
INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM

Guidance on the Award and Management of
General Assistance Agreements
for Tribes and Intertribal Consortia

DATE

**U.S. Environmental Protection Agency
Office of International and Tribal Affairs
American Indian Environmental Office**

This Guidance identifies Agency policies and recommended procedures for coordinating activities related to assistance agreements awarded under the Indian Environmental General Assistance Program (GAP). The statutory provisions, EPA regulations, and other legally binding documents described in this Guidance contain legally binding requirements that govern the use and management of GAP resources. This Guidance document does not substitute for other binding requirements, and it does not expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits to any person. In the event of a conflict between the discussion in this Guidance and any legally binding requirement, this Guidance document would not be controlling.

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New Cover Letter

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1. Introduction

This Guidance on the Award and Management of General Assistance Agreements for Tribes and Intertribal Consortia (Guidance) describes how the U.S. Environmental Protection Agency (EPA or Agency) administers the [Indian Environmental General Assistance Program Act of 1992](#) (42 USC §436b), or GAP. The implementing regulations for GAP and other EPA tribal grant programs are located at 40 CFR Part 35, Subpart B, [Environmental Program Grants for Tribes](#). This Guidance reflects statutory and regulatory requirements, including binding requirements, and federal policies that address how GAP funds are used and managed.

The Office of International and Tribal Affairs (OITA) American Indian Environmental Office (AIEO) developed this guidance with input from tribal and intertribal consortium representatives and EPA regional and program offices, for eligible applicants and EPA regional offices to use during the development, review, and administration of GAP grant application materials. The intent of this guidance is to clarify the purpose of the GAP statute and scope of eligible GAP activities, establish the components of a National GAP Framework, and reduce administrative burden in the application and management of GAP awards.

This Guidance supersedes previous guidance issued May 15, 2013.

A nationally successful General Assistance Program supports EPA's mission to protect human health and the environment by providing capacity building resources to Tribes and intertribal consortia to address environmental priorities, demonstrated with clear guidance, consistent administration, and accountability for measurable results.

1.1 Purpose of GAP

In 1992, Congress created the Indian Environmental General Assistance Act, or GAP, to assist federally recognized Tribes and intertribal consortia to:

- Plan, develop, and establish the capacity to implement programs administered by the EPA, and
- Assist in the development and implementation of solid and hazardous waste programs for Indian lands.

Additionally, the statute authorizes EPA to provide technical assistance to tribal governments and intertribal consortia in the development of multimedia programs to address environmental issues.

There are several EPA financial and technical assistance resources available to tribal governments and intertribal consortia beyond GAP, including financial assistance to build capacity in a specific program

area. EPA's [Grants for Tribes](#) and [Environmental Protection in Indian Country](#) provides additional information, including contact information for AIEO and Tribal Program Managers.

See Section 3.5 of this Guidance for specific eligibility criteria for tribal and intertribal consortium applicants.

1.2 EPA's Mission and GAP

Protecting human health and the environment is a shared responsibility of EPA and its tribal, state, and local government partners. There are many ways that Tribes and EPA work together to achieve environmental outcomes. GAP is one resource available to Tribes to build capacity to meaningfully participate in or administer environmental protection programs.

EPA is responsible for administering federal statutes and their implementing regulations that protect public health and the environment on all lands of the United States, including Indian country¹. Many of the federal statutes that define EPA's authorities address a single environmental media, such as air, water, or land. The GAP statute is unique in that it provides financial and technical assistance for Tribes and intertribal consortia to build capacity to engage in and administer programs under other environmental statutes (Table 1). A more complete list of the programs and statutes that EPA administers, or has a role in administering, is available at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

Under the U.S. Constitution, treaties have the same legal force as federal statutes. The United States' government-to-government relationship with and trust responsibility to federal recognized Indian Tribes reinforces the importance of honoring these treaty rights. As such, the EPA has an obligation to honor and respect tribal rights and resources protected by treaties. While treaties do not expand the EPA's authority, the EPA must ensure its actions do not conflict with tribal treaty rights. In addition, EPA programs should be implemented to enhance protection of tribal treaty rights and treaty-covered resources when the Agency has the discretion to do so.

In keeping with the federal trust responsibility, the Agency works with Tribes to ensure that EPA's environmental and human health protection programs are implemented throughout the country. There are several ways EPA and tribal governments may work together to carry out federal program

¹ The term Indian country is defined in 18 U.S.C. § 1151 and 40 CFR § 171.3 as:

- a. all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;
- b. all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and
- c. all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Consistent with the statutory definition of Indian country, as well as federal case law interpreting this statutory language, lands held by the federal government in trust for Indian Tribes that exist outside of formal reservations are informal reservations and, thus, are Indian country.

responsibilities and ensure regulated sites, facilities and/or activities comply with federal program requirements. Tribes may seek opportunities to develop and implement federal program responsibilities, where applicable, and to engage in policy making, standard setting, and direct implementation actions that are consistent with EPA authorities and tribal environmental protection interests.

Under its 1984 Indian Policy, "[EPA Policy for the Administration of Environmental Programs on Indian Reservations](#)," EPA works with Tribes on a government-to-government basis and recognizes Tribes as the primary parties for making environmental policy decisions and carrying out federal program responsibilities that affect their lands, environments, and communities. Consistent with the 1984 Indian Policy, EPA:

- Directly implements program (known as direct implementation, or DI),
- Approves, where applicable, eligible Tribes to implement the program, or
- Coordinates, partners, and engages on a government-to-government basis for environmental protection.

Until EPA approves or authorizes a federal program responsibility to a Tribe, or unless EPA expressly approves program authority over an area of Indian country to a state (i.e., in unusual circumstances where a state can demonstrate appropriate authority under federal law), EPA retains direct implementation responsibilities.

No matter what mechanism(s) EPA uses to carry out its mission, the Agency strives to work closely with tribal governments, consider tribal interests, and encourage tribal governments to develop their own environmental protection programs.

Tribes may also choose to work with state, local and other federal government agencies to address shared environmental priorities and to provide input on how environmental decisions of other government agencies may impact tribal communities. Many tribal environmental protection programs integrate more than one approach to working with EPA and other governments, depending on the presence and type of pollution sources and the Tribe's priorities, environmental needs, and capacity.

Table 1 – EPA’s primary statutory authorities and federal program responsibilities. A complete list of EPA’s statutory authorities is available at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>; for more information on tribal program authorizations and participation opportunities, contact the appropriate EPA [Tribal Program Manager](#).

Statute	General EPA Authority	Significant Programs/Activities
Clean Air Act (CAA) 42 U.S.C. Chapter 55	The comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants.	Designations, National Emission Standards for Hazardous, Air Pollutants, Permitting, Federal Implementation Plans, Air Mobile Sources
Clean Water Act (CWA) 33 U.S.C. 1251 et. seq.	Establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating water quality standards for surface waters.	Water Quality Standards (WQS), Impaired Water Listing and Total Maximum Daily Loads (TMDL), Water Quality Certification, National Pollutant Discharge Elimination System (NPDES) , Dredge and Fill Permitting
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 42 U.S.C. Chapter 103	Commonly referred to as Superfund. CERCLA is the primary federal law that ensures responses to releases or threatened releases of hazardous substances that may endanger public health or the environment.	CERCLA § 128(a) State and Tribal Response Program grants fund Tribes to establish and enhance a response program which can include addressing contaminated lands
2002 Small Business Liability Relief and Brownfields Revitalization Act	Amended CERCLA by providing funds to assess and clean up brownfields; clarified CERCLA liability protections; and provided funds to enhance state and tribal response programs.	
Emergency Planning and Community Right-to-Know Act (EPCRA) 42 USC Ch. 46 and the Oil Pollution Act of 1990 (OPA) 33 U.S.C. Ch. 40 § 2701	These statutes, along with CAA, CWA and CERCLA, contain provisions designed to prevent, prepare for and respond to releases of oil and hazardous substances. Under each Act, EPA implements emergency prevention, preparedness, and response activities.	Emergency Planning, Facility Reporting, Toxics Release Inventory (TRI)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 7 U.S.C. § 136	Governs the registration, distribution, sale, and use of pesticides in the U.S.	Restricted Use Pesticide Applicators, Integrated Pest Management (IPM)
National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. Chapter 55	Requires federal agencies to assess the environmental and related social and economic effects of their proposed actions prior to making decisions	Tribes as Cooperating Agencies
Pollution Prevention Act (PPA) 42 U.S.C. Chapter 133	Reduces pollution through cost-effective changes in production, operation, and raw materials use.	Pollution Prevention (P2) Grants
Safe Drinking Water Act (SDWA) 42 U.S.C. Chapter 6A	EPA sets standards for drinking water quality and with its partners implements technical and financial programs to ensure public drinking water safety.	Public Water System Supervision (PWSS) Underground Injection Control (UIC)
Solid Waste Disposal Act as amended, 42 U.S.C. Chapter 82	Commonly known as the Resource Conservation and Recovery Act (RCRA), this Act creates the federal framework for the proper management of hazardous and non-hazardous solid waste.	Hazardous Waste, Solid Waste, Underground Storage Tanks (UST)
Toxic Substances Control Act (TSCA) 15 U.S.C. § 2601 et seq.	Provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides.	Asbestos, Radon, Lead

2. GAP National Framework

EPA considers several factors when awarding and administering GAP financial assistance agreements. These factors all work together to form the National Framework of GAP. Each component of the framework is interconnected and serves an important role in advancing tribal capacity development:

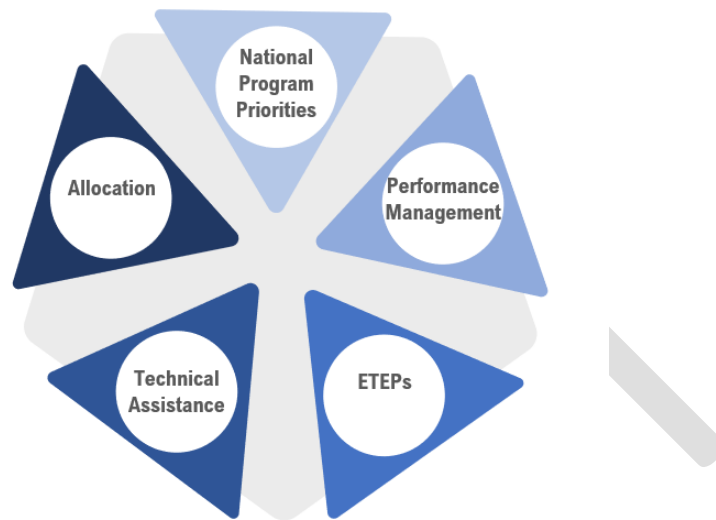


Figure 1 — Displays the 5 factors that work together to form the National Framework of GAP.

National Program Priorities	National program priorities are rooted in the GAP statute and provide the foundation for eligible activities and performance management,
Performance Management	Information that demonstrates whether the national program is meeting its goals and objectives, including reports to Congress and others,
EPA -Tribal Environmental Plans (ETEPs)	Establish an understanding of how EPA and Tribes work together to address shared environmental priorities and provide a linkage between GAP funded activities and performance management,
Technical Assistance	Tools to assist Tribes and intertribal consortia in meeting work plan objectives and ETEP priorities, and
Allocation	Process for distributing financial resources from AIEO to regions to fund approved GAP work plans.

