

AMENDMENT NO. 1 TO INTERGOVERNMENTAL AGREEMENT

NO. EV23-0035

between the

PINAL COUNTY

and the

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Effective upon signature, the Agreement referenced above is hereby amended as follows:

1. Section I. Purpose and Scope of Agreement is revised and replaced with the following:

“The purpose of this Agreement is to outline and define monitoring responsibilities within Pinal County in Arizona to ensure minimum monitoring requirements set forth by the Environmental Protection Agency (EPA) in Pinal County are met pursuant to CFR 40 part 58 app D 4.7. 40 CFR Part 58 Appendix D(e) states that “full monitoring requirements apply separately to each affected State or local agency in the absence of an agreement between the affected agencies and the EPA Regional Administrator.” This Agreement fulfills this CFR requirement, and clarifies the monitoring requirements and their applicability to Pinal County and ADEQ.

Additionally, this Agreement shall provide a mechanism for ADEQ to disburse funds to Pinal County for the Field Operations, Laboratory Cost and other site or program costs as part of any Federal 103 Grant and/or Federal 105 Grant via pass through funding as specified by the EPA in any grant awards to ADEQ. Pinal County shall independently meet all the requirements of a Primary Quality Assurance Organization (PQAO) as listed in 40 CFR 58 Appendix.

This written Agreement includes all terms in this document, Attachment 1 EV23-0035 Amendment 1 Requirements for Pass-through Entities (PM2.5 Grant, Performance Partnership Grant (PPG), and Inflation Reduction Act (IRA) CADMR1 Grant), and any modifications approved in accordance herewith.”

Continued on next page

2. Section IV. Manner of Financing and Payment is revised and replaced with the following:

"ADEQ shall pass through to Pinal County any grant funding identified for pass-through by EPA including PM2.5 Grant, Performance Partnership Grant (PPG), and Inflation Reduction Act (IRA) CADMR1 Grant. ADEQ will complete payment of pass-through funding within thirty days after receipt of an invoice and accompanying documentation that demonstrates the activity was completed, so long as EPA funds have been made available for that pass-through. Because this Agreement is funded as a subaward made possible through a Federal Award from EPA, ADEQ is required to provide each subrecipient with specific information related to the Federal Award. This information can be found in Attachment 1 – Requirements for Pass-through Entities.

A final reimbursement request must be submitted to ADEQ as specified in paragraph XII(A) of this Agreement not later than thirty days after the completion of the project, or by the termination date of this Agreement, whichever occurs earlier."

3. Section XII. Notices, B. Other Notices is revised to specify that Pinal County shall address all other notices relative to this Agreement to ADEQ to:

"Brad Busby
Air Monitoring & Assessment Manager
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007
Email: busby.bradley@azdeq.gov

Kimberly Colburn
Grant Administrative Contact
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007
Email: colburn.kimberly@azdeq.gov"

IN WITNESS WHEREOF, the parties hereto agree to execute this Agreement.

ARIZONA DEPARTMENT OF
ENVIRONMENTAL QUALITY

PINAL COUNTY

Name: Date:
Title:
Arizona Department of Environmental Quality

Name: Date:
Title:
Pinal County

This Agreement has been reviewed by the undersigned attorney who has determined that it is in the proper form and is within the powers and authority granted under the laws of the State of Arizona to those parties to the Agreement represented by the undersigned attorney.

Shelley D. Cutts

Assistant Attorney General

Name: Shelley D. Cutts

Date: 1/28/2025

§ 200.332 Requirements for pass-through entities

All pass-through entities must:

Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modifications. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. Required information includes:

Federal Award Identification

Subrecipient Name (must match name associated with its unique entity identifier)	PINAL COUNTY ARIZONA	
Subrecipient's Unique Entity Identifier (UEI)	GX4FM9VQD7W3	
Federal Award Identification Number (FAIN)	PM-98T59701-2	
Federal Award Date of award to the recipient by the Federal Agency	6/7/2023	
Subaward Period of Performance Start and End Date	Upon last signature	3/31/2025
Subaward Budget Period Start and End Date	Upon last signature	3/31/2025
Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient	\$64,730.00	
Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current financial obligation	\$97,460.00	
Total Amount of the Federal Award committed to the subrecipient by the pass-through entity	\$97,460.00	
Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA)	PM2.5 MONITORING NETWORK The purpose of this grant is to maintain fine particulate matter (PM2.5) monitoring networks. The primary objective of this project is to collect quality assured data on ambient air concentrations of PM2.5 as well as chemical composition and precursors.	
Name of Federal awarding agency	Environmental Protection Agency	
Name of Pass-through entity	Arizona Department of Environmental Quality	
Contact information for awarding official of the Pass-through entity	Daniel Czecholinski czecholinski.daniel@azdeq.gov	
Assistance Listings number and Title; the pass-through entity must identify the dollar amount made available under each Federal award and the Assistance Listings Number at time of disbursement.	66.034 - Surveys-Studies-Investigations-Demonstrations and Special Purpose Activities relating to the Clean Air Act	
Identification of whether the award is R&D	R&D is not eligible	
Indirect cost rate for the Federal award (including if the de minimis rate is charged) per § 200.414	45% for Salary/Wages and Fringe; 9% for Contractual during SFY25	

All requirements imposed by the pass-through entity on the subrecipient so that the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the Federal award.

§ 200.332 Requirements for pass-through entities

Subrecipient has received ADEQ Terms and Conditions	Embedded in Agreement EV23-0035
Subrecipient has received the Federal awarding agency Terms and Conditions. https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2022-or-later https://www.epa.gov/sites/default/files/2020-11/documents/gpi-16-01-subaward-policy_app-b.pdf	

Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the Federal awarding agency including identification of any required financial and performance reports.

Does the Scope of Work (SOW) align with ADEQ's Federal award responsibilities and commitments?	Yes
Does the budget align with ADEQ's Federal award budget?	Fixed Amount Pass-through
Are subrecipient reporting requirements in alignment to allow ADEQ to meet its reporting requirements to the Federal awarding agency?	Yes

An approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government. If no approved rate exists, the pass-through entity must determine the appropriate rate in collaboration with the subrecipient, which is either (A) the negotiated indirect cost rate between the pass-through entity and the subrecipient; which can be based on a prior negotiated rate between a different PTE and the same subrecipient. If basing the rate on a previously negotiated rate, the pass-through entity is not required to collect information justifying this rate, but may elect to do so; or (B) the de minimus indirect cost rate.

The pass-through entity must not require use of a de minimis indirect cost rate if the subrecipient has a Federally approved rate. Subrecipients can elect to use the cost allocation method to account for indirect costs in accordance with § 200.405(d).

Does the subrecipient have an indirect cost rate negotiated with the Federal Government?	N/A
If applicable, what is the subrecipients federally recognized indirect cost rate?	N/A
Is the subrecipient using a de minimus indirect cost rate of 10%?	N/A
Does the subrecipient elect to use the cost allocation method?	N/A

Effective 10/1/2024 § 200.415 Required Financial Certifications. Subrecipients under the Federal award must certify to the pass-through entity whenever applying for funds, requesting payment, and submitting financial reports:

"I certify to the best of my knowledge and belief that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812."

A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part, and appropriate terms and conditions concerning closeout of the subaward.

Subrecipient has received the requirement for access to subrecipient's records and financial statements.	Embedded in Agreement EV23-0035; ADEQ Terms and Conditions.
Appropriate terms and conditions concerning the closeout of the subaward have been provided to the subrecipient.	See Scope of Work.

This document must be included as an attachment in the subaward agreement.

