



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: Joint Fiscal Committee members
From: Sorsha Anderson, Senior Staff Associate
Date: September 22, 2022
Subject: Grant Request – JFO #3120 - Revised

Enclosed please find one (1) item, which the Joint Fiscal Office has received from the Administration.

JFO #3120 – \$337,000.00 from the U.S. Environmental Protection Agency to the Vermont Agency of Natural Resources, Department of Environmental Conservation. The funds will support Combined Sewer Overflow abatement projects to improve water quality of the Lake Champlain or Connecticut River Basin by reducing combined sewer overflow events. Requires 20% State match of \$84,250 in FY23. DEC plans to match the \$84,250 from their Pollution Control Grant Program funded by Capital Funds. Several of the projects to be covered by the grant are required by 10 V.S.A. 1272 and are in alignment with the Clean Water SRF Intended Use Plan.

*[Note: the AA-1 form has a typo indicating an 80% State match – it is a 20% State match]
[Received September 15, 2022]*

Please review the enclosed materials and notify the Joint Fiscal Office (Sorsha Anderson: sanderson@leg.state.vt.us) if you have questions or would like this item held for legislative review. Unless we hear from you to the contrary by October 4, 2022, we will assume that you agree to consider as final the Governor's acceptance of this request.



State of Vermont
 Department of Finance & Management
 109 State Street, Pavilion Building
 Montpelier, VT 05620-0401

[phone] 802-828-2376
 [fax] 802-828-2428

Agency of Administration

**STATE OF VERMONT
 FINANCE & MANAGEMENT GRANT REVIEW FORM**

Grant Summary:						To provide subawards to local municipalities for costs associated with the planning, design, and construction of eligible Combined Sewer Overflow (CSO) abatement projects. The expected outcomes are to protect public health and improve water quality of Lake Champlain or Connecticut River Basin, by reducing combined sewer overflow events through combined sewer separation and storage and stormwater management projects.
Date:						8/29/2022
Department:						ANR-DEC
Legal Title of Grant:						Sewer Overflow and Stormwater Reuse Municipal Grant Program
Federal Catalog #:						66.447
Grant/Donor Name and Address:						U.S. Environmental Protection Agency 5 Post Office Square, Suite 100, 06-2 Boston, MA 02109-3912
Grant Period:		From:	7/1/2022	To:	6/30/2026	
Grant/Donation						\$421,250
	SFY 1	SFY 2	SFY 3	Total	Comments	
Grant Amount:	\$210,625	\$210,625	\$	\$421,250	80% State match. EPA award is \$337,000. State contribution is \$84,250 - within FY23 budget.	
Position Information:		# Positions	Explanation/Comments			
Additional Comments:		If program funds are obligated by 11/14/2022, the projects receiving these funds will be eligible for a waiver from Build America Buy America Act requirements, resulting in lower overall project costs.				

STATE OF VERMONT FINANCE & MANAGEMENT GRANT REVIEW FORM		
Department of Finance & Management	Adam Gresham Digitally signed by Adam Gresham DN: cn=Adam Gresham, o=State of Vermont, ou=Department of Finance & Management, email=agresham@state.vt.us	(Initial)
Secretary of Administration	Douglas Farham 41048D160A36445	(Initial)
Sent To Joint Fiscal Office		Date



MEMORANDUM

TO: KRISTIN CLOUSER, SECRETARY, AGENCY OF ADMINISTRATION

THROUGH: NICOLAS KRAMER, BUDGET AND MANAGEMENT ANALYST, AGENCY OF ADMINISTRATION 8/25/2022

THROUGH: TRACY LAFRANCE, FINANCE DIRECTOR, DEC FINANCIAL OPERATIONS DS
TL

FROM: JOHN BELING, COMMISSIONER, DEPARTMENT OF ENVIRONMENTAL CONSERVATION 8/25/2022

SUBJECT: AA-1 STATE OF VERMONT REQUEST FOR GRANT ACCEPTANCE DS
JB

DATE: AUGUST 25, 2022

Please see attached AA-1 Request for Grant Acceptance Form for the Sewer Overflow and Stormwater Reuse Municipal Grant Program (OSG) Grant. This form requests authorization for the Agency of Natural Resources, Department of Environmental Conservation (VTDEC) to expend recently awarded grant funds. The funds were granted to make sub grants to eligible municipal entities for eligible projects. One of them will be for planning and design of a number of projects on the Rutland Long Term Control Plan that were submitted for loans or American Rescue Plan Act Grants under the FFY 2022 Project Priority List application process. This infrastructure project will improve the water quality of Lake Champlain or Connecticut River Basin by removing combined sewer overflows and sanitary sewer overflows, reducing excess nutrients and bacteria entering the systems.

