

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Cooperative Agreement</b>	<b>GRANT NUMBER (FAIN):</b> 00D20014 <b>MODIFICATION NUMBER:</b> 0 <b>PROGRAM CODE:</b> JT	<b>DATE OF AWARD</b> 09/24/2014
		<b>TYPE OF ACTION</b> New	<b>MAILING DATE</b> 10/01/2014
		<b>PAYMENT METHOD:</b> ASAP	<b>ACH#</b> 40496
<b>RECIPIENT TYPE:</b> Municipal		<b>Send Payment Request to:</b> Las Vegas Finance Center	
<b>RECIPIENT:</b> City of Durham 101 City Hall Plaza Durham, NC 27701-3329 <b>EIN:</b> 56-6000225		<b>PAYEE:</b> City of Durham 101 City Hall Plaza Durham, NC 27701-3329	
<b>PROJECT MANAGER</b> Michael Honeycutt 101 City Hall Plaza Durham, NC 27701-3329 <b>E-Mail:</b> michael.honeycutt@durhamnc.gov <b>Phone:</b> 919-560-4965	<b>EPA PROJECT OFFICER</b> Kathleen Curry 61 Forsyth Street Atlanta, GA 30303-8960 <b>E-Mail:</b> Curry.Kathleen@epa.gov <b>Phone:</b> 404-562-8660	<b>EPA GRANT SPECIALIST</b> Sherry Miles Grants and Audit Management Section <b>E-Mail:</b> miles.sherry@epa.gov <b>Phone:</b> 404-562-8396	
<b>PROJECT TITLE AND DESCRIPTION</b> Environmental Workforce Development and Job Training Cooperative Agreements  This action approves an award in the amount of \$200,000 to the City of Durham to recruit, train, and place predominantly low-income and minority, unemployed and under-employed residents of Durham, North Carolina in environmental careers with skills needed to safely conduct remediate work at solid and hazardous waste contaminated sites, as well as appropriate training in wastewater management and chemical safety.			
<b>BUDGET PERIOD</b> 10/01/2014 - 09/30/2017	<b>PROJECT PERIOD</b> 10/01/2014 - 09/30/2017	<b>TOTAL BUDGET PERIOD COST</b> \$200,000.00	<b>TOTAL PROJECT PERIOD COST</b> \$200,000.00
<b>NOTICE OF AWARD</b>  Based on your Application dated 02/11/2014 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$200,000. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$200,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.			
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>		<b>AWARD APPROVAL OFFICE</b>	
<b>ORGANIZATION / ADDRESS</b>  61 Forsyth Street Atlanta, GA 30303-8960		<b>ORGANIZATION / ADDRESS</b>  U.S. EPA, Region 4 Resource Conservation and Recovery Act (RCRA) 61 Forsyth Street Atlanta, GA 30303-8960	
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>			
<b>Digital signature applied by EPA Award Official</b> Dorothy Rayfield - Chief - Grants & Acquisition Management Branch			<b>DATE</b> 09/24/2014

## EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 200,000	\$ 200,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 200,000	\$ 200,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.815 - Environmental Workforce Development and Job Training Cooperative Agreements	CERCLA: Sec. 104(k)(6) CERCLA: Sec. 311(b)(c) Clean Water Act: Sec. 104 Solid Waste Disposal Act: Sec. 8001 Toxic Substances Control Act: Sec. 10	40 CFR PART 31

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1404TC4020	1415	B	04T00RR	202BD4	4158			7,000
-	1404TG4010	1415	B	04T00RR	402C95	4163			830
-	1404VT4013	14	E4	04V6BG7	301D79	4115	G4000J00		163,970
-	1404VT4013	14	E4	04V6BG7	301D79XBP	4115	G4000J00		28,200
									200,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$30,000
2. Fringe Benefits	\$0
3. Travel	\$8,000
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$162,000
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$200,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$200,000
12. Total Approved Assistance Amount	\$200,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$200,000
15. Total EPA Amount Awarded To Date	\$200,000

## **Administrative Conditions**

### **General Terms and Conditions**

The recipient agrees to comply with the current EPA general terms and conditions available at: [http://www.epa.gov/ogd/tc\\_jan\\_2014.pdf](http://www.epa.gov/ogd/tc_jan_2014.pdf). These terms and conditions are in addition to the assurances and certifications made as part of the award and the terms, conditions or restrictions cited below.