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	GRANT NUMBER (FAIN): 98T59701 MODIFICATION NUMBER: 2 PROGRAM CODE: PM	DATE OF AWARD 07/19/2024
		TYPE OF ACTION Augmentation: Increase	MAILING DATE 07/24/2024
		PAYMENT METHOD: ASAP	ACH# 90007
		RECIPIENT TYPE: State	
RECIPIENT: ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY DBA: ADEQ 1110 W WASHINGTON ST PHOENIX, AZ 85007-2952 EIN: 86-6004791		Send Payment Request to: Contact EPA RTPFC at: rtpfc-grants@epa.gov	
PROJECT MANAGER Bradley Busby 1110 W Washington St Phoenix, AZ 85007-2952 Email: busby.bradley@azdeq.gov Phone: 602-771-7676		EPA PROJECT OFFICER Jean Samolis 75 Hawthorne Street, AIR-1 San Francisco, CA 94105 Email: samolis.jean@epa.gov Phone: 415-972-3939	EPA GRANT SPECIALIST Katya Obrez Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105 Email: obrez.katya@epa.gov Phone: 415-972-3744
PROJECT TITLE AND EXPLANATION OF CHANGES PM2.5 MONITORING NETWORK The purpose of this grant is to maintain fine particulate matter (PM2.5) monitoring networks. The primary objective of this project is to collect quality assured data on ambient air concentrations of PM2.5 as well as chemical composition and precursors. Data will be used for: (1) providing air pollution data to the general public in a timely manner, (2) PM2.5 National Ambient Air Quality Standards (NAAQS) comparisons, (3) development and tracking of implementation plans, (4) assessments of regional haze, and (5) assistance for health studies and other ambient aerosol research activities. The PM2.5 monitoring network design addresses these four program objectives through a combination of siting and instrumentation strategies. This amendment provides full federal funding in the amount of \$442,158 which includes \$206,728 set-aside for EPA in-kind services. See terms and conditions.			
BUDGET PERIOD 04/01/2023 - 03/31/2025	PROJECT PERIOD 04/01/2023 - 03/31/2025	TOTAL BUDGET PERIOD COST \$ 820,732.00	TOTAL PROJECT PERIOD COST \$ 820,732.00
NOTICE OF AWARD Based on your Application dated 05/09/2024 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$ 442,158.00. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$ 820,732.00. 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.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS U.S. EPA, Region 9, U.S. EPA, Region 9 Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105		ORGANIZATION / ADDRESS U.S. EPA, Region 9, Air and Radiation Division, AIR-1 R9 - Region 9 75 Hawthorne Street San Francisco, CA 94105	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official Carolyn Truong - Grants Management Officer			DATE 07/19/2024

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 186,430	\$ 235,430	\$ 421,860
EPA In-Kind Amount	\$ 192,144	\$ 206,728	\$ 398,872
Unexpended Prior Year Balance	\$ 0	\$ 0	\$ 0
Other Federal Funds	\$ 0	\$ 0	\$ 0
Recipient Contribution	\$ 0	\$ 0	\$ 0
State Contribution	\$ 0	\$ 0	\$ 0
Local Contribution	\$ 0	\$ 0	\$ 0
Other Contribution	\$ 0	\$ 0	\$ 0
Allowable Project Cost	\$ 378,574	\$ 442,158	\$ 820,732

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.034 - Surveys-Studies-Investigations-Demonstrations and Special Purpose Activities relating to the Clean Air Act	Clean Air Act: Sec. 103	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
-	2409M6S016	24	E1	09M1	000A04XPM	4183	-	-	\$ 235,430
									\$ 235,430

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$ 124,494
2. Fringe Benefits	\$ 50,525
3. Travel	\$ 6,000
4. Equipment	\$ 0
5. Supplies	\$ 26,000
6. Contractual	\$ 426,072
7. Construction	\$ 0
8. Other	\$ 113,460
9. Total Direct Charges	\$ 746,551
10. Indirect Costs: 0.00 % Base : see General T/C	\$ 74,181
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %)	\$ 820,732
12. Total Approved Assistance Amount	\$ 820,732
13. Program Income	\$ 0
14. Total EPA Amount Awarded This Action	\$ 442,158
15. Total EPA Amount Awarded To Date	\$ 820,732

Administrative Conditions

Previous Administrative Terms and Conditions are reiterated and updated (Condition D. now applies).

General Terms and Conditions

The General Terms and Conditions of this agreement are updated in accordance with the link below. However, these updated conditions apply solely to the funds added with this amendment and any previously awarded funds not yet disbursed by the recipient as of the award date of this amendment. The General Terms and Conditions cited in the original award or prior funded amendments remain in effect for funds disbursed by the recipient prior to the award date of this amendment.

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-1-2023-or-later>.

These terms and conditions are binding for disbursements and are in addition to or modify 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. Federal Financial Reporting (FFR)

For awards with cumulative project and budget periods greater than 12 months, the recipient will submit an annual FFR (SF 425) covering the period from "project/budget period start date" to **June 30** of each calendar year to the EPA Finance Center in Research Triangle Park, NC. The annual FFR will be submitted electronically to rtpfc-grants@epa.gov no later than **September 30** of the same calendar year. Find additional information at <https://www.epa.gov/financial/grants>. (NOTE: The grantee must submit the Final FFR to rtpfc-grants@epa.gov within 120 days after the end of the project period.)

B. Procurement

The recipient will ensure all procurement transactions will be conducted in a manner providing full and open competition consistent with 2 CFR Part 200.319. In accordance with 2 CFR Part 200.324, the grantee and subgrantee(s) must perform a cost or price analysis in connection with applicable procurement actions, including contract modifications.

State recipients must follow procurement procedures as outlined in 2 CFR Part 200.317.

C. Reporting of EPA In-Kind Amount

This agreement includes funds for EPA in-kind services. Invoices will not be provided to the recipient for recording of actual in-kind cost, however, the total in-kind amount shall be reflected as an expenditure on the Federal Financial Report(s). If applicable, the recipient must satisfy the match requirements for the EPA in-kind amount.

D. Subaward(s)

The recipient's approved budget includes subaward(s). As applicable, the recipient will comply with the General Term and Condition on reporting of first tier subawards to www.fsr.gov per "Reporting Subawards and Executive Compensation" requirement.

Programmatic Conditions

Previous Programmatic Terms and Conditions are superseded by the following. These conditions apply henceforth.

a.] PERFORMANCE REPORTING AND FINAL PERFORMANCE REPORT

Performance Reports - Content: In accordance with 2 CFR 200.329, 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 reporting periods are January 1 – March 31, April 1 – June 30, July 1 – September 30, and October 1 – December 31.

Performance Reports - Frequency: The recipient agrees to submit **quarterly reports** electronically in the form of quality assured and certified data entered timely into EPA's national Air Quality System (AQS) database.

Subaward Performance Reporting: The recipient must report on its subaward monitoring activities under 2 CFR 200.332(d). 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) 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.] Competency of Organizations Generating Environmental Measurement Data

In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, the Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at <https://www.epa.gov/measurements-modeling/documents-about-measurement-competency-under-assistance-agreements> or a copy may also be requested by contacting the EPA Project Officer for this award.

d.] In-Kind Assistance

EPA will direct the in-kind funding to pay for the analysis of speciation samples by an EPA contract laboratory.

e.] Quality Assurance

Authority: Quality Assurance applies to all assistance agreements involving environmental information as defined in [2 C.F.R. § 1500.12](#) Quality Assurance.

The recipient shall ensure that subawards involving environmental information issued under this agreement include appropriate quality requirements for the work. The recipient shall ensure sub-award recipients develop and implement the Quality Assurance (QA) planning documents in accordance with this term and condition; and/or ensure sub-award recipients implement all applicable approved QA planning documents.

1. Quality Management Plan (QMP)

a. Prior to beginning environmental information operations, the recipient must:

- i. Submit a previously EPA-approved and current QMP,
- ii. The EPA Quality Assurance Manager or designee (hereafter referred to as QAM) will notify the

recipient and EPA Project Officer (PO) in writing if the QMP is acceptable for this agreement.

b. The recipient must submit the QMP within 30 days after grant award, and/or no more than 60 days after grant award.

c. The recipient must review their approved QMP at least annually. These documented reviews shall be made available to the sponsoring EPA organization if requested. When necessary, the recipient shall revise its QMP to incorporate minor changes and notify the EPA PO and QAM of the changes. If significant changes have been made to the Quality Program that affect the performance of environmental information operations, it may be necessary to re-submit the entire QMP for re-approval. In general, a copy of any QMP revision(s) made during the year should be submitted to the EPA PO and QAM in writing when such changes occur. Conditions requiring the revision and resubmittal of an approved QMP can be found in section 6 of EPA's [Quality Management Plan \(QMP\) Standard](#).

2. Quality Assurance Project Plan (QAPP) (For ADEQ and Pinal County)

Prior to beginning environmental information operations, the recipient must:

- i. Submit a previously EPA-approved QAPP proposed to ensure the collected, produced, evaluated, or used environmental information is of known and documented quality for the intended use(s).
- ii. The EPA Quality Assurance Manager or designee (hereafter referred to as QAM) will notify the recipient and EPA Project Officer (PO) in writing if the previously EPA-approved QAPP is acceptable for this agreement.

