

INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM (GAP)



Guidance on Financial Assistance Agreements



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
INTERNATIONAL & TRIBAL AFFAIRS

The U.S. Environmental Protection Agency (EPA) is pleased to release its new 2022 Indian Environmental General Assistance Program Guidance on Financial Assistance Agreements (GAP Guidance). This Guidance revises and supersedes the 2013 GAP Guidance. It reinforces the importance of the federal-tribal partnership, as reflected in joint EPA-Tribal Environmental Plans (ETEPs) and broadens opportunities for Tribes to achieve impactful environmental results.

This Guidance is the result of many years of internal deliberations and significant input, engagement and consultation with Tribal governments, Tribal partnership groups and intertribal consortia. Tribes requested more flexibility to address their priority environmental concerns, less administrative burdens to spend more time on programmatic issues, and greater consistency in how the Guidance is administered. In response to extensive Tribal input, the 2022 GAP Guidance:

- Includes greater flexibility and reduces administrative burdens in how EPA awards and administers GAP resources,
- Provides flexible opportunities for Tribes to build and maintain environmental capacity to administer or meaningfully participate in EPA programs,
- Includes information on how GAP funding can support activities related to indigenous knowledge, climate change, and protection of treaty rights,
- Provides clarity in the use of GAP for implementation, use of capacity indicators, and EPA's performance management responsibilities,
- Decreases the number of capacity indicators and delegates approvals to EPA Regional Offices, where appropriate, and
- Improves readability to make information easier to find and use when applying for and managing GAP awards.

EPA is committed to continued improvement in how we administer GAP. We look forward to strengthening our partnership with Tribes as we work together to protect human health and the environment in Indian Country.

Jane Nishida

A handwritten signature in black ink that reads "Jane Nishida". The signature is written in a cursive, flowing style.

Assistant Administrator

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SECTION 1: AN INTRODUCTION TO GAP

This Guidance provides information to Tribes and intertribal consortia on how to develop, apply for, and manage Indian Environmental General Assistance Program (GAP) financial assistance agreements, generally referred to as GAP grants. It also describes how the U.S. Environmental Protection Agency (EPA) administers GAP grants to ensure national consistency in EPA's actions when negotiating, reviewing, and administering GAP awards.

This Guidance reflects statutory and regulatory requirements, including binding requirements and federal policies, that address how GAP funds are used and managed. This Guidance is effective for all GAP financial assistance agreements beginning October 1, 2022, and supersedes previous guidance issued on May 15, 2013.

Protecting human health and the environment is a shared responsibility of EPA and 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.

1.1 WHAT IS THE PURPOSE OF GAP?

GAP is a grant opportunity for federally recognized Tribal governments¹ and intertribal consortia.

The purpose of GAP is for recipients to:

- Plan, develop, and establish the capacity to implement programs administered by the EPA,
- Develop and implement solid and hazardous waste programs for Indian lands, and
- Collect, transport, backhaul, and dispose of solid waste and recovered materials.

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

There are multiple 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 the American Indian Environmental Office (AIEO) and EPA Tribal Program Managers.

¹ While there are many terms that federally recognized Indian Tribal Governments (Tribes) may use to describe their culture, history, and geography, including Tribe, Village, Nation, Band, and Pueblo, EPA uses the terms Tribe and Tribal government in this Guidance.

*Planning, developing, and establishing capacity, or **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 program.*

See Section 3.5 Eligibility Information of this Guidance for more information on eligibility requirements for Tribal and intertribal consortium applicants.

1.2 WHAT IS EPA'S AUTHORITY TO ADMINISTER GAP GRANTS?

The statutory authority for GAP is the [Indian Environmental General Assistance Program Act of 1992](#) (42 U.S.C. § 4368b). Additionally, in 2018, Congress authorized GAP to fund the collection, transportation, backhaul, and disposal of solid waste and recovered materials ([Pub. L. 115-141, 132 Stat. 665, 668](#)).

The implementing regulations for GAP and other EPA Tribal grant programs, including Performance Partnership Grants, are located at 40 CFR Part 35, Subpart B, [Environmental Program Grants for Tribes](#).

There are many other sources of law and policy that apply to all or a subset of EPA funding programs. Tribes, intertribal consortia, and EPA Regional Offices should be knowledgeable of these requirements, including this Guidance, when applying for and managing GAP grants.

- All federal assistance agreements, including GAP and Performance Partnership Grants (PPGs), must comply with regulations in [2 CFR Part 200](#) and all EPA assistance agreements must comply with regulations in [2 CFR Part 1500](#). Collectively, 2 CFR Parts 200 and 1500 are called the Uniform Grant Guidance.
- [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](#)

1.3. HOW DOES GAP RELATE TO EPA'S MISSION?

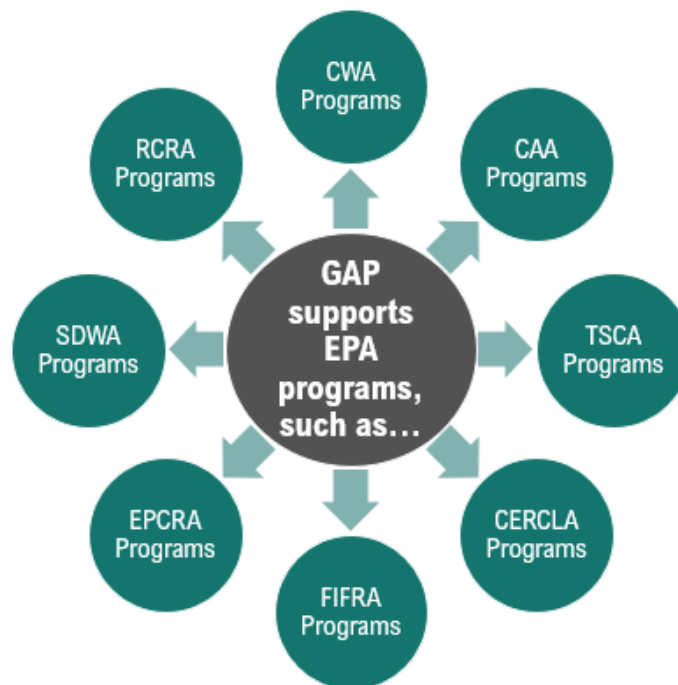
EPA is responsible for administering federal statutes and their implementing regulations to protect public health and the environment on all lands of the United States, including Indian country.² Many of the

² [18 U.S.C. § 1151](#) and [40 CFR § 171.3](#) defines the term Indian country as: 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;

federal statutes that define EPA's authorities address a single environmental media (or program area), such as air, water, or land. The GAP statute is unique because it supplements other EPA program area resources to assist Tribes and intertribal consortia in developing capacity to implement programs related to EPA statutory authorities (Table 1).

EPA does not consider or administer GAP as an environmental media or program area. A more complete list of the programs and statutes that EPA administers, or has a role in administering, is available at [Laws and Executive Orders](#).³

Figure 1. GAP is used to build and maintain capacity related to EPA programs, in addition to solid and hazardous waste implementation activities



Under the [EPA Policy for the Administration of Environmental Programs on Indian Reservations](#), often referred to as the 1984 Indian Policy, 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. Until EPA

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- a. 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
 - b. all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Under EPA's longstanding approach, and consistent with relevant judicial precedent, lands held by the federal government in trust for Indian Tribes that have not been formally designated as formal reservations are informal reservations and thus have the same status as formal reservations for purposes of the EPA's programs.

³ To learn more about the work that EPA does and does not do, visit [Our Mission and What We Do](#).

delegates, authorizes, or approves an eligible Tribe to administer a federal regulatory program, EPA generally retains direct implementation (DI) responsibilities.

Consistent with the 1984 Indian Policy, EPA:

- Directly implements programs in Indian country,
- Delegates, authorizes, or approves, where applicable, eligible Tribes to implement programs, or
- Coordinates, partners, and engages with Tribes on a government-to-government basis for environmental protection.

In keeping with the federal trust responsibility, EPA works with Tribes to ensure that EPA's environmental and human health protection programs are implemented in Indian country. There are many ways that EPA and Tribal governments may work together to carry out federal program responsibilities and ensure regulated sites, facilities, and 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 and standard setting in areas consistent with EPA authorities. No matter what mechanism(s) EPA uses to carry out its mission, EPA strives to work closely with Tribal governments, consider Tribal interests, and encourage Tribal governments to develop their own environmental protection programs.