2.1 National Program Priorities

In 2017, EPA established GAP Guiding Principles. The Guiding Principles align with the GAP statute and ensure national consistency in approach, communication and application of EPA’s actions related to soliciting, awarding,

and overseeing GAP financial assistance agreements². ***The guiding principles, as amended, are incorporated into this Guidance as national program priorities.*** The priorities provide direction and consistency for the administration of GAP financial assistance agreements and offer flexibility for Tribes and intertribal consortia to engage in EPA administered programs in a way that is reflective of their environmental priorities and program management interests. The national program priorities are the following:

1. Ensure tribal governments have the opportunity to build the capacity to:
 - a. Implement federal environmental programs through EPA delegations, authorizations, and primacy designations, where applicable³; and
 - b. Meaningfully participate in environmental protection activities that inform, support, or enhance direct implementation under federal environmental statutes administered by EPA.
2. Promote tribal self-governance by working closely with Tribes to:
 - a. Accomplish tribal environmental program goals in ETEPs that reflect federal environmental program areas of need to protect human health and the environment;
 - b. Support Tribes' development of strong core environmental program capacities for media-specific programs administered by EPA; and
 - c. Foster Tribes' capacity to assume the authority to implement programs administered by EPA.
3. Promote intergovernmental collaboration and partnership among EPA, Tribes, states, and others, and focus GAP financial and technical assistance to protect human health and the environment.
4. Support implementation of established solid and hazardous waste regulatory programs in accordance with the purposes and requirements of applicable provisions of law, including the Solid Waste Disposal Act (commonly known as the Resource Conservation and Recovery Act).
5. Maintain strong national program management practices to produce compelling results that align with EPA's statutory authorities.

Meaningful participation is active engagement in programs or processes affecting human health and the environment for which the Tribe is concerned.

2.1.1 What does GAP fund?

As authorized in the GAP statute, federally recognized Tribes and intertribal consortia may use GAP to build capacity to implement programs under statutes administered by the EPA and to develop and implement solid and hazardous waste programs. Additionally, in 2018, Congress authorized GAP to fund the collection, transportation, backhaul and disposal of solid waste and recovered materials ([Pub. L. 115-141](#)).

Key terms for this section:

Capacity building refers to the administrative, technical, and programmatic growth of a Tribe or intertribal consortium to advance its environmental priorities effectively and efficiently. Capacity building is not a one-time effort to achieve a short-term level of effectiveness; it is a continuous improvement approach to creating a sustainable tribal environmental protection program.

² The 2017 GAP Guiding Principles are superseded by this Guidance.

³ Not all EPA programs can be delegated, authorized or approved to Tribes; see <https://www.epa.gov/tribal/tribal-assumption-federal-laws-treatment-state-tas> and Section 2.1.1 of this Guidance for information.

Under some federal statutes, EPA is authorized to treat eligible federally recognized Tribes in a similar manner as a state (**TAS**) for implementing and managing certain environmental programs. EPA generally refers to the delegation, authorization or approval of a federal program to Tribes as [tribal assumption of federal laws](#). As part of the basic requirements for receiving a program delegation, authorization or approval, the Tribe must demonstrate that they have the capacity to carry out, or implement, the functions of the program.

In the GAP statute, Congress authorizes EPA to provide financial assistance to Tribes to build capacity, including planning, developing and establishing capacity, to implement programs under statutes administered by EPA and for the development and implementation of solid and hazardous waste programs. Except for exclusions specifically identified in this Guidance, GAP funds cannot be used to fund activities in a program area where the EPA has delegated, authorized, or approved the Tribe to administer an EPA program or function⁴ and/or the administration of environmental programs under Tribal laws and regulations as these functions are considered **implementation** for the purposes of GAP. The exclusions where GAP funds can be used to fund these activities are:

1. When capacity building occurs in another related area, such as developing standards for a new land parcel or addressing a new pollutant;
2. When approved under the regulatory flexibilities available when GAP funds are included in a PPG; and/or
3. When the Tribe has demonstrated there is a continuing capacity building need. Use of GAP funding for capacity building needs after the Tribe has been delegated, authorized, or approved to administer the EPA program will require AIEO concurrence and is limited to four years.

Generally, GAP may fund activities that are necessary for the Tribe to:

1. Establish and maintain an environmental presence, which is the knowledge and core environmental protection program capacities needed to engage government-to-government with EPA;

Tribes with an established environmental presence should begin to build capacity to meaningfully participate federal environmental programs.

2. Plan, develop, and establish capacity to meaningfully participate in federal environmental programs that are administered by EPA, states, other Tribes, or local governments;
3. Plan, develop, and establish capacity to implement programs under statutes administered by EPA;
4. Plan, develop and establish environmental program capacities that are consistent with EPA's authorities (the work that Congress has approved EPA to do) for implementation under tribal laws and regulations;

⁴ This limitation does not include grant programs for which EPA has approved federally recognized tribes for TAS to receive funding, including Clean Air Act § 105 - [Air Pollution Planning and Control Grants](#), Clean Water Act § 106 - [Water Pollution Control Grants](#), and Clean Water Act § 319 - [Nonpoint Source Management Grants](#).

5. Plan, develop, and establish solid and hazardous waste capacity and/or implement tribal solid and hazardous waste programs, and
6. Provide solid waste and recovered materials collection, transportation, backhaul, and disposal services.

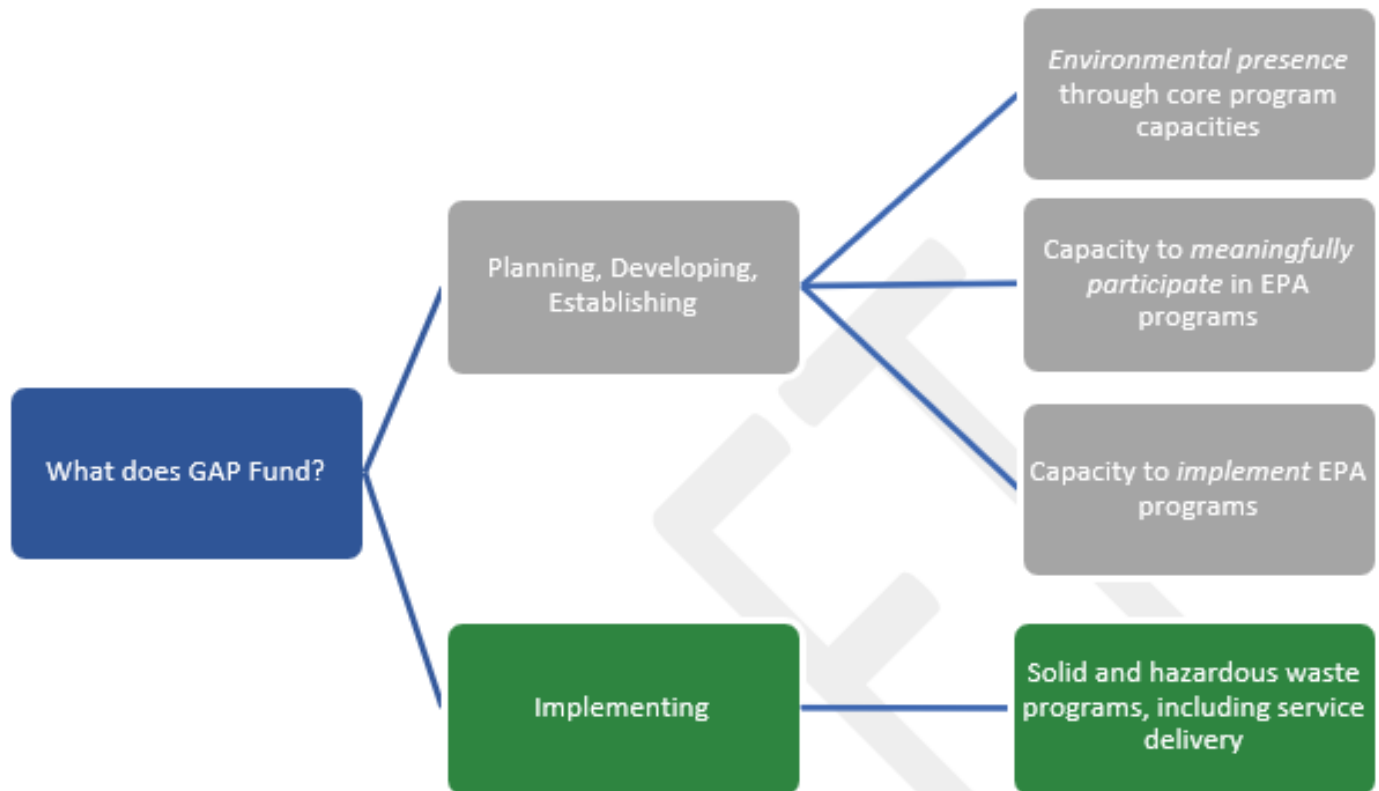


Figure 2 — What does GAP Fund?

Other examples of eligible activities include:

1. Purchase of supplies (items that cost <\$5000 per unit) needed to administer tribal environmental programs (i.e., office supplies, computers, printers, software).
2. Purchases of equipment (purchases equal to or greater than \$5,000 per unit unless the recipient has a lower equipment threshold) necessary to administer tribal environmental programs (e.g., Geographic Information System (GIS) survey instruments, vehicles for environmental program operations, sampling, measurement, analysis, and other related equipment). For information on requirements for managing equipment including what happens to equipment that was paid for with GAP funds following completion of the grant, see [2 CFR 200.313](#).
3. Activities related to establishing training, outreach, public participation, compliance assistance, and coordination programs for tribal environmental staff to achieve their environmental priorities and purposes of GAP.
4. Activities necessary to better understand a federal environmental action or decision and its impact on the Tribe (e.g., reviewing and commenting on National Environmental Policy Act (NEPA) documents and federal permits provided from another entity).
5. Providing and/or receiving technical assistance from another GAP grantee. Technical assistance should be identified in the assistance provider's GAP work plan and support the assistance recipient in achieving GAP work plan objectives and ETEP priorities.

Proposal Preparation Costs: As provided in [2 CFR 200.460](#), proposal preparation costs are normally covered by recipients' indirect cost rates. However, directly charging proposal preparation costs is allowable for Tribes applying for GAP grants subject to limitations and requirements in the [EPA Guidance on Selected Items of Cost](#) and approval by an EPA Grants Official (i.e. a Regional Grants Management Officer or Award Official).⁵ To qualify for direct charging of proposal costs, the recipient must provide EPA with assurance that its indirect cost rate calculations do not include the same costs that will be charged directly. Proposal preparation costs must not exceed 5% of the total budget, but the EPA Office of Grants and Debarment (OGD) may provide an exception to this limitation based on extraordinary circumstances.⁶

The GAP program also allows GAP recipients to directly charge proposal preparation costs when recipients are seeking funding from other EPA programs, federal agencies, state or local governments, and public or private foundations, when such proposal preparation activities are allowable, allocable, necessary and reasonable to achieve the statutory goals of GAP for building capacity to implement EPA administered programs or to assist in the development and implementation of solid and hazardous waste programs. EPA Grant Management Officers or Award Officials will generally make proposal preparation cost determinations for sources of funding other than GAP grants on a case-by-case basis in consultation with AIEO and the Office of General Counsel (OGC). To promote national consistency, AIEO, working with OGD and OGC, may make national allowability determinations regarding the direct charging of proposal preparation costs from specific funding sources.

Where an intertribal consortium provides technical assistance to a member Tribe for the Tribe's development of grant proposals, the associated consortia costs are not considered "proposal costs." Costs consortia incur for providing technical assistance to member Tribes are allowable if reasonable, allocable, necessary, and otherwise in compliance with [2 CFR Part 200](#) and the terms and conditions of the consortium's assistance agreement.

Construction Activities: While construction activities are generally not allowable under GAP, the construction, repair, upgrade, and replacement of resource recovery, resource conservation, and source separation facilities, including construction feasibility studies, are allowed. Other construction activities may be allowed when necessary for building environmental protection program capacity. For example, for a Tribe to establish an environmental protection program, the tribal environmental staff must have a place to work. If existing office space or rental space is not available, the Tribe may decide to build office space or purchase a modular building. Any construction activities funded under GAP must meet the requirements of [2 CFR Part 200 Subpart E](#). For information on what happens to the title of a building that was paid for with GAP funds following completion of the grant, see [2 C.F.R §200.311](#).

EPA will evaluate proposed construction activities, including those related to solid and hazardous waste facilities, on a case-by-case basis to determine whether the proposed construction activity is allowable. Requests from applicants for construction activities will be evaluated by the Regional Office and referred to the AIEO Director with justification for recommended approval or non-approval of the request, including provisions regarding compliance with NEPA. AIEO will make the determination on the proposal within 30 days and in consultation with the appropriate EPA program office and OGC.