For Reference:

- [Quality Management Plan \(QMP\) Standard and EPA's Quality Assurance Project Plan \(QAPP\) Standard](#); contain quality specifications for EPA and non-EPA organizations and definitions applicable to these terms and conditions.
- [EPA QA/G-5: Guidance for Quality Assurance Project Plans](#).
- [EPA's Quality Program](#) website has a [list of QA managers](#), and [Non-EPA Organizations Quality Specifications](#).
- The Office of Grants and Debarment [Implementation of Quality Assurance Requirements for Organizations Receiving EPA Financial Assistance](#).

f.] 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 **ADEQ** 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>

***** END OF ASSISTANCE AGREEMENT *****

§ 200.332 Requirements for pass-through entities

All pass-through entities must:

Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modifications. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. Required information includes:

Federal Award Identification

Subrecipient Name (must match name associated with its unique entity identifier)	PINAL COUNTY ARIZONA	
Subrecipient's Unique Entity Identifier (UEI)	GX4FM9VQD7W3	
Federal Award Identification Number (FAIN)	BG-99T735.25	
Federal Award Date of award to the recipient by the Federal Agency	7/2/2024	
Subaward Period of Performance Start and End Date	Upon Date of Last Signature	6/30/2026
Subaward Budget Period Start and End Date	Upon Date of Last Signature	6/30/2026
Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient	\$225,000.00	
Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current financial obligation	\$450,000.00	
Total Amount of the Federal Award committed to the subrecipient by the pass-through entity	\$450,000.00	
Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA)	This project provides funding for the operation of Arizona Department of Environmental Quality's (ADEQ's) continuing environmental programs, while giving it greater flexibility to address its highest environmental priorities, improve environmental performance, achieve administrative savings, and strengthen the partnership between ADEQ and EPA. The work includes outputs and outcomes associated with managing continuing environmental programs which include activities to protect, maintain, and improve air, water, land, and data quality. Pinal County: - Pinal County Air Quality Control District for operation the Pinal County ambient air monitoring network consisting of 8 PM10 monitors, 3 ozone monitors 3 MET stations and associated calibration and communications equipment and operational supplies. In this grant cycle the following	
Name of Federal awarding agency	U.S.Environmental Protection Agency	
Name of Pass-through entity	Arizona Department of Environmental Quality	
Contact information for awarding official of the Pass-through entity	Robyne Clark Grants@azdeq.gov	
Assistance Listings number and Title; the pass-through entity must identify the dollar amount made available under each Federal award and the Assistance Listings Number at time of disbursement.	66.605 - Performance Partnership Grants	
Identification of whether the award is R&D	R&D is not eligible	
Indirect cost rate for the Federal award (including if the de minimis rate is charged) per § 200.414	45.00% Personnel Salaries/Wages & ERE 9.00% Contractual	

All requirements imposed by the pass-through entity on the subrecipient so that the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the Federal award.

§ 200.332 Requirements for pass-through entities

Subrecipient has received ADEQ Terms and Conditions	Embedded in Agreement EV23-0035
Subrecipient has received the Federal awarding agency Terms and Conditions. https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2022-or-later https://www.epa.gov/sites/default/files/2020-11/documents/gpi-16-01-subaward-policy_app-b.pdf	

Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the Federal awarding agency including identification of any required financial and performance reports.

Does the Scope of Work (SOW) align with ADEQ's Federal award responsibilities and commitments?	Yes
Does the budget align with ADEQ's Federal award budget?	Fixed Amount Pass-through
Are subrecipient reporting requirements in alignment to allow ADEQ to meet its reporting requirements to the Federal awarding	Yes

An approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government. If no approved rate exists, the pass-through entity must determine the appropriate rate in collaboration with the subrecipient, which is either (A) the negotiated indirect cost rate between the pass-through entity and the subrecipient; which can be based on a prior negotiated rate between a different PTE and the same subrecipient. If basing the rate on a previously negotiated rate, the pass-through entity is not required to collect information justifying this rate, but may elect to do so; or (B) the de minimus indirect cost rate.

The pass-through entity must not require use of a de minimis indirect cost rate if the subrecipient has a Federally approved rate. Subrecipients can elect to use the cost allocation method to account for indirect costs in accordance with § 200.405(d).

Does the subrecipient have an indirect cost rate negotiated with the Federal Government?	N/A
If applicable, what is the subrecipients federally recognized indirect cost rate?	N/A
Is the subrecipient using a de minimus indirect cost rate of 10%?	N/A
Does the subrecipient elect to use the cost allocation method?	N/A

Effective 10/1/2024 § 200.415 Required Financial Certifications. Subrecipients under the Federal award must certify to the pass-through entity whenever applying for funds, requesting payment, and submitting financial reports:

"I certify to the best of my knowledge and belief that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812."

A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part, and appropriate terms and conditions concerning closeout of the subaward.

Subrecipient has received the requirement for access to subrecipient's records and financial statements.	Embedded in Agreement EV23-0035, Section IX.
Appropriate terms and conditions concerning the closeout of the subaward have been provided to the subrecipient.	See Scope of Work.

This document must be included as an attachment in the subaward agreement.

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement	GRANT NUMBER (FAIN): 99T73525 MODIFICATION NUMBER: 0 PROGRAM CODE: BG	DATE OF AWARD 07/02/2024
		TYPE OF ACTION New	MAILING DATE 07/08/2024
		PAYMENT METHOD: ASAP	ACH# 90007
		RECIPIENT TYPE: State	
RECIPIENT: ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY DBA: ADEQ 1110 W WASHINGTON ST PHOENIX, AZ 85007-2952 EIN: 86-6004791		Send Payment Request to: Contact EPA RTPFC at: rtpfc-grants@epa.gov	
PROJECT MANAGER Robyne Clark 1110 W Washington St Phoenix, AZ 85007-2952 Email: Grants@azdeq.gov Phone: 602-771-5102		EPA PROJECT OFFICER Diana Hsieh 75 Hawthorne Street, WTR-2-1 San Francisco, CA 94105 Email: Hsieh.Diana@epa.gov Phone: 415-972-3526	EPA GRANT SPECIALIST Katya Obrez Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105 Email: obrez.katya@epa.gov Phone: 415-972-3744
PROJECT TITLE AND DESCRIPTION PERFORMANCE PARTNERSHIP GRANT See Attachment 1 for project description.			
BUDGET PERIOD 07/01/2024 - 06/30/2026	PROJECT PERIOD 07/01/2024 - 06/30/2026	TOTAL BUDGET PERIOD COST \$ 29,527,702.00	TOTAL PROJECT PERIOD COST \$ 29,527,702.00
NOTICE OF AWARD Based on your Application dated 04/15/2024 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$ 6,016,834.00. EPA agrees to cost-share <u>66.86%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$ 6,016,834.00. 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.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS U.S. EPA, Region 9, U.S. EPA, Region 9 Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105		ORGANIZATION / ADDRESS U.S. EPA, Region 9, Water Division, WTR-1 R9 - Region 9 75 Hawthorne Street San Francisco, CA 94105	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official Carolyn Truong - Grants Management Officer			DATE 07/02/2024

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$ 11,133,463
2. Fringe Benefits	\$ 4,342,051
3. Travel	\$ 3,880
4. Equipment	\$ 30,000
5. Supplies	\$ 240,996
6. Contractual	\$ 5,530,002
7. Construction	\$ 0
8. Other	\$ 785,628
9. Total Direct Charges	\$ 22,066,020
10. Indirect Costs: 0.00 % Base See General T/Cs	\$ 7,461,682
11. Total (Share: Recipient <u>33.14</u> % Federal <u>66.86</u> %)	\$ 29,527,702
12. Total Approved Assistance Amount	\$ 19,743,632
13. Program Income	\$ 0
14. Total EPA Amount Awarded This Action	\$ 6,016,834
15. Total EPA Amount Awarded To Date	\$ 6,016,834

Attachment 1 - Project Description

This project provides funding for the operation of Arizona Department of Environmental Quality's (ADEQ's) continuing environmental programs, while giving it greater flexibility to address its highest environmental priorities, improve environmental performance, achieve administrative savings, and strengthen the partnership between ADEQ and EPA. Major activities of these programs include: conducting surface water quality monitoring, preparing water quality assessments, preparing permits, writing Total Maximum Daily Loads, reducing nonpoint source pollution, participating in interagency watershed coordination activities, sampling agricultural wells to monitor for pesticide contamination, conducting outreach/education to the community, monitoring air quality, planning and implementing air reduction measures, assessing and cleaning up land, building infrastructure by conducting training and professional development, and reporting progress to EPA.