The EPA repository for the general terms and conditions by year can be found at: <http://www.epa.gov/ogd/tc.htm>.

### **1. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

#### **GENERAL COMPLIANCE, 40 CFR, Part 33**

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

#### **FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D**

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE participation in procurement under the financial assistance agreements.

In accordance with 40 CFR, Section 33.411 some recipients may be exempt from the fair share objectives requirements as described in 40 CFR, Part 33, Subpart D. Recipients should work with their DBE coordinator, if they think their organization may qualify for an exemption.

#### **Accepting the Fair Share Objectives/Goals of Another Recipient**

The dollar amount of this assistance agreement, or the total dollar amount of all of the recipient's financial assistance agreements in the current federal fiscal year from EPA is \$250,000, or more. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the STATE OF NORTH CAROLINA as follows:

MBE: CONSTRUCTION 8.00%; SUPPLIES 7.00%; SERVICES 7.00% ; EQUIPMENT 7.00%  
WBE: CONSTRUCTION 5.00% SUPPLIES 9.00% ; SERVICES 9.00%; EQUIPMENT 9.00%

By signing this financial assistance agreement, the recipient is accepting the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as THE STATE OF NORTH CAROLINA .

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

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

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

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

(a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.

(b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

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

MBE/WBE reporting is limited to annual reports and only required for assistance agreements where one or more the following conditions are met:

- (a) there are any funds budgeted in the contractual, equipment or construction lines of the award;
- (b) \$3,000 or more is included for supplies; or
- (c) there are funds budgeted for subawards or loans in which the expected budget(s) meet the conditions as described in items (a) and (b).

Based on EPA's review of the proposed budget, this award likely meets one or more of the conditions as described above, therefore, the recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" report (EPA Form 5700-52A) on an annual basis.

However, if this award does not meet the conditions as described above, the recipient should provide [Charles Hayes \( hayes.charles@epa.gov\)](mailto:hayes.charles@epa.gov) with a justification and budget details indicating that based on the planned budget, this award is **not** subject to the DBE reporting requirements.

When completing the annual report, recipients are instructed to check the box titled "annual" in section 1B of the form. For the last report, recipients are instructed to check the box indicated for the "last report" of the project in section 1B of the form. Annual reports are due by October 30<sup>th</sup> of each year. Last reports are due 90 days after the end of the project period.

The reporting requirement is based on planned procurements. Recipients with funds budgeted for non-supply procurement and/or \$3,000 or more in supplies are required to report annually whether the planned procurements take place during the reporting period or not. If no procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

MBE/WBE reports should be sent to

U.S. Environmental Protection Agency  
Grants Management Office  
SNAFC, 61 Forsyth Street, SW  
Atlanta, GA 30303-8690  
Attn: Sherry Miles and/or [miles.sherry@epa.gov](mailto:miles.sherry@epa.gov) (optional)

The current EPA Form 5700-52A can be found at the EPA Office of Small Business Program's Home Page at [http://www.epa.gov/osbp/dbe\\_reporting.htm](http://www.epa.gov/osbp/dbe_reporting.htm)

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Fair Share Objectives negotiation as described in 40 CFR Part 33 Subpart D.

#### **CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302**

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

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

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

## **2. UNLIQUIDATED OBLIGATIONS**

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit an annual Federal Financial Report (SF-425) to EPA no later than 90 calendar days following the end of the reporting quarter

The following reporting period end dates shall be used for interim reports: 3/31, 6/30, 9/30, or 12/31.