Table 1. GAP helps recipients build capacity related to EPA programs. A complete list of EPA's statutory authorities is available at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>

STATUTE	GENERAL EPA AUTHORITY	SIGNIFICANT PROGRAMS/ACTIVITIES
Clean Air Act (CAA) 42 U.S.C. Chapter 55	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.	

STATUTE	GENERAL EPA AUTHORITY	SIGNIFICANT PROGRAMS/ACTIVITIES
Emergency Planning and Community Right-to-Know Act (EPCRA) 42 U.S.C. 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), pesticide education, training, and enforcement grants
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

1.3.1 UNIQUE TRIBAL CONSIDERATIONS AND GAP

TRIBAL TREATY RIGHTS

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 federally recognized Tribes reinforces the importance of making sure EPA actions consider treaty rights. While treaties do not expand EPA's authority, EPA must ensure its actions do not conflict with applicable Tribal treaty rights. Some activities related to the protection of treaty rights may be GAP-eligible, such as reviewing and submitting comments on draft environmental permits a state (or EPA) proposes and engaging in consultation where Tribal treaty rights related to natural resources may exist. The use of GAP funds in ceded territories where Tribes hold reserved rights is subject to the same eligibility requirements as other activities funded under the GAP program. EPA Regional Offices and applicants should refer to program area staff and the Office of Regional Counsel when considering GAP funded activities in ceded territories.

TRADITIONAL ECOLOGICAL KNOWLEDGE (TEK), OR INDIGENOUS KNOWLEDGE (IK)

EPA recognizes the value that TEK, or Indigenous Knowledge, adds to the protection of human health and the environment and supports the use of GAP funding to incorporate TEK/IK in the development of program-related documents, procedures, guidelines, and related efforts to engage with EPA, where appropriate. Some examples of TEK/IK-related activities that may be GAP-eligible include incorporating existing cultural and historical knowledge to develop Tribal beneficial uses for water quality, gathering cultural knowledge stories from elders to teach the community about environmental protection, and developing a process for sharing TEK/IK with EPA, if desired. EPA may provide additional information on the use of GAP funds related to TEK/IK when government-wide guidance on TEK/IK in federal decision-making is final.

SECTION 2: GAP NATIONAL FRAMEWORK

EPA considers several factors when awarding and administering GAP grants.⁴ These factors all work together to form the national framework of GAP. Each part of the framework plays an important role in helping Tribes and intertribal consortia to develop environmental capacity:

Table 2. The table below describes each factor of the national framework of GAP

FACTOR	DESCRIPTION
NATIONAL PROGRAM PRIORITIES	The national program priorities are rooted in the GAP statute and applicable regulations and provide the foundation for eligible activities and performance management.
PERFORMANCE MANAGEMENT	EPA uses performance management information to demonstrate whether the national program is meeting its goals and objectives, including reports to Congress and others.
EPA -TRIBAL ENVIRONMENTAL PLANS (ETEPS)	Jointly developed documents that provide an understanding of how EPA and Tribes plan to work together to address shared environmental priorities. ETEPs also provide a linkage between GAP funded activities and performance management.
TECHNICAL ASSISTANCE	EPA provides technical information, training, and tools to assist GAP recipients in meeting work plan objectives and shared ETEP priorities.
ALLOCATION	EPA's process for distributing financial resources from AIEO to EPA Regional Offices to fund approved GAP work plans.

2.1 GAP NATIONAL FRAMEWORK: NATIONAL PROGRAM PRIORITIES

The national program priorities of GAP provide national consistency in how EPA approaches, communicates, and applies this Guidance when soliciting and awarding GAP grants and when conducting performance management efforts.⁵ The priorities provide direction and consistency for the administration of GAP grants. They also offer flexibility for recipients to engage in EPA programs based on their own environmental priorities and program development interests.

⁴ Throughout this Guidance, reference to GAP grants, work plans, and progress reports include GAP funded activities that are part of a Performance Partnership Grant (PPG).

⁵ This Guidance incorporates, with amendments, and supersedes the 2017 GAP Guiding Principles.

The national program priorities for the administration of GAP are to:

1. Ensure Tribal governments have the opportunity to **build the capacity** to:
 - a. **Implement** federal environmental programs through EPA delegations, authorizations, and approvals, where applicable;⁶ and
 - b. **Meaningfully participate** in environmental protection activities that inform, support, or enhance direct implementation under federal environmental statutes administered by EPA.

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

2. Promote **Tribal self-governance** by working closely with Tribes to:
 - a. Accomplish Tribal environmental **program goals** in EPA-Tribal Environmental Plans (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.

2.1.1 WHAT WILL GAP FUND?

EPA Project Officers and applicants should consider this Guidance and applicable statutes and grant regulations when determining if a proposed activity is eligible for GAP funding (Section 1.2 What is EPA's authority to administer GAP grants?).

⁶ Not all EPA programs can be delegated, authorized or approved to Tribes; see [Tribal Assumption of Federal Laws - Treatment as a State \(TAS\)](#) for information.

GAP funds activities that are closely related to building environmental capacity consistent with EPA's statutory authorities, and activities that assist recipients to implement solid and hazardous waste programs. Generally, this includes activities that are necessary for the recipient to:

1) PLAN, DEVELOP, ESTABLISH, AND MAINTAIN CAPACITY TO:

- Implement programs under statutes administered by EPA;
- Meaningfully participate in federal environmental programs that are administered by EPA, states, other Tribes, or local governments, including capacities needed to consult government-to-government with EPA and implementation of programs consistent with EPA authorities under Tribal laws, codes, and regulations.

Under some federal statutes, EPA is authorized to treat eligible **Tribes in a similar manner as a state (TAS)** for implementing and managing certain environmental programs. An EPA TAS approval makes a Tribe eligible to implement a particular program or function within the area covered by the approval. Where a Tribe is seeking to administer an environmental regulatory program, the Tribe will also need EPA approval of the program itself. EPA generally refers to the delegation, authorization, or approval of a federal program to Tribes as [assumption of program authority](#). As part of the eligibility 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.

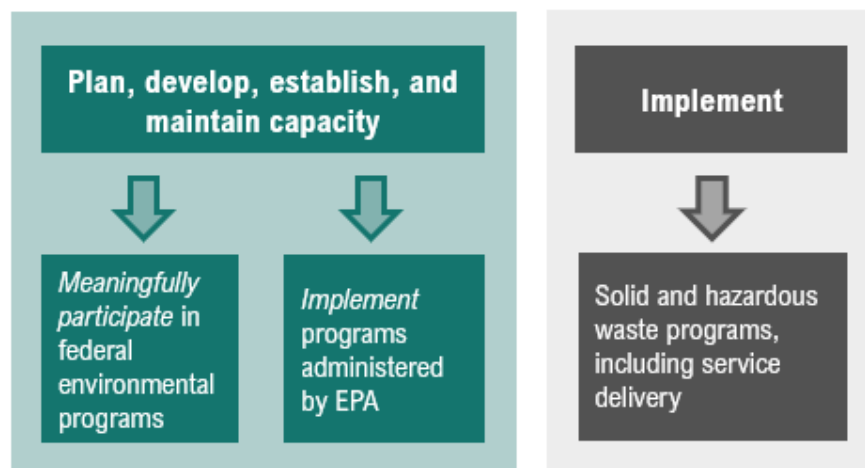
Recipients cannot use GAP funds to support activities in a program area where EPA has delegated, authorized, or approved the Tribe to administer an EPA program or function.⁷ Once a Tribe is administering an EPA program, activities performed in the assumed program area are **implementation activities** for the purposes of GAP.

EPA has identified some exclusions where GAP may fund implementation activities. The exclusions are:

- I. When capacity building occurs in another related area, such as developing standards for a new land parcel or addressing a new pollutant;
- II. When GAP funds are in a Performance Partnership Grant (PPG) and approved regulatory flexibilities apply;
- III. When the Tribe has demonstrated there is a continuing capacity building need.
 - i. Using GAP funds for capacity building needs after the Tribe receives delegation, authorization, or approval to administer the EPA program under Exception III will require American Indian Environmental Office (AIEO) approval and may not exceed four years; and
- IV. For solid and hazardous waste implementation purposes identified in the GAP statute.

⁷ 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](#).

Figure 2. GAP has many purposes



2) IMPLEMENT SOLID AND HAZARDOUS WASTE PROGRAMS AND SOLID WASTE AND RECOVERED MATERIALS COLLECTION, TRANSPORTATION, BACKHAUL, AND DISPOSAL SERVICES.