This cooperative agreement provides partial funding in the amount of \$6,016,834. Preaward costs are approved back to 7/1/2024. See terms and conditions. Major activities of these programs include: conducting surface water quality monitoring, preparing water quality assessments, preparing permits, writing Total Maximum Daily Loads, reducing nonpoint source pollution, participating in interagency watershed coordination activities, sampling agricultural wells to monitor for pesticide contamination, conducting outreach/education to the community, monitoring air quality, planning and implementing air reduction measures, assessing and cleaning up land, building infrastructure by conducting training and professional development, and reporting progress to EPA. Intended beneficiaries are residents and visitors to the state of Arizona. The work includes outputs and outcomes associated with managing continuing environmental programs which include activities to protect, maintain, and improve air, water, land, and data quality. Pinal County:

- Pinal County Air Quality Control District for operation the Pinal County ambient air monitoring network consisting of 8 PM10 monitors, 3 ozone monitors 3 MET stations and associated calibration and communications equipment and operational supplies. In this grant cycle the following improvements will be made: Site Safety Improvements Identified by the most recent EPA TSA of Pinal County Air Monitoring

- FTE's in year 1 and year 2 to ensure compliance with dust requirements not directly related to fee based dust programs, including receiving dust complaints from the public and responding to them with 3 working days, proactively addressing observed dust issues and reports those as Field Activity Reports (FARs).

- Funding staff training in the areas of emission inventory, compliance/enforcement, permitting, modeling, monitoring planning and safety. Allocation of funds is distributed between year 1 and year 2 of the grant cycle. Training is scheduled as it is available and staff are able to attend.

Department of Agriculture:

Improve air quality through the maintenance of the Agricultural Best Management Practices (AgBMP) program, to reduce the amount of particulate matter (PM10) emissions in the PM10 from agricultural sources in the nonattainment areas of Maricopa, Pinal, and Yuma Counties. This program comprises field inspections, public outreach, and enforcement activities to ensure compliance with the Ag MBP PM10 general permit record requirements. Ag BMP PM10 general permit records are required for commercial sources including crop operations, dairy operations, beef cattle feedlots, poultry facilities, and swine facilities. Respond to all agriculture related dust complaints within 5 business days;

Perform a minimum of:

- 10 inspections of crop operations each year;
- 10 inspections of commercial animal operations each year;
- 4 agricultural Best Management Practices outreach and training events each year.

Administrative 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-1-2023-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. Federal Financial Reporting (FFR)

For awards with cumulative project and budget periods greater than 12 months, the recipient will submit an annual FFR (SF 425) covering the period from "project/budget period start date" to **June 30** of each calendar year to the EPA Finance Center in Research Triangle Park, NC. The annual FFR will be submitted electronically to rtpfc-grants@epa.gov no later than **September 30** of the same calendar year. Find additional information at <https://www.epa.gov/financial/grants>. (NOTE: The grantee must submit the Final FFR to rtpfc-grants@epa.gov within 120 days after the end of the project period.)

Additional FFR information for CAA 105 program: The recipient shall identify non-federal, non-recurrent expenditures in Block 12 (Remarks) of the FFR or include the information as an attachment to the FFR on a separate page. The recipient also agrees to include a statement certifying that supplanting did not occur.

B. Procurement

The recipient will ensure all procurement transactions will be conducted in a manner providing full and open competition consistent with 2 CFR Part 200.319. In accordance with 2 CFR Part 200.324, the grantee and subgrantee(s) must perform a cost or price analysis in connection with applicable procurement actions, including contract modifications.

State recipients must follow procurement procedures as outlined in 2 CFR Part 200.317.

C. MBE/WBE Reporting, 40 CFR, Part 33, Subpart E (EPA Form 5700-52A)

The recipient agrees to submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report (EPA Form 5700-52A) annually for the duration of the project period. The current EPA Form 5700-52A with instructions is located at <https://www.epa.gov/grants/epa-grantee-forms>

This provision represents an approved exception from the MBE/WBE reporting requirements as described in 40 CFR Section 33.502.

Reporting is required for assistance agreements where funds are budgeted for procuring construction, equipment, services and supplies (including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category) with a cumulative total that exceed the **Simplified Acquisition Threshold (SAT) currently set at \$250,000** (the dollar threshold will be

automatically revised whenever the SAT is adjusted; See 2 CFR Section 200.1), including amendments and/or modifications. All procurement actions are reportable when reporting is required, not just the portion which exceeds the SAT.

Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 4A when completing the form.

When completing the annual report, recipients are instructed to check the box titled “annual” in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the “Final Report (project completed)” in section 1B of the form.

The annual reports are due by October 30th of each calendar year and the final report is due within 120 days after the end of the project period, whichever comes first. The recipient will submit the MBE/WBE report(s) and/or questions to GrantsRegion9@epa.gov and the EPA Grants Specialist identified on page 1 of the award document.

D. Subaward(s)

The recipient's approved budget includes subaward(s). As applicable, the recipient will comply with the General Term and Condition on reporting of first tier subawards to www.fsrs.gov per “Reporting Subawards and Executive Compensation” requirement.

Programmatic Conditions

a. Conditional Award

EPA has conditionally approved the workplan to allow the recipient to proceed to work on approved workplan components. The recipient may incur costs on eligible activities associated with the approved workplan components up to \$6,016,834. The recipient will not request payments and EPA will not make payments for unapproved work. Row 39 in the workplan does not have valid QAPP's associated with it and no work may be done until ADEQ submits and EPA approves a QAPP.

b. Fly America

The recipient understands that all foreign travel funded under this assistance agreement must comply with the Fly America Act. All travel must be on U.S. air carriers certified under 49 U.S.C. Section 40118, to the extent that service by such carriers is available even if foreign air carrier costs are less than the American air carrier.

c. 401

For all 401 certifications of Corps 404 permits, except general permits such as Nationwide Permits, ADEQ will contact EPA upon receipt of a complete 401 application to initiate communication on water quality issues. The tabular reporting requirement on all 401s issued, including Nationwide Permits, also remains in effect. On coordinated projects, ADEQ shall conduct staff-level interagency meetings, as appropriate, as the processing of the 401 proceeds. A final meeting (Deputy Director or higher) with EPA will occur before issuance of the certification.

d. PERFORMANCE REPORTING AND FINAL PERFORMANCE REPORT

Performance Reports - Content

In accordance with 2 CFR 200.329, the recipient agrees to submit performance reports (including those performed by the recipient, subgrantees, contractors, and through interagency agreements) that include brief information on each of the following areas: 1) A comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period; 2) The reasons why established outputs/outcomes were not met; and 3) Additional pertinent information, including, when appropriate, analysis and explanation of cost overruns or high-unit costs. 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.

Interim performance and final progress reports must prominently display the three Essential Elements for state work plans: 1) Strategic Plan Goal; (2) Strategic Plan Objective; and (3) Workplan Commitments plus time frame.

(See [Grants Policy Issuance 11-03 State Grant Workplans and Progress Reports](#) for more information)

Performance Reports - Frequency

The recipient agrees to submit annual performance reports electronically to the EPA Project Officer within 90 days after the annual reporting period. The recipient must submit the final performance report

no later than 120 calendar days after the end date of the period of performance.

If semi-annual performance reports are required, they are to be submitted electronically to the EPA Project Officer within 30 days after the reporting period (every six-month period). The reporting periods are July 1st - December 31st and January 1st - June 30th. The recipient shall submit to the EPA Project Officer semi-annual performance reports (preferably electronic copies) due every February 15th and August 31st for the duration of the agreement.

Final Performance Report

The recipient agrees to submit two copies of the Final Performance Report to the EPA Project Officer. The Final Project Report is due within 120 days after the end of the budget/project period. Final performance reports must prominently display the three Essential Elements required for state workplans and reports. They are:

- Essential Element 1 - Strategic Plan Goal
- Essential Element 2 - Strategic Plan Objective
- Essential Element 3 - Workplan Commitments plus time frame

The report will include any agreed upon work-product(s) resulting from the project and the following:

- 1) abstract or overview of the project including completed workplan activities;
- 2) a comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan;
- 3) reasons why anticipated outputs/outcomes were not met;
- 4) other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs.
- 5) the methods to be used to effectively disseminate project information and/or continue the benefits of this project (although the project itself may not be continuing);
- 6) materials generated regarding project activities (e.g., workshop announcements, newspaper/newsletter announcements, articles or releases, press packets, pamphlets, etc.)