If you have any questions regarding this request, please do not hesitate to contact Tracy LaFrance at 802-498-7074.

Thank you in advance for your time.

STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

BASIC GRANT INFORMATION				
1. Agency:		Agency of Natural Resources		
2. Department:		Department of Environmental Conservation		
3. Program:		Water Investment Divison, SRF Design / Construction Engineering Section		
4. Legal Title of Grant:		Sewer Overflow and Stormwater Reuse Municipal Grant Program		
5. Federal Catalog #:		66.447		
6. Grant/Donor Name and Address:				
U.S. Environmental Protection Agency 5 Post Office Square, Suite 100, 06-2 Boston, MA 02109-3912				
7. Grant Period:		From:	7/1/2022	To: 6/30/2026
8. Purpose of Grant:				
The purpose of this project is to provide subawards to local municipalities for costs associated with the planning, design, and construction of eligible Combined Sewer Overflow (CSO) abatement projects. The expected outcomes are to protect public health and improve water quality of Lake Champlain or Connecticut River Basin, by reducing combined sewer overflow events through combined sewer separation and storage and stormwater management projects.				
9. Impact on existing program if grant is not Accepted:				
If the monies are not accepted, the total number of Combined Sewer Overflow abatement projects that move forward may be reduced or move forward at a slower pace. These are projects that directly affect the water quality of Vermont. Additionally, many of the CSO projects are required per a 1272 Order and these grant dollars help reduce the impact to increases in utility costs for ratepayers. If the OSG Program funds are obligated by November 14, 2022, the projects receiving these funds will be eligible for a waiver from the Build America Buy America Act requirements, which will be beneficial to overall project costs.				
10. BUDGET INFORMATION				
	SFY 1	SFY 2	SFY 3	Comments
Expenditures:	FY 23	FY 24	FY	
Personal Services	\$4687	\$4,686	\$	
Operating Expenses	\$2,053	\$2,054	\$	
Grants	\$203,885	\$203,885	\$	
Total	\$210,625	\$210,625	\$	
Revenues:				
State Funds:	\$42,125	\$42,125	\$	
Cash	\$0	\$0	\$	
In-Kind	\$0	\$0	\$	
Federal Funds:	\$168,500	\$168,500	\$	
(Direct Costs)	\$0	\$0	\$	
(Statewide Indirect)	\$0	\$0	\$	
(Departmental Indirect)	\$0	\$0	\$	
Other Funds:	\$0	\$0	\$	
Grant (source)	\$0	\$0	\$	
Total	\$210,625	\$210,625	\$	

STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

Appropriation No:	6140040000	Amount:	\$ 168,500
			\$
			\$
			\$
			\$
			\$
		Total	\$ 168,500

PERSONAL SERVICE INFORMATION

11. Will monies from this grant be used to fund one or more Personal Service Contracts? Yes No
 If "Yes", appointing authority must initial here to indicate intent to follow current competitive bidding process/policy.

Appointing Authority Name: John Beling Agreed by: _____ (initial)

12. Limited Service Position Information:	# Positions	Title
Total Positions		

12a. Equipment and space for these positions: Is presently available. Can be obtained with available funds.