At the end of the project, the recipient must submit a final Federal Financial Report to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center: US EPA, Las Vegas Finance Center, 4220 S. Maryland Pkwy, Bld C, Rm 503, Las Vegas, NV 89119, or by Fax to: 702-798-2423 or [LVFC-grants@epa.gov](mailto:LVFC-grants@epa.gov)

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

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

## **Programmatic Conditions**

### **Environmental Workforce Development and Job Training Cooperative Agreement**

Terms and Conditions - FY 2014

#### **A. Term of the Agreement**

1. The term of this agreement is three years from the date of award, unless otherwise extended by the EPA at the cooperative agreement recipient's (CAR) request.
2. If after 1 year from the date of award, the EPA determines that the CAR has not made sufficient progress in implementing its cooperative agreement, EPA may terminate this agreement under applicable Agency regulations.
3. The term "sufficient progress" means the applicant has: 1) established a program and begun marketing the program; 2) hired all key personnel; and 3) has completed the first round of training.
4. Unless approved with the award of this cooperative agreement, the CAR must receive written EPA approval of a Final Workplan within 60 calendar days following the date of the award. The CAR must receive written EPA approval of the Workplan prior to expenditure of federal funds under this cooperative agreement. Unless the Agency Award official, or designee grants a waiver, no financial reimbursement may be made without an EPA approved Final Workplan. If the recipient fails to obtain EPA approval of the Final Workplan within 60 days of award, EPA may terminate this agreement under applicable Agency regulations.
5. The CAR is required to develop a Community Engagement Plan (CEP) covering outreach activities. The CEP can be an outline of planned activities and is expected to evolve over the duration of the grant project period.

#### **B. Substantial Involvement**

1. Cooperative agreements permit substantial involvement between the EPA Project Officer and the selected applicant in the performance of the work supported. Unless waived by the EPA Project Officer, substantial Agency involvement for this project may include:
  - a. Close monitoring of the successful applicant's performance to verify the results proposed by the applicant;
  - b. Approval and review of project phases;
  - c. Collaboration during performance of the scope of work;
  - d. Approving substantive terms of proposed professional services and equipment purchase contracts;
  - e. Approving qualifications of key personnel (The EPA will not select employees or contractors employed by the award recipient);
  - f. Review and comment on reports prepared under the cooperative agreement (the final decision on the content of reports rests with the recipient); and

- g. Review of financial reports (costs incurred), record-keeping procedures, and other program requirements.

### **C. Cooperative Agreement Recipient Roles and Responsibilities**

1. The CAR is responsible for ensuring that all training is protective of human health and the environment and complies with all applicable state and federal laws. The CAR is also responsible for maintaining proper documentation of graduates' certifications. Instructors for certificate programs must be certified by their states, or by the EPA, as appropriate for the training topic. The EPA does not provide information on trainer certification and does not endorse specific instructors or training organizations. However, the EPA's Lead Program does provide a database of certified instructors who can deliver the lead renovation, repair, and painting (RRP) training at: <http://www.epa.gov/lead>.
2. The CAR must comply with proper procurement standards in acquiring a contractor, if applicable. The CAR is responsible for ensuring that contractors and subgrant recipients comply with the terms of their agreements with the CAR, and that agreements between the CAR and subgrant recipients and contractors are consistent with the terms and conditions of this agreement.
  - a. Funding may be used to acquire services or fund partnerships, provided the recipient follows procurement and subaward or subgrant procedures contained in 40 CFR Parts 30 or 31, as applicable. CARs must compete contracts for services and products and conduct cost and price analyses to the extent required by these regulations. The regulations also contain limitations on consultant compensation. The fact that a CAR named a specific contractor or consultant in the proposal EPA approved, does not relieve it of its obligations to comply with competitive procurement requirements.
  - b. Subgrants or subawards may be used to fund partnerships with nonprofit organizations and governmental entities. CAR may only award subgrants to eligible entities as described in Section III(A) of the FY14 EWDJT Guidelines Request for Proposals. For-profit organizations are not eligible subgrant recipients. Successful applicants cannot use subgrants or subawards to avoid requirements in EPA grant regulations for competitive procurement by using these instruments to acquire commercial services or products to carry out its cooperative agreement. The nature of the transaction between the recipient and the subgrantee must be consistent with the standards for distinguishing between vendor transactions and subrecipient assistance under Subpart B Section 210 of OMB Circular A-133, and the definitions of "subaward" at 40 CFR 30.2(ff) or "subgrant" at 40 CFR 31.3, as applicable. EPA will not be a party to these transactions.
  - c. The CAR must make clear in any solicitation for private or public funding that the CAR's organization, and not the EPA, is seeking funding. The CAR may not imply that the EPA endorses any fund-raising activities in connection with its project.
3. The CAR agrees to clearly reference EPA investments in the project during all phases of community outreach, as outlined in the approved workplan.
  - a. If any documents, fact sheets, and/or web materials are developed as part of this cooperative agreement, they shall include the following statement: "This project has been funded, wholly or in part, by EPA. The contents of this document do not necessarily reflect the views and policies of the EPA."