Subaward Performance Reporting

The recipient must report on its subaward monitoring activities under 2 CFR 200.332(d). 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.

e. 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) 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.

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.

f. Competency of Organizations Generating Environmental Measurement Data

In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, the Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at <https://www.epa.gov/sites/production/files/2015-03/documents/competency-policy-aaia-new.pdf> or a copy may also be requested by contacting the EPA Project Officer for this award.

g. Geospatial Data Standards

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at <https://www.fgdc.gov/>.

h. Quality Assurance

Authority: Quality Assurance applies to all assistance agreements involving environmental information as defined in [2 C.F.R. § 1500.12](#) Quality Assurance.

The recipient shall ensure that subawards involving environmental information issued under this agreement include appropriate quality requirements for the work. The recipient shall ensure sub-award recipients develop and implement ~~the~~ Quality Assurance (QA) planning documents in accordance with this term and condition; and/or ensure sub-award recipients implement all applicable approved QA planning documents.

Quality Assurance Project Plan (QAPP)

a. Prior to beginning environmental information operations, the recipient must:

i. Develop a QAPP,

ii. Prepare QAPP in accordance with the current version of EPA's [Quality Assurance Project Plan \(QAPP\) Standard](#),

iii. Submit the document for EPA review, and

iv. Obtain EPA Quality Assurance Manager or designee (hereafter referred to as QAM) approval.

Or the recipient may:

i. Submit a previously EPA-approved QAPP proposed to ensure the collected, produced, evaluated, or used environmental information is of known and documented quality for the intended use(s).

ii. The EPA Quality Assurance Manager or designee (hereafter referred to as QAM) will notify the recipient and EPA Project Officer (PO) in writing if the previously EPA-approved QAPP is acceptable for this agreement.

b. The recipient must submit the QAPP no more than 180 days after grant award.

c. The recipient shall notify the PO and QAM when substantive changes are needed to the QAPP. EPA may require the QAPP be updated and re-submitted for approval.

d. The recipient must review their approved QAPP at least annually. The results of the QAPP review and any revisions must be submitted to the PO and the QAM at least annually and may also be submitted when changes occur.

e. This grant includes environmental measurements; therefore, QA Planning documents are required. These plans should be reviewed, revised, and submitted to R9 EPA QA Section every five years. The

ADEQ Quality Management Plan was approved on April 21, 2022. Quality Assurance Program Plan's (QAPP) covering the programs for DEQ's programs were approved in previous years, see below. Monitoring under these programs should be conducted according to the programs QAPP.

ADEQ QAPP Status SFY25			
Program	QA Document	Approval Date	Revision Due
All Programs	QMP	4/21/2022	2027
Air Programs			
O ₃	QAPP	9/10/2020	2025
NO ₂	QAPP	8/11/2021	2026
SO ₂	QAPP	1/26/2020	2026
CO	QAPP	9/10/2020	2025
PM	QAPP	6/27/2019	2024
PM Sensor Smoke	QAPP	5/7/24*	2029
Border Project School Based Monitoring	QAPP	--**	NA
PAMs	QAPP	8/23/2021	2026
Air Toxics	QAPP	3/11/2018	2023***
Lead	QAPP	1/31/2024	2029
Land Program			
RCRA Haz Waste	QAPP	06/15/2022	2027
Water Programs			
Drinking Water	QAPP	8/7/2019	2024
NPDES	QAPP	8/14/23	2028
Water Quality	QAPP	1/2/2021	2026

* Conditionally approved

** Not yet submitted, but required for border project 2 (row 39 of the workplan)

*** ADEQ may continue to use the approved QAPP until the revised document is approved (per 10/18/23 email)

For Reference:

- [Quality Management Plan \(QMP\) Standard and EPA's Quality Assurance Project Plan \(QAPP\) Standard](#); contain quality specifications for EPA and non-EPA organizations and definitions applicable to these terms and conditions.
- [EPA QA/G-5: Guidance for Quality Assurance Project Plans](#).
- [EPA's Quality Program](#) website has a [list of QA managers](#), and [Non-EPA Organizations Quality](#)

Specifications.

- The Office of Grants and Debarment [Implementation of Quality Assurance Requirements for Organizations Receiving EPA Financial Assistance](#).

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 [Insert Recipient or subrecipient NAME] 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. Paperwork Reduction Act

Notwithstanding any references to collection of information in the recipient's application or proposal for EPA funding, the scope of work for this cooperative agreement does not include a survey or other information collection of identical information from 10 or more parties. No EPA funds (directly paid by EPA or from the recipient's cost share) may be used for the design or administration of such an information collection, and EPA personnel may not participate in such activities. Reasonable costs for analyzing independently collected information and publishing the results of such information collections are allowable to the extent authorized in the EPA approved budget for this agreement.

k. DURC/iDURC

The recipient agrees to not initiate any life sciences research involving agents and toxins identified in Section 6.2.1 of the [United States Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern](#) (*iDURC Policy*) until appropriate review and clearance by the recipient institution's Institutional Review Entity (IRE). The recipient also agrees to temporarily suspend life sciences research in the event that, during the course of the research project, the IRE determines that the life sciences research meets the definition of DURC in the iDURC Policy, and the recipient agrees to notify the EPA Institutional Contact for Dual Use Research (ICDUR) (DURC@epa.gov) of the institution's determination.

l. Substantial Involvement

EPA will be substantially involved in this agreement. Substantial involvement by the EPA Project Officer may include:

- 1) monthly telephone calls and other monitoring,
- 2) reviewing project phases and providing approval to continue to the next phase,
- 3) reviewing and commenting on any documents, web content, or other materials developed under this agreement (the recipient will make final decisions on these matters),
- 4) approving substantive terms included in contracts or subawards (EPA's Project Officer will not suggest, recommend or direct the recipient to select any particular contractor or subrecipient except to

the extent permitted in Section 10 of EPA's Subaward Policy).

5) reviewing and commenting on the programmatic progress reports

6) Consultation with EPA regarding the selection of key personnel (EPA's involvement is limited to reviewing the technical qualifications of key personnel and the recipient will make the final decisions on selection. EPA's Project Officer will not suggest, recommend or direct the recipient to select any individual).

7) Joint operational involvement, participation, and/or collaboration between EPA and the recipient.

m. Compliance Determination and Data Verification

The grantee agrees to make compliance determinations that are consistent with applicable drinking water regulations and timely report all violation, inventory, and enforcement actions to SDWIS/FED and otherwise comply with 40 CFR 142.15. Also, if a data verification report or other program review identifies steps that should be taken to correct a state's drinking water data quality problems, those steps must be included in the state's annual workplan (or Performance Partnership Agreement).

n. Green/Environmentally Sustainable Practices

Consistent with local, state, and federal grant procurement rules, recipients shall, when feasible, purchase environmentally preferable products/services and hold conferences/meetings using environmentally preferable measures. Environmentally preferable products/services and environmentally preferable measures include those that have a lesser or reduced effect on the environment when compared with competing products, services, or measures that serve the same purpose. This comparison may consider the raw material acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service. Also, environmentally preferable measures for conferences/meetings apply to large gatherings of ten or more persons.

o. Reporting Requirements

The recipient agrees to comply with all reporting requirements required by EPA regulation (40 CFR parts 31 and 35), §§ 319(h)(10) and (11) of the Clean Water Act, and by the Nonpoint Source Program and Grants Guidelines for States and Territories (2013). Failure to comply with the above-referenced reporting requirements may result in a disruption of grantee funding and/or early termination of the grant agreement per 40 CFR part 31.43.

p. Annual Nonpoint Source (NPS) Program Report

The recipient agrees to provide the information required under § 319(h)(11) of the Clean Water Act for annual reporting on progress under the State's NPS management program. The §319 Annual Program Report will be due by July 31st (draft) and final draft by September 30th. At a minimum, the report shall contain a summary of progress, including rationale/evidence, in meeting the schedule of milestones in the approved management program and reductions in NPS pollutant loading and improvements in water quality that has resulted from the implementation of the NPS management program. Failure to submit the annual NPS program report may affect the recipient's eligibility for future § 319 grant funding.