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 Resource Conservation and Recovery Act (RCRA). Additionally, recipients 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 recipients 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,
- 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.

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 [Developing Integrated Waste Management Plans](#).

The conditions below 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.

- The Tribe's EPA-Tribal Environmental Plan (ETEP) lists solid waste program development and/or implementation as a priority.
- The Tribe's work plan includes solid waste program development and/or implementation as a standalone GAP work plan component and separately outlines the associated component costs.
- The Tribe has a Tribally approved 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 the Tribe's waste management program structure and administration, current and proposed waste management practices, and a description of the community service area.
- Service delivery activities that support for-profit commercial operations and/or activities outside of 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 award conditions, such as those related to program income.

Progress reports for work plans that include solid or hazardous waste implementation, including service delivery activities, should include information on the amount of waste collected, transported, backhauled, and disposed, the types of wastes handled, origination, and the final disposition of the waste. This includes recycled or reused portions of the waste stream.

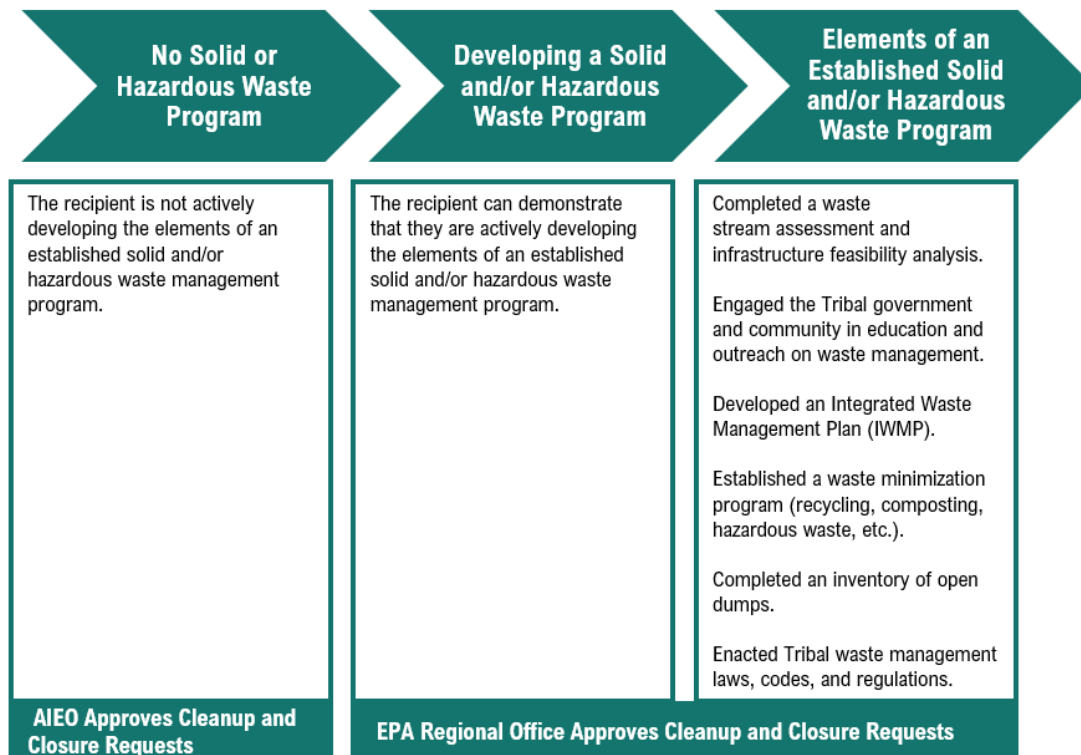
Additional information on Tribal waste management programs is available at [Tribal Waste Management Program](#).

Unauthorized dumping of solid waste is often related to a lack of access to, or participation in, sustainable waste management systems. EPA strongly encourages recipients to have an established solid and/or hazardous waste program in place or under development before initiating cleanup and closure activities to prevent new, or continuing, unauthorized dumping in Tribal lands.

EPA will evaluate the use of GAP funding for cleanup and closure activities on a case-by-case basis before the activity occurs. To approve a Tribal request for cleanup and closure activities, the EPA Regional 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 cleanup and closure activities will require American Indian Environmental Office (AIEO) approval. AIEO will consider funding cleanups in situations that pose risks to human health and the environment. The approving authority, whether AIEO or the Region, will work with other program offices, such as the Office of Land and Emergency Management, Office of Enforcement and Compliance Assurance, and the Office of General Counsel, as appropriate. EPA will decide on whether to approve the proposed activity within 30 days of receiving the request. If funded,

cleanup and closure work should include documentation on the amount of waste removed, recycled, or both, the types of wastes removed, and the final disposition of the waste in the recipient's progress report.

Figure 3. Different approval may be required for different stages of solid or hazardous waste program development



Construction Activities: Construction activities are generally not allowable under GAP. However, GAP may fund the construction, repair, upgrade, and replacement of resource recovery, resource conservation, and source separation facilities, including construction feasibility studies. GAP may fund other construction activities 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 paid for with GAP funds following completion of the grant, see [2 CFR §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. The EPA Regional Office will evaluate requests from applicants for construction activities and refer requests to the American Indian Environmental Office (AIEO) Director with justification for recommended approval or non-approval of the request, including provisions for compliance with the National Environmental Policy Act (NEPA). AIEO will make the determination on the proposal within 30 days in coordination with the appropriate EPA program office and the Office of General Counsel (OGC).

Proposal Preparation Costs: [2 CFR 200.460](#) states that proposal preparation costs are normally covered by recipients' indirect cost rates. However, *directly* charging proposal preparation costs in GAP work plans is allowable, subject to limitations and requirements in the [EPA Guidance on Selected Items of Cost](#), and with approval by an EPA Grants Official (i.e. a Regional Grants Management Officer or Award Official).⁸ To qualify for direct charging of proposal costs in a GAP work plan, the recipient must provide EPA with assurance that the same cost is not included in its indirect cost rate. Proposal preparation costs cannot 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.⁹

GAP recipients may also 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 environmental capacity building capacity 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 collaboration 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 GAP-eligible member Tribe for the Tribe's development of grant proposals, EPA does not consider the associated consortia costs as "proposal costs." Technical assistance provided to GAP-eligible member Tribes is allowable if reasonable, allocable, necessary, and otherwise in compliance with [2 CFR Part 200](#) and the terms and conditions of the consortium's grant.

