. Can a recipient conducting a single function funded predominately by federal awards elect to charge the 10% de minimis rate if they currently only charge direct costs to their awards?**

No. If all costs are charged directly to the federal award (e.g., space costs, utility, and administrative costs), the recipient must not also charge the de minimis rate. Costs must be consistently charged as either indirect or direct cost and may not be double-charged or inconsistently charged. See prior question.

### **5. Does the 20% indirect cost rate cap change my negotiated indirect cost rate or authorize me to use a de-minimis rate of 20% rather than the 10% de-minimis rate?**

No. As stated in Appendix G of the NOFO "...indirect costs charged against any grant and/or cooperative agreement [or subaward] awarded under this NOFO shall not exceed 20 percent of the total amount of the federal award [or subaward]."

The actual indirect cost rate a recipient or subrecipient is authorized to charge does not change—the recipient or subrecipient charges their indirect cost rate at the negotiated level *or* the 10% de minimis rate to the authorized distribution base (typically *Modified total direct costs* as defined in 2 CFR 200.1). If the negotiated indirect cost rate exceeds 20%, then the recipient or subrecipient may apply that rate until the total indirect costs recovered equal 20% of the award or subaward. When that cap on indirect costs is reached, the recipient or subrecipient must stop charging indirect costs. Also, the 20% indirect cost rate cap is not an indirect cost rate -- it's a limitation on the total amount of indirect costs that can be charged to the EPA Award or Subaward.

Applicants who have a negotiated indirect cost rate have two calculations to make. The first calculation is to apply their approved IDC rate to their approved base (MTDC or direct labor). The second calculation is 20% of the total award amount. The two amounts are then compared and the lesser of the two amounts is the total amount of allowable indirect costs. The 10% de minimis rate applied to their MTDC will always result in less allowable IDCs than 20% the total award amount. Therefore, it does not require two calculations.

**6. Can a fixed amount subaward include the 10% de-minimis indirect cost rate?**

No. Fixed amount subawards are intended to compensate recipients on a milestone achievement or unit cost basis rather than to reimburse the recipient based on incurred direct or indirect costs documented in the subrecipient's financial management systems. Pass-through entities and subrecipients may, however, factor the subrecipients' overhead costs into the pricing structure for fixed amount subawards.

**7. Is predevelopment for equitable transit-oriented development an eligible cost?**

Yes. All costs that are necessary and reasonable for an equitable development transit project including pre-development costs such as engineering studies or community involvement may be eligible costs.

**8. Do Collaborating Entities need to be identified in the budget description/ template described in Appendix G?**

Yes, Collaborating Entities are subrecipients and must be identified in the budget description and in the "other" budget category in line-item amounts as described in Appendix G. As stated in the instructions for subawards in Appendix G, applicants must "identify each major subaward including those with the Collaborating Entities. Applicants must show the individual and aggregate amounts they propose to issue as subawards." Please also see the Community Engagement and Collaborative Governance Plan described in Section I.G of the NOFO.

**9. Do subrecipients need to comply with the procurement requirements if they are buying supplies or procuring services under the grant?**

Yes, federal procurement requirements flow down to subrecipients and apply to acquisition of both supplies and services. See Section III.B of the NOFO.

**10. Can subaward funds directly go to subrecipients from EPA?**

No, EPA does not pay subrecipients directly. The Lead Applicant (the *Pass-through entity* as defined in 2 CFR 200.1) draws down funds from EPA and then transfers the funds to the subrecipient in amounts necessary to meet the subrecipient's immediate need for cash as provided in 2 CFR 200.305(b).

**11. Is purchasing a multi-family apartment building with the intention of rehabilitating it to improve climate resilience and reduce pollution an allowable cost?**

Generally, yes, purchases of real property could be an eligible cost if the application met the other NOFO requirements.

**12. Could an application be partially funded?**

Yes. Partial funding is addressed in Section II.F of the NOFO.