q. Sufficient Progress/ Satisfactory Progress

EPA may terminate the assistance agreement for the failure of the recipient to make sufficient progress to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project. In determining sufficient progress, EPA may also consider the rate of expenditure of funds (unliquidated obligations), as well as the findings from the most recent § 319 performance and progress determination §319 (h)(8). (See EPA's Guidance and Checklist for Determining Progress of State NPS Management Programs and Performance of CWA Section 319 Grants.)

r. GRTS

The recipient shall enter all mandated data elements into the Grants Reporting and Tracking System (GRTS) for NPS projects funded under § 319 of the Clean Water Act, according to deadlines specified by EPA (March 31st). The program funds in the PPG shall be reported on in GRTS reflecting State FTE funded by CWA 319 funds by September 1st of each year. Initial data entry is due 90 days from the award and includes all mandated data elements except the geographic area (if still to be determined), best management practices (BMPs), and load reduction data. The recipient will report BMP and load reduction data as projects are implemented. At a minimum, the BMP and load reduction data will be reported by March 31st of each year for projects implementing BMPs in the previous fiscal year.

s. STORET Data Reporting

The recipient agrees to enter water quality monitoring data, for data collected in a water body according to the implementation of a § 319 project, into EPA's "storage and retrieval" (STORET) data system. All water quality data generated with § 319 funding, either directly or by sub-award, are required to be transmitted into the STORET data warehouse using either the Water Quality Exchange (WQX) or WQXweb.

t. Watershed-based Plans

Under the § 319 guidelines, use of § 319 "watershed project" funds requires that a watershed-based plan which includes all of the information in elements (a)-(i) as described in the § 319 grant guidelines, or an acceptable alternative plan be completed before implementation of on-the-ground projects. The recipient shall ensure a watershed-based plan or acceptable alternative plan is completed before beginning to implement any on-the-ground project with § 319 watershed project funds.

u. Operation and Maintenance

The recipient will assure the continued proper operation and maintenance of all nonpoint source management practices that have been implemented for projects funded under this agreement. Such practices shall be operated and maintained for the expected lifespan of the specific practice and following commonly accepted standards. The recipient shall include a provision in every applicable sub-agreement (subgrant or contract) awarded under this grant requiring that the management practices for the project be properly operated and maintained. Likewise, the sub-agreement will assure that similar provisions are included in any sub-agreements that are awarded by the sub-recipient.

v. Maintenance of Effort/Required Non-Federal Match

State expenditures for NPS implementation activities must meet the maintenance of effort (MOE) level required under § 319(h)(9) of the Clean Water Act. A 40% non-federal program match is also required. The state should assure that the MOE and match requirements have been satisfied and report this through the final Federal Financial Report (FFR) at the end of the budget period.

w. Limitation on Administrative Costs

Per § 319(h)(12) of the Clean Water Act, administrative costs in the form of salaries, overhead, or indirect costs shall not exceed in any fiscal year 10 percent of the amount of the grant except that costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer programs shall not be subject to this limitation.

x. Obligation and Outlay of Funds

Following § 319(h)(6) of the Clean Water Act, the recipient will show commitment to expend the funds awarded in this grant and to complete the funded projects per its EPA approved Nonpoint Source management program and the approved work plan. The recipient will award all proposed contracts, subgrants, and interagency agreements within one year after the grant award.

y. Permits

The recipient agrees to ensure that all necessary permits (such as Clean Water Act § 404) are obtained before the implementation of any grant-funded activity that may fall under applicable federal, state, or local laws. The subgrantee's project implementation plan must identify permits that may be needed to complete work plan activities. The recipient must keep documentation regarding necessary permits in the project file. EPA approval of a workplan does not imply nor guarantee that a federal, state or local permit will be issued for a particular activity.

z. Participation in Regional and National Meetings

The recipient agrees to attend the annual NPS Manager's meetings and GRTS users meeting, as scheduled unless agreed upon in advance by the EPA Project Officer.

aa. NPS Success Stories

The recipient must draft and submit to EPA all applicable NPS program success stories which highlight projects resulting in the restoration of water bodies. These stories shall be submitted through the success story database in GRTS.

bb. TMDLs Developed Under Section 319 Grant

For each § 319-funded TMDL, the recipient will provide the following supplemental information to support the load allocations specified in the TMDL: (1) an identification of total NPS existing loads and total NPS load reductions necessary to meet water quality standards, by source type; Detailed identification of the causes and sources of NPS pollution by source type to be addressed to achieve the load reductions specified in the TMDL (e.g., acres of various row crops, number, and size of animal feedlots, acres, and density of residential areas); and (3) an analysis of the NPS management measures by source type expected to be implemented to achieve the necessary load reductions, with the recognition that adaptive management may be necessary during implementation.

cc. Water Quality Data Reporting

The recipient agrees to enter water quality monitoring data into EPA's Water Quality Exchange (WQX) data system. All water quality data generated with federal funding, either directly or by sub-award, are required to be transmitted into the WQX system using either the WQX or WQXweb. Water quality data and metadata that are appropriate include, but is not limited to physical, chemical, and biological sample results for water, sediment, fish tissue, toxicity data, microbiological data, and the metrics and indices generated from biological and habitat data. Please contact the WQX helpdesk (WQX@epa.gov) if you need assistance. More information about WQX, including tutorials, can be found at: <https://www.epa.gov/waterdata/water-quality-data>.

***** END OF ASSISTANCE AGREEMENT *****

§ 200.332 Requirements for pass-through entities

All pass-through entities must:

Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modifications. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. Required information includes:

Federal Award Identification

Subrecipient Name (must match name associated with its unique entity identifier)	PINAL COUNTY ARIZONA	
Subrecipient's Unique Entity Identifier (UEI)	GX4FM9VQD7W3	
Federal Award Identification Number (FAIN)	5Q - 97T19501 - 0	
Federal Award Date of award to the recipient by the Federal Agency	11/20/2024	
Subaward Period of Performance Start and End Date	Upon Date of Last Signature	9/30/2025
Subaward Budget Period Start and End Date	Upon Date of Last Signature	9/30/2025
Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient	\$169,649.00	
Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current financial obligation	\$169,649.00	
Total Amount of the Federal Award committed to the subrecipient by the pass-through entity	\$169,649.00	
Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA)	The agreement provides funding under the Inflation Reduction Act (IRA) to the Arizona Department of Environmental Quality (ADEQ) for the expansion and enhancement of their air monitoring activities. Specifically, the recipient will establish a special purpose monitoring site and maintain, operate, and upgrade monitoring equipment and activities at existing monitoring stations, and support staff training. ADEQ will provide pass through funding to Pinal County to support and enhance monitoring activities. Specifically, Pinal County will purchase sensor monitors, refresh monitoring equipment throughout network, and replace shelters with new units to address identified safety issues.	
Name of Federal awarding agency	U.S.Environmental Protection Agency	
Name of Pass-through entity	Arizona Department of Environmental Quality	
Contact information for awarding official of the Pass-through entity	Bradley Busby Busby.Bradley@azdeq.gov	
Assistance Listings number and Title; the pass-through entity must identify the dollar amount made available under each Federal award and the Assistance Listings Number at time of disbursement.	66.034 - Surveys-Studies-Investigations-Demonstrations and Special Purpose Activities relating to the Clean Air Act	
Identification of whether the award is R&D	R&D is not eligible	
Indirect cost rate for the Federal award (including if the de minimis rate is charged) per § 200.414	45.00% Personnel Salaries/Wages & ERE 9.00% Contractural	

§ 200.332 Requirements for pass-through entities

Subrecipient has received ADEQ Terms and Conditions	Embedded in Agreement EV23-0035
Subrecipient has received the Federal awarding agency Terms and Conditions. https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2022-or-later https://www.epa.gov/sites/default/files/2020-11/documents/gpi-16-01-subaward-policy_app-b.pdf	

Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the Federal awarding agency including identification of any required financial and performance reports.

Does the Scope of Work (SOW) align with ADEQ's Federal award responsibilities and commitments?	Yes
Does the budget align with ADEQ's Federal award budget?	Fixed Amount Pass-through
Are subrecipient reporting requirements in alignment to allow ADEQ to meet its reporting requirements to the Federal awarding agency?	Yes

An approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government. If no approved rate exists, the pass-through entity must determine the appropriate rate in collaboration with the subrecipient, which is either (A) the negotiated indirect cost rate between the pass-through entity and the subrecipient; which can be based on a prior negotiated rate between a different PTE and the same subrecipient. If basing the rate on a previously negotiated rate, the pass-through entity is not required to collect information justifying this rate, but may elect to do so; or (B) the de minimus indirect cost rate.