Figure 4. Examples of other GAP-eligible activities

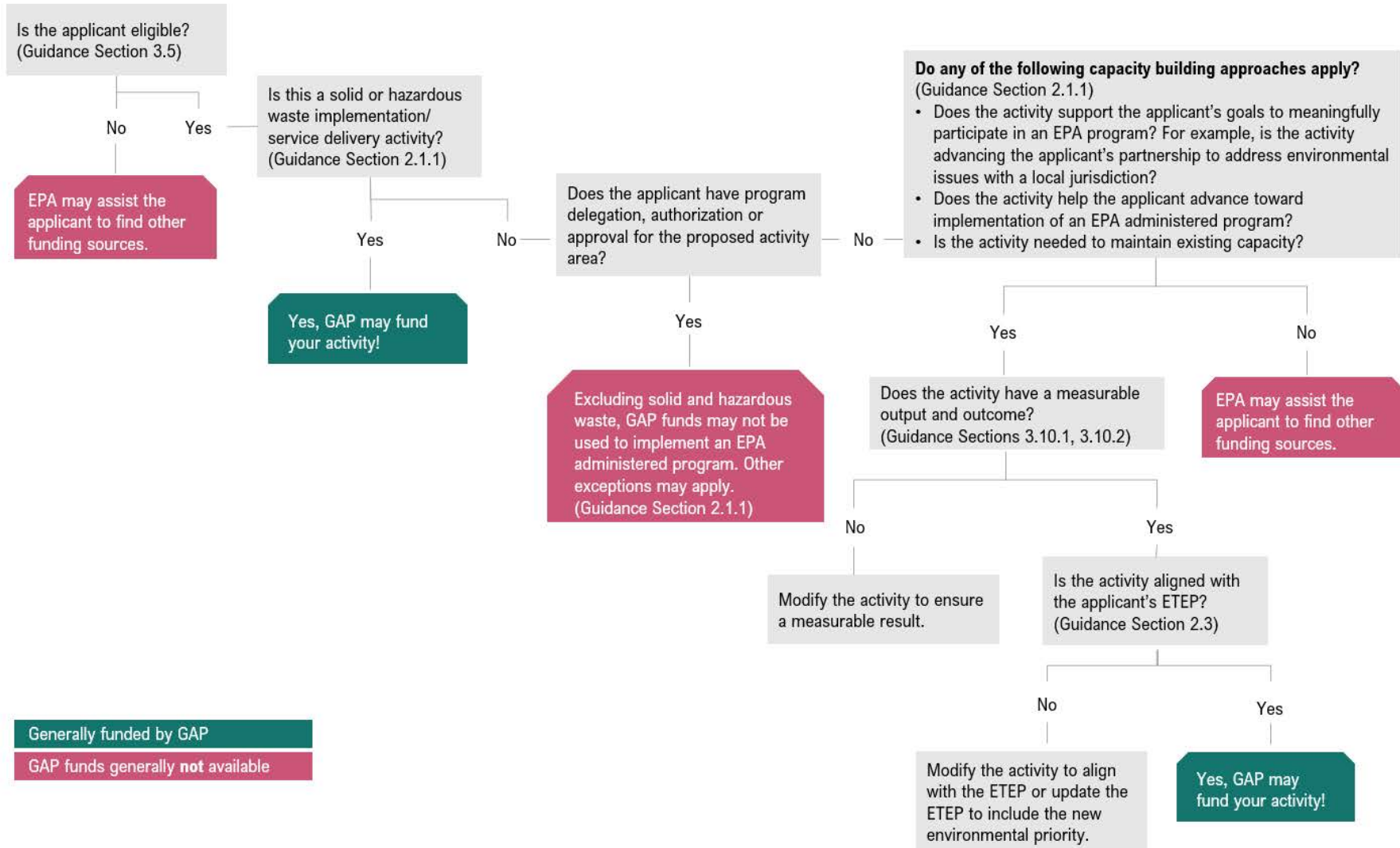
Example 1: Each Tribe experiences their own unique climate change impacts and vulnerabilities. GAP funding can be used to support Tribal climate change adaptation efforts related to EPA programs, such as working with other Tribal departments to identify and address vulnerabilities, include climate resiliency in source water protection programs for drinking water systems, and develop a map of climate change hazards.	Example 2: Federal environmental actions and decisions may impact Tribal governments and lands. GAP funding can be used to help the Tribe better understand the potential impacts of these actions and provide input in the decision-making process. An example includes reviewing and commenting on National Environmental Policy Act (NEPA) documents and federal permits provided from another entity.	Example 3: GAP funds can be used to provide or receive technical assistance from another GAP recipient. Technical assistance should be identified in the assistance provider's GAP work plan and help the receiver of the assistance achieve GAP work plan commitments and ETEP priorities. Examples of technical assistance are regionally facilitated peer matching, Tribal circuit riders, and Tribe-to-Tribe exchanges.
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⁸ EPA Grants Officials have re-delegated authority to make determinations required by the Grant Regulations.

⁹ 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.

5. Figure 5. Will GAP fund my activity? A flowchart for determining if an activity may be funded by GAP

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 work plan 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 work plan activities.



2.2 GAP NATIONAL FRAMEWORK: PERFORMANCE MANAGEMENT

As the National Program Manager for GAP, the American Indian Environmental Office (AIEO) is responsible for the financial and performance reporting of GAP resources. AIEO's reporting and performance evaluation responsibilities include timely and accurate reports to Congress, the Office of Inspector General, EPA Senior Leadership, Tribes, and others, on the overall impact of GAP. These reports provide information on how the funds are spent and whether GAP is making progress in meeting its statutory purpose.

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. More specifically, AIEO will use the Tribe's environmental priorities and the status of related indicators, largely informed by progress reports, in the national performance management and evaluation process. Table 3 describes the role and relationship of ETEPs, capacity indicators, GAP work plans, and GAP progress reports in GAP performance management and evaluation efforts.

Table 3. Role and relationship of ETEPs, capacity indicators, GAP work plans, and GAP progress reports

ROLE	DESCRIPTION
The role of EPA-Tribal Environmental Plans (ETEPs)¹⁰	ETEPs (further described in Section 2.3 GAP National Framework: EPA-Tribal Environmental Plans (ETEPs)) are documents that describe how EPA and a Tribal government plan to work together to address shared environmental priorities. ETEPs identify pollution sources on or impacting Indian country, describe how the pollution is addressed and by whom, outline the Tribe's environmental program priorities and related goals, and inform the development of GAP work plans. They also provide a basis for understanding changes in capacity development with GAP resources.
The role of capacity indicators	Indicators provide alignment between the Tribe's long-term program development goals in ETEPs and annual GAP work plan commitments. An ETEP defines a Tribe's environmental priorities and long-term program development goals. Indicators identify the Tribe's short-term goals, or milestones, to address those priorities with GAP funding. The GAP work plan lists the Tribe's commitments toward achieving the indicators. There are often many activities, or work plan commitments, that must occur to accomplish a single indicator. 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 indicators, including indicators developed by Tribes, to convey a Tribe's environmental program development and progress toward meeting their identified priorities. Tribes may recommend additional indicators for EPA approval at www.epa.gov/tribal .

¹⁰ EPA developed and implemented the use of ETEPs to plan and demonstrate capacity built with GAP funding in response to the 2008 Office of Inspector General Audit Report, [Framework for Developing Tribal Capacity Needed in the Indian General Assistance Program](#).

ROLE	DESCRIPTION
The role of GAP work plans	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. Additional information on requirements for GAP work plans is in Section 4.2 Application Review.
The role of progress reports	EPA uses progress and financial reporting to evaluate the recipient’s performance. GAP progress reports should inform EPA on the progress toward indicators identified by the Tribe. Additional information on requirements for progress reports is in Section 5.2 Reporting Requirements.

GAP Capacity Indicators

- *Measure significant milestones of capacity.*
- *Do not represent all GAP eligible activities.*
- *Do not have to tie directly to all GAP work plan commitments.*
- *Should be flexible and can be added or removed during the lifespan of the ETEP.*
- *Do not have a set timeframe in which they are required to be completed.*

2.3 GAP NATIONAL FRAMEWORK: EPA-TRIBAL ENVIRONMENTAL PLANS (ETEPS)

As of 2022, Tribes and EPA have developed more than 500 ETEPs nationally, and ETEPs play a significant role in EPA’s management of GAP. EPA expects Tribes and intertribal consortia, where applicable (Section 3.5 Eligibility Information), to have an ETEP in place to receive GAP funds. If the Tribe is a first-time applicant, the Tribe’s work plan should include a commitment to develop an ETEP. ETEPs should include the environmental priorities and capacity indicators that the Tribe plans to complete with GAP funding. While informative of a Tribe’s priorities, EPA should not use ETEPs 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 program areas, other EPA financial assistance programs do not require an ETEP to receive funding.

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

To be an effective planning tool, ETEPs should cover a period of at least three but not more than five years. The format, length, and process to develop an ETEP may vary among EPA Regions and Tribes in each EPA Region. Tribes may have existing planning documents, including Tribal Environmental

Agreements (TEAs),¹¹ that form the basis of an ETEP. Similar to the regulatory flexibility to combine TEAs and PPGs, AIEO strongly encourages a combined GAP work plan and ETEP to streamline required planning, reporting and information sharing, and will provide templates to assist recipients considering this format. Any alternative document must include the required components of an ETEP and be easy for recipients and EPA Project Officers to reference when developing GAP work plans.

Tribes and EPA Project Officers should review the ETEP annually and make updates to priorities, indicators, and anticipated time frames. This review may occur during annual work plan joint evaluations, or when an applicant is developing a new work plan. The American Indian Environmental Office (AIEO) recommends a comprehensive revision to ETEPs every three to five years, depending on the Tribe's planning cycle, or when there are special circumstances that warrant a substantial revision. This revision should consider priorities for the next three to five years (including ongoing and new priorities), indicators (both new and still in process), new or revised timelines, and an updated inventory of regulated entities. Recipients may use GAP funds to develop, review, and revise their ETEP.

2.3.1 ETEP REQUIREMENTS

The requirements associated with ETEPs in this Guidance, including the use of current capacity indicators, are effective with each comprehensive ETEP revision. ***Given that EPA recommends ETEP revisions at least every five-years, current capacity indicators should be in use by all GAP recipients by FY2028.*** The current list of capacity indicators is available at <https://www.epa.gov/tribal/gap-capacity-indicators>.