⁵ EPA Grants Officials have re-delegated authority to make determinations required by the Grant Regulations.

⁶ Procedures for EPA Project Officers to use to obtain exceptions are described in section G of OGD's Internal Frequent Questions for EPA Subaward Policy, EPA Guidance on Participant Support Costs, and Selected Items of Cost Guidance.

2.1.2 Conducting a Test Drive

A program evaluation, or test drive, may enhance the Tribe's capacity to implement an EPA administered program.

Several federal environmental laws authorize EPA to delegate, authorize or approve programs or functions to Tribes for the purpose of implementing and managing certain environmental programs. The process of establishing an environmental program may include an evaluation phase where a Tribe tests assumptions, processes, or aspects of its own program. A Tribe seeking to administer such a program may use GAP funding to conduct activities it would normally perform once delegated, authorized, or approved by EPA when those activities are used to evaluate the program and produce findings on how to improve the program. Similarly, a Tribe may use GAP funding to test drive a non-delegable program, such as a radon program, developed for implementation under its own tribal laws or regulations. The purpose of a test drive is to improve the chances of success when a Tribe ultimately moves into the implementation phases of its environmental protection program(s).

GAP funded test drives may not continue for more than four intermittent or consecutive years⁷ and require prior approval from the EPA Project Officer. Approval of a test drive requires:

1. The Tribe's ETEP identifies the Tribe's intent to receive EPA approval, authorization or delegation of the program proposed to be test driven, or identifies the non-delegable program intended to be implemented under tribal laws and regulations.
2. The proposed program to be test driven is at the final stages of development and is ready for program assessment.
3. The Tribe's GAP work plan includes evaluation activities that produce findings and recommendations for improvements to the program's design.
4. If the Tribe intends to receive EPA approval, authorization or delegation of the program proposed to be test driven, the regional office responsible for approving, authorizing, or delegating the proposed program must provide concurrence.

2.1.3 Solid and Hazardous Waste

A unique aspect of GAP is that it gives EPA the authority to fund both capacity building and implementation of tribal solid and hazardous waste programs consistent with the RCRA. Additionally, with the service delivery provisions added by Congress in 2018, Tribes may use GAP funding to provide service delivery activities, such as the collection, transportation, backhaul and disposal of solid waste and/or recovered resources. This means that Tribes now have the flexibility to develop and administer most aspects of their solid and hazardous waste program under GAP, including:

- Salary for personnel,
- Developing and enforcing tribal waste management codes and ordinances,

⁷ If a GAP work plan including a test drive is added to a Performance Partnership Grant (PPG), the test drive may continue for up to five years. See Section 3.4 for more information on PPGs.

- Waste stream assessments,
- Management planning and waste reduction activities,
- Community education and outreach,
- Demonstration projects on sustainable materials management (reducing, reusing, recycling, etc.),
- Compliance assistance activities, and
- Door-to-door collection services.

Additional information on tribal waste management programs is available at <https://www.epa.gov/tribal-lands/tribal-waste-management-program#tools>.

2.1.3.1 Cleanup and Closure Activities

Unauthorized dumping of solid waste is often related to a lack of access to, or participation in, sustainable waste management systems. EPA strongly encourages Tribes to have an established solid waste program in place or under development before funding cleanup activities to prevent new, or recurring, unauthorized dumping on tribal lands.

EPA Regional Tribal Program Offices must approve the use of GAP funding for cleanup and closure activities before the activity occurs. To approve a tribal request for cleanup and closure activities, the EPA Regional Tribal Program Office will review supporting documentation from the Tribe, including assurance that the Tribe has administrative controls in place to oversee the cleanup. Where a Tribe does not have a solid waste program in place or under development, requested clean up and closure activities will require AIEO approval and will be considered for funding where there is an imminent and substantial endangerment to human health or the environment. The approving authority, whether AIEO or the Region, will consult with other program offices, such as the Office of Land and Emergency Management, Office of Enforcement and Compliance Assurance, and General Counsel, as appropriate. AIEO will provide additional guidance and technical assistance to EPA Regions and Tribes on the process to request and approve GAP funding for cleanup and closure.

2.1.3.2 Service Delivery Activities

The following criteria apply to GAP awards that include solid waste and recovered materials collection, transportation, backhaul and disposal services. This includes service support activities, such as equipment, facility operation and maintenance costs (including fuel) and the construction, repair, upgrade, and replacement of municipal solid waste supplies, equipment, and facilities.

- Solid waste program development and/or implementation is listed in the Tribe's ETEP and included as a GAP work plan component.
- The Tribe has a tribally approved Integrated Waste Management Plan (IWMP) that addresses the current service delivery activities. If the Tribe does not have an approved IWMP in place, or if the Tribe's IWMP does not address the service delivery activities funded by GAP, the EPA Project Officer should confirm that the Tribe's ETEP includes a description of its long-term waste management goals, including funding and sustainability, and a description of the community service area.
- Service delivery activities are included in a stand-alone work plan component, and associated costs are outlined separately in the budget.
- Service delivery activities that support for-profit commercial operations and/or activities outside Indian country include justification of direct or indirect tribal benefit (for example, a

tribal partnership with the local jurisdiction to increase recycling volume to support program sustainability) and appropriate terms and conditions.

EPA strongly supports the development of tribal Integrated Waste Management Plans (IWMPs). An IWMP outlines a Tribe's overall long-term approach for managing waste and serves as a roadmap for developing an effective waste management program. Tribes can use the IWMP to identify their waste management funding needs and potential funding sources, and outline how they will use the funds. By promoting sustainable materials management practices, IWMPs can also help Tribes address existing open dumps and prevent new ones. Additional information on the development of an IWMP is available at <https://www.epa.gov/tribal-lands/developing-tribal-integrated-waste-management-plans>.

2.1.4 Restrictions on what GAP funds

GAP cannot fund activities that are not closely related to planning, developing, and establishing tribal capacity consistent with EPA's statutory authorities and that are not allowable activities under any particular EPA program. To learn more about the work that EPA does and does not do, visit <https://www.epa.gov/aboutepa/our-mission-and-what-we-do>. Additionally, unless exclusions are specifically identified in this Guidance, GAP cannot fund activities where EPA has delegated, authorized, or approved the Tribe to administer the program or function and/or the administration of environmental programs under tribal laws and regulations.

To learn more about the work that EPA does and does not do, visit <https://www.epa.gov/aboutepa/our-mission-and-what-we-do>.

Applicable statutes, grant regulations, and this Guidance should be consulted when an EPA Project Officer or applicant is not certain if a proposed activity is eligible for GAP funding. The figure below may be helpful to applicants and EPA Project Officers when determining if an activity may be funded by GAP. AIEO may also advise EPA Project Officers on specific questions of eligibility.

3. Will GAP Fund My Activity?

This flow chart outlines the general process for determining if an activity may be funded by GAP but is not a guarantee of approval. GAP workplan activities must be consistent with programs and authorities administered by the EPA. The Uniform Grants Guidance ([2 CFR Part 200](#) and [2 CFR Part 1500](#)) and other factors are also applicable to approved workplan activities.

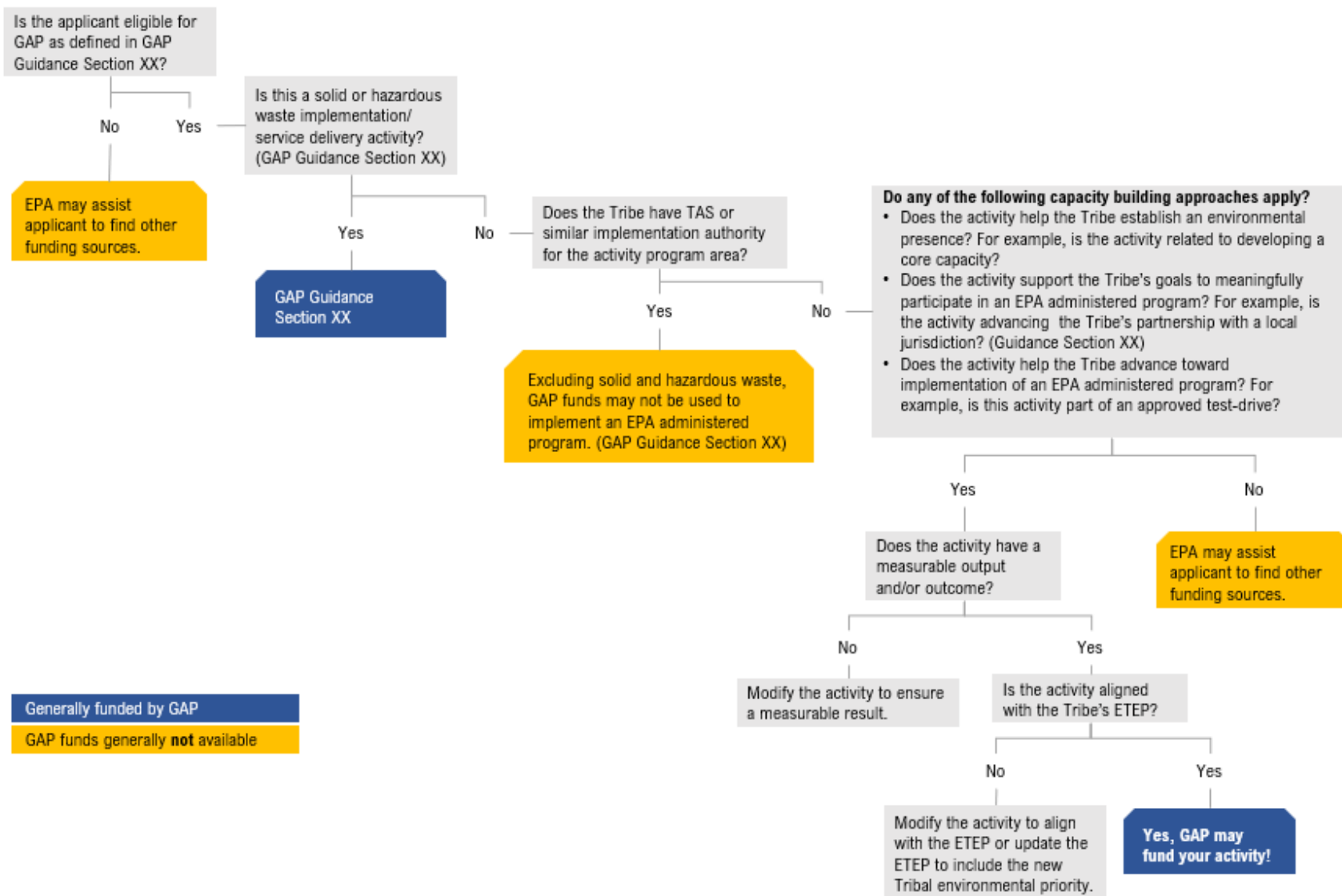


Figure 3 — Will GAP fund my activity?

2.2 Performance Management

AIEO will use existing sources of performance management information – EPA-Tribal Environmental Plans (ETEPs), capacity indicators, GAP work plans, and progress reports to meet our reporting and evaluation responsibilities

Just as GAP recipients must meet financial and progress reporting responsibilities⁸, AIEO, as the National Program Manager for GAP, is responsible for the financial and performance reporting of GAP nationally. AIEO's reporting and evaluation responsibilities include providing timely and accurate reports to Congress, the Office of Inspector General, EPA Senior Leadership, Tribes, and others, on the overall impact of GAP, including how the funds are spent and whether GAP is making progress in meeting its statutory purpose.