The pass-through entity must not require use of a de minimis indirect cost rate if the subrecipient has a Federally approved rate. Subrecipients can elect to use the cost allocation method to account for indirect costs in accordance with § 200.405(d).

Does the subrecipient have an indirect cost rate negotiated with the Federal Government?	N/A
If applicable, what is the subrecipients federally recognized indirect cost rate?	N/A
Is the subrecipient using a de minimus indirect cost rate of 10%?	N/A
Does the subrecipient elect to use the cost allocation method?	N/A

Effective 10/1/2024 § 200.415 Required Financial Certifications. Subrecipients under the Federal award must certify to the pass-through entity whenever applying for funds, requesting payment, and submitting financial reports:

"I certify to the best of my knowledge and belief that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812."

A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part, and appropriate terms and conditions concerning closeout of the subaward.

Subrecipient has received the requirement for access to subrecipient's records and financial statements.	Embedded in Agreement EV23-0035, Section IX.
Appropriate terms and conditions concerning the closeout of the subaward have been provided to the subrecipient.	See Scope of Work.

This document must be included as an attachment in the subaward agreement.

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement	GRANT NUMBER (FAIN): 97T19501 MODIFICATION NUMBER: 0 PROGRAM CODE: 5Q		DATE OF AWARD 11/20/2024
		TYPE OF ACTION New		MAILING DATE 11/25/2024
		PAYMENT METHOD: ASAP		ACH# 90007
		RECIPIENT TYPE: State		
RECIPIENT: ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY DBA: ADEQ 1110 W WASHINGTON ST PHOENIX, AZ 85007-2952 EIN: 86-6004791		PAYEE: ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY DBA: ADEQ 1110 W WASHINGTON ST PHOENIX, AZ 85007-2952		
PROJECT MANAGER Bradley Busby 1110 W Washington St Phoenix, AZ 85007-2952 Email: Busby.Bradley@azdeq.gov Phone: 602-771-7676		EPA PROJECT OFFICER Jean Samolis 75 Hawthorne Street, AIR-1-1 San Francisco, CA 94105 Email: samolis.jean@epa.gov Phone: 415-972-3939		EPA GRANT SPECIALIST Katya Obrez Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94501 Email: obrez.katya@epa.gov Phone: 415-972-3744
PROJECT TITLE AND DESCRIPTION Inflation Reduction Act - Direct Air Monitoring See Attachment 1 for project description.				
BUDGET PERIOD 10/01/2024 - 09/30/2029	PROJECT PERIOD 10/01/2024 - 09/30/2029	TOTAL BUDGET PERIOD COST \$ 1,113,095.00	TOTAL PROJECT PERIOD COST \$ 1,113,095.00	
NOTICE OF AWARD Based on your Application dated 04/30/2024 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$ 1,113,095.00. 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 \$ 1,113,095.00. 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.				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS U.S. EPA, Region 9, U.S. EPA, Region 9 Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105		ORGANIZATION / ADDRESS U.S. EPA, Region 9, Air and Radiation Division, AIR-1 R9 - Region 9 75 Hawthorne Street San Francisco, CA 94105		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official for Carolyn Truong - Grants Management Officer by Angela Mendiola - Award Official Delegate				DATE 11/20/2024

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$ 0
2. Fringe Benefits	\$ 0
3. Travel	\$ 8,200
4. Equipment	\$ 616,900
5. Supplies	\$ 165,546
6. Contractual	\$ 20,000
7. Construction	\$ 0
8. Other	\$ 300,649
9. Total Direct Charges	\$ 1,111,295
10. Indirect Costs: 0.00 % Base See General T/Cs	\$ 1,800
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %)	\$ 1,113,095
12. Total Approved Assistance Amount	\$ 1,113,095
13. Program Income	\$ 0
14. Total EPA Amount Awarded This Action	\$ 1,113,095
15. Total EPA Amount Awarded To Date	\$ 1,113,095

Attachment 1 - Project Description

The agreement provides funding under the Inflation Reduction Act (IRA) to the Arizona Department of Environmental Quality (ADEQ) for the expansion and enhancement of their air monitoring activities. Specifically, the recipient will establish a special purpose monitoring site and maintain, operate, and upgrade monitoring equipment and activities at existing monitoring stations, and support staff training.

This assistance agreement provides full federal funding in the amount of \$1,113,095. Pre-award costs are approved back to 10/1/2024. See terms and conditions.

The activities include: the review of equipment and the determination of which adjustments need to be made on enhancement at various air monitoring sites based on current needs; the purchase and installation of new equipment; providing new or revised QAPPS, including new SOPs, as needed; and provide staff training. In addition, ADEQ will pass through \$300,649 of this funding to Pinal County to support and enhance monitoring activities. The anticipated deliverables include: a new area measuring air pollution at a special purpose air monitoring site; equipment deployed throughout air monitoring network to support air monitoring needs; air quality monitoring training for staff; quality assurance/quality control documentation; and, completion of air monitoring related performance testing and/or audits.

The expected outcomes include increased disadvantaged communities monitored for air quality; information about air quality in previously unmonitored areas; increased public awareness of ambient air quality; increased sustainability of ambient air monitoring networks; publicly available air quality monitoring data for communities; well-functioning sites and equipment to aid in accurate air quality problem identification; and and better informed policy and decision making by ADEQ and other Arizona air agencies.

The intended beneficiaries include the citizens and visitors to Arizona.

ADEQ will pass through \$300,649 of this funding to Pinal County to support and enhance monitoring activities. Specifically, Pinal County will purchase sensor monitors, refresh monitoring equipment throughout network, and replace shelters with new units to address identified safety issues.

Administrative Conditions

General Terms and Conditions

The recipient agrees to comply with the current Environmental Protection Agency (EPA) general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2024-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. Federal Financial Reporting (FFR)

For awards with cumulative project and budget periods greater than 12 months, the recipient will submit an annual FFR (SF 425) covering the period from "project/budget period start date" to **June 30** of each calendar year to the EPA Finance Center in Research Triangle Park, NC. The annual FFR will be submitted electronically to rtpfc-grants@epa.gov no later than **September 30** of the same calendar year. Find additional information at <https://www.epa.gov/financial/grants>. (Per 2 CFR § 200.344(b), the recipient must submit the Final FFR to rtpfc-grants@epa.gov within 120 days after the end of the project period.)

B. Procurement

The recipient will ensure all procurement transactions will be conducted in a manner providing full and open competition consistent with 2 CFR § 200.319. In accordance with 2 CFR § 200.324, the recipient and subawardee(s) must perform a cost or price analysis in connection with applicable procurement actions, including contract modifications. *State and Tribal government entities must follow procurement standards as outlined in 2 CFR § 200.317.*

C. MBE/WBE Reporting, 40 CFR, Part 33, Subpart E (EPA Form 5700-52A)

The recipient agrees to submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report (EPA Form 5700-52A) annually for the duration of the project period. The current EPA Form 5700-52A with instructions is located at <https://www.epa.gov/grants/epa-grantee-forms>

This provision represents an approved exception from the MBE/WBE reporting requirements as described in 40 CFR Section 33.502.

Reporting is required for assistance agreements where funds are budgeted for procuring construction, equipment, services and supplies (including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category) with a cumulative total that exceed the **Simplified Acquisition Threshold (SAT) currently set at \$250,000** (the dollar threshold will be automatically revised whenever the SAT is adjusted; See 2 CFR Section 200.1), including amendments and/or modifications. All procurement actions are reportable when reporting is required, not just the portion which exceeds the SAT.

Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 4A when completing the form.

When completing the annual report, recipients are instructed to check the box titled “annual” in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the “Final Report (project completed)” in section 1B of the form.

The annual reports are due by October 30th of each calendar year and the final report is due within 120 days after the end of the project period, whichever comes first. The recipient will submit the MBE/WBE report(s) and/or questions to GrantsRegion9@epa.gov and the EPA Grants Specialist identified on page 1 of the award document.

D. Subaward(s)

The recipient's approved budget includes subaward(s). As applicable, the recipient will comply with the General Term and Condition on reporting of first tier subawards to www.fsrs.gov per “Reporting Subawards and Executive Compensation” requirement.