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. A Tribe may decide to use its ETEP as a strategic plan to address a broad range of priorities, including priorities that extend beyond the scope of EPA's mission. However, EPA's technical and financial assistance provided through GAP is limited to activities that align with EPA authorities.

Each Tribe's ETEP should contain three components:

- EPA Regulated Entities,
- Tribal Environmental Priorities, and
- EPA Program Priorities, including direct implementation responsibilities.

¹¹ [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).

Figure 6. EPA-Tribal Environmental Plans (ETEPs) help Tribes and EPA plan and manage areas of joint responsibility



1) EPA REGULATED ENTITIES

The primary way EPA protects human health and the environment is by regulating pollution sources. In general, the presence of regulated entities, including sites, facilities, and activities subject to federal environmental compliance requirements, determines where EPA has a regulatory role and which federal environmental statutes apply. For example, EPA implements the federal underground storage tank program for gas stations in Indian country with underground storage tanks that are regulated under the Resource Conservation and Recovery Act (RCRA) Subtitle I.

EPA Regional Offices should develop and provide each Tribe with a draft inventory of federally regulated entities in Indian country. Tribes may also consider adding regulated entities that are not within Indian country but that may impact the Tribe's environment. EPA maintains program-specific databases of regulated entities and data query tools, such as [EnviroFacts](#), that Tribes may use to identify additional regulated entities of interest.

Tribes may use GAP funds to verify facility information in Indian country and to work with EPA to update regulated facility information in EPA databases. This helps EPA and the Tribe to jointly protect the public health and environment by ensuring facilities comply with applicable regulations.

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 the Tribe to identify indicators of interest and work plan commitments. This understanding also assists EPA to plan for technical assistance, training, funding, and other resources that may be needed to help the Tribe address their priorities and achieve their long-term environmental goals.

Tribal Environmental Priorities should be descriptive. Priorities should include information on the Tribe's long-term program development goals, indicators, and requested assistance.

As part of the EPA-Tribal environmental planning process, each Tribal government receiving GAP funding should:

- Include a short description of each priority area the recipient plans to address with GAP funds,
- Identify capacity indicators the recipient intends to pursue that is associated with that priority,
- Identify the anticipated timeline for completing capacity indicators, and
- Establish the recipient's long-term program development goal(s).

A Tribe's ETEP often represents a combination of long-term program development goals, depending on the presence of regulated pollution sources, existing Tribal capacity, and program management priorities. The options for long-term program development goals are listed in Table 4.

Table 4. The options for long-term program development goals generally include the following

TRIBE'S LONG-TERM PROGRAM DEVELOPMENT GOAL(S)	DESCRIPTION
Tribal Assumption of Program Authority	An eligible Tribe may receive EPA delegation, authorization, or approval to administer certain EPA programs. This option includes the process of researching, investigating, developing, and applying for administration of a particular regulatory program.
Meaningful Participation in EPA Programs	Tribes may actively engage with EPA and 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 Memorandums of Understanding (MOUs) and Memorandums of Agreement (MOAs). Development and enactment of Tribal laws, codes, and regulations is another way to meaningfully participate in EPA programs. Tribes may develop environmental program capacities to establish their own environmental protection programs that are consistent with EPA's authorities.
Solid and Hazardous Waste Implementation	Tribes may implement solid and hazardous waste programs, including collection, disposal, backhaul, and transportation of solid waste and recovered materials.

Tribal environmental priorities and related capacity indicators may change for several reasons, including new Tribal leadership, staff turnover, and new pollution sources, regulated facilities, or areas of concern.

The American Indian Environmental Office (AIEO) encourages EPA Regional Offices to support ETEP flexibilities 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. Since ETEPs are flexible planning documents, they do not require EPA or Tribal leadership signatures, and do not represent commitments for the Tribe or EPA.

3) EPA PROGRAM PRIORITIES, INCLUDING DIRECT IMPLEMENTATION (DI) RESPONSIBILITIES

This section of the ETEP is to provide EPA and Tribes an understanding of EPA program priorities, including DI. This information may also 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 program priorities may include regional and national priorities identified in the EPA Strategic Plan or included in National Program Guidance.

EPA Regional Offices should identify EPA's direct implementation responsibilities for each Tribe. EPA's direct implementation responsibilities may include, but are not limited to, the following actions and activities:

- Permitting,
- Conducting inspections and taking enforcement actions,
- Developing inventories of regulated entities,
- Issuing identification numbers for regulated entities, and
- Issuing certifications.

[EPA's Direct Implementation of Federal Environmental Programs in Indian Country](#) provides additional information on EPA's direct implementation responsibilities.

2.4 GAP NATIONAL FRAMEWORK: TECHNICAL ASSISTANCE

The GAP statute authorizes EPA to provide technical assistance to Tribal governments and intertribal consortia in the development of multimedia programs to address environmental issues. Technical assistance in the context of GAP includes providing information or support to a GAP recipient to directly assist them in achieving GAP work plan activities and ETEP priorities. EPA or another organization with subject matter expertise, including contractors, other Tribes, and intertribal consortia¹² may provide technical assistance. The delivery of technical assistance may be formal or informal and may happen on a regular or infrequent basis.

Recipients may choose to include technical assistance needs in the ETEP. Some examples of the types of technical assistance EPA commonly provides are:

¹² GAP funds for technical assistance activities cannot pay for duplicate activities in the work plans of both the technical assistance provider and the technical assistance recipient.

- 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 GAP NATIONAL FRAMEWORK: ALLOCATION

Congress provides GAP funding to EPA in the annual budget process through the State and Tribal Assistance Grants (STAG) Appropriation. Since EPA receives GAP funding from Congress as part of the annual budget process, the total amount of grants dollars may change from year to year. The American Indian Environmental Office (AIEO) determines the distribution of GAP funds to EPA Regional Offices using a national methodology. Once determined, AIEO notifies EPA Regional Offices of their distributions in 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 set aside a portion of GAP funds to support specific Tribal or intertribal consortia projects for environmental capacity building or solid and hazardous waste implementation, or both. These projects should have national or region-wide application, address a national or regional program priority, or seek to broadly demonstrate the applicability of innovative program activities. The Office of International and Tribal Affairs (OITA) National Program Guidance¹³ will include the AIEO GAP set aside information.

EPA will evaluate and approve associated program support cost project proposals in accordance with OITA's December 2016 Guidance on Associated Program Support Costs under the Indian Environmental General Assistance Program.

¹³ EPA's [National Program Guidances](#) communicate operational planning priorities, strategies, and key activities for advancing the EPA's Strategic Plan and guide grant work planning with states, Tribes, and territories.

SECTION 3: AWARD INFORMATION

3.1 GENERAL INFORMATION

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

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

3.2 EPA ROLES AND RESPONSIBILITIES

EPA Project Officers will work with applicants to provide technical assistance on finalizing project work plans and budgets. Project Officers should coordinate with EPA program staff for programmatic expertise and to align and leverage program resources, as appropriate. The Regional Administrator, or their designee, will review completed GAP applications and either approve, conditionally approve, or disapprove those applications within 60 days of receipt.¹⁴ Once approved, the EPA Regional Office will formally notify the applicant.

Table 5. EPA roles and responsibilities by office

OFFICE TYPE	RESPONSIBILITY
American Indian Environmental Office (AIEO)	<p>As the National Program Manager for GAP, AIEO is responsible for:</p> <ul style="list-style-type: none">• Establishing guidance to administer the program;• Providing oversight and evaluating the effectiveness and efficiency of the program;• Annually distributing funding allocations to EPA Regional Offices;• Providing training and technical assistance to EPA Regional Offices regarding the administration of GAP resources and EPA-Tribal environmental planning activities; and• Maintaining a GAP performance management approach, including collecting regional data and reporting results achieved through GAP. <p>AIEO is also responsible for approving Tribally developed capacity indicators for performance reporting and evaluation purposes. Using the reported information provided by EPA Regional Offices, AIEO will prepare national GAP performance reports and use this information to report to Congress, the Office of Management and Budget (OMB), Tribal governments, and others. EPA may also use this information to develop annual 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 document the scope, successes, challenges, and efforts of Tribal environmental programs.</p>

¹⁴ [40 CFR § 35.510](#)

OFFICE TYPE	RESPONSIBILITY
	AIEO may also work in partnership with EPA Regional Offices to provide GAP related technical assistance to Tribes and intertribal consortia. AIEO and EPA Regional Office coordination may occur through internal meetings, Regional Tribal Operations Committees, guidance, and other information sources.
EPA Regional Offices	<p>EPA Regional Offices are responsible for:</p> <ul style="list-style-type: none"> • Coordinating with EPA staff and each Tribe or intertribal consortia, where applicable, in developing, reviewing, and updating ETEPs; • Negotiating GAP work plans linked to ETEPs; • Processing GAP applications; • 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; • Conducting joint periodic reviews; • Inputting information into GAP performance management applications(s); and • Conducting grant close-outs and post-award management. <p>EPA 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.</p> <p>EPA Project Officers will use progress reports to determine the recipient's progress toward meeting working commitments and to gather the information needed to evaluate GAP nationally. EPA Project Officers will provide status updates on identified capacity indicators to AIEO annually.</p> <p>To reduce administrative burden for recipients, AIEO encourages EPA Regional Offices 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; • Review EPA and Tribal environmental priorities, indicators, work plan commitments, and timelines during the annual joint evaluation discussion; and • Consistent with this Guidance, provide flexibility to Tribes when developing ETEPs, GAP work plans, and other GAP related planning or reporting documents.

