

EPA FINANCIAL ASSISTANCE PROGRAMS SUBJECT TO EXECUTIVE ORDER 12372 AND SECTION 204 OF THE DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT (Section 204) AND SECTION 401 OF THE INTERGOVERNMENTAL COOPERATION ACT (Section 401).

**EPA Programs and Activities Selected by State Single Points of Contact (SPOC) for Intergovernmental Review under State SPOC Procedures pursuant to [40 CFR Part 29](#).**

**California.** All EPA programs and activities subject to Intergovernmental Review have been selected for SPOC review. Applications may be submitted to the California SPOC at [OPR CFDA \(ca.gov\)](#).

**Utah.** Only applications for EPA financial assistance subject to Intergovernmental Review submitted by Utah state agencies have been selected for SPOC review. Applications by local governments, nonprofit organizations and other entities are not reviewed by the Utah SPOC. Utah state agencies are to submit their applications to [stategrants@utah.gov](mailto:stategrants@utah.gov).

No other SPOCs have selected EPA programs and activities subject to Intergovernmental Review for SPOC review.

**Note:** There may be requirements for submission of Federal grant applications to SPOCs or other state agencies based on state law that are independent of 40 CFR Part 29. EPA encourages applicants to comply with state requirements but does not enforce those requirements.

EPA has limited Intergovernmental Review to situations in which it is required by Section 204 and 201 or for compelling policy reasons. As provided at 40 CFR 29.8(a) and (c) applicants for funding for EPA programs and activities subject to Intergovernmental Review must provide directly affected State, areawide, regional, and local entities 60 days to review their applications. The EPA list of programs and activities subject to Intergovernmental Review is available below.

Financial assistance to tribes is exempt from Intergovernmental Review as provided in Executive Order 12372.

**List of EPA programs and activities subject to intergovernmental review by Assistance Listing Number. Programs which are subject to intergovernmental review for policy reasons rather than required under Section 204 and 401 are identified with an asterisk (\*).**

**Notes:** For the purposes of this list of programs subject to Intergovernmental Review:

1) the term “land use planning” refers to EPA funded studies that make recommendations for changes to zoning, policies for siting of infrastructure or industrial facilities, and similar regulations on the use of land in discrete geographic areas. EPA’s intent is to ensure that grantees have coordinated with directly affected State, areawide, regional, and local entities with jurisdiction over such areas. EPA research grants and other types of financial assistance that study environmental issues relating to land use generally at a national or regional level are not covered by the term “land use planning” for intergovernmental review purposes.

2) The term “construction” refers to activities that fall under the definition of *Construction* in 40 CFR 33.103. Note that some programs have specific statutory or regulatory definitions of “construction” that remain applicable for determining the eligibility of construction costs.

66.001 Air Pollution Control Program Support when proposed Federal financial assistance involves infrastructure planning.

66.034 Surveys, Studies, Investigations, Demonstrations and Special Purpose Activities relating to the Clean Air Act when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.039 Diesel Emissions Reduction Act (DERA) National Grants when proposed Federal financial assistance involves installation of devices that provide electric power to truckers to reduce idling.

66.040 Diesel Emissions Reduction Act (DERA) State Grants when proposed Federal financial assistance involves installation of devices that provide electric power to truckers to reduce idling.

66.042 Temporally Integrated Monitoring of Ecosystems (TIME) and Long-Term Monitoring (LTM) Program when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.044 Wildfire Smoke Preparedness in Community Buildings Grant Program when proposed financial assistance involves land use planning or construction.

66.045 Clean School Bus Program when proposed financial assistance involves installation of electrical vehicle charging infrastructure.

66.046 Climate Pollution Reduction Grants when proposed financial assistance involves land use planning or construction.

66.110 Healthy Communities Grant Program when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.123 Puget Sound Action Agenda: Technical Investigations and Implementation Assistance Program when proposed Federal financial assistance involves planning, design, and construction of facilities and other infrastructure or implementation of restoration projects requiring construction.

66.124 Coastal Wetlands Planning Protection and Restoration Act when proposed Federal financial assistance involves land use planning or implementation of restoration projects requiring construction.

66.125 Lake Pontchartrain Basin Restoration Program when proposed Federal financial assistance involves land use planning or implementation of restoration projects requiring construction.

66.126 San Francisco Bay Water Quality Improvement Fund when proposed Federal financial assistance involves land use planning or implementation of restoration projects requiring construction.

66.129 Southeast New England Coastal Watershed Restoration when proposed Federal financial assistance involves land use planning or implementation of restoration projects requiring construction.

66.130 Gulf Coast Ecosystem Restoration Council Comprehensive Plan Component when proposed Federal financial assistance involves land use planning or implementation of restoration projects requiring construction.