### **D. Trainee Recruitment, Placement, and Monitoring**

1. The CAR must recruit trainees from neighborhoods where solid- or hazardous-waste sites or facilities are located, and must give preference to selecting trainees from these neighborhoods as referenced in their proposal to the EPA seeking funding. The CAR shall demonstrate their progress in meeting this term and condition in the quarterly progress report and final project report as stated below.
2. Grant funds must target unemployed or under-employed individuals.
3. The CAR may use their grant funding to provide targeted training to under-employed, dislocated workers. Grant funding must be used to target residents of solid or hazardous waste impacted communities who have been historically affected by pollution, disinvestment, and waste sites in their community. The CAR may extend recruitment outside of the target area, but priority should be given to unemployed residents living in the proposed area identified in the proposal. Additionally, while the grant funds may be used to train dislocated workers or provide refresher training, in HAZWOPER for example, the core training program should focus on those who have little or no advanced education, work experience, or who have various barriers to employment, and are unemployed or severely under-employed. Applicants who are providing dislocated workers refresher training or single environmental certifications must ensure these workers have adequate health and safety training since they will not receive the full training.
4. The CAR is required to monitor and track all trainees for a minimum of 1 year following the completion of the

training program and must report the results of this monitoring in their quarterly and final progress reports. **The CAR is responsible for ensuring that funding is allotted to cover this task in their budget and that accomplishments are reported in ACRES.**

5. The CAR is required to complete all training cycles at least 6 months before the grant's expiration to assist with reporting results into ACRES before the close of the grant award. Year three, the final year of the cooperative agreement, is intended to focus on final job placement for those not yet placed in employment or who have not retained sustainable employment, tracking graduates, and reporting accomplishments as highlighted on the Job Training Reporting Form to EPA via ACRES.

#### **E. Quarterly Progress Reporting**

1. The CAR is required to submit quarterly progress reports to their designated EPA Project Officer within 30 days after each quarterly period from the time the grant was awarded. These reports must document incremental progress in achieving the project goals and milestones cited in the Final Workplan (not including submission of OMB Circular 2030-0020/EPA-Form 9310-2 "Job Training Reporting Form."). Quarterly progress reports must clearly differentiate which activities were completed with EPA funds versus outside funding. Quarterly progress reports must include:
  - a. Documentation of progress in meeting the outputs/outcomes listed in the Final Workplan, deliverables completed to date as cited in the CAR's project narrative, and an explanation of any slippage in meeting these deliverables.
  - b. An update on meeting project milestones and progress in meeting project deadlines/time line.
  - c. A summary of the number of persons entering training, number of veterans entering training, number of persons completing training, the number of trainees placed in full-time employment, number of participants that did not obtain employment but are pursuing further education, the average hourly starting wage, and leveraged funds to date as referenced on the attached Job Training Reporting Form.
  - d. Information regarding the location from where trainees were recruited, drop out numbers of the training program, if applicable, and information regarding placement of graduates (i.e. job titles, starting salaries, and names of organizations where graduates were placed).
  - e. A summary of the training completed to date including courses held and certifications provided.
  - f. A detailed Budget Summary page with a budget table showing the approved budget for each task by object class, including the funds used to date for each task, the funds remaining for each task, and explanation notes if applicable. Following budget headings may include: Current Approved Budget, Costs Incurred this Quarter, Costs Incurred to Date, and Total Remaining Funds.

In accordance with 40 C.F.R. § 31.40 (d) or 40 C.F.R. § 30.51(f), the CAR agrees to inform their designated Project Officer as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the Final Workplan.

