

**§ 35.4075**

**§ 35.4075 Pre-award costs.**

(a) Grant funds may not be used to pay costs incurred prior to award of the TAG, except as provided in paragraph (b) of this section.

(b) Necessary and reasonable costs of incorporation, if incurred for the sole purpose of complying with this subpart, will be eligible pre-award costs and may be charged to the TAG or count toward the matching funds requirement described in § 35.4085(a)(2).

**§ 35.4080 Method of payment.**

All grant recipients shall be reimbursed for grant-related eligible, allocable, allowable, and reasonable costs up to the amount of the TAG which have been incurred and which the recipients are currently and legally obligated to pay. Recipients may submit monthly or quarterly requests for reimbursement to the Agency on SF-270—Request for Advance or Reimbursement, or the appropriate State form if the State is administering the TAG Program. Costs incurred greater than \$500 may be submitted monthly.

**§ 35.4085 Grant limitations.**

TAGs will be awarded subject to the following limitations:

(a) The recipient must contribute 20 percent of the total costs of the TAG project, except as provided in § 35.4090(b).

(1) Absent specific statutory authority, no Federal funds may be included in the matching share.

(2) To meet the matching funds requirement, the recipient may use cash and/or in-kind contributions.

(b) The TAG award will not initially exceed \$50,000 for a single recipient, except in the case of a single application covering multiple sites.

(c) Not more than one TAG may be awarded for any site.

(d) Administrative costs of the grant may not exceed 20 percent of project costs. Administrative costs may include, but are not limited to, paying an individual(s) to administer the grant.

**§ 35.4090 Waivers.**

(a) Waivers of the \$50,000 per recipient limit may be granted under either or both of the following circumstances:

(1) *Multiple sites.* In order to reduce the administrative burden to a recipient group where there are several eligible sites geographically close to each other, the limitation that a single recipient may not receive more than \$50,000 may be waived by the Agency (e.g., 3 sites × \$50,000 = grant of \$150,000).

(2) *Complex sites.* The Award Official may waive the \$50,000 per recipient limit if the recipient group demonstrates that the site is especially complex and that the following criteria have been met:

(i) Site(s) characteristics indicate that due to the nature or volume of the site-related information for review, additional funds are necessary;

(ii) The recipient's management of any previous TAG award(s) was satisfactory and that costs incurred under the previous award are allowable and reasonable; and

(iii) No recipient group may receive more than \$100,000 in TAG awards for any one site.

(b) Waivers of the Matching Funds Requirement. The Award Official may waive all or part of the recipient's matching funds requirement only after establishing that:

(1) There is a need for a waiver because providing the "match" would constitute an unusual financial hardship;

(2) A good faith effort at raising the "match," including obtaining in-kind services, has failed; and

(3) The waiver is necessary to facilitate public participation in the selection of remedial action at the facility.

(c) Where a TAG recipient subsequently obtains a waiver of the matching funds requirement, the grant agreement must be amended. (See 40 CFR part 30, subpart G.)

(d) No waivers of the matching funds requirement will be granted by the Agency once the Record of Decision has been issued at the last operable unit at the site.

**§ 35.4100 Disputes.**

(a) If the Agency administers the TAG Program, the Agency shall review disputes between Agency officials and