13. AUTHORIZATION AGENCY/DEPARTMENT

I/we certify that no funds beyond basic application preparation and filing costs have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant, unless previous notification was made on Form AA-1PN (if applicable):	Signature: <i>John Beling</i> <small>FC103A7A103A468</small>	Date: 8/25/2022
	Title: John Beling, DEC Commissioner	
	Signature:	Date:
	Title:	

14. SECRETARY OF ADMINISTRATION

<input checked="" type="checkbox"/> Approved:	(Secretary or designee signature) <i>Douglas Farnham</i> <small>41948BTC0A36415</small>	Date: _____
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15. ACTION BY GOVERNOR

<input checked="" type="checkbox"/>	Check One Box: Accepted	(Governor's signature) <i>[Signature]</i>	Date: 8/15/22
<input type="checkbox"/>	Rejected		

16. DOCUMENTATION REQUIRED

Required GRANT Documentation	
<input checked="" type="checkbox"/> Request Memo	<input type="checkbox"/> Notice of Donation (if any)
<input type="checkbox"/> Dept. project approval (if applicable)	<input type="checkbox"/> Grant (Project) Timeline (if applicable)
<input checked="" type="checkbox"/> Notice of Award	<input type="checkbox"/> Request for Extension (if applicable)

STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

<input checked="" type="checkbox"/> Grant Agreement	<input type="checkbox"/> Form AA-1PN attached (if applicable)
<input checked="" type="checkbox"/> Grant Budget	
End Form AA-1	
(*) The term "grant" refers to any grant, gift, loan, or any sum of money or thing of value to be accepted by any agency, department, commission, board, or other part of state government (see 32 V.S.A. §5).	

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement		GRANT NUMBER (FAIN): 50000522 MODIFICATION NUMBER: 0 PROGRAM CODE: SO	DATE OF AWARD 07/26/2022
			TYPE OF ACTION New	MAILING DATE 07/29/2022
			PAYMENT METHOD: ASAP	ACH# 10114
			RECIPIENT TYPE: State	
RECIPIENT: Vermont D.E.C. 1 National Life Drive Main Building, 2nd Floor Montpelier, VT 05620-3522 EIN: 03-6000274		PAYEE: Vermont D.E.C. 1 National Life Drive Main Building, 2nd Floor Montpelier, VT 05620-3522		
PROJECT MANAGER William Wilson 1 National Life Drive Davis 3 Montpelier, VT 05620 Email: William.Wilson@vermont.gov Phone: 802-490-8019		EPA PROJECT OFFICER Michael Silano 5 Post Office Square, Suite 100, 06-2 Boston, MA 02109-3912 Email: Silano.Michael@epa.gov Phone: 617-918-1544		EPA GRANT SPECIALIST Robert.F.Smith Grants Management Branch, 05-5 5 Post Office Square, Suite 100 Boston, MA 02109-3912 Email: Smith.Robert.F@epa.gov Phone: 617-918-1960
PROJECT TITLE AND DESCRIPTION Fiscal Year 2020 & 2021 Funding for Sewer Overflow and Stormwater Reuse Municipal Grant Program See Attachment 1 for project description.				
BUDGET PERIOD 07/01/2022 - 06/30/2026	PROJECT PERIOD 07/01/2022 - 06/30/2026	TOTAL BUDGET PERIOD COST \$421,250.00	TOTAL PROJECT PERIOD COST \$421,250.00	
NOTICE OF AWARD				
<p>Based on your Application dated 06/28/2022 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$337,000.00. EPA agrees to cost-share 80.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$337,000.00. 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 regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.</p>				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS U.S. EPA, Region 1, EPA New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912			ORGANIZATION / ADDRESS U.S. EPA, Region 1, EPA New England R1 - Region 1 5 Post Office Square, Suite 100 Boston, MA 02109-3912	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official Arthur Johnson - Director, Mission Support Division				DATE 07/26/2022

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$0	\$337,000	\$337,000
EPA In-Kind Amount	\$0	\$0	\$0
Unexpended Prior Year Balance	\$0	\$0	\$0
Other Federal Funds	\$0	\$0	\$0
Recipient Contribution	\$0	\$84,250	\$84,250
State Contribution	\$0	\$0	\$0
Local Contribution	\$0	\$0	\$0
Other Contribution	\$0	\$0	\$0
Allowable Project Cost	\$0	\$421,250	\$421,250