**13. If we are awarded a grant, can we be reimbursed for our grant application preparation costs (e.g., hiring a grant writing consultant) and our grant management costs for managing the grant?**

No. Applicants will not be reimbursed for their grant application preparation costs as a direct cost because that is not an allowable cost for the CCGP. Those costs are normally covered by the recipient's indirect cost rate as provided in 2 CFR 200.460. The CCGP is not among those programs for which EPA has

made exceptions for application costs in Item 6 of the EPA Office of Grants and Debarment (OGD) Guidance on Selected Items of Cost for Recipients (<https://www.epa.gov/grants/rain-2018-g01-r>).

Direct costs of grant management may be allowable if those same costs are not covered by the recipient's indirect cost rate—as provided in 2 CFR 200.412 recipients must charge costs as direct or indirect consistently.



## K. Track II Applications

### **1. Can Track II applications focus on benefitting multiple disadvantaged communities?**

Yes, applicants can propose Track II projects that benefit multiple disadvantaged communities if they meet the Track II NOFO requirements.

### **2. Can a Track II application focus on facilitating the engagement of disadvantaged communities in different cities and/or states in governmental processes?**

Yes, there is no Project Area Map required for Track II applications, and Track II applications do not have to be as place-based as Track I applications. Please refer to the NOFO Track II requirements.

### **3. Do Track II applications need to include a Project Area Map?**

No. See Appendix A of the NOFO which states that: “While Track II applications are not required to submit a Project Area Map. As stated in Section III.D and IV.B they must describe and identify the disadvantaged communities that will benefit from the projects.”

### **4. Is a statutory partnership needed for a Track II application?**

Yes, the applicant eligibility requirements in Sections III.A and III.B of the NOFO are the same for Track I and II applications.

### **5. Can a Track II application include activities to facilitate the engagement of disadvantaged communities in, and build their capacity to participate in, public utility commission proceedings, state legislative campaigns, and advocacy before state agencies on environmental justice matters?**

The answer is yes for facilitating engagement of disadvantaged communities in public utility commission proceedings. However, the answer is no for engagement of disadvantaged communities in state legislative campaigns because the use of grant funding for those types of activities is unallowable as provided in 2 CFR 200.450, *Lobbying*. Whether advocacy before state agencies is allowable depends on the context of the advocacy. For example, costs for advocacy on matters that are decided administratively by state agencies, such as permitting of industrial facilities, may be allowable as indicated in the Track II Project Examples in Section I.H of the NOFO. Costs for advocating the introduction or modification of state statutes or legislation, however, are unallowable lobbying costs as indicated in 2 CFR 200.450.

### **6. Under Track II, when it says, “facilitating the engagement of disadvantaged communities in... other public processes,” what is meant by other public processes?**

Under Track II, eligible applicants may submit projects, as described in CAA § 138(b)(2)(E), for “facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.” EPA has interpreted “other public processes” broadly as encompassing local, Tribal, and other governmental processes, with the exception of unallowable lobbying activities as described at 2 CFR 200.450.

## L. Target Investment Areas (TIA)

### **1. Does an application have to address one of the five Target Investment Areas identified in Section II.B of the NOFO?**

No, applications can address areas outside of the five Target Investment Areas (TIAs) if they meet the requirements of the NOFO. The TIAs are just priority categories, but applications can be submitted for projects outside of those areas if they meet the NOFO requirements.

### **2. Is there a different application process for applications submitted for a TIA described in Section II.B of the NOFO?**

No, the application process is the same for all applications and is described in Section IV of the NOFO, but there may also be specific requirements for a particular TIA that need to be addressed as identified in the NOFO (e.g., see Sections II.B and III.D). If you are applying for a TIA, please note that you need to identify what TIA you are applying for as noted in the application instructions in Section IV.B of the NOFO. Also please note that the TIAs are only for Track I applications.

### **3. Are there additional requirements that apply to TIA A for Alaska?**

Yes, they are identified in the NOFO, including in Section III.D.12 and Appendix H.

### **4. What is considered a border community?**

Please see Section II.B of the NOFO.

### **5. If an application is for a project that will be carried out to benefit disadvantaged communities in Alaska, but the applicant is not applying under the Tribes in Alaska TIA identified in Section II.B of the NOFO, can the application include projects identified in the “Alaska-specific Climate Action Strategies” found in Appendix H?**

Yes, the application can include Alaska-specific climate action strategies, even if it is not applying under the Tribes in Alaska TIA.