Role	Description
<p>The role of EPA-Tribal Environmental Plans (ETEPs)</p>	<p>ETEPs (further described in the next section) are planning documents that describe how EPA and a tribal government will work together to address joint environmental priorities. ETEPs outline the Tribe's environmental program priorities and corresponding capacity indicators the Tribe plans to address with GAP funding and provide a basis for understanding changes in tribal capacity development. The ETEP informs the development of the GAP work plan or the activities to be funded by GAP that are placed in a Performance Partnership Grant (PPG) work plan⁹.</p>
<p>The role of capacity indicators</p>	<p>Capacity indicators are measurable conditions that demonstrate environmental program capacity achieved with GAP funding. Capacity indicators are <i>not</i> a list of allowable activities. The range of allowable activities for GAP is very broad, and activities may be specific to an action, output, and/or deliverable. AIEO will use identified indicators, including indicators developed by Tribes¹⁰, to convey a Tribe's environmental program development and progress toward meeting priorities identified in the Tribe's ETEP. AIEO will develop a nationally consistent process for approving tribally developed indicators and will add those approved to the list of current indicators available at (Placeholder for GAP weblink).</p> <p>Indicators provide alignment between the ETEPs and GAP work plans – an ETEP defines a Tribe's priorities for building program capacity and the indicators the Tribe plans to address with GAP funding related to those priorities. The GAP work plan defines the Tribe's work commitments toward achieving the indicators identified in the ETEP. There are often many activities, or work plan commitments, that must occur to accomplish a single indicator.</p>
<p>The role of GAP work plans</p>	<p>The GAP work plan is the mechanism for putting capacity building into action – each GAP work plan should outline the actual work commitments, timeline, and deliverables associated with the Tribe's ETEP priorities. Tribes may choose to include indicators in the work plan, but this is not required if alignment between the work plan commitments and ETEP indicators is clear. Throughout this Guidance, reference to GAP work plans includes GAP funded activities that are part of a PPG.</p>

⁸ 2 CFR Parts [200](#) & [1500](#) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

⁹ See Section 3.4 for more information on PPGs.

¹⁰ While initial indicators are developed by EPA, Tribes may continue to recommend additional indicators for EPA approval.

Role	Description
The role of progress reports	Progress and financial reporting are required under federal grant requirements to evaluate grantee performance. GAP progress reports, and progress reports that include GAP funded activities that are part of a PPG, should inform EPA on the progress toward indicators identified in the Tribe’s ETEP.

Capacity Indicators

- Capacity indicators measure significant milestones of capacity.
- Indicators do not represent all GAP eligible activities.
- GAP work plan commitments align at ETEPs priority level.
- GAP work plan commitments do not have to tie directly to a capacity indicator.
- Indicators should be flexible and can be added or removed during the lifespan of an ETEP.
- There is no set time in which an indicator is required to be met.

Figure 4 — Additional information on capacity indicators

AIEO will use the Tribe’s priorities and related indicators identified in ETEPs and the status of those indicators, largely informed by status of GAP work plan commitments, in the national performance management and evaluation process.

2.3 Requirements of EPA-Tribal Environmental Plans (ETEPs)

In response to the 2008 Office of Inspector General Audit Report, [Framework for Developing Tribal Capacity Needed in the Indian General Assistance Program](#), AIEO developed and implemented the use of ETEPs to achieve and demonstrate capacity built with GAP funding. ***Tribes are expected to have an ETEP in place or, for first time grantees, under development, to receive GAP funds.*** The ETEP should include the environmental priorities and capacity indicators the Tribe plans to address with GAP funding. While informative of a Tribe’s priorities, ETEPs should not be used to limit otherwise allowable EPA actions or responses to emerging challenges, opportunities or changing needs a Tribe may face. Similarly, although GAP supports capacity building activities in a range of EPA administered programs, an ETEP is not required to receive funding from other financial assistance programs.

ETEPs promote self-governance and reflect the Tribe’s and EPA’s government-to-government relationship.

Each tribal government has individualized priorities for building environmental program capacities that enrich the cultural landscape, address threats to the health of its citizens and natural resources and promote the economic well-being of their communities. Tribes may decide to use ETEPs like strategic plans to address a broad range of priorities, including those that extend beyond the scope of EPA’s mission. For the purposes of understanding how

EPA and Tribes will work together to address shared environmental priorities, ETEPs outline how each Tribe plans to use their GAP resources to support their environmental goals that align with EPA’s work. This includes EPA’s authorities, direct implementation responsibilities, programs, and/or initiatives. Each Tribe’s ETEP document should specify:

1. EPA Regulated Entities of Tribal Interest

In general, the presence of regulated entities, including sites, facilities and/or activities subject to federal environmental compliance requirements, determines where EPA has a regulatory role and which federal environmental statutes apply. For example, EPA has a regulatory responsibility for gas stations in Indian country with underground storage tanks that are regulated under RCRA. EPA Regional Offices should develop and provide each Tribe with a draft inventory of federally regulated entities to review for completeness and accuracy. The Agency maintains many program-specific databases of regulated entities and data query tools to help identify state regulated entities that may be located on tribal lands and/or affect tribal interests, including the Facility Registry System.

2. Tribal Environmental Priorities

GAP work plans provide a snapshot of environmental protection work that a tribal government is currently performing. An ETEP should provide the context for how the activities funded over multiple years fit together. Understanding a Tribe’s intended path forward helps to identify and plan for where additional technical assistance, training and funding may be needed.

Tribal Priorities in ETEPs should include:
A short description of the priority activities, long-term goal to manage the program, relevant capacity indicators the Tribe intends to pursue, and requested EPA assistance to help accomplish priority activities.

As part of the EPA-Tribal environmental planning process, each tribal government receiving GAP funding should include a short description of each priority area planned to be addressed with GAP funds, capacity indicators the Tribe intends to pursue applicable to that priority, and the Tribe’s long-term goal to manage the related program area. Options for long-term management goals generally include:

Management Goal	Description
Tribal Assumption of Federal Laws	Where applicable, a Tribe may receive EPA delegation, authorization, or approval to administer the program. This option includes the process of researching, investigating, developing, and applying for administration of a particular regulatory program.
Direct Implementation Tribal Cooperative Agreements (DITCA)¹¹	EPA retains regulatory responsibility, but the tribal government conducts specific functions on behalf of the EPA. The implementation activities of the Tribe are performed under a work share agreement.

¹¹ A Direct Implementation Tribal Cooperative Agreement is a type of cooperative agreement that is a unique to EPA and Tribes. Under a DITCA, EPA retains regulatory responsibility but the tribal government conducts specific functions on behalf of EPA. GAP funds are not eligible to be awarded as a DITCA.

Management Goal	Description
Meaningful Participation	Tribes may actively engage with neighboring jurisdictions to jointly plan for, monitor, and/or regulate activities of mutual concern that are consistent with EPA’s programs. Meaningful participation is often demonstrated by partnerships, intergovernmental agreements, data-sharing, and/or MOUs.
Environmental Presence	Tribes may establish an environmental presence in an EPA program area(s) to engage government-to-government with EPA.
Tribal Laws and Regulations	Tribes may develop environmental program capacities to establish their own environmental protection programs that are consistent with EPA’s authorities.
Implementation and/or Service	Tribes may implement solid and hazardous waste programs, including collection, disposal, backhaul and transportation of solid waste and recovered materials.

A Tribe’s ETEP often represents a combination of these approaches, depending on the presence of regulated pollution sources, tribal capacity, and program management priorities.

If there are relevant capacity indicators associated with the tribal priorities in the ETEP, the ETEP should include these indicators. Tribal priorities and related capacity indicators may change abruptly for several reasons, including new tribal leadership, staff turnover, new pollution sources, etc. ETEPs should be flexible to accommodate for when a Tribe’s capacity building process is non-linear and for the variation of capacity built, lost, and regained over time. A Tribe may choose to expand the scope of their environmental priorities beyond EPA’s work; however, GAP’s technical or financial assistance is limited to those activities that align with EPA authorities.

3. EPA Program Priorities, Including Direct Implementation Responsibilities

EPA’s Regional Program Offices should identify EPA’s direct implementation responsibilities for each Tribe. EPA’s direct implementation responsibilities may include, but are not limited to, permitting, compliance assurance and enforcement, developing inventories of regulated entities, issuing identification numbers for regulated entities, and issuing certifications. This section of the ETEP is to provide EPA and Tribes an understanding of these activities and may be beneficial to Tribes to identify where they may wish to seek assumption of federal laws or seek to conduct specific roles and responsibilities in partnership with EPA. [EPA’s Direct Implementation of Federal Environmental Programs in Indian Country](#) provides additional information on EPA’s direct implementation responsibilities.

4. Mutual Roles and Responsibilities

ETEPs should describe the activities that the Tribe and EPA anticipate conducting during the period of the ETEP. This should include environmental program capacity indicators the Tribe intends to start or complete; training, technical and financial assistance that EPA may provide; and direct implementation activities EPA conducts. The mutual activities description may be outlined in a stand-alone section or incorporated under one (or more) of the ETEP sections noted above.

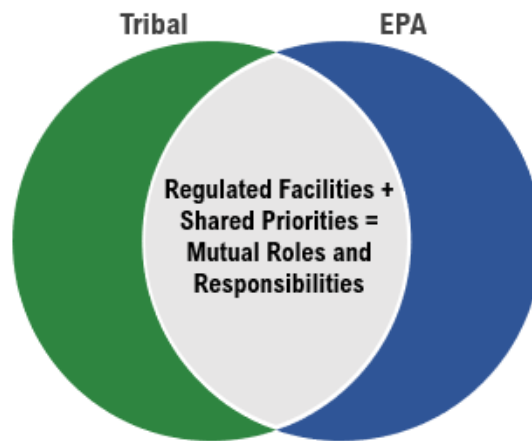


Figure 5 – This diagram displays how ETEP components work together

The format, length, and process to develop an ETEP may vary among regions and Tribes in each Region. Tribes may have existing planning documents, including Tribal Environmental Agreements¹², that form the basis of an ETEP. An alternative document must include the required components of the ETEP, including indicators, and should provide useful information for both the Tribe and the EPA Regional Tribal Program Office, as well as be easy to reference when developing GAP work plans.

Tribes and EPA Project Officers should review the ETEP annually and make any revisions to priorities, indicators, anticipated time frames, and regulated entities. AIEO recommends updating ETEPs at least every five years. ETEPs are intended to be flexible planning documents and as such, they are not required to be signed by EPA or Tribal leadership and do not represent EPA funding commitments.

The requirements associated with ETEPs in this Guidance, including the use of current capacity indicators, is effective with ETEP updates. Given a recommended five-year update cycle, all ETEPs should be updated with current capacity indicators by FY2028.

2.3.1 GAP Performance Reporting and Evaluation – Responsibilities

Role	Responsibilities
Tribes	Each Tribe receiving GAP funds is expected to develop an ETEP in coordination with the EPA Regional Program Offices. GAP work plans will include the commitments the Tribe intends to complete in the project period. Progress reports will inform EPA on the progress toward meeting work plan commitments. In most cases, reporting on the status of the work plan commitment will provide information sufficient for determining indicator status in the Tribe’s ETEP.

¹² [40 CFR § 35.502](#), Tribal Environmental Agreement (TEA). A dynamic, strategic planning document negotiated by the Regional Administrator and an appropriate Tribal official. A Tribal Environmental Agreement may include: long-term and short-term environmental goals, objectives, and desired outcomes based on Tribal priorities and available funding. A Tribal Environmental Agreement can be a very general or specific document that contains budgets, performance measures, outputs and outcomes that could be used as part or all of a Performance Partnership Grant work plan, if it meets the requirements of section 35.507(b).