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.447 - Sewer Overflow and Stormwater Reuse Municipal Grant Program	Clean Water Act: Sec. 221	2 CFR 200, 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	22010CG003	21	E4C	016	000BM6	4159	-	-	\$337,000
									\$337,000

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$5,708
2. Fringe Benefits	\$3,665
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$165
6. Contractual	\$0
7. Construction	\$0
8. Other	\$410,478
9. Total Direct Charges	\$420,016
10. Indirect Costs: 0.00 % Base -	\$1,234
11. Total (Share: Recipient 20.00 % Federal 80.00 %)	\$421,250
12. Total Approved Assistance Amount	\$337,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$337,000
15. Total EPA Amount Awarded To Date	\$337,000

Attachment 1 - Project Description

The purpose of this agreement is to provide funds to the recipient for it to provide subawards to local municipalities for costs associated with the planning, design, and construction of eligible water quality improvement and protection projects. The expected outcomes are to protect public health and improve water quality by reducing sewer overflows through the management of stormwater. Vermont DEC will use the granted funds to make sub grants to eligible municipal entities for eligible projects. One of these projects will be for planning and design of a number of projects on the Rutland Long Term Control Plan that were submitted for loans or American Rescue Plan Act Grants under the FFY 2022 Project Priority List application process. This project was selected due to meeting the criteria of being a Disadvantaged Community as defined by the state, implementing a Long-Term Control Plan for Combined Sewer Overflows or Sanitary Sewer Overflows, and being part of the Clean Water State Revolving Fund Intended Use Plan. Anticipated deliverables: Projects will follow CWSRF requirements and will report compliance, certifications, and all other applicable equivalency requirements. Sub grantees will comply with all subrecipient monitoring requirements, including annual reports.

Expected Outcome: This infrastructure project will improve the water quality of Lake Champlain or Connecticut River Basin by removing combined sewer overflows and sanitary sewer overflows, reducing excess nutrients and bacteria entering the systems.

The beneficiaries will be all those who live and use the Lake Champlain or CT River Basin. Sub-awards will be made to municipalities to remove combined sewer overflows and sanitary sewer overflows from flowing into the CT river basin and Lake Champlain. Specific projects include Rutland City's long term control plan. Rutland was chosen due to meeting the criteria of being a Disadvantaged Community as defined by the state, implementing a Long-Term Control Plan for CSOs or SSOs, and being part of the CWSRF Intended Use Plan.

The state has prioritized at least 25 percent of a state's Federal grant to carry out projects in rural communities (pop. 10,000 or less) or financially distressed communities. Of this 25 percent set aside for these communities, at least 60 percent of this set aside (or 15% of the Federal grant) must go to carry out combined sewer overflow and sanitary sewer overflow removal projects in rural communities

Sub-awards will be made to municipalities, which will then hire, general contractors to perform the construction. The city and state will provide oversight and will report documentation to the EPA to ensure compliance.

Administrative Conditions

National Administrative Terms and Conditions

General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2021-or-later>.

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>.

A. Correspondence Condition

The terms and conditions of this agreement require the submittal of reports, specific requests for approval, or notifications to EPA. Unless otherwise noted, all such correspondence should be sent to the following email addresses:

- Federal Financial Reports (SF-425): rtpfc-grants@epa.gov
- MBE/WBE reports (EPA Form 5700-52A): **Grants Specialist on Page 1 of Award Document AND Larry Wells, Disadvantaged Business Utilization Program Manager: r1_mbewbereport@epa.gov**
- All other forms/certifications/assurances, Indirect Cost Rate Agreements, Requests for Extensions of the Budget and Project Period, Amendment Requests, Requests for other Prior Approvals, updates to recipient information (including email addresses, changes in contact information or changes in authorized representatives) and other notifications: **Grants Specialist and Project Officer on Page 1 of Award Document**
- Workplan revisions, equipment lists, programmatic reports and deliverables: **Project Officer on Page 1 of Award Document**
- Quality Assurance documents, **Project Officer on Page 1 of Award Document AND R1QAPPs@epa.gov**

B. Pre-Award Costs

In accordance with 2 CFR 1500.9, the recipient may charge otherwise allowable pre-award costs (both Federal and non-Federal matching shares) incurred from 07/01/2022 to the actual award date provided that such costs were contained in the approved application and all costs are incurred within the approved budget period.