### **6. Under the Tribes in Alaska TIA (TIA A) in Section II.B of the NOFO, is the EPA also accepting applications that are for projects on lands conveyed through the Alaska Native Claims Settlement Act (ANCSA) but not focused on the clean-up of contaminated ANCSA lands?**

Yes. Please note that all applications, including those for funding under TIA A, must benefit disadvantaged communities as defined in Appendix A of the NOFO and meet other applicable NOFO requirements. Additionally, as noted in Appendix H, under TIA A EPA strongly encourages applications that include Pollution Reduction strategy projects to clean up contaminated lands conveyed through ANCSA.

### **7. If applying under the Tribes in Alaska TIA or for any project to benefit disadvantaged communities in Alaska, is it required that the project be on ANCSA land?**

Applications submitted to benefit disadvantaged communities in Alaska, whether under TIA A or not, are not required to be on ANCSA land. However, as noted in Appendix H, under TIA A EPA strongly encourages applications that include Pollution Reduction strategy projects to clean up contaminated lands conveyed through ANCSA.

### **8. Can an eligible CBO be the Lead Applicant applying under the Alaska Tribal Lands TIA even if they are not an Alaska Native Village, Alaska Native Non-Profit, or Alaska Native Association?**

Yes. It is up to the Statutory Partnership that applies for the grant to determine who the Lead Applicant for the grant will be provided the Lead Applicant is an eligible entity. Please see Section III.B of the NOFO for more information.

## 9. **How can Alaska Native Corporations (ANCs) participate in the CCGP?**

Under the CCGP, ANCs may be Collaborating Entities that receive competitive or non-competitive subawards, or they may compete for procurement contracts, depending on the nature of the transaction. Please read this response carefully to assure such collaboration would meet NOFO requirements.

For purposes of clarity, please be aware that ANCs are not Community Based Non-Profit Organizations (CBO) under the CCGP. As indicated in Section III.A of the NOFO, this is because ANCs are for-profit organizations. Further, as explained in Section III.A of the NOFO, ANCs are not eligible to enter Statutory Partnerships with CBOs as “Indian Tribes.” This is based on the definition of “Indian Tribes” in section 302(r) of the Clean Air Act, which does not include ANCs. See also Appendix H.

The coverage on Collaborating Entities in Section III.B of the NOFO, however, notes that “Collaborating Entities may include Statutory Partners (CBOs, Federally recognized Tribes, local governments, and institutions of higher education) and entities that cannot legally be Statutory Partners (e.g., states, territorial governments, and international organizations). For-profit firms and individual consultants or other commercial service providers cannot be Collaborating Entities.”

While ANCs do not meet the definition of Indian Tribes under section 302(r) of the Clean Air Act, ANCs are considered Indian Tribes for the purposes of 2 CFR Part 200 and the EPA Subaward Policy, making them eligible to receive subawards.

That said, to receive a subaward (competitive or non-competitive), ANCs must agree not to profit from the receipt of the subaward. A more detailed explanation is included in the EPA Subaward Frequent Questions (<https://www.epa.gov/grants/epa-subaward-frequent-questions>) on ANCs (Number A.54), which states that program offices may, as a matter of policy, allow ANCs to receive subawards, provided that the ANC agrees not to profit from the transaction. Under this NOFO, we have determined that ANCs are eligible for CCGP subawards. Therefore, under this NOFO, ANCs may receive subawards under the Tribes in Alaska TIA if the terms of the subaward provide that the ANC only receive reimbursement of their direct and indirect costs.

Finally, ANCs may profit from EPA-funded procurement contracts if the transaction complies with the competitive procurement requirements in 2 CFR Part 200, including restrictions on personal conflicts of interest, as interpreted in the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements (<https://www.epa.gov/grants/best-practice-guide-procuring-services-supplies-and-equipment-under-epa-assistance>).