#### **F. Final Project Report/Closeout**

Within 90 calendar days after the end of the project period, the CAR agrees to submit the final project performance report to EPA's Project Officer. This report must clearly address the following items:

1. An overview of the project in terms of its overall process and outputs/outcomes completed.
2. A summary of the results of the training program including the total number of persons recruited, the total number of persons entering and completing training, and the total number of persons placed in full-time employment. Additionally, information regarding those trainees pursuing further education, and the number of persons entering the environmental field must be provided.
3. A description of how the trainees were recruited from environmentally-impacted communities.
4. A summary of the post-tracking and follow-up activities that the CAR conducted for each trainee.
5. A summary of the cost per trainee.
6. A description of how EPA involvement was referenced in outreach materials, if applicable.
7. Problems encountered which prohibited the completion of the project goals or objectives, if applicable.
8. Future plans for continuation of the program.

After review of the final report, the EPA Project Officer may request additional information of the CAR. In addition to the final report, the CAR must submit (if requested to do so by EPA's Project Officer) a copy of all tangible and intangible products that were created for the purpose of the funded project (i.e. videos, research findings, curriculum, presentations, etc.) If an exhibit or slide show was created or an item too large and/or expensive to duplicate, photos or transcripts of the product may be substituted.

### **G. Eligible Use of Funds**

The only required training in the FY14 guidelines is OSHA 29 CFR 1910.120 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER). The applicant is still expected to provide additional training courses that specifically fit each applicant's training program based on the labor market needs identified by that applicant.

Eligible use of grant funds under this agreement, depending on training identified in the CAR's proposal to EPA, may include:

- Solid Waste Management or Cleanup training, such as integrated solid waste management, including, but not limited to household and industrial recycling management and operations; collection; operators of material recovery facility and/or recycling centers; electronics and household hazardous waste collection and recycling program operators; construction and demolition debris collection and recycling management; recycling center operators; training associated with solid and hazardous waste facility corrective action, landfill closures and capping activities; and waste minimization efforts.
- Superfund site cleanup training, such as innovative and alternative treatment technologies (i.e., "green remediation" technologies), such as phytoremediation, bioremediation, or soil amendments; advanced sampling instrument operator training; or training in the reuse of biosolids and other industry residuals associated with remediation of contaminated lands or solid waste facilities.
- Wastewater treatment training, such as wastewater treatment facility operations (treatment, collection, storage, and disposal), green (stormwater) infrastructure maintenance, stormwater management, low impact development (LID), decentralized wastewater treatment systems maintenance, or other related wastewater management topics.
- Emergency response training, such as training for spill response and cleanup, including industrial and environmental (e.g., oil spills, natural disasters, etc.), first responder, disaster site worker, and National Incident Management System (NIMS).
- Enhanced environmental health and safety training, such as promoting chemical (substance, mixture, or article) safety awareness and stewardship; safe work practices (including an overview of the content of material safety datasheets (MSDS), information on exposure guideline limits (Occupational Exposure Limits and Recommended Exposure Limits), information contained within the NIOSH pocket guide to chemical hazards, or the OSHA/EPA Occupational Chemical Database); chemical inventories; inspection and proper chemical storage; engineering controls, such as well-designed ventilation to promote air exchange; use of correct personal protective equipment including respiratory protection, gloves, goggles, or coveralls; isolation of work areas; safe storage and handling of chemicals; promoting sanitation and hygiene; prevention of spills; universal hazard communication; green chemistry; medical waste handling and disposal; and training in an overview of any existing chemical-specific worker training and certification programs, including but not limited to: lead abatement; lead renovation, repair, and painting (RRP); asbestos; diisocyanates (auto-refinishing and spray polyurethane foam); pesticide worker protection standards; PFCs; PBDEs/HBCD; and others.
- Personnel costs for instructors to conduct training, fringe benefits, and/or personnel costs for tasks associated with programmatic reporting requirements.
- Costs for screening and placement of individuals in the training program.
- Costs for training materials and work gear associated with the training curriculum.
- Development and refinement of existing curricula for training.
- Implementing job development outreach activities directed toward engaging prospective employers to be involved in the job training program and to hire graduates.
- Training in the assessment, inventory, analysis, and remediation of sites or facilities at which hazardous substances, pollutants, contaminants, and petroleum are located, transported, or disposed, including training for jobs in environmental sampling, demolition, groundwater extraction, and site remediation associated with brownfields, including sites contaminated by the manufacturing of illegal drugs or mine-scarred land.
- Training participants in the use of techniques and methods for cleanup of hazardous substances, petroleum, and pollutants, such as asbestos abatement; lead abatement; lead renovation, repair, and painting (RRP); mold

remediation; and cleaning up sites contaminated by the manufacturing of illegal drugs (e.g., methamphetamine labs), abandoned gas stations, or mine-scarred lands.