Programmatic Conditions

SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANT PROGRAM – CLEAN WATER ACT Section 221 PROGRAMMATIC TERMS AND CONDITIONS

A. PERFORMANCE REPORTING AND FINAL PERFORMANCE REPORT

In accordance with 2 CFR §200.329, the non-Federal entity (in this case the state entity receiving the grant) must submit an annual report to its EPA regional office 90 days after the end of the state fiscal year. Further, in accordance with 2 CFR §200.329, the recipient agrees to report on key project characteristics, milestones, and environmental/public health protection results in the following areas: 1) achievement of the outputs and outcomes established in the workplan; 2) the reasons for delays if established outputs or outcomes were not met; and 3) any additional pertinent information on environmental/public health results. Information provided in the reports helps monitor the state's progress with implementing its project and also directly supports the grant program by highlighting measurable accomplishments to the public and Congress.

Additionally, the recipient agrees to inform EPA as soon as problems, delays, or adverse conditions which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan are known.

The final performance report submitted by the state must be due no later than 120 calendar days after the period of performance end date and summarize accomplishments, expenditures, outcomes, outputs, lessons learned, and any other resources leveraged during the project and how they were used.

Subaward Performance Reporting

The recipient must report on its subaward monitoring activities under 2 CFR 200.332(d) and must comply with the EPA Subaward Policy, which can be found at www.epa.gov/grants/grants-policy-issuance-gpi-16-01-epa-subaward-policy-epa-assistance-agreement-recipients.

Examples of items that must be reported if the pass-through entity has the information available are:

1. Summaries of results of reviews of financial and programmatic reports.
2. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
3. Environmental results the subrecipient achieved.
4. Summaries of audit findings and related pass-through entity management decisions.
5. Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR 200.332(e), 2 CFR 200.208 and the 2 CFR Part 200.339 Remedies for Noncompliance.

B. STATE GRANT CYBERSECURITY

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) no later than 90 days after the date of this award and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory

programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.332(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

C. COST SHARING REQUIREMENTS:

The recipient agrees that at least 20 percent of the total project costs will come from non-Federal sources.

D. GREEN PROJECT RESERVE:

To the extent there are sufficient projects available, the recipient agrees that at least 20 percent of the Federal amount of the agreement, must be used for: 1) green infrastructure, 2) water efficiency improvements, 3) energy efficiency improvements, or 4) other environmentally innovative activities. The recipient agrees to make a timely and concerted good faith solicitation for projects that address these four categories. A good faith solicitation must be open to all Green Project Reserve (GPR) eligible projects in each of the four GPR categories. The recipient's selection for projects will be deemed sufficient for these purposes as long as that selection was open to all GPR eligible projects in each of the four GPR categories. The recipient must document the GPR selection process in its Annual Report and explain, if applicable, why GPR projects totaling at least 20 percent of the grant were not able to be funded. Any recipient not meeting the 20 percent requirement must outline in the Annual Report how it will expand its GPR selection for the following grant cycle.

E. AMERICAN IRON AND STEEL:

The recipient agrees that treatment works projects must comply with the American Iron and Steel requirement which provides that the iron and steel products used in the project must be produced in the United States, unless a waiver is granted.

(a) **Definitions.** As used in this award term and condition—

(1) "iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(2) *Steel* means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

(b) **Domestic preference.**

(1) This award term and condition implements -the Water Resources Reform and Development Act of 2014 (WRRDA) by requiring that all iron and steel products used for a project for the construction, alteration, or repair of a treatment work are produced in the United States except as provided in paragraph (b)(2) and (b)(3) of this section and condition.

(2) This requirement does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to January 17, 2014.