Role	Responsibilities
<p>Regions</p>	<p>EPA Project Officers are responsible for coordinating with applicable EPA staff and each Tribe in developing, reviewing, and updating ETEPs, negotiating GAP work plans, reviewing progress reports, and reporting performance information annually to AIEO. EPA Project Officers are responsible for negotiating a GAP work plan with each recipient that align with tribal priorities in the Tribe’s ETEP.</p> <p>The existing progress reporting required for GAP grants will be used by EPA Project Officers to obtain the information needed to evaluate GAP nationally. EPA Project Officers will provide status updates (started/not started, in progress, or complete) on identified capacity indicators and provide that information to AIEO annually. To reduce administrative burden for recipients, AIEO encourages Regions and EPA Project Officers to:</p> <ul style="list-style-type: none"> • Implement the flexibilities in GPI-13-02: “Streamlining Tribal Grants Management” when managing GAP funds; • Discuss and come to agreement with each recipient on which GAP funded capacity indicators are to be evaluated and reported on nationally; • Consistent with this Guidance, provide flexibility to Tribes as ETEPs, work plans and other planning or reporting documents are developed. For example, Tribes and regions may consider using a combined ETEP and GAP work plan.
<p>AIEO</p>	<p>To supplement this guidance, AIEO will provide training and technical assistance to Project Officers on developing ETEPs and providing performance reporting and evaluation information to AIEO. Additionally, AIEO will provide a consistent process for approving tribally developed capacity indicators for performance reporting and evaluation purposes. Using the reported information provided by Regions, AIEO will prepare national GAP performance reports and share with tribal governments, Congress, the Office of Management and Budget (OMB), and others. This information may also be used to develop budget requests, identify potential focus areas for funding and technical assistance, and identify funding trends, best practices, and GAP successes. GAP success stories may include supporting information from recipients to capture the scope, successes, challenges, and efforts of tribal environmental programs.</p>

2.4 Technical Assistance

GAP authorizes EPA to provide technical assistance to tribal governments and intertribal consortia in the development of multimedia programs to address environmental issues on Indian lands. Technical assistance in the context of GAP includes providing specific information to a Tribe that directly assists them in achieving their GAP work plan objectives and ETEP priorities. Technical assistance may be provided by EPA or another

organization with subject matter expertise, including contractors, other Tribes, and intertribal consortia¹³. The delivery of technical assistance may be formal or informal, provided on a recurring basis, or infrequent.

Anticipated technical assistance may be included in the Tribe's ETEP. Some examples of the types of technical assistance commonly provided include:

- Facilitating meetings between Tribes, contractors, and others on an environmental issue
- Reviewing and commenting on draft documents or reports
- Troubleshooting an equipment, monitoring, or modelling issue
- Site visits to provide hands-on support
- Responding to questions about new regulations and/or grant guidance
- Training, including tabletop exercises
- Helping to interpret information and environmental data

2.5 Allocation

Congress provides GAP funding to EPA as part of the annual budget appropriations process, through the State and Tribal Assistance Grants (STAG) Appropriation. Since EPA receives GAP funding as part of the annual budget process, the total amount of grants dollars may change from year to year. AIEO allocates GAP funds to regional offices annually and notifies regions via an annual decision memorandum.

Consistent with the GAP statute, each initial GAP assistance agreement will be for at least \$75,000 and a single award may not exceed ten percent of the total annual funds appropriated for the GAP.

EPA may choose to partially fund proposals by funding discrete portions or phases of proposed projects.

AIEO may elect to set aside a portion of GAP resources to support specific tribal or intertribal consortia environmental capacity building and/or solid and hazardous waste implementation projects. These projects should have national or region-wide application, address a national or regional program priority, or seek to demonstrate the applicability of novel program activities to a broader set of eligible recipients. Associated program support cost project proposals will be evaluated and approved in accordance with OITA's December 2016 Guidance on Associated Program Support Costs under the Indian Environmental General Assistance Program. AIEO GAP set asides and funding priorities will be included in OITA's National Program Guidance¹⁴.

¹³ GAP funds for technical assistance activities provided to a Tribe by an intertribal consortium may only be used by a single grantee and should not be included in both recipients' work plans.

¹⁴ EPA's National Program Guidances, available at <https://www.epa.gov/planandbudget/national-program-guidances>, communicate operational planning priorities, strategies, and key activities for advancing the Agency's Strategic Plan and guide grant work planning with states, Tribes, and territories.

3. Award Information

3.1 General Information

The [Assistance Listing](#) for the Indian Environmental General Assistance Program is 66.926.

If you need assistance or guidance in applying for and/or managing a GAP financial assistance agreement, please contact your Regional [Tribal Program Manager](#).

3.2 EPA Program Roles and Responsibilities

Regional office staff will serve as EPA Project Officers and will work with applicants to provide technical assistance on finalizing project work plans and budgets. Project Officers are encouraged to coordinate with EPA program staff for programmatic expertise and to align and leverage program resources, as appropriate. Each Regional Administrator, or their designee, will review completed GAP applications and either approve, conditionally approve, or disapprove those applications within 60 days of receipt.¹⁵ Once a GAP application is approved, the Regional Tribal Program office will formally notify the applicant.

3.2.1 American Indian Environmental Office (AIEO)

Among other duties, AIEO is the National Program Manager for GAP. As the National Program Manager, AIEO is responsible for:

- Establishing guidance to administer the program;
- Providing oversight and periodically evaluating the effectiveness and efficiency of the program;
- Annually distributing funding allocations to regional offices;
- Maintaining a GAP performance management system;
- Gathering regional data and reporting results achieved through the GAP; and
- Providing technical assistance to regional offices regarding the administration of GAP resources and joint EPA-Tribal environmental planning activities.

AIEO may also work in partnership with EPA Regional Tribal Program Offices to provide GAP related technical assistance to Tribes. AIEO/Regional coordination may occur through internal meetings, Regional Tribal Operations Committees, guidance, and/or other information sources.

3.2.2 EPA Regional Offices

Regional offices are responsible for:

- Implementing in partnership with Tribes a joint EPA-tribal environmental planning framework;
- Negotiating GAP assistance agreement work plans that are linked to ETEPs;
- Processing GAP applications;

¹⁵ [40 CFR § 35.510](#)

- Making award decisions consistent with this Guidance and applicable grant requirements;
- Collecting data and information from award recipients that demonstrate outputs and outcomes achieved through GAP;
- Inputting information into GAP performance management system(s); and
- Conducting grant close-outs and post-award management.

Regional offices serve as the direct contact for applicants and recipients. Any supplemental guidance, policy, or criteria regional offices propose to apply to GAP grants awarded after the effective date of this Guidance should be provided to the AIEO Director for review and concurrence at least 30 days before being finalized to ensure consistency in how this national Guidance is interpreted and applied.

3.3 Types of GAP Financial Assistance Agreements

Generally, there are two types of assistance agreements that GAP funds. The application should state the form of assistance preferred by the applicant.

- Grant: Grants represent direct funding to a recipient to support an identified project with defined environmental results.
- Cooperative Agreement: Unlike a grant, a cooperative agreement anticipates substantial involvement from EPA, in collaboration with the recipient, to achieve project results after the award has been made.

If EPA expects to have substantial involvement, then EPA will issue the assistance agreement as a cooperative agreement. If no substantial involvement by EPA is expected, then EPA will issue a grant.¹⁶

3.4 Performance Partnership Grants (PPGs)

3.4.1 What is a Performance Partnership Grant (PPG)?

A Performance Partnership Grant (PPG) is a single grant combining funds from more than one EPA program funding source. PPGs are similar to block grants that other federal agencies use with Tribes. PPGs foster EPA's continuing efforts to improve partnerships with GAP recipients by increasing administrative and programmatic flexibility while moving toward improved environmental protection. More specifically, a PPG gives the recipient flexibility to direct grant resources where they are most needed to address public health and environmental priorities. The EPA [National Environmental Performance Partnership System \(NEPPS\)](#) provides more information on the features and benefits of PPGs, including best practices for performance partnership grants with Tribes.

GAP is one of 19 EPA programs that are eligible to be combined in a PPG¹⁷. Table 2 includes a list of EPA programs eligible to be combined in a PPG as of April 4, 2022¹⁸. A complete list of currently eligible programs is available at <https://www.epa.gov/ocir/nepps>.

¹⁶ EPA Order 5700.1, *Policy for Distinguishing Between Assistance and Acquisition* (March 22, 1994). More information on types of EPA funding instruments is available at <https://www.epa.gov/grants/epa-funding-instruments-and-authorities>.

¹⁷ [40 C.F.R §35.500-538](#).

¹⁸ This table will be updated with issuance of final 2022 GAP Guidance.

Table 2 – The following table is a list of programs eligible to be combined into a PPG as of April 4, 2022. See [NEPPS: Implementing Performance Partnerships](#) for current information.

EPA Office	Assistance Listing	Environmental Program Grant
Office of Congressional and Intergovernmental Relations	66.605	Performance Partnership Grant (PPG)
Office of International and Tribal Affairs	66.926	Indian Environmental General Assistance Program (GAP)
Office of the Administrator	66.204	Multipurpose Grants to States and Tribes
Office of Air and Radiation	66.001	Air Pollution Control Program Support
	66.032	State Indoor Radon Grants
Office of Chemical Safety and Pollution Prevention	66.707	TSCA Title IV State Lead Grants Certification of Lead-Based Paint Professionals
	66.708	Pollution Prevention Grant Program
Office of Enforcement and Compliance Assurance	66.700	Consolidated Pesticide Enforcement Cooperative Agreements
	66.701	Toxic Substances Compliance Monitoring Cooperative Agreements
Office of Land and Emergency Management	66.804	Underground Storage Tank Prevention, Detection, and Compliance Program
	66.812	Hazardous Waste Management Grant Program for Tribes
	66.817	State and Tribal Response Program Grants
Office of Mission Support	66.608	Environmental Information Exchange Network Grant Program and Related Assistance
Office of Water	66.419	Water Pollution Control State, Interstate, and Tribal Program Support
	66.432	State Public Water System Supervision
	66.433	State Underground Water Source Protection
	66.460	Nonpoint Source Implementation Grants
	66.461	Regional Wetland Program Development Grants
	66.472	Beach Monitoring and Notification Program Implementation Grants

PPG Formation



Figure 6 – PPG combines single grant funds into one funding source.

3.4.2 Why Consider Combining GAP in a PPG?

GAP is well-suited for leveraging with other media specific activities in a PPG because it provides multimedia capacity building support.

PPGs provide many benefits that are unique to Tribes and intertribal consortia recipients and can be used to greatly increase the flexibility and scope of GAP funded activities, results, and outcomes. Tribes and intertribal consortia may combine any of the eligible grant programs they receive funds from in a PPG and may form a PPG in a manner best suited for their organizational needs. For example, a Tribe may choose to:

1. Combine all their eligible grants into a single PPG, or;
2. Combine only GAP and eligible water program grants in a PPG, or;
3. Combine only eligible water grants into one media specific PPG.

These flexible approaches are designed to allow the Tribe to tailor the grant in a way that completes the tasks most effectively and supports their programmatic priorities and administrative structures.

The process of applying for a PPG is similar to the process of applying GAP. The individual program work plans are generally negotiated with each program and then combined into one PPG work plan. PPGs

generally require a single application package¹⁹ (work plan, budget, and other required forms) rather than one application for each program. With one budget and work plan, the recipient can direct the funds as needed to achieve their negotiated work plan commitments without having to account for the use of funds in accordance with their original program source. There is flexibility to work across all included program areas for tribal staff funded by the PPG. Resources that can be used by all program staff include vehicles, office supplies, and field equipment. PPGs also allow timekeeping to be greatly simplified, reduced, and can even eliminate administrative burdens and potential audit issues.

Tribes and intertribal consortia who combine GAP funding in a PPG may, with approval, use GAP funds to conduct any environmental activity eligible under programs approved for combining in a PPG. This includes activities that extend beyond generally eligible activities in a stand-alone GAP award. The use of PPG funds for any eligible activity, regardless of whether a Tribe applied for or was selected for funding for that particular environmental program²⁰, is a unique flexibility only available to tribal and intertribal consortia recipients. AIEO concurrence is required to exercise this flexibility with GAP, and the activity must be approved in the applicant's proposed GAP work plan prior to including it in the PPG work plan. If you are a PPG recipient and are interested in applying this flexibility, please contact your EPA Project Officer.

Recipients may also use funds remaining in the PPG after all tasks are completed to address other tribal environmental priorities. The Tribe should work with the EPA Project Officer to add new tasks to the PPG work plan and a formal amendment to the grant may be required.

The scope of allowable activities using GAP funds, the use of ETEPs and indicators, and other criteria outlined in this Guidance remain the same when GAP funds are combined in a PPG. The development of ETEPs and associated indicators is only required for GAP funded components of the PPG.

PPG Benefits

1. Multi-year award (up to 5 years).
2. Single multimedia grant.
3. Single work plan + budget for application.
4. Single Federal Financial Report (FFR).
5. Single progress report.
6. Can share resources between programs.
7. Can choose eligible programs for PPG.
8. Can have multiple media-specific PPGs.
9. Can complete activities for any eligible program even if program funds are not part of PPG funds.
10. No cost match requirement.