- Training in confined space entry.
- Training in first-aid, CPR, and blood-borne pathogens.
- Training in technologies that use alternative energy (solar, wind, or geothermal power) or alternative fuels (e.g., biofuels), including preparing sites for renewable energy installations.
- Training in chemistry, toxicology, and geology to the extent necessary to inventory, assess, remediate, and clean up contaminated sites.
- Training in the requirements and implementation of the All Appropriate Inquiries Final Rule, as required in CERCLA Section 101(35)(B) and 40 CFR part 312, and due diligence.<sup>1</sup>
- Training in radiation safety, cleanup of uranium mine tailings, and other mine-scarred land.
- Training in HAZMAT, commercial driver's license (CDL), forklift, and machine operations associated with the transportation of hazardous waste.
- Training in Freon removal or the removal of hazardous substances from white goods.

<sup>1</sup> Due diligence is the process for evaluating a property for the potential presence of environmental contamination, and for assessing potential liability for any contamination present at the property.

- Training in weatherization; Building Performance Institute (BPI) training; energy efficiency retrofitting; heating, ventilation, and air conditioning (HVAC); and energy auditing.
- Training in the use of compost and soil amendments and associated sampling, testing, and design considerations, and management techniques to support the assessment and cleanup of sites for urban agriculture and horticulture.
- Training participants in planning and conducting ecological restoration of contaminated land, including general botanical classes or introductory horticultural classes related to land and stream restoration or indigenous species re-vegetation; landscaping; and soil science.
- Training in the various certifications of Leadership in Energy and Environmental Design (LEED).
- Training in building trades related to constructing beams, caps, synthetic barriers, pumping facilities, and similar structures to remediate contamination.
- Training in national historic preservation and tribal historic preservation regulations associated with cleanup projects.
- Training in vapor intrusion testing and mitigation.
- Training in site surveying, mapping, blueprint reading, computer-aided design and drafting (CADD), and geographic information systems (GIS).
- Insurance a trainee needs to participate in on-the-job training.
- Costs associated with health exams (e.g., pulmonary function tests), drug testing, or licensing fees directly related to the training and/or the placement of graduates in environmental work. (Any funding used to pay for such fees must be applied before training is completed and expended before the close of the grant.)
- Costs used to cover rental fees associated with training facilities or minor alteration of existing facilities. (Construction costs are not allowable.)
- Costs associated with eligible participant support costs, including transportation for trainees for site visits during training or to transport trainees to and from class.

Note: This list is not exhaustive and the CAR must inquire with their Project Officer regarding other eligible uses of funds or types of training.

#### **H. Prohibited Use of Funds**

Funds awarded under Section 104(k)(6) of CERCLA are intended for job training activities and may not be used for:

1. Conducting site assessments or actual cleanups outside the context of on-the-job training;
2. Conducting response activities often associated with cleanups except within the context of on-the-job training assignments (e.g., landscaping, demolition, and groundwater extraction). Assessment, cleanup, and associated activity costs must be funded through other means;
3. Training in natural resource extraction or related processes, such as hydraulic fracturing, oil refinery, or mining operations;
4. General or life skills education activities, such as remedial classes in math and reading, job readiness training, such as developing resumes and acquiring interview skills, job placement costs, GED costs, web site development, vehicle or medical insurance, or child care costs.
5. Stipends for students, other than for transportation, or scholarship funds to support students' enrollment in college courses;
6. Membership fees, such as fees required to join placement service organizations or environmental organizations;
7. Providing food or light refreshments to employees, instructors, and trainees - except at graduation ceremonies;
8. Costs that are unallowable (e.g. lobbying, fund-raising) under 2 CFR Part 220 (Educational Institutions), 2 CFR Part 225 (state, local, and Indian tribal governments), or 2 CFR Part 230 (Non-Profit organizations), as applicable.
9. Matching any other federal funds unless there is specific statutory authority for the match. CERCLA does not provide this authority. Grant funds may be used to match state or local funds, if authorized by the relevant state statute or local ordinance.
10. Construction or substantial rehabilitation of buildings or other facilities to conduct training;
11. Foreign travel;
12. Environmental Workforce Development and Job Training grant proposal preparation costs; and
13. Administrative costs, management fees, penalties, or fines.
  - a. Prohibited administrative costs are also all indirect costs under 2 CFR Part 220 (Educational Institutions), 2 CFR Part 225 (state, local, and Indian tribal governments), 2 CFR Part 230 (Non-Profit organizations) and Subpart 31.2 (Commercial Organizations) of the Federal Acquisition Regulation even if the CAR has an approved or interim indirect cost rate with a cognizant federal auditing agency.
  - b. Prohibited Administrative costs include direct costs including those in the form of salaries, benefits, contractual costs, supplies, and data processing charges incurred to comply with most provisions of the "Uniform Administrative Requirements for Grants" contained in 40 C.F.R. Part 30 or 40 C.F.R. Part 31. Direct costs for grant administration are ineligible even if the grantee or subgrantee is required to carry out the activity under the grant agreement.

Ineligible grant administration costs include expenses for:

    - 1) Preparation of applications for Brownfields grants and sub-grants;
    - 2) Record retention required under 40 C.F.R. 30.53 and 40 C.F.R. 31.42
    - 3) Record-keeping associated with supplied and equipment purchases required under 40 C.F.R. 30.33, 30.34, 30.35 and 40 C.F.R. 31.32 and 31.33;
    - 4) Preparing revisions and changes in the budgets, scopes of work, program plans and other activities required under 40 C.F.R. 30.25 and 40 C.F.R 31.30;
    - 5) Maintaining and operating financial management systems required under 40 C.F.R. 30.20 and 40 C.F.R 31.20;
    - 6) Preparing payment requests and handling payments under 40 C.F.R. 30.22 AND 40 C.F.R. 31.21;
    - 7) Non-federal audits required under 40 C.F.R. 30.26, 40 C.F.R 31.26, and OMB Circular A-133;
    - 8) Close out under 40 C.F.R. 30.71 and 40 C.F.R. 31.50.
  - c. EPA has determined that the administrative cost prohibition does not apply to "programmatic" costs, (i.e. costs for activities that are integral to achieving the purpose of the grant), even if the Agency considered the costs to

be "administrative" under the prior Brownfields Program.

- (1) The prohibition does not apply to direct costs of training. For example, costs for instructors salaries, program management salaries (to the extent that such costs are included in the scope of work for the brownfields job training grant), materials (e.g. textbooks, equipment, and classroom supplies), necessary travel and transportation expenses, and medical tests required to qualify for hazardous substances related work are programmatic, not administrative.
- (2) Costs for performance and financial reporting required under 40 C.F.R. 30.51 and 30.52, and 40 C.F.R. 31.40 and 31.41 are eligible programmatic costs.
- (3) Clerical costs may be eligible as programmatic costs if supported by time records demonstrating that clerical personnel performed programmatic functions (e.g. student registration, copying course materials for use by trainees) under the cooperative agreement and these costs are not included in the CAR's indirect cost pool.

## **I. Conflict of Interest**

The CAR shall establish and enforce conflict of interest provisions that prevent the award of subgrants that create real or apparent personal conflicts of interest or the appearance of the CAR's lack of impartiality. Such situations include, but are not limited to, situations in which an employee, official, consultant, contractor, or other individual associated with the CAR (affected party) approves or administers a subgrant to a subgrant recipient in which the affected party has a financial or other interest. Such a conflict of interest or appearance of impartiality may arise when:

- 1) The affected party,
- 2) Any member of his immediate family,
- 3) His or her partner, or
- 4) An organization which employs, or is about to employ, any of the above,

Has a financial interest or other interest in the subgrant recipient.

Affected employees will neither solicit nor accept gratuities, favors, or anything of monetary value from subgrant recipients. CARs may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by state or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by affected parties.