(3) This requirement shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency finds that:—

(i) applying the requirement would be inconsistent with the public interest;

(ii) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(iii) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) Request for a Waiver under (b)(3)

(1) Any recipient request to use foreign iron or steel products in accordance with paragraph (b)(3) of this section shall include adequate information for Federal Government evaluation of the request, including—

(A) A description of the foreign and domestic iron, steel, and/or manufactured goods;

(B) Unit of measure;

(C) Quantity;

(D) Cost;

(E) Time of delivery or availability;

(F) Location of the project;

(G) Name and address of the proposed supplier; and

(H) A detailed justification of the reason for use of foreign iron or steel products cited in accordance with paragraph (b)(3) of this section.

(2) If the Administrator receives a request for a waiver under this section, the waiver request shall be made available to the public for at least 15 days prior to making a finding based on the request.

(3) Unless the Administrator issues a waiver of this term, use of foreign iron and steel products is noncompliant with the -FY 2015 Water Resource Reform and Development Act.

(d) This term and condition shall be applied in a manner consistent with United States obligations under international agreements.

F. WAGE RATE REQUIREMENTS - DAVIS-BACON (DB)

For the purposes of this term and condition, each recipient of the grant award under CWA 221 shall provide reasonable assurance that all laborers and mechanics employed in the performance of the project for which the assistance is provided, including those employed by contractors or subcontractors, will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A

of subtitle II of title 40, United States Code (commonly referred to as the 'Davis-Bacon Act'). Recipients with questions regarding when DB applies, obtaining the correct DB wage determinations, DB contract provisions, or DB compliance monitoring, should contact the EPA Project Officer for guidance.

G. SIGNAGE REQUIRED

The recipient is required to place a sign at construction sites supported under this award displaying the EPA logo in a manner that informs the public that the project is funded in part or wholly by the EPA. The sign must be placed in a visible location that can be directly linked to the work taking place and must be maintained in good condition throughout the construction period.

Recipients are required to comply with the sign specifications provided by the EPA Office of Public Affairs (OPA) available at: <https://www.epa.gov/grants/epa-logo-seal-specifications-signage-produced-epa-assistance-agreement-recipients>. If the EPA logo is displayed along with the logos of other participating entities, the EPA logo must not be displayed in a manner that implies that EPA itself is conducting the project. Instead, the EPA logo must be accompanied with a statement indicating that the recipient received financial assistance from EPA for the project. As provided in the sign specifications from OPA, the EPA logo is the preferred identifier for assistance agreement projects and use of the EPA seal requires prior approval from the EPA. To obtain the appropriate EPA logo or seal graphic file, the recipient should send a request directly to OPA and include the EPA Project Officer in the communication. Instructions for contacting OPA is available at: <https://www.epa.gov/stylebook/using-epa-seal-and-logo>.

State agencies and agencies of political subdivisions of states must comply with 2 CFR 200.323, Procurement of recovered materials when procuring signage for projects funded by EPA assistance agreement. EPA encourages other recipients to use recycled or recovered materials when procuring signs.

Signage costs are considered an allowable cost under this assistance agreement provided that the costs associated with signage are reasonable. Additionally, to increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to translate the language on signs (excluding the EPA logo or seal) into the appropriate non-English language(s). The costs of such translation are allowable, provided the costs are reasonable.

H. REAL PROPERTY

In accordance with 2 CFR 200.311, title to real property acquired or improved under this agreement will vest upon acquisition in the recipient. This property must be used for the originally authorized purpose as long as needed for that purpose, during which time the recipient must not dispose of or encumber its title or other interests.

Disposition. When real property is no longer needed for the originally authorized purpose, the recipient must obtain disposition instructions from EPA. The instructions will provide for one of the following alternatives:

- (1) Retain title after compensating EPA. The amount paid to EPA will be computed by applying EPA's percentage of participation in the cost of the original purchase (and costs of any improvements) to the fair market value of the property. However, in those situations where recipient is disposing of real property acquired or improved with a Federal award and acquiring replacement real property under the same Federal award, the net proceeds from the disposition may be used as an offset to the cost of the replacement property.
- (2) Sell the property and compensate EPA. The amount due to EPA will be calculated by applying EPA's percentage of participation in the cost of the original purchase (and cost of any improvements) to the proceeds of the sale after deduction

of any actual and reasonable selling and fixing-up expenses. If the Federal award has not been closed out, the net proceeds from sale may be offset against the original cost of the property. When recipient is directed to sell property, sales procedures must be followed that provide for competition to the extent practicable and result in the highest possible return.