3.3 TYPES OF GAP FINANCIAL ASSISTANCE AGREEMENTS

Generally, GAP funds two types of financial assistance agreements. The types of financial assistance agreements are:

- **Grant:** Grants represent direct funding to a recipient to support a specific 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 making the award.

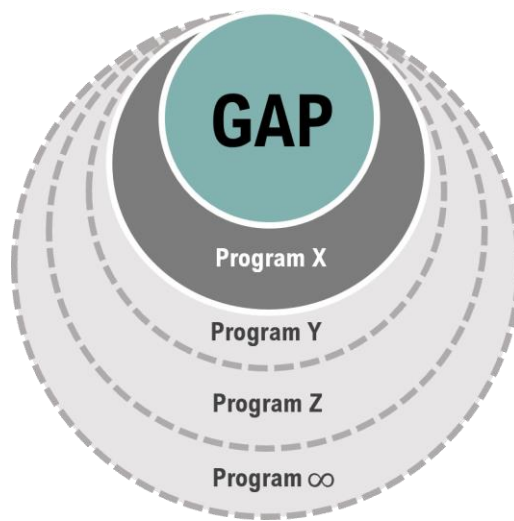
The applicant should include the type of assistance preferred on the grant application. If EPA expects to have substantial involvement, then EPA will issue the assistance agreement as a cooperative agreement. If there is no substantial involvement by EPA expected, then EPA will issue a grant.¹⁵

3.4 PERFORMANCE PARTNERSHIP GRANTS (PPGS)

A Performance Partnership Grant (PPG) is a grant that lets the recipient combine funds from more than one EPA program funding source into one grant. GAP is one of several EPA programs that are eligible for combining into a PPG. Table 6 includes a list of EPA programs that are eligible for combining into a PPG as of September 30, 2022. A complete list of currently eligible programs, features, and benefits of PPGs, including best practices for PPGs with Tribes is available at [NEPPS: Implementing Performance Partnerships](#).

PPGs support GAP recipients to improve environmental protection by increasing administrative and programmatic flexibilities. More specifically, a PPG gives the recipient flexibility to use grant resources where they are most needed to address public health and environmental priorities.

Figure 7. GAP can be combined with EPA program grants to form a PPG



¹⁵ 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 [EPA Funding Instruments and Authorities](#).

Table 6. The following table is a list of programs eligible for including in a PPG as of September 30, 2022

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
	66.801	Hazardous Waste Management State Program Support
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 Benefits

- *Single multimedia grant.*
 - *One work plan + budget for application.*
 - *One progress report.*
 - *One Federal Financial Report (FFR).*
 - *Share resources between programs.*
 - *Choose eligible programs for PPG.*
 - *Have multiple media-specific PPGs.*
 - *Program funding not required to include as work plan component.*
 - *No cost match requirement.*
 - *Multi-year award (up to 5 years).*
-

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

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

Once EPA awards program funds into 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 can be included in PPGs for up to five years.

As of October 1, 2021, EPA waived the match requirements for grants included in a Tribe or intertribal consortium's PPG. See [RAIN-2022-G01, Class Exception to the Cost Share Requirements for Tribal and Intertribal Consortia Performance Partnership Grants \(PPGs\)](#) for more information.

3.4.1 WHY CONSIDER GAP IN A PPG?

Recipients who chose to include GAP in a PPG can greatly increase grants management flexibilities and expand the scope of GAP funded activities, results, and outcomes.

Tribes and intertribal consortia who combine GAP funding in a PPG may, with approval, use GAP funds to conduct any eligible activity under the programs eligible for inclusion in a PPG, regardless of whether the Tribe applies for or receives funding for that program. This includes activities that extend beyond generally eligible activities in a standalone GAP award. The ability to use PPG funds for any eligible activity, even if the Tribe did not apply for or was not selected for funding for that environmental program, is a unique flexibility only available to Tribal and intertribal consortia recipients. Where applicable, Tribes must have the required delegation, approval, or authorization to carry out the activities. EPA Regional Offices must seek AIEO concurrence to exercise this flexibility when using GAP funds, and the activity must be approved in the applicant's proposed GAP work plan prior to including it in the PPG work plan (40 CFR Section 35.535).

Recipients can design the PPG to meet their organizational needs. For example, a recipient may choose to:

1. Combine all their eligible grants (2-19 separate 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 let the recipient tailor the grant in a way that completes the tasks effectively while supporting their programmatic priorities and administrative structures.

The process of applying for a PPG is similar to the process of applying for a GAP grant. The individual program activities are generally negotiated with each program and then combined into one PPG work plan. This means an applicant would first negotiate their GAP work plan with the EPA Project Officer before combining it into a PPG.

PPGs generally require a single application package¹⁶ instead of individual applications for each program. With one budget and one work plan, the recipient can direct funds as needed to achieve their approved work plan commitments without having to account for the use of funds in accordance with the original program source. For example, staff funded by the PPG can work across all program areas included in the PPG, and all the staff funded by the PPG can use the grant resources, such as vehicles, office supplies, and field equipment. In addition, PPGs simplify timekeeping and can reduce or even eliminate administrative burdens and potential audit issues.

¹⁶ 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 recipient's request.

After completing initial work plan commitments, recipients may use remaining funds in the PPG to address additional environmental priorities. The recipient should work with the EPA Project Officer to add new tasks to the PPG work plan. Changes to the work plan may require a formal amendment to the grant.

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

AIEO strongly supports the use of PPGs and encourages EPA Regional Offices to fully utilize the flexibilities provided by PPGs when combining GAP funds.

EPA acknowledges that not all Tribes choose to receive a PPG. This Guidance seeks to facilitate a broad range of flexibilities that assists all GAP recipients in achieving environmental protection.

3.5 ELIGIBILITY INFORMATION

Indian Tribal governments and intertribal consortium are eligible to receive GAP grants. The eligibility information is included in the GAP statute, and further defined in EPA regulations ([40 CFR §35 Subpart B](#)) as follows:

The term *Indian Tribal government (Tribe)* means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village, 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.¹⁷

The term *intertribal consortium or consortia* means a partnership between two or more Tribes authorized by the governing bodies of those Tribes to apply for and receive assistance under this program.¹⁸

An intertribal consortium, including consortium where not all members are federally recognized Tribal governments, is eligible to receive a GAP grant if the consortium demonstrates that:

1. A majority of the consortium members Tribes are eligible to receive GAP grants;
2. All members of the consortium that meet GAP eligibility requirements authorize the consortium to apply for and receive the award; and
3. Accounting controls are in place to ensure that only GAP-eligible member Tribes will benefit directly from the award and the consortium agrees to an award condition to that effect.¹⁹

With each new GAP grant application, excluding supplemental awards and incremental actions, 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 sources may include letters, emails, resolutions, or a combination of these written sources, provided by the GAP-eligible member Tribe's duly authorized

¹⁷ [40 U.S.C. § 4368b \(c\)\(1\)](#)

¹⁸ [40 U.S.C. § 4368b \(c\)\(2\)](#)

¹⁹ [40 CFR 35.504](#)

representative. The Tribe determines who their duly authorized representative is, 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 members.²⁰

The Office of Regional Counsel or Office of General Counsel should evaluate applications to determine whether the documents submitted for a particular grant meet the regulatory requirements. If not, EPA will work with the consortium to clarify additional documentation needed. Applications that do not contain adequate documentation will be considered incomplete.