66.202 Congressionally Mandated Projects when proposed Federal financial assistance involves planning, design and construction of facilities or other infrastructure or implementation of restoration projects requiring construction. Note EPA has determined that Congressionally Mandated Projects (outside of California) that have completed a State Environmental Review Process (“SERP”), are included in an Intended Use Plan (“IUP”), Environmental Assessment (“EA”), and/or an Environmental Impact Statement (“EIS”), under the National Environmental Policy Act (“NEPA”) have satisfied the functional equivalent of Intergovernmental Review requirements described in 40 CFR Part 29 and no further action is necessary. If an applicant has provided the Congressionally Mandated Project application documents and/or consulted with state and local metropolitan planning agencies on the specifics of the proposed grant activities before submitting the application to EPA, the applicant has satisfied the functional equivalent of Intergovernmental Review requirements described in 40 CFR Part 29 and no further action is necessary. Congressionally Mandated Projects located in California must comply with California state law as it pertains to Intergovernmental Review.

66.204 Multipurpose Grants to States and Tribes when proposed Federal financial assistance involves land use planning remediation of contaminated land, or implementation of restoration projects requiring construction. Federal financial assistances to tribes is not subject to intergovernmental review.

66.306 Environmental Justice Collaborative Problem-Solving Grant Program when a proposed financial assistance Federal financial assistance involves land use planning or demonstration or implementation projects that involve construction.

66.309 Surveys, Studies, Investigations, Training and Special Purpose Activities Relating to Environmental Justice when a proposed financial assistance Federal financial assistance involves land use planning or demonstration or implementation projects that involve construction.

66.312 State Environmental Justice Cooperative Agreement Program when a proposed financial assistance Federal financial assistance involves land use planning or demonstration or implementation projects that involve construction.

66.418 Construction Grants for Wastewater Treatment Works.

66.419 Water Pollution Control State, Interstate, and Tribal Program Support when proposed Federal financial assistance involves land use planning. Federal financial assistances to tribes is not subject to intergovernmental review.

66.424 Surveys, Studies, Investigations, Demonstrations, and Training Grants - Section 1442 of the Safe Drinking Water Act when there is construction associated with a demonstration project.

66.432 State Public Water Supervision when proposed Federal financial assistance involves planning for construction of drinking water infrastructure.

66.436 Surveys, Studies, Investigations, Demonstrations, and Training Grants and Cooperative Agreements - Section 104(b)(3) of the Clean Water Act when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.437 Long Island Sound Program when proposed financial assistance involves land use planning or implementation of restoration projects requiring construction.

66.440 Urban Waters Small Grants when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.441 Healthy Watershed Consortium Grant Program when proposed Federal financial assistance involves land use planning and the pass-through entity has identified locations of potential projects at time of award.

66.442 Assistance for Small and Disadvantaged Communities Drinking Water Grant Program (SDWA 1459A) when proposed Federal financial assistance involves planning, design, or construction of drinking water storage facilities, distribution systems or other drinking water infrastructure.

66.443 Reducing Lead in Drinking Water (SDWA 1459B) when proposed financial assistance involves, planning, design or construction of drinking water infrastructure and/or treatment improvements or facility remediation in schools and child-care facilities.

66.444 Voluntary School and Child Care Lead Testing and Reduction Grant Program (SDWA 1464(d)) when proposed financial assistance may involve replacement of water lines or other construction necessary to remediate lead contamination in drinking water at schools and child-care programs. \* Intergovernmental Review is also required as a matter of EPA policy for voluntary testing or compliance monitoring

66.447 Sewer Overflow and Stormwater Reuse Municipal Grant Program.

66.456 National Estuary Program when proposed financial assistance involves land use planning or implementation of restoration projects requiring construction.

66.458 Capitalization Grants for Clean Water State Revolving Funds. Note that EPA has determined that states meet their intergovernmental review responsibilities under 40 CFR Part 29 when they comply with the public notice requirements for Intended Use Plans prescribed in 40 CFR 35.3150.

66.460 Nonpoint Source Implementation Grants when proposed Federal financial assistance involves land use planning or implementation of nonpoint source management projects requiring construction.

66.461 Regional Wetland Program Development Grants when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.462 National Wetland Program Development Grants and Five-Star Restoration Training Grant when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.466 Chesapeake Bay Program when proposed Federal financial assistance involves land use planning or assessments, implementation of conservation or restoration projects and other projects requiring construction.

66.468 Capitalization Grants for Drinking Water State Revolving Funds. Note that EPA has determined that states meet their intergovernmental review responsibilities under 40 CFR Part 29 when they comply with the public notice requirements for Intended Use Plans prescribed in 40 CFR 35.3555.

66.469 Great Lakes Program when proposed Federal financial assistance involves land use planning or implementation of restoration, remediation, or other projects requiring construction.

66.475 Gulf of Mexico Program when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.481 Lake Champlain Basin Program when proposed Federal financial assistance involves land use planning or implementation of restoration, remediation, or other projects requiring construction.

66.482 Disaster Relief Appropriations Act Hurricane Sandy Capitalization Grants for Clean Water State Revolving Funds. Note that EPA has determined that states meet their intergovernmental review responsibilities under 40 CFR Part 29 when they comply with the public notice requirements for Intended Use Plans prescribed in 40 CFR 35.3150.

66.483 Disaster Relief Appropriations Act Hurricane Sandy Capitalization Grants for Drinking Water State Revolving Funds. Note that EPA has determined that states meet their

intergovernmental review responsibilities under 40 CFR Part 29 when they comply with the public notice requirements for Intended Use Plans prescribed in 40 CFR 35.3555.

66.484 South Florida Geographic Initiatives Program when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.485 Support for the Gulf Hypoxia Action Plan when proposed Federal financial assistance involves land use planning or implementation of restoration, remediation, or other projects requiring construction.

66.509 Science to Achieve Results (STAR) Research Program when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.510 Surveys, Studies, Investigations and Special Purpose Grants within the Office of Research and Development when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.511 Office of Research and Development Consolidated Research/Training/Fellowships when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.516 P3 Award: National Student Design Competition for Sustainability when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.517 Regional Applied Research Efforts (RARE) when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.521 Innovative Water Technology Grant Program when proposed Federal financial assistance involves land use planning and/or deployment of innovative water technologies that require construction or improvement of water infrastructure.

66.522 Enhanced Aquifer Use and Recharge Program when proposed Federal financial assistance involves land use planning or construction associated with groundwater research on enhanced aquifer use and recharge.

66.604 Environmental Justice Small Grant Program when proposed Federal financial assistance involves land use planning or construction associated with implementation or demonstration projects.

66.605 Performance Partnership Grants when proposed Federal financial assistance involves land use planning or implementation of restoration, remediation or other projects requiring construction.

66.610 Surveys, Studies, Investigations and Special Purpose Grants within the Office of the Administrator when proposed financial assistance involves land use planning or construction associated with demonstration projects.

66.611 Environmental Policy and Innovation Grants when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.614 Financial Assistance For Community Support Activities To Address Environmental Justice Issues when proposed Federal financial assistance involves land use planning.

66.615 Environmental Justice Thriving Communities Grantmaking Program when proposed financial assistance involves land use planning or construction.

66.616 Environmental and Climate Justice Block Grant Program when proposed Federal financial assistance involves land use planning or construction.

66.716 Research, Development, Monitoring, Public Education, Outreach, Training, Demonstrations, and Studies (OCSPP) when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.717 Source Reduction Assistance when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.802 Superfund State, Political Subdivision, and Indian Tribe Site-Specific Cooperative Agreements Superfund when proposed Federal financial assistance will be awarded to states or political subdivisions of states for removal or remediation of contaminated soil. Federal financial assistances to tribes is not subject to intergovernmental review.

66.805 Leaking Underground Storage Tank Trust Fund Corrective Action Program when Federal financial assistance involves planning and construction necessary to carry out corrective action.

66.808 Solid Waste Management Assistance Grants when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.813 Alternative or Innovative Treatment Technology Research, Demonstration, Training, and Hazardous Substance Research Grants when proposed Federal financial assistance involves land use planning or construction associated with demonstration projects.

66.814 Brownfields Training, Research, and Technical Assistance Grants and Cooperative Agreements when proposed Federal financial assistance involves land use planning.

66.817 State and Tribal Response Program Grants when proposed financial assistance to states involves construction related to cleanups of Brownfields sites.

66.818 Brownfields Assessment and Cleanup Cooperative Agreements when proposed financial assistance involves land use planning and construction necessary to clean up Brownfields sites.

66.920 Solid Waste Infrastructure for Recycling Infrastructure Grants when proposed financial assistance involves land use planning or construction.

66.956 Targeted Airsheds when proposed Federal financial assistance involves land use planning; road paving; and installation of permanent road signs, vehicle charging equipment, and certain marine shore power equipment.

66.957 Greenhouse Gas Reduction Fund: Section 134(a)(2) & Section 134(a)(3) - General Assistance & Low-Income & Disadvantaged Communities Grant Program when proposed financial assistance involves construction.

66.959 Greenhouse Gas Reduction Fund: Section 134(a)(1) - Zero Emission Technologies Grant Program when proposed financial assistance involves land use planning or construction.

66.958 Water Infrastructure Finance and Innovation Act (WIFIA). Note that EPA has determined that applicants for WIFIA credit assistance meet their intergovernmental review responsibilities under 40 CFR Part 29 when they comply with the public sponsorship requirements at 40 CFR 35.10045(a)(5) and requirements at 40 CFR 35.10050 for coordination with state infrastructure financing authorities.

66.961 Superfund State and Indian Tribe Combined Cooperative Agreements (Site-specific and Core) when Federal financial assistance to states for site specific removal or remedial actions involves planning and construction. Financial assistance to tribes is not subject to Intergovernmental Review.

66.962 Columbia River Basin Restoration Program when proposed financial assistance involves land use planning, construction of infrastructure or stabilization, cleanup or remediation of land contaminated with mining wastes.

66.964 Chesapeake Bay Program Implementation, Regulatory/Accountability and Monitoring Grants when proposed Federal financial assistance involves land use planning or assessments, implementation of conservation or restoration projects and other projects requiring construction.