(3) Transfer title to EPA or to a third party designated/approved by EPA. The recipient is entitled to be paid an amount calculated by applying the recipient's percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property.

I. USE OF LOGOS

If the EPA logo is appearing along with logos from other participating entities on websites, outreach materials, or reports, it must not be prominently displayed to imply that any of the recipient or subrecipient's activities are being conducted by the EPA. Instead, the EPA logo should be accompanied with a statement indicating that the VT DEC received financial support from the EPA under an Assistance Agreement. More information is available at: <https://www.epa.gov/stylebook/using-epa-seal-and-logo#policy>

J. Build America, Buy America (Effective May 14, 2022)

a. The recipient is subject to the Buy America Sourcing requirements under the Build America, Buy America provisions of the [Infrastructure Investment and Jobs Act \(IIJA\)](#) (P.L. 117-58, §§70911-70917) when using Federal funds for the purchase of goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States regardless of the appropriation for the types of infrastructure projects specified in the [chart entitled "Environmental Protection Agency's Identification of Federal Financial Assistance Infrastructure Programs."](#)

These sourcing requirements require that all iron, steel, manufactured products, and construction materials used in Federally funded infrastructure projects must be produced in the United States. The recipient must implement these requirements in its procurements, and this article must flow down to all subawards and contracts at any tier. For legal definitions and sourcing requirements, the recipient must consult [EPA's Build America, Buy America website](#).

b. When supported by rationale provided in IIJA §70914, the recipient may submit a waiver to EPA. Guidance on the submission instructions of an EPA waiver request will be available on the [EPA Build America, Buy America website](#). A list of approved EPA waivers is available on the [EPA Build America, Buy America website](#).

OSG_21 - Budget Detail				Budget Period:		80.00%	20.00%
				From:	To:		
Itemization of Services Contributed:				7/1/2022	6/30/2026	\$ 337,000	\$ 84,250
Position Title	% FTE	Salary Expense	Fringe Benefits			Grant Funded	Match
DEC Grants & Cont Sec Supr	0.0	534	213				
Mgmt/Admin Services	0.0	66	25				
Env Analyst V AC: General	0.1	5,108	3,427				
Total FTE 0.1							
Personnel (listed above)				subtotal	\$ 5,708	\$ 5,708	\$ -
Fringe Benefits (may incl. FICA, retirement, health insurance, dental insurance, life insurance, etc.)				64.21%	subtotal	\$ 3,665	\$ -
Travel (does not include fleet lease payments; see "Other")							
~ In-State Travel (only lodging)				0			
~ Out-of-State Travel (flights, transport, meals, lodging, etc.)				0			
				subtotal	\$ -	\$ -	\$ -
Equipment (Unit cost \$5,000 or greater)							
				0			
				subtotal	\$ -	\$ -	\$ -
Supplies							
~ IT Supplies, Software Upgrades/Purchases and Miscellaneous Office Supplies				165			
				0			
				subtotal	\$ 165	\$ 165	\$ -
Contractual							
				0			
				subtotal	\$ -	\$ -	\$ -
Other							
~ DEC Cost Allocation Plan ("DEC CAP")				2,349			\$ 2,349
~ BGS Property Management Allocation				108			\$ 108
~ Fleet Lease Payments				151			\$ 151
~ Telephone & Computer Allocation				100			\$ 100
~ Other Services (insurance, printing, repairs & maint., dues, postage, etc.)				0			
~ Conference Registration				0			
~ PC Grant Match				84,250			\$ 84,250
~ Final Design Planning Grant				323,520			\$ 323,520
				subtotal	\$ 410,478	\$ 326,228	\$ 84,250
Indirect Charges (based on % of personnel direct salary expense)				21.63%	subtotal	\$ 1,234	\$ -
GRAND TOTAL				Total	\$ 421,250	\$ 337,000	\$ 84,250
				Federal	80% \$ 337,000		
				Match	20% \$ 84,250.00		
				Total	100% \$421,250.00		