3.5.1 INTERTRIBAL CONSORTIA AND PERFORMANCE MANAGEMENT

Intertribal consortia significantly contribute to Tribal environmental capacity development and implementation of solid and hazardous waste activities. To represent the important role of intertribal consortia, consortium that receive GAP grants are to provide ETEPs, where applicable, indicators, work plans and progress reports that inform EPA's national performance management efforts.

Generally, intertribal consortia support the environmental capacity building and solid waste implementation priorities of GAP-eligible member Tribes in one of two ways:

1. Intertribal consortium recipients may use GAP funds to provide training and technical assistance to support the environmental priorities of GAP-eligible member Tribes. Consortia work plans that use GAP for this purpose should reflect the ETEP priorities of GAP-eligible member Tribes and assist Tribe's in achieving their identified long-term environmental goals. The work plan should also outline the consortium's own capacity building activities and indicators relevant to the support proposed for member Tribes.
2. Alternatively, Tribal governments may choose not to receive GAP funds directly but decide instead to work with an intertribal consortium to address their environmental priorities. Tribes who do not receive GAP funding directly may make a request to the EPA Regional Office for an intertribal consortium to receive funding to conduct environmental activities for the benefit of the Tribe. Intertribal consortia that receive GAP funding on behalf of member Tribes should develop an ETEP following the guidance in Section 2.3.1. The scope of the intertribal consortium's ETEP should include GAP-eligible member Tribes who have requested the consortium to receive GAP funding on their behalf.

Intertribal consortia that provide training and technical assistance to all GAP-eligible member Tribes and receive GAP funding on behalf of some member Tribes should:

- Develop GAP work plans that reflect the ETEP priorities of GAP-eligible member Tribes and assist Tribe's in achieving their identified long-term environmental goal,
- Outline the consortium's own capacity building activities in the work plan and indicators relevant to the support proposed for member Tribes, and
- Develop an ETEP that includes the GAP-eligible member Tribes who have requested the consortium to receive GAP funding on their behalf.

²⁰ 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.

3.6 COST-SHARING OR MATCHING REQUIREMENT

There are no cost-share or matching requirements from applicants.

In addition, recipients cannot use GAP to meet cost-sharing or match requirements of other federal grants. Among other criteria, federal grant [regulations](#) require that the program's authorizing statute specifically state that the program funds can be applied to match or cost sharing requirements of other federal programs. The GAP statute does not authorize GAP funds for use as a match for any other program.

3.7 LENGTH OF THE AWARD

The recipient and EPA Project Officer negotiate the length of a GAP award. Standalone GAP awards may not exceed four years. GAP awards included in a PPG may not exceed five years. The work plan must describe the anticipated length and will be determined and documented when the award is issued.²¹

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).²² In any funding materials distributed, EPA should not use the terms "request for proposals; solicitations; ranking criteria" or similar terms that may create the impression that EPA is awarding GAP funds competitively.

EPA Regional Offices 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 EPA strategic goals. The Order requires grant applicants to define environmental outputs and environmental outcomes expected to result from the award. EPA is

²¹ [42 U.S.C. § 4368b \(d\)\(3\)](#).

²² 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."

committed that these outputs and outcomes are also part of specific environmental goals as determined by each Tribe.

Table 7. Outputs and outcomes resulting from GAP awards

OUTPUT VS. OUTCOME	DETAILS
Outputs	<ul style="list-style-type: none"> • Outputs are specific activities, efforts or associated work products related to an environmental goal within a grant work plan that the recipient plans to complete 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.
Outcomes	<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 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 affects to their air quality.

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 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.

SECTION 4: APPLICATION SUBMISSION, REVIEW, AND AWARD PROCESS

4.1 SUBMISSION SCHEDULE AND REQUIREMENTS

EPA Regional 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.

Applicants must submit initial GAP applications to www.grants.gov by the date provided by the EPA Regional Office. Applicants must register with Grants.gov before applying; registration requires a Unique Entity Identifier with an active SAM.gov registration. More information on the registration process is available at: <http://www.grants.gov/web/grants/applicants/organization-registration.html>

Applicants that have limited or no internet capacity should refer to [Exceptions to the Grants.gov Requirement](#) to learn about how to request an exception.

4.2 APPLICATION REVIEW

Approvable GAP work plans must meet the requirements of grant regulations and should include all information requested in the funding announcement. This includes:

1. The applicant's portion of an ETEP, or if new, the applicant's plan to develop an ETEP
2. If not included in the ETEP, a description of how the proposed activities support achieving the applicant's short-term goals, or indicators, and long-term program development goals
3. A description of proposed eligible GAP activities;
4. A description of how proposed activities support the GAP national priorities; and
5. The roles and responsibilities of the applicant and EPA in carrying out the work plan commitments.

EPA Project Officers will use the information below when reviewing applications:

APPLICATION REVIEW STEPS	APPLICATION REVIEW DETAILS
Step 1	Do the proposed activities in the work plan support environmental capacity building consistent with EPA statutory programs and/or solid and hazardous waste implementation? Proposed activities should focus on building capacity to implement an EPA administered program or meaningfully participate in an EPA program, and/or implementing a solid or hazardous waste management program.
Step 2	Are the proposed activities feasible and effective? The work plan should provide enough detail to demonstrate that the applicant has a comprehensive, well-thought-out plan that includes proposed activities, responsible persons, milestones, and timelines. The work plan should show that it is reasonable that the applicant can achieve the purpose of the project within the proposed project time and budget. The section does not focus on the budget and personnel resources identified for the project.
Step 3	Is the budget, resources, and requested funds for key personnel reasonable and sufficient to accomplish the proposed project? The amount requested to complete the work plan activities is adequate to support the proposed activities, the allocations are in the appropriate budget classes for the proposed work, and the applicant has the personnel and program resources to accomplish the project. This section does not focus on the feasibility and effectiveness of the proposed activities.
Step 4	Does the work plan identify the expected environmental results of the proposed project? The work plan should provide details on the likely outcomes and outputs of the proposed project. Outputs and outcomes should link to the proposed activities and resulting improvements to environmental and/or human health conditions. Outputs and outcomes should be measurable and achievable.
Step 5	Do the proposed activities in the work plan support achieving long-term goals identified in the ETEP? The work plan should indicate how the proposed activities relate to the priorities and long-term development goal(s) identified in the Tribe's ETEP.
Step 6	Prior performance. Generally, work plan components and commitments should demonstrate clear progress over time toward achieving the Tribe's long-term goals or specify new priority areas.

SECTION 5: AWARD ADMINISTRATION

5.1 AWARD NOTICES

An authorized EPA Grants Official signs a funding award notice and sends it to each recipient. This is the official document that authorizes the recipient to start work on approved work plan activities.

5.2 REPORTING REQUIREMENTS

The recipient and the EPA Regional Office will develop a process for jointly evaluating and reporting progress and accomplishments under the work plan. The final work plan must include a description of the evaluation process and reporting schedule. Recipients must submit progress reports at least annually.

[40 CFR § 35.515](#) outlines the requirements of the evaluation process, including:

- A discussion of accomplishments measured against work plan commitments (activities);
- 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 improving the work plan, including the timeline for making improvements if possible.

In addition to progress reports, GAP recipients and their EPA Project Officer should have frequent contact to keep EPA informed of progress and to resolve any problems that may arise. Recipients should 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 must 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 at [Implementation of Quality Assurance Requirements](#).

5.4 DISPUTES

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

APPENDIX 1. ACRONYMS

The following table lists the acronyms used throughout this document.

ACRONYM	FULL NAME
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
GPI	Grants Policy Issuance
IPM	Integrated Pest Management
IWMP	Integrated Waste Management Plan
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act of 1969
NEPPS	National Environmental Performance Partnership System
Nox	Nitrogen Oxides
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
PM2.5	Particulate Matter, 2.5 micrometers and smaller
PPA	Pollution Prevention Act
PPG	Performance Partnership Grant
PWSS	Public Water System Supervision
RAIN	Recipient/Applicant Information Notice
RCRA	Resource Conservation and Recovery Act

ACRONYM	FULL NAME
SDWA	Safe Drinking Water Act
STAG	State and Tribal Assistance Grants
TAS	Treatment in A similar manner as a State
TMDL	Total Maximum Daily Load
TRI	Toxics Release Inventory
TSCA	Toxic Substances Control Act
UIC	Underground Injection Control
U.S.C.	U.S. Code
UST	Underground Storage Tanks
WQS	Water Quality Standards

APPENDIX 2. REFERENCE LINKS

The following tables include all reference links used in this document. Reference links correspond with each document section.