Programmatic Conditions

a.] PERFORMANCE REPORTING AND FINAL PERFORMANCE REPORT

Performance Reports - Content

In accordance with 2 CFR 200.329, the recipient agrees to submit performance reports that include brief information on each of the following areas: 1) A comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period; 2) The reasons why established outputs/outcomes were not met; and 3) Additional pertinent information, including, when appropriate, analysis and explanation of cost overruns or high-unit costs. 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.

Interim performance and final progress reports must prominently display the three Essential Elements for state work plans: 1) Strategic Plan Goal; (2) Strategic Plan Objective; and (3) Workplan Commitments plus time frame.

(See [Grants Policy Issuance 11-03 State Grant Workplans and Progress Reports](#) for more information)

Performance Reports - Frequency

The recipient agrees to submit semi-annual performance reports electronically to the EPA Project Officer due within 30 days after the end of the reporting period. The reporting periods are:

- October 1 - March 31: Due April 31
- April 1 - September 30: Due October 30

The recipient must submit the final performance report no later than 120 calendar days after the end date of the period of performance.

Subaward Reporting Requirements

The recipient must report on its subaward monitoring activities under 2 CFR 200.331(d). Examples of items that must be reported if the pass-through entity has the information available are:

- * Summaries of results of reviews of financial and programmatic reports.
- * Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
- * Environmental results the subrecipient achieved.
- * Summaries of audit findings and related pass-through entity management decisions.
- * Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR 200.331(e), 2 CFR 200.207 and the 2 CFR Part 338 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) 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.] Data Reporting

Data and/or related observations must be shared publicly and in a practicable amount of time throughout the lifetime of the project and not only after the project is at or near completion.

d.] Quality Assurance

Authority: Quality Assurance applies to all assistance agreements involving environmental information as defined in [2 C.F.R. § 1500.12](#) Quality Assurance.

The recipient shall ensure that subawards involving environmental information issued under this agreement include appropriate quality requirements for the work. The recipient shall ensure sub-award recipients develop and implement a Quality Assurance (QA) planning document in accordance with this term and condition; and/or ensure sub-award recipients implement all applicable approved QA planning documents.

1. Quality Management Plan (QMP)

a. Prior to beginning environmental information operations, the recipient must:

- i. Submit a previously EPA-approved and current QMP,
- ii. The EPA Quality Assurance Manager or designee (hereafter referred to as QAM) will notify the recipient and EPA Project Officer (PO) in writing if the QMP is acceptable for this agreement.

b. The recipient must submit the QMP within 90 days after grant award, and/or no more than 120 days after grant award.

c. The recipient must review their approved QMP at least annually. These documented reviews shall be made available to the sponsoring EPA organization if requested. When necessary, the recipient shall revise its QMP to incorporate minor changes and notify the EPA PO and QAM of the changes. If significant changes have been made to the Quality Program that affect the performance of environmental information operations, it may be necessary to re-submit the entire QMP for re-approval. In general, a copy of any QMP revision(s) made during the year should be submitted to the EPA PO and QAM in writing when such changes occur. Conditions requiring the revision and resubmittal of an approved QMP can be found in section 6 of EPA's [Quality Management Plan \(QMP\) Standard](#).

2. Quality Assurance Project Plan (QAPP)

a. Prior to beginning environmental information operations, the recipient must:

- i. Submit a previously EPA-approved QAPP proposed to ensure the collected, produced, evaluated, or used environmental information is of known and documented quality for the intended use(s).

- ii. The EPA Quality Assurance Manager or designee (hereafter referred to as QAM) will notify the recipient and EPA Project Officer (PO) in writing if the previously EPA-approved QAPP is acceptable for this agreement.

b. The recipient must submit the QAPP 90 days after grant award, and/or no more than 120 days after grant award.

c. The recipient shall notify the PO and QAM when substantive changes are needed to the QAPP. EPA may require the QAPP be updated and re-submitted for approval.

d. The recipient must review their approved QAPP at least annually. The results of the QAPP review and any revisions must be submitted to the PO and the QAM at least annually and may also be submitted when changes occur.

For Reference:

- [Quality Management Plan \(QMP\) Standard and EPA's Quality Assurance Project Plan \(QAPP\) Standard](#); contain quality specifications for EPA and non-EPA organizations and definitions applicable to these terms and conditions.
- [EPA QA/G-5: Guidance for Quality Assurance Project Plans](#).
- [EPA's Quality Program](#) website has a [list of QA managers](#), and [Specifications for EPA and Non-EPA Organizations](#).

- The Office of Grants and Debarment [Implementation of Quality Assurance Requirements for Organizations Receiving EPA Financial Assistance](#).

e.] 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 AZ DEQ 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>

f.] Competency of Organizations Generating Environmental Measurement Data

In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at <https://www.epa.gov/sites/production/files/2015-03/documents/competency-policy-aai-new.pdf> or a copy may also be requested by contacting the EPA Project Officer for this award.

g.] Public or Media Events

The Recipient agrees to notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to construction projects as a result of this agreement, and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days' notice.

h.] Geospatial Data Standards

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at <https://www.fgdc.gov/>.

i.] Davis-Bacon Related Act Requirements

1. Program Applicability

- Program Name: Fenceline Air Monitoring: Direct Awards - IRA Only
- Statute Requiring Compliance: Section 314 of the Clean Air Act.
- Activities subject to prevailing wage requirements: Construction activities conducted under a fenceline air monitoring grant.
- The recipient must work with the appropriate authorities to determine wage classifications for the

specific project(s) or activities subject to Davis-Bacon under this grant.

2. Davis-Bacon and Related Acts

Davis-Bacon and Related Acts (DBRA) (<https://www.dol.gov/agencies/whd/government-contracts/construction>) is a collection of labor standards provisions administered by the Department of Labor, that are applicable to grants involving construction. These labor standards include the:

- a. Davis-Bacon Act, which requires payment of prevailing wage rates for laborers and mechanics on construction contracts of \$2,000 or more;
- b. Copeland “Anti-Kickback” Act, which prohibits a contractor or subcontractor from inducing an employee into giving up any part of the compensation to which he or she is entitled; and
- c. Contract Work Hours and Safety Standards Act, which requires overtime wages to be paid for over 40 hours of work per week, under contracts in excess of \$100,000.

3. Recipient Responsibilities When Entering Into and Managing Contracts

a. Solicitation and Contract Requirements:

(1) Include the Correct Wage Determinations in Bid Solicitations and Contracts: Recipients are responsible for complying with the procedures provided in [29 CFR 1.6](#) when soliciting bids and awarding contracts.

(2) Include DBRA Requirements in All Contracts: Include the following text on all contracts under this grant:

“By accepting this contract, the contractor acknowledges and agrees to the terms provided in the DBRA Requirements for Contractors and Subcontractors Under EPA Grants (<https://www.epa.gov/grants/contract-provisions-davis-bacon-and-related-acts>).”

b. After Award of Contract:

(1) Approve and Submit Requests for Additional Wages Rates: Work with contractors to request additional wage rates if required for contracts under this grant, as provided in [29 CFR 5.5\(a\)\(1\)\(iii\)](#).

(2) Provide Oversight of Contractors to Ensure Compliance with DBRA Provisions: Ensure contractor compliance with the terms of the contract, as required by [29 CFR 5.6](#).

4. Recipient Responsibilities When Establishing and Managing Additional Subawards

a. Include DBRA Requirements in All Subawards (including Loans): Include the following text on all subawards under this grant:

“By accepting this award, the EPA subrecipient acknowledges and agrees to the terms and conditions provided in the DBRA Requirements for EPA Subrecipients (<https://www.epa.gov/grants/contract-provisions-davis-bacon-and-related-acts>).”

b. Provide Oversight to Ensure Compliance with DBRA Provisions: Recipients are responsible for oversight of subrecipients and must ensure subrecipients comply with the requirements in [29 CFR 5.6](#).

5. Consideration as Part of Every Prime Contract Covered by DBRA

The contract clauses set forth in this Term & Condition, along with the correct wage determinations, will be considered to be a part of every prime contract covered by Davis-Bacon and Related Acts (see [29 CFR 5.1](#)), and will be effective by operation of law, whether or not they are included or incorporated by reference into such contract, unless the Department of Labor grants a variance, tolerance, or exemption. Where the clauses and applicable wage determinations are effective by operation of law under this paragraph, the prime contractor must be compensated for any resulting increase in wages in accordance with applicable law.

***** END OF ASSISTANCE AGREEMENT *****