Note also that ANCs, like all businesses in disadvantaged areas, may receive participant support cost subsidies to enable them to purchase low-emission equipment or similar devices that reduce pollution.

## *M. Administrative Requirements*

### **1. Does the CCG program allow for waivers if Build America, Buy America (BABA) compliant components are not available?**

The BABA requirements are part of the Infrastructure and Investment Jobs Act (IIJA), which applies to federal financial assistance programs. Grant recipients may request BABA waivers for items that are not domestically available, but waivers must be based on robust market research. We expect recipients to make good faith efforts to comply with BABA. Please see Section VI of the NOFO for additional BABA information.

### **2. Are facility upgrades such as energy efficiency retrofits or installation of EV chargers subject to Build America, Buy America requirements?**

Build America, Buy America (BABA) requirements apply to “infrastructure projects,” which is broadly defined to include many project types. EV charger installation projects are subject to BABA as provided in 2 CFR 184.4(b). Energy retrofits could trigger BABA requirements in certain circumstances, depending on whether the project involves construction or installation of equipment that is permanently affixed to a structure or other real property. Please see Section VI of the NOFO and [EPA's BABA website](#) for more information.

### **3. Does NEPA apply to projects awarded under the NOFO?**

No, as stated in Section VI.B of the NOFO, “Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. § 793(c)(1)) exempts all actions under the CAA from the requirements of NEPA (National Environmental Policy Act).” This Section states: “No action taken under the Clean Air Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.” Therefore, as a grant program authorized under the CAA, NEPA will not apply to projects funded under the CCGP.

### **4. Does a project need to have an approved construction permit prior to applying for the grant?**

No, but please review the Readiness Approach Requirements in Section I.G of the NOFO and Section III.D.5 which states that: “Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must describe how the projects in the application, including any construction projects, can be completed within three years of award.”

Additionally, the NOFO describes the requirements for Readiness Approach for Track I applications in Section IV.B as follows:

“Applicants must demonstrate, based on the Readiness Approach Requirements described in Section I.G, their ability and readiness to proceed with grant performance for the projects in the application upon receiving an award, and generally no later than 120 days after award, in order to ensure that the projects can be completed within the statutory three-year grant period. As appropriate, this may include a description of the completed project planning and design phases related to the project(s) as well as demonstrating that the applicant has obtained and/or complied with the necessary approvals, permits, permissions, and any other applicable requirements, to commence project performance upon award, and if not their plan for doing so within 120 days of award. There is no page limit for this information, but applicants should be as concise as possible.”

## *N. Technical Assistance (TA)*

### **1. What are the TCTACs, and can they help with an application under the NOFO?**

The TCTACS are the EPA-funded Environmental Justice Thriving Communities Technical Assistance Centers, and they are available to provide general technical assistance for applicants and grantees. Further information on the TCTACS can be found on [EPA's website](#). However, while the TCTACs are available for general technical assistance, we recommend that applicants access the dedicated technical assistance for the CCGP for more specialized questions as noted in Section I.E of the NOFO.

### **2. What kind of technical assistance is available under the CCGP?**

Please see Section I.E of the NOFO for more information about technical assistance specific to the Community Change Grants. Both pre-award and post-award technical assistance may be available to eligible entities. Please note, however, that receiving technical assistance does not guarantee that an applicant will be selected for funding.

### **3. Is technical assistance available to help an eligible entity find a partner to apply with under the NOFO?**

Yes, technical assistance can be used for this purpose. See Section I.E of the NOFO for more information.

### **4. Will there be technical assistance available to help a grantee manage a grant?**

Yes, post-award technical assistance will be available from EPA as part of our substantial involvement in the cooperative agreement and through EPA's technical assistance contractor. Further information will be provided to the grantee after award.

## O. Webinars

### **1. Will the webinars be available in other languages besides English?**

Yes, EPA provides Spanish and American Sign Language interpretation for our webinars.

### **2. Will EPA conduct additional webinars?**

Information about future webinars will be available on the [Community Change Grant website](#) under the section at the bottom called “Engagement Opportunities.” In addition, EPA’s technical assistance contractor is expected to hold webinars about the NOFO. Further information about that will be posted once the information is available.