AN INTRODUCTION TO GAP

REFERENCE NUMBER	REFERENCE LINK
1	EPA Grants for Tribes Full Link: https://www.epa.gov/tribal/grants-tribes
2	Environmental Protection in Indian Country Full Link: http://www.epa.gov/tribal
3	Indian Environmental General Assistance Program Act of 1992, 42 U.S.C. §436b Full Link: https://www.govinfo.gov/content/pkg/USCODE-2020-title42/html/USCODE-2020-title42-chap55-subchapIII-sec4368b.htm
4	Consolidated Appropriations Act, 2018, Pub. L. 115-141 Full Link: https://www.govinfo.gov/content/pkg/PLAW-115publ141/html/PLAW-115publ141.htm
5	Regulations: 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
6	Together, CFR Part 200 and 2 CFR 1500 are called the Uniform Grant Guidance. Full Link: https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1 Full Link: https://www.ecfr.gov/current/title-2/subtitle-B/chapter-XV/part-1500
7	Requirements for Drug-Free Workplace (Financial Assistance), 2 CFR Part 1536 Full Link: https://www.ecfr.gov/current/title-2/subtitle-B/chapter-XV/part-1536
8	Participation by Disadvantaged Business Enterprises in EPA Programs, 40 CFR Part 33 Full Link: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-33?toc=1
9	EPA Guidance on Participant Support Costs Full Link: https://www.epa.gov/sites/default/files/2020-11/documents/epa-guidance-on-participant-support-costs.pdf
10	Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance Full Link: https://www.epa.gov/grants/rain-2019-g02
11	List of Programs and Statutes Administered by EPA, Laws and Executive Orders Full Link: https://www.epa.gov/laws-regulations/laws-and-executive-orders
12	Our Mission and What We Do Full Link: https://www.epa.gov/aboutepa/our-mission-and-what-we-do
13	EPA Policy for the Administration of Environmental Programs on Indian Reservations (1984 Indian Policy) Full Link: https://www.epa.gov/tribal/epa-policy-administration-environmental-programs-indian-reservations-1984-indian-policy
14	Indian country defined, 18 U.S.C. § 1151 and 40 CFR § 171.3 Full Link: https://www.govinfo.gov/content/pkg/USCODE-2020-title18/html/USCODE-2020-title18-partI-chap53-sec1151.htm Full Link: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171/subpart-A/section-171.3

REFERENCE NUMBER	REFERENCE LINK
15	Overview of the Clean Air Act and Air Pollution (CAA) Full Link: https://www.epa.gov/clean-air-act-overview
16	Summary of the Clean Water Act (CWA) Full Link: https://www.epa.gov/laws-regulations/summary-clean-water-act
17	Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Full Link: https://www.epa.gov/superfund/superfund-cercla-overview
18	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
19	Emergency Planning and Community Right-to-Know Act (EPCRA) Full Link: https://www.epa.gov/epcra/what-epcra
20	Oil Pollution Act of 1990 (OPA) Full Link: https://www.epa.gov/enforcement/oil-pollution-act-opa-and-federal-facilities
21	Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) Full Link: https://www.epa.gov/laws-regulations/summary-federal-insecticide-fungicide-and-rodenticide-act
22	National Environmental Policy Act of 1969 (NEPA) Full Link: https://www.epa.gov/laws-regulations/summary-national-environmental-policy-act
23	Pollution Prevention Act (PPA) Full Link: https://www.epa.gov/laws-regulations/summary-pollution-prevention-act
24	Safe Drinking Water Act (SDWA) Full Link: https://www.epa.gov/sdwa
25	Solid Waste Disposal Act/Resource Conservation and Recovery Act (RCRA) Full Link: https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act
26	Toxic Substances Control Act (TSCA) Full Link: https://www.epa.gov/laws-regulations/summary-toxic-substances-control-act

GAP NATIONAL FRAMEWORK

REFERENCE NUMBER	REFERENCE LINK
27	Tribal Assumption of Federal Laws - Treatment as a State (TAS) Full Link: https://www.epa.gov/tribal/tribal-assumption-federal-laws-treatment-state-tas
28	Clean Air Act § 105 - Air Pollution Planning and Control Grants Full Link: https://www.epa.gov/grants/air-grants-and-funding
29	Clean Water Act § 106 - Water Pollution Control Grants Full Link: https://www.epa.gov/water-pollution-control-section-106-grants/tribal-grants-under-section-106-clean-water-act
30	Clean Water Act § 319 - Nonpoint Source Management Grants Full Link: https://www.epa.gov/nps/tribal-nonpoint-source-program
31	Developing Tribal Integrated Waste Management Plans Full Link: https://www.epa.gov/tribal-lands/developing-tribal-integrated-waste-management-plans
32	Tribal Waste Management Program Full Link: https://www.epa.gov/tribal-lands/tribal-waste-management-program#tools
33	Construction 2 CFR Part 200 Subpart E Full Link: https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E
34	Real Property 2 CFR §200.311

REFERENCE NUMBER	REFERENCE LINK
	Full Link: https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR8feb98c2e3e5ad2/section-200.311
35	Proposal Preparation 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
36	EPA Guidance on Selected Items of Cost Full Link: https://www.epa.gov/sites/default/files/201805/documents/recipient_guidance_selected_items_of_cost_final.pdf

PERFORMANCE MANAGEMENT

REFERENCE NUMBER	REFERENCE LINK
37	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

ETEP REQUIREMENTS

REFERENCE NUMBER	REFERENCE LINK
38	Tribal Environmental Agreement (TEA), 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
39	EnviroFacts Full Link: https://enviro.epa.gov/
40	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

ALLOCATION

REFERENCE NUMBER	REFERENCE LINK
41	EPA's National Program Guidances Full Link: https://www.epa.gov/planandbudget/national-program-guidances

AWARD INFORMATION

REFERENCE NUMBER	REFERENCE LINK
42	Tribal Program Manager Full Link: https://www.epa.gov/tribal/epa-tribal-program-managers
43	The Indian Environmental General Assistance Program Assistance Listing is 66.926 Full Link: https://sam.gov/fal/7928e47f7b314bb990f22f78fd79791e/view
44	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

REFERENCE NUMBER	REFERENCE LINK
45	Grants Policy Issuance (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
46	National Environmental Performance Partnership System (NEPPS) Full Link: https://www.epa.gov/ocir/national-environmental-performance-partnership-system-nepps
47	EPA Funding Instruments and Authorities Full Link: https://www.epa.gov/grants/epa-funding-instruments-and-authorities
48	PPG Regulations Full Link: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-B
49	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
50	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
51	Eligibility, 40 U.S.C. § 4368b (c)(1) Full Link: https://www.govinfo.gov/content/pkg/USCODE-2020-title42/html/USCODE-2020-title42-chap55-subchapIII-sec4368b.htm
52	Eligibility, 40 U.S.C. § 4368b (c)(2) Full Link: https://www.govinfo.gov/content/pkg/USCODE-2020-title42/html/USCODE-2020-title42-chap55-subchapIII-sec4368b.htm
53	Eligibility, 40 CFR 35.504 Full Link: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-B/subject-group-ECFR7560dab1b022383/section-35.504
54	Regulations for using federal grants to meet cost-sharing or match requirements Full Link: https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.306
55	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
56	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

APPLICATION, SUBMISSION, REVIEW, AND AWARD PROCESS

REFERENCE NUMBER	REFERENCE LINK
57	In Grants.gov Full Link: www.grants.gov
58	Registering an organization Full Link: https://www.grants.gov/web/grants/applicants/organization-registration.html
59	Exceptions to the Grants.gov Requirement Full Link: https://www.epa.gov/grants/exceptions-grantsgov-submission-requirement

AWARD ADMINISTRATION

REFERENCE NUMBER	REFERENCE LINK
60	Requirements of joint evaluation, 40 CFR § 35.515 Full Link: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-B/subject-group-ECFR5aeee1c862a90c9/section-35.515
61	Quality Assurance, 2 CFR § 1500.12 Full Link: https://www.ecfr.gov/current/title-2/subtitle-B/chapter-XV/part-1500
62	Implementation of Quality Assurance Requirements Full Link: https://www.epa.gov/grants/implementation-quality-assurance-requirements-organizations-receiving-epa-financial
63	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