Figure 7 – A list of PPG benefits are displayed in this figure.

¹⁹ Separate applications are required in Grants.gov for competitive grants. If selected and funded, the eligible competitive grant may be combined with a new or existing PPG at the Tribe's request.

²⁰ Where applicable, the Tribe must have the required delegation, approval, or authorization to carry out the activities

3.4.3 Combining GAP with a PPG

Tribes and intertribal consortia may choose to take advantage of PPG flexibilities by combining GAP funds into an existing PPG or establishing a new PPG. Tribes should discuss with their EPA Project Officer which of the following may be most appropriate:

- Tribes that have an existing PPG may add GAP funds to the PPG through an amendment.
- Tribes nearing the end of their existing PPG, or negotiating a new PPG, may include GAP funding in a new PPG award.
- Tribes that wish to use a PPG, but who do not already have one, may combine GAP funds with one or more PPG-eligible stand-alone grant(s) into a new PPG.

Once program funds are awarded in a PPG, the regulations for PPGs apply. While this results in several programmatic and administrative flexibilities, it also means that there are other grants management changes that are important to know. For example, unlike standalone GAP grants, GAP funds included in PPGs can be included for up to five years. This results in an administrative savings, reducing the amount of time devoted to grant application preparation by about 20%.

As of October 1, 2021, match requirements are waived in full when EPA program grants that have match requirements are included in a tribal PPG. See [RAIN-2022-G01](#), Class Exception to the Cost Share Requirements for Tribal and Intertribal Consortia Performance Partnership Grants (PPGs) for more information.

While PPGs provide many programmatic and administrative benefits, not all Tribes chose to receive a PPG or may not qualify for a PPG. This guidance seeks to facilitate a broad range of flexibilities that assist all GAP recipients in achieving environmental protection.

3.5 Eligibility Information

Indian tribal governments and intertribal consortium or consortia are eligible to receive GAP financial assistance agreements.

The term *Indian tribal government (Tribe)* means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village, which is recognized as eligible by the U.S. Department of the Interior (DOI) for the special services provided by the United States to Indians because of their status as Indians.²¹

The term *intertribal consortium or consortia* means a partnership between two or more Tribes that is authorized by the governing bodies of those Tribes to apply for and receive assistance under this program.²²

²¹ [40 CFR § 35.502](#).

²² [40 CFR § 35.502](#).

An intertribal consortium is eligible to apply for a GAP grant where a majority of the consortium members are GAP-eligible; however, authorization of the consortium to apply for and receive a GAP grant is required from all GAP-eligible member Tribes.

Under [EPA's tribal grant regulations](#), an intertribal consortium, including consortium where not all members are federally recognized Tribes, is eligible to receive a GAP award if the consortium demonstrates that:

1. A majority of its members are eligible to receive GAP grants;
2. All members that meet GAP eligibility requirements authorize the consortium to apply for and receive the award; and
3. Adequate accounting controls are in place to ensure that only members that meet the eligibility requirements will benefit directly from the award and the consortium agrees to an award condition to that effect.

With each new GAP grant application, an intertribal consortium must include documentation of: (1) the existence of the partnership between eligible tribal governments; and (2) the authorization of the consortium by all GAP-eligible member Tribes to apply for and receive the grant.

Documentation of authorization from GAP-eligible member Tribes may be provided by letter, email, resolution, or a combination of these written sources. Tribal duly authorized representatives are determined by the Tribe, and may include, for example, tribal leadership, tribal environmental directors, or tribal administrators. If documentation includes consortium resolutions, the resolution must have unanimous support, meaning no abstentions and no majority approvals, from all board members²³.

The Office of Regional Counsel for the region receiving the grant application should evaluate applications to determine whether the documents submitted for a particular grant meet the regulatory standard. Where additional documentation is required, EPA will work with the consortium to clarify what additional documentation is needed. Applications that do not contain adequate documentation from GAP-eligible Tribes should be deemed incomplete.

Intertribal consortium recipients may receive GAP funds to support the environmental capacity building and solid waste implementation priorities of GAP eligible member Tribes by providing training and technical assistance. Consortia that receive GAP funds for this purpose are expected to describe how their work plans respond to the program development needs of GAP eligible member Tribes as documented in the Tribes' ETEPs, including applicable indicators. In addition, intertribal consortium work plans should include the consortium's long-term environmental goals and related capacity building indicators.

Tribes may form an intertribal consortium to use GAP resources more efficiently and address environmental issues more effectively than they could if each Tribe individually developed and maintained separate environmental protection programs.

²³ It is not necessary for board members to be tribal chairpersons for a board resolution to constitute adequate documentation of support from all member Tribes

Alternatively, when specifically authorized by GAP eligible member Tribes, intertribal consortium recipients may receive GAP funding to develop environmental programs and address environmental issues on behalf of their GAP-eligible member Tribes, and in lieu of each tribal recipient receiving any direct GAP grant funding for their individual tribal environment programs. Consortia that receive GAP funding on behalf of member Tribes are to develop an ETEP following the guidance in Section 2.3. The scope of the intertribal consortium's ETEP should include all GAP eligible member Tribes represented in the consortium's work plan.

3.6 Cost-Sharing or Matching Requirement

No cost-sharing or match is required from applicants.

3.7 Length of the Award

The term of a GAP award not included in a PPG may not exceed four years.²⁴ The term is determined at the time of the award and documented in the work plan.

3.8 Intergovernmental Review

This funding opportunity is not subject to Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs."

3.9 Competition Policy Exemption

This assistance agreement program is exempt from competition under EPA Order 5700.5A1, Policy for Competition of Assistance Agreements, Section 6(c)(2).²⁵ In any funding materials distributed, EPA should not use the following terms or others like them that may create the impression that the GAP funds are being awarded "competitively": request for proposals; solicitations; ranking criteria.

Regions should not use any allocation factors which have the effect of measuring the relative quality or merit of one work plan against the other.

3.10 Environmental Results Supported by Assistance Activities

Under EPA Order 5700.7A1, "[Environmental Results under EPA Assistance Agreements](#)", EPA must link proposed assistance agreements to the Agency's strategic goals. The Order requires grant applicants to define environmental outputs and environmental outcomes to be achieved under the award. EPA is committed that these outputs and outcomes are also part of specific environmental goals as determined by each Tribe.

²⁴ [42 U.S.C. § 4368b \(d\)\(3\)](#).

²⁵ The Order reads, in part: "The requirements of this Order do not apply to... programs available by statute, appropriation act, or regulation only to Indian Tribes and Intertribal Consortia."

Term	Definition
<p>Outputs</p>	<ul style="list-style-type: none"> • Outputs are specific <i>activities, efforts or associated work products</i> related to an environmental goal within a grant work plan that will be completed over time or by a specific date. • An example would be creating a solid waste management plan or an air emissions inventory. The outputs may be qualitative or quantitative but must be measurable during an assistance agreement funding period and targeted to support an agreed-upon goal of both EPA and the Tribe.
<p>Outcomes</p>	<ul style="list-style-type: none"> • Outcomes are the results, effects or consequences that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. • Outcomes may be environmental, behavioral, health-related, or programmatic and quantitative in nature. • Examples include level of reduction in unauthorized discharges to the air or changes in knowledge and understanding. Outcomes should also be included in the grant work plan, but benefits may occur within or beyond the timeframe of the grant.

3.10.1 GAP Example – Output

There is a new biodiesel facility transfer station within the exterior boundaries of a Tribe’s lands. The Tribe is concerned that the Health Department may see increased asthma cases and other long-term effects because of the emissions coming from the facility. The Tribe decides to develop an **air emissions inventory** (output) to better understand how their air quality is being affected.

3.10.2 GAP Example – Outcome

The emissions inventory shows that there are high levels of PM2.5 and NOx levels. The Tribe applies for and receives a Clean Air Act (CAA) 103 grant to monitor the operations. As a result of this air emissions inventory, there are **changes in knowledge and understanding** about the emissions being produced from the biodiesel facility and **increased capacity to reduce or respond** to poor air quality and to protect its citizens (outcome). Using the data gained from the emissions inventory and the monitoring done under their CAA 103 grant, the Tribe can now educate their community about how the ambient air quality may affect their community.

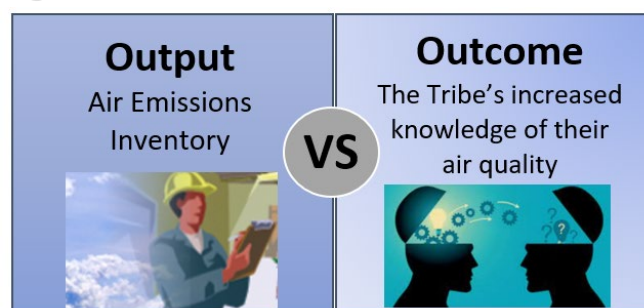


Figure 8 – Outputs versus outcomes

3.11 Applicable Regulations, and Policies

There are many other sources of law and policy that apply to all or a subset of EPA funding programs. Regions should be aware of the following requirements when awarding and managing GAP assistance agreements.

- All federal assistance agreements, including GAP and PPGs, are bound by the regulations in [2 CFR Part 200](#) and all EPA assistance agreements must comply with regulations found in [2 CFR Part 1500](#). Collectively, 2 CFR 200 and 1500 are referred to as the Uniform Grant Guidance.
- All EPA tribal grants, including GAP and PPGs, are governed by [40 CFR Part 35, Subpart B, Environmental Program Grants for Tribes](#)
- [2 CFR Part 1536](#) Requirements for Drug-Free Workplace (Financial Assistance)
- [40 CFR Part 33](#) Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency Programs
- [EPA Guidance on Participant Support Costs](#)
- [Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#)

4. Application Submission, Review, and Award Process

4.1 Submission Schedule and Requirements

Regional Tribal Program Offices are responsible for establishing the timeframe for application submission, negotiation of work plans and budgets, and awarding decisions. Regional Offices should provide early notice to each eligible Tribe and intertribal consortium of the availability of GAP funds, program requirements, and submission process.

4.2 Application Review

EPA Regional Tribal Program Offices are responsible for reviewing application materials, including work plan negotiations, and making determinations of recipient award amounts. Proposals should include all information requested in the funding announcement, including:

1. The applicant's portion of an ETEP, if new, or plans to develop ETEPs, as described in Section 2.3 of this Guidance;
2. A description of proposed eligible GAP activities;
3. A description of how proposed activities support the priority areas described in Section 2.1 of this Guidance; and
4. A description of how the proposed activities support achieving the applicant's intermediate or long-term program development goals

Applications will be reviewed to determine:

1	The extent to which the proposed activities in the work plan support the purpose of GAP (i.e., development of tribal environmental protection program capacities, consistent with EPA statutory programs). Proposed activities should focus on developing capacity to implement an EPA administered program, establish an environmental presence, or meaningfully participate in an EPA program, or implementing a solid or hazardous waste management program.
2	The feasibility and likely effectiveness of the proposed activities. The work plan should provide detail sufficient to demonstrate that the applicant has a comprehensive, well-thought-out plan (identifying proposed activities, responsible persons, milestones, and timelines/due dates for tasks/deliverables) that is reasonably likely to achieve the purpose of the project within the proposed project time and budget. The focus here is on the feasibility and effectiveness of proposed activities rather than adequacy of budget and personnel resources identified for the project.
3	The extent to which the budget, resources, and requested funds for key personnel are reasonable and sufficient to accomplish the proposed project. The proposals will be evaluated to determine whether the amount requested is adequate to support the proposed activities, the allocations within budget classes are appropriate for the proposed work, and whether the applicant has the personnel and program resources to accomplish the project. The focus here is on budget, personnel, and other resources rather than the feasibility and effectiveness of the proposed activities themselves.
4	The degree to which the work plan identifies the expected environmental results of the proposed project. The work plan will be evaluated on the detail provided regarding the likely outcomes and outputs of the proposed project. Outputs and outcomes should be linked to the proposed activities and resulting improvements to environmental and/or human health conditions. These outputs and outcomes should be measurable and achievable.
5	The degree to which the proposed activities in the work plan support achieving the long-term goals identified in the ETEPs. The work plan should indicate how the proposed activities relate to the long-term priorities and management plan(s) identified in the Tribe’s ETEP.
6	Prior performance. Generally, work plan components and commitments should not duplicate prior efforts; they should demonstrate clear progress over time toward achieving the longer-term goals or specify new focus areas. Duplicates of prior year work plan activities may be rejected, and EPA will take into consideration prior year performance when evaluating new work plans associated with similar previously funded work.

5. Award Administration

5.1 Award Notices

A funding award notice, signed by an EPA Official, is the official document authorizing work to start. EPA will provide funding award notification to each recipient.

5.2 Reporting Requirements

The applicant and the Regional Tribal Program Office will develop a process for jointly evaluating and reporting progress and accomplishments under the work plan. A description of the evaluation process and reporting schedule must be included in the work plan. Recipients must report at least annually and satisfy the requirements for progress reporting under [2 CFR § 200.340](#).

The evaluation process must provide for:

- A discussion of accomplishments as measured against work plan commitments;
- A discussion of the cumulative effectiveness of the work performed under all work plan commitments;
- A discussion of existing and potential problem areas; and
- Suggestions for improvement, including, where feasible, schedules for making improvements.

Regional Tribal Program Offices should also work with recipients to evaluate the status of selected indicators in the Tribe's ETEP.

In addition to performance reports, GAP recipients and their EPA Project Officer should have frequent contact (no less than quarterly) to keep EPA informed of progress and to resolve any problems that may arise. Recipients are expected to inform their EPA Project Officer in the event problems, delays, or adverse conditions arise that may impact or change identified outputs and/or outcomes specified in the work plan.

5.3 Quality Assurance Documentation

GAP recipients are subject to EPA's quality assurance grant requirements in [2 CFR § 1500.12](#) and [40 CFR § 35 Subpart B](#). If a recipient's project involves the collection, production, evaluation, or use of environmental information or the design, construction, operation or application of environmental technology, the recipient shall develop and implement quality management plans and/or quality assurance project plans sufficient to produce environmental information of known and documented quality. EPA-approved plans must be in place before environmental information collection can occur. More information is available online at: <http://www.epa.gov/ogd/grants/assurance.htm>.

5.4 Disputes

EPA is committed to working cooperatively with GAP applicants and recipients to resolve disputes informally and expeditiously. If EPA and the grantee are unable to resolve a dispute informally, disputes will be resolved in accordance with formal procedures described in [2 CFR Part 1500, Subpart E](#).

6. LIST OF APPENDICES

APPENDIX 1 – Allowable and Unallowable Solid Waste and Recovered Resource Program Implementation, Collection, Transportation, Backhaul and Disposal Costs

The tables below present example allowable and unallowable tribal solid waste program implementation activities based on the FY 2018 Consolidated Appropriations Act. This table is a resource for EPA Project Officers and GAP applicants negotiating solid waste program implementation work plan components and commitments.

As with all funding decisions under GAP, EPA Project Officers are encouraged to work with recipients to consider if the costs of delivering governmental solid waste and recovered materials services are reasonable and consistent with the recipient’s documented program development goals.

Tribal Waste Management Program Administration

Description	Examples
Program administration generally includes all administrative oversight functions to ensure proper program implementation (e.g., financial management, human resources management, program performance evaluation, scheduling).	Personnel costs for tribal environmental department management and administrative staff who oversee/coordinate waste management programs and workers, including recycling and other source separation projects. Costs associated with <i>oversight of work</i> performed by transfer station, source separation facility and landfill operators are allowable (scheduling, performance reviews, training requirements, program evaluation, tracking revenues/expenditures, administering fee collection system, managing contractors, administering records retention systems, etc.). Common positions funded under this provision include Administrator; Supervisor; Manager; Coordinator.

Cleanup and Closure Activities

Description	Examples
A wide range of cleanup activities are eligible under GAP Section 2.1.3.1. If funded, cleanup and closure work should include documentation on the amount of waste removed/recycled, the types of wastes removed, and the disposition of the waste. Applicable solid waste regulatory standards for classification of disposal facilities and practices found at 40 CFR Part 257 apply. Cleanup activities must also comply with all applicable closure and post closure criteria found at 40 CFR Part 258 .	Abandoned waste removals; abandoned vehicle removals; open dump cleanups and closures. Some cleanup activities may require terms and conditions to ensure proper handling of hazardous waste, including but not limited to practices for packaging, temporary storage, and manifest forms used for identifying the quantity, composition, and the origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage. EPA approval is required using GAP to fund cleanup and closure activities.

Tribal Compliance and Enforcement Programs

Description	Examples
<p>GAP may fund solid waste program implementation activities associated with tribal waste management laws, codes, and/or regulations, such as compliance assurance (including inspections) and enforcement consistent with the extent of their authorities.</p>	<p>Investigating incidents of unauthorized trash disposal violating specific provisions of a tribal waste management law, code, or regulation. Inspecting landfills, transfer stations, recycling centers, or other waste management facility to ensure compliance with tribally promulgated facility design and operating procedures requirements. Inspecting transportation activities to ensure compliance with tribally promulgated requirements. Reviewing compliance reports and records from tribally regulated entities. Inspecting regulated businesses that may have recycling, composting, or other source separation/resource recovery compliance requirements established under tribal law, code, or regulation. Providing compliance assistance to regulated businesses. Issuing violation notices. Following up on citizen complaints related to potential violations of tribal waste management laws, codes, or regulations. Preparing and submitting enforcement orders to tribal courts for subsequent judicial action.</p>
<p>GAP may fund Tribes to support compliance with federal requirements, including:</p> <ol style="list-style-type: none"> (1) compliance assurance (including inspections) under tribal authority at non-hazardous waste disposal facilities to help verify that such facilities are in compliance with 40 CFR Part 257 and/or Part 258; (2) compliance assistance and inspections to help verify that hazardous waste generators are in compliance with 40 CFR Parts 261 and/or 262; or (3) compliance assurance (including inspections) to help verify that hazardous waste transporters are in compliance with 49 CFR Parts 172, 173, 178, and 179. 	<p>Conducting inspections and providing compliance assistance to non-hazardous waste disposal facilities and providing results of such inspections to appropriate EPA personnel.</p> <p>Conducting inspections and providing compliance assistance to hazardous waste facilities and providing results of such inspections to appropriate EPA personnel.</p> <p>Conducting inspections and providing compliance assistance to hazardous waste transporters and providing results of such inspections to appropriate EPA personnel.</p>
<p>In accordance with a tribally IWMP or an ETEP, Tribes may also use GAP funds to conduct community outreach and education programs on solid waste, hazardous waste, source reduction and diversion, and USTs.</p>	<p>Activities to assess community knowledge and interest in source reduction, resource recovery, alternatives for managing household hazardous waste, recycling, composting, and the use of green materials in construction and to promote the use of integrated waste management/resource recovery systems and requirements. Community cleanup events (including those directed towards the collection of household hazardous waste, e-waste, white goods, etc.) and roadside cleanup events that are designed to inform community members of proper waste management practices, to promote waste reduction/source separation, and influence waste disposal practices. Activities to provide the public with information on environmental compliance requirements, a regulated entity's compliance status, and any history of formal and informal enforcement actions taken to address noncompliance.</p>

Solid Waste Management, Resource Recovery, and Resource Conservation

Description	Examples
Facility planning and feasibility studies	Costs associated with determining appropriate size, location, design characteristics, and estimated operating costs for potential solid waste management and/or disposal facilities (e.g., transfer stations, recycling centers, other source separation/ resource recovery facilities).
Expert consultation	Contracting for professional services required to plan and design solid waste management and/or disposal facilities.
Surveys and analysis of market needs	Costs associated with conducting waste stream analysis and potential options for disposition of recovered resources; includes economic modeling of recovered resource markets. Survey and analysis of recovered resource market is necessary to make sure that the prices that could be charged for recovered materials are realistic.
Marketing of recovered resources	Costs associated with establishing voluntary or contractual arrangements with public or private sector organizations willing to accept recovered resources.
Technology assessments	Costs associated with assessing appropriate technologies for recovering resources (separators, compact sorters, crushers, bailers, etc.).
Legal expenses	Costs associated with obtaining legal assistance in designing/reviewing contracts, intergovernmental agreements, tribal laws/codes/regulations, or other legal documents.
Construction feasibility studies	Costs associated with designing appropriate construction plans, including whether the project is viable, identifying feasible options, and developing a business/operating plan.
Source separation projects (activities that are part of a sustainable waste management program designed to increase waste source reduction, recycling, composting, and sustainable materials management)	Source separation supplies and equipment (regulations governing the use, management, and disposition of equipment acquired under a grant are found at 40 CFR 31.32). Activities to provide technical assistance and education to schools, businesses, and other organizations to promote adoption of waste minimization activities in accordance with an IWMP. Conducting voluntary “community clean up events” (typically co-sponsored with schools, businesses, or other organizations) to promote awareness, knowledge, and behavioral changes in accordance with an IWMP.
Fiscal or economic investigations or studies.	Waste management facility economic viability analysis, including costs associated with establishing and implementing an effective pay-for-service system, pay-as-you-throw system, or other fee-collection or cost recovery system.
The purchase, repair, upgrade, and replacement of resource recovery, resource conservation, and source separation supplies and equipment.	Repair, upgrade, and replacement of source separation/ resource recovery supplies and equipment (e.g., vehicles, scales, crushers, shredders, sheds, fencing, containers/bins, and signage).
The construction, repair, upgrade, and replacement of resource recovery, resource conservation, and source separation facilities.	Recycling centers, compost facilities, household hazardous waste collection facilities, bulk waste/appliance/electronic waste collection facilities, used oil collection stations, source separation elements of a transfer station, and other similar facilities. Due to the general prohibition on use of GAP funds for construction, Section 1.4 of the GAP Guidance establishes a requirement to receive approval from the AIEO Director for all construction activities.
Leading circuit rider, train the trainer, and peer-match programs.	Providing technical assistance to other Tribes working to establish effective solid waste management programs.

Service Delivery

Description	Examples
Collection, transportation, storage, backhaul, and disposal of solid waste and/or recovered resources (recyclables, compost, e-waste, bulk waste, construction debris, light bulbs, batteries, household hazardous waste, etc.).	Door-to-door collection; retrieval of materials from collection stations; transporting materials to waste management and recovered materials processing facilities (such as a tribal transfer station or recycling center); transporting materials to disposal facilities (such as a landfill or incinerator); disposal fees.
Equipment, vehicle, and facility operations and maintenance (including fuel).	Salaries and wages for drivers, technicians, operators, or other workers responsible for conducting facility and service delivery operations (trash/recycling collectors, separators, environmental sanitation engineers, etc.); Staffing costs for crushing cans, baling paper, boxing light bulbs, securing/handling of household hazardous waste, sweeping/cleaning the facility, weighing materials, operating equipment, and driving trucks or other vehicles; and routine scheduled maintenance for vehicles and equipment.
Subsidies for the price of recovered resources.	Payments to incentivize increased participation in the source separation and recovered resource market.
The repair, upgrade, and replacement of municipal solid waste supplies and equipment.	Repairing, upgrading, and replacing regular trash collection program supplies and equipment.
The construction, repair, upgrade, and replacement of municipal solid waste facilities.	Constructing, repairing, upgrading, and replacing regular trash collection program facilities. Due to the general prohibition on use of GAP funds for construction, Section 2.1.1 of the GAP Guidance establishes a requirement to receive approval from the AIEO Director for all construction activities.

Unallowable Solid Waste Activities Under GAP

The following **unallowable activities** fall outside the scope of programs authorized under GAP. Consistent with the authority to fund tribal solid waste program implementation under GAP, EPA applies statutory allowances and prohibitions under the Solid Waste Disposal Act, also known as the Resource Conservation and Recovery Act (RCRA), to GAP funding decisions. In addition, “general costs of government services normally provided to the general public” are prohibited by [2 CFR Part 200](#).

Description	Examples
Acquisition of land or interest in land.	GAP and RCRA do not authorize payments for the acquisition or interest in land.
Other general government expenses described at 2 CFR Part 200 .	<ol style="list-style-type: none"> (1) Salaries and expenses of the chief executive of federally-recognized Indian tribal government; (2) Salaries and other expenses of a tribal council; (3) Costs of the judiciary branch of a government; (4) Costs of prosecutorial activities; and (5) Costs of other general types of government services normally provided to the general public.

APPENDIX 2 – Acronyms

The following table lists the acronyms used throughout this document.

AIEO	American Indian Environmental Office
CAA	Clean Air Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
DI	Direct Implementation
DITCA	Direct Implementation Tribal Cooperative Agreements
DOI	U.S. Department of the Interior
EO	Executive Order
EPCRA	Emergency Planning and Community Right-to-Know Act
ETEP	EPA -Tribal Environmental Plans
FFR	Federal Financial Report
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
GAP	Indian Environmental General Assistance Program
IPM	Integrated Pest Management
IWWP	Integrated Waste Management Plan
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act of 1969
NPDES	National Pollutant Discharge Elimination System
OGD	Office of Grants and Debarment
OGC	Office of General Counsel
OITA	Office of International and Tribal Affairs
OMB	Office of Management and Budget
OPA	Oil Pollution Act of 1990
P2	Pollution Prevention
PPA	Pollution Prevention Act
PPG	Performance Partnership Grant
PWSS	Public Water System Supervision
RCRA	Resource Conservation and Recovery Act
SDWA	Safe Drinking Water Act
STAG	State and Tribal Assistance Grants
TAS	Tribes in a similar manner as a state
TMDL	Total Maximum Daily
TRI	Toxics Release Inventory
TSCA	Toxic Substances Control Act
UIC	Underground Injection Control

USC	U.S. Code
UST	Underground Storage Tanks
WQS	Water Quality Standards

DRAFT

APPENDIX 3 – References and Links

The following table includes all references and links found throughout this document.

Ref. No.	Reference / Link
1	Indian Environmental General Assistance Program Act of 1992 42 USC §436b Full Link: https://www.law.cornell.edu/uscode/text/42/4368b
2	Environmental Program Grants for Tribes 40 CFR Part 35, Subpart B Full Link: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-B/subject-group-ECFR7560dab1b022383/section-35.500
3	EPA provides many avenues of financial assistance to Tribes. Grants for Tribes Full Link: https://www.epa.gov/tribal/grants-tribes
4	Environmental Protection in Indian Country Environmental Protection in Indian Country Full Link: http://www.epa.gov/tribal
5	List of Programs and Statutes Administered by EPA Laws and Executive Orders Full Link: https://www.epa.gov/laws-regulations/laws-and-executive-orders
6	Term Defined: Indian Country 18 USC § 1151 Full Link: https://www.law.cornell.edu/uscode/text/18/1151 40 CFR § 171.3 Full Link: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171/subpart-A/section-171.3
7	EPA Policy for the Administration of Environmental Programs on Indian Reservations (1984 Indian Policy) 1984 Indian Policy Full Link: https://www.epa.gov/tribal/epa-policy-administration-environmental-programs-indian-reservations-1984-indian-policy
8	Overview of the Clean Air Act and Air Pollution Overview of the Clean Air Act and Air Pollution Full Link: https://www.epa.gov/clean-air-act-overview 42 USC Chapter 55 Full Link: https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter55&edition=prelim
9	Summary of the Clean Water Act 33 U.S. Code § 1251 – Congressional declaration of goals and policy Summary of the Clean Water Act Full Link: https://www.epa.gov/laws-regulations/summary-clean-water-act 33 USC §1251 et seq. (1972)

	Full Link: https://www.law.cornell.edu/uscode/text/33/1251
10	Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 42 USC Chapter 103 Full Link: https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter103&edition=prelim
11	This document presents a summary of Public Law 107-118. It does not constitute a statement of EPA policy, interpretation, or guidance. 2002 Small Business Liability Relief and Brownfields Revitalization Act Full Link: https://www.epa.gov/brownfields/summary-small-business-liability-relief-and-brownfields-revitalization-act
12	Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 Emergency Planning and Community Right-to-Know Act (EPCRA) Full Link: https://www.epa.gov/epcra#:~:text=The%20Emergency%20Planning%20and%20Community,%2C%20state%2C%20and%20local%20governments.
13	Oil Pollution Act (OPA) and Federal Facilities Oil Pollution Act of 1990 (OPA) Full Link: https://www.epa.gov/enforcement/oil-pollution-act-opa-and-federal-facilities
14	Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Federal Insecticide, Fungicide and Rodenticide Act Full Link: https://www.epa.gov/laws-regulations/summary-federal-insecticide-fungicide-and-rodenticide-act
15	National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. Chapter 55 Full Link: https://www.law.cornell.edu/uscode/text/42/chapter-55
16	Pollution Prevention Act (PPA) 42 U.S.C. Chapter 133 Full Link: https://www.law.cornell.edu/uscode/text/42/chapter-133
17	Safe Drinking Water Act (SDWA) Safe Drinking Water Act Full Link: https://www.epa.gov/sites/default/files/2020-05/documents/safe_drinking_water_act_title_xiv_of_public_health_service_act.pdf
18	Solid Waste Disposal Act as amended 42 U.S.C. Chapter 82 Full Link: https://www.law.cornell.edu/uscode/text/42/chapter-82
19	Toxic Substances Control Act (TSCA) Toxic Substances Control Act Full Link: https://www.epa.gov/laws-regulations/summary-toxic-substances-control-act
20	Tribal Assumption of Federal Laws - Treatment as a State (TAS) Full Link: https://www.epa.gov/tribal/tribal-assumption-federal-laws-treatment-state-tas
21	Consolidated Appropriations Act, 2018 Pub. L. 115-141 Full Link:

	https://www.govinfo.gov/content/pkg/PLAW-115publ141/html/PLAW-115publ141.htm
22	Clean Air Act § 105 - Air Pollution Planning and Control Grants Air Grants and Funding Full Link: https://www.epa.gov/grants/air-grants-and-funding
23	Clean Water Act § 106 - Water Pollution Control Grants Tribal Grants under Section 106 of the Clean Water Act Full Link: https://www.epa.gov/water-pollution-control-section-106-grants/tribal-grants-under-section-106-clean-water-act
24	Clean Water Act § 319 - Nonpoint Source Management Grants Tribal Nonpoint Source Program Full Link: https://www.epa.gov/nps/tribal-nonpoint-source-program
25	§ 200.313 Equipment 2 CFR 200.313. Full Link: https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR8feb98c2e3e5ad2/section-200.313
26	(i.e., A Regional Grants Management Officer or Award Official) Guidance on Selected Items of Cost and approval by an EPA Grants Official Full Link: https://www.epa.gov/sites/default/files/2018-05/documents/recipient_guidance_selected_items_of_cost_final.pdf
27	§ 200.460 Proposal costs 2 CFR 200.460 Full Link: https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRed1f39f9b3d4e72/section-200.460
28	Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR Part 200 Full Link: https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRed1f39f9b3d4e72/section-200.460
29	40 CFR §31.31 Full Link: https://www.govinfo.gov/app/details/CFR-2011-title40-vol1/CFR-2011-title40-vol1-sec31-31
30	2 CFR Part 200 Full Link: https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1
31	Tribal Waste Management Program Tribal Waste Management Program Full Link: https://www.epa.gov/tribal-lands/tribal-waste-management-program#tools
32	On development an IWMP Full Link: https://www.epa.gov/tribal-lands/developing-tribal-integrated-waste-management-plans .
33	Work that EPA does and does not do Full Link: https://www.epa.gov/aboutepa/our-mission-and-what-we-do .
34	2008 Office of Inspector General Audit Report Framework for Developing Tribal Capacity Needed in the Indian General Assistance Program Full Link:

	https://www.epa.gov/sites/default/files/2015-11/documents/20080219-08-p-0083.pdf
35	Provides additional information on EPA's direct implementation responsibilities. EPA's Direct Implementation of Federal Environmental Programs in Indian Country Full Link: https://www.epa.gov/tribal/epas-direct-implementation-federal-environmental-programs-indian-country
36	Tribal Environmental Agreement (TEA) 40 CFR § 35.502 Full Link: https://www.law.cornell.edu/cfr/text/40/35.502
37	Grants Policy Issuance (GPI) 13-02: Streamlining Grants Management GPI-13-02: Streamlining Tribal Grants Management Full Link: https://www.epa.gov/sites/default/files/2015-03/documents/grants_policy_issuance_13_02.pdf
38	The Indian Environmental General Assistance Program Assistance Listing is 66.926 Assistance Listing Full Link: https://sam.gov/fal/7928e47f7b314bb990f22f78fd79791e/view
39	Tribal Program Manager Full Link: https://www.epa.gov/tribal/epa-tribal-program-managers
40	EPA's National Program Guidances Full Link: https://www.epa.gov/planandbudget/national-program-guidances
41	§ 35.510 Time frame for EPA action 40 CFR § 35.510 Full Link: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-B/subject-group-ECFR6332a01c7f809a1/section-35.510
42	EPA Order 5700.1, <i>Policy for Distinguishing Between Assistance and Acquisition</i> (March 22, 1994) EPA Funding Instruments and Authorities Full Link: https://www.epa.gov/grants/epa-funding-instruments-and-authorities
43	National Environmental Performance Partnership System (NEPPS) Full Link: https://www.epa.gov/ocir/national-environmental-performance-partnership-system-nepps
44	40 CFR §35.500-538 Full Link: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-B/subject-group-ECFR7560dab1b022383/section-35.500
45	Class Exception to the Cost Share Requirements for Tribal and Intertribal Consortia Performance Partnership Grants (PPGs) at 40 CFR 35.536 RAIN-2022-G01 Full Link: https://www.epa.gov/grants/rain-2022-g01
46	§ 35.536 Cost share requirements 40 CFR 35.536 Full Link: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-B/subject-group-ECFR832711b28c33684/section-35.536
47	Intertribal consortium 40 CFR Subpart B - Environmental Program Grants for Tribes EPA's tribal grant regulations Full Link:

	https://www.law.cornell.edu/cfr/text/40/part-35/subpart-B
48	<p>§ 35.502 Definitions of terms 40 CFR § 35.502 Full Link: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-B/subject-group-ECFR7560dab1b022383/section-35.502</p>
49	<p>EPA's Policy for Competition of Assistance Agreements, Section 6(c)(2) EPA Order 5700.5A1 Full Link: https://www.epa.gov/grants/epa-order-57005a1-epas-policy-competition-assistance-agreements</p>
50	<p>EPA's Policy for Environmental Results under EPA Assistance Agreements EPA Order 5700.7A1 Full Link: https://www.epa.gov/grants/epa-order-57007a1-epas-policy-environmental-results-under-epa-assistance-agreements</p>
51	<p>CFR Part 200 and 2 CFR 1500 Collectively, 2 CFR 200 and 1500 are referred to as the Uniform Grant Guidance.</p>
52	2 CFR Part 1536 Requirements for Drug-Free Workplace (Financial Assistance)
53	<p>40 CFR Part 33 Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency Programs Full Link: https://www.law.cornell.edu/cfr/text/40/part-33</p>
54	EPA Guidance on Participant Support Costs
55	Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance
56	<p>Remedies for Noncompliance 2 CFR § 200.339 Full Link: https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR86b76dde0e1e9dc/section-200.339</p>
57	<p>§ 1500.12 Quality Assurance. 2 CFR § 1500.12 Full Link: https://www.ecfr.gov/current/title-2/subtitle-B/chapter-XV/part-1500</p>
58	<p>EPA Grants Full Link: http://www.epa.gov/ogd/grants/assurance.htm</p>
59	<p>Subpart E – Disputes 2 CFR Part 15002 CFR Part 1500, Subpart E Full Link: https://www.ecfr.gov/current/title-2/subtitle-B/chapter-XV/part-1500/subpart-E</p>