

# **Guidance for the Implementation of the Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Grant Program in South Carolina**



SC DEPARTMENT *of*  
**ENVIRONMENTAL  
SERVICES**

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## I. Introduction

The Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Grant Program was established as a part of the Infrastructure Investment and Jobs Act (IIJA) that was signed into law on November 15, 2021. The statutory authority establishing the EC-SDC Grant Program requirements is located in Section 1459A of the Safe Drinking Water Act (SDWA), which is the same authority as the United States Environmental Protection Agency (EPA) Water Infrastructure Improvements for the Nation (WIIN) Small, Underserved, and Disadvantaged Communities (SUDC) grant. The national allocation of the \$5 billion total provided by IIJA for the EC-SDC Grant Program between federal fiscal years 2022 – 2026 (FFY 2022 – 2026) is to address emerging contaminants – including per- and poly-fluoroalkyl substances (PFAS) – found in drinking water within small or disadvantaged communities. This voluntary grant program is available to fund eligible projects in these communities with no cost share requirements. PFAS and/or any contaminant appearing on an [EPA Contaminant Candidate List \(CCL; i.e. – CCL 1, CCL 2, CCL 3, CCL 4, CCL 5\)](#) may be the subject of a proposed project. Communities across the country, including those in South Carolina, need relief from these emerging contaminants in their drinking water. EC-SDC Grant Program funding combines IIJA resources and priorities to help states support *Pillar 1: Clean Air, Land, and Water for Every American* of the [Powering the Great American Comeback Initiative](#) through:

- Addressing PFAS and other emerging contaminant challenges;
- Directing resources to communities most in need of assistance; and
- Developing or improving administrative procedures to reduce or eliminate barriers for small or disadvantaged communities to access these funds.

South Carolina, via the South Carolina Department of Environmental Services (SCDES), will utilize the funding awarded for the EC-SDC Grant Program to reduce exposure to PFAS and other emerging contaminants via drinking water in small or disadvantaged communities that otherwise may not have the ability to address them – ultimately providing pathways to solutions aimed at improving overall health outcomes for the citizens of the state.

This guide acts as a summary of information for interested individuals, organizations, public water systems (PWSs), and agents acting on their behalf of the EC-SDC Grant Program in South Carolina. The information that follows applies to funding awarded to the State during the initial two years of the program, FFY 2022 and 2023. Updated guidance from EPA related to the funding for FFY 2024 – 2026 will be added to this document as it is awarded to the State and those funds become available for eligible projects within South Carolina.

## II. Outreach

SCDES conducts an annual call for projects in the first quarter of each calendar year to notify potentially interested parties of the availability of this funding. The annual call for projects notice is emailed to State Revolving Fund (SRF) contacts, Rural Infrastructure Authority (RIA) contacts, SCDES watershed stakeholders, and members of the South Carolina Rural Water Association (SCRWA), the South Carolina Association of Counties, and the Municipal Association of South Carolina. The call for projects email includes an informational brochure and contact information to receive further details on the program.

A webinar is hosted annually by SCDES to supplement the information distributed within the call for projects email to provide an expanded explanation of this grant funding opportunity to address PFAS and other emerging contaminants, which includes outlining the application process. The SCDES website hosts a call for projects webpage disseminating this information, where information on this grant funding opportunity is accessible 24/7.

Targeted outreach via telephone, email, or in-person contact may also be conducted to organizations with perceived interest and small PWSs known to exceed one or more maximum contaminant levels (MCLs) for PFAS defined within the [PFAS National Primary Drinking Water Regulation](#) based upon sampling results, such as the baseline [community drinking water system PFAS sampling](#) conducted by the South Carolina Department of Health and Environmental Control (SCDHEC) between 2020 and 2023 and the Fifth Unregulated Contaminants Monitoring Rule (UCMR 5) sampling results published by EPA.

### III. Technical Assistance

The challenges being faced by PWSs in understanding and appropriately addressing PFAS and other emerging contaminants have not gone unnoticed. The EC-SDC Grant Program recognizes that many PWSs may not have the administrative or technical capacity to navigate the processes necessary to adequately quantify the issue, identify potential remediation options, and implement an effective remediation strategy. The EC-SDC Grant Program is striving to ease these concerns and incentivize participation in this grant funding opportunity by offering technical assistance to eligible PWSs seeking EC-SDC Grant Program funds.

SCDES utilizes the [South Carolina Rural Water Association](#) (SCRWA) to fulfill many technical assistance needs. SCRWA conducted initial outreach efforts to the pool of PWSs known to have PFAS concerns for the EC-SDC Grant Program and continues to offer technical assistance through an existing contract with SCDES for the benefit of small drinking water utilities serving fewer than 10,000 people. The technical assistance services available include those related to, but not limited to, the following topics:

- Development of a project [application](#);
- Regulatory compliance assistance;
- Technical and managerial assistance;
- Financial sustainability;
- System viability studies;
- GIS mapping assistance; and
- Training events for PWS staff and management.

These technical assistance services are being provided to interested PWSs meeting the EC-SDC Grant Program eligibility requirements at no additional cost to those PWSs. Eligible PWSs will be encouraged to utilize these technical assistance services to facilitate the best possible outcomes under the limited timeline tied to the availability of EC-SDC Grant Program funds.

## IV. Eligibility Criteria / Eligible Project Sponsors

The State will provide funding assistance to eligible PWSs and non-profit organizations partnering with one or more PWSs serving small or disadvantaged communities facing issues with PFAS or one or more other emerging contaminants contained within an [EPA CCL](#) to enact projects meeting the defined eligibility criteria (see Section V. for eligible project types). For the purposes of the EC-SDC Grant Program, public water systems include existing privately and publicly owned community water systems and non-profit non-community water systems, including systems utilizing point of entry or residential central treatment. Community public water systems are those that have at least 15 service connections or provide water to at least 25 people for 60 or more days out of the year.

The State utilizes criteria established by the South Carolina Department of Environmental Services (SCDES) in the [Drinking Water State Revolving Fund Program \(SRF\) Emerging Contaminants \(EC\) Intended Use Plan \(IUP\)](#), dated May of 2024, to categorize eligibility as a small or disadvantaged community. Those criteria include:

- a. The median household income (MHI) is less than the state MHI;
- b. Serves a population less than 10,000; and
- c. The system cannot afford a SRF loan; or
- d. A sustainable system owner willing to provide drinking water service to homeowners with private wells with emerging contaminants that exceed health-based levels.

The entities that meet the eligibility requirements described above and are facing concerns from PFAS or other emerging contaminant levels will become potential Project Sponsors that may be eligible to receive EC-SDC Grant Program funding.

## V. Eligible Uses and Activities of EC-SDC Grant Program Funding

South Carolina defines eligible uses and activities for the EC-SDC Grant Program based upon guidance published by EPA. The currently applicable implementation guidance based upon the funding received by SCDES to operate the EC-SDC Grant Program is found on the [EPA EC-SDC Grant website](#) as the [FY22 / FY23 Implementation Document](#). The activities and uses described within the EPA implementation documentation that are approved for implementation in South Carolina are described here in Section V. as follows. As each FFY funding allotment is awarded to the State, these uses and activities may be revised to reflect the implementation documentation associated with each FFY funding allotment as it is released by EPA.

### A. Study and/or Planning and Design Projects by a PWS

An eligible PWS serving a small or disadvantaged community will conduct study and/or planning and design work where PFAS or other emerging contaminant levels requiring action are suspected or have been identified. Planning and design work includes pre-construction project activities necessary to determine which treatment technology or other solution is best suited for the needs of the PWS. A PWS may hire a licensed, qualified contractor to perform the work for the PWS.

Some examples of eligible study and/or planning and design projects are shown in the table below, however, this list is not all inclusive. Questions on the eligibility of a use or activity not shown in the list below may be directed to the [EC-SDC Coordinator](#).

Examples of Eligible Study and/or Planning and Design Activities	
<ul style="list-style-type: none"> <li>◆ Feasibility studies</li> <li>◆ Preliminary engineering reports (PERs)</li> <li>◆ Developing a PFAS / emerging contaminant action plan</li> <li>◆ Alternatives analyses</li> <li>◆ Pilot testing for treatment alternatives</li> </ul>	<ul style="list-style-type: none"> <li>◆ Permit fees</li> <li>◆ New water source exploration</li> <li>◆ Conduct a water system consolidation assessment</li> <li>◆ Environmental and archaeological review</li> <li>◆ Preliminary and final design</li> </ul>

## B. Remediation Projects by a PWS

An eligible PWS that is found to be facing concerns from PFAS or other emerging contaminants listed on an [EPA CCL](#) may seek EC-SDC Grant Program funds to address these issues once one or more viable remediation strategies have been identified. After the chosen remediation or mitigation strategy is implemented, the PWS shall conduct follow-up sampling to evaluate its effectiveness. The results of this follow-up sampling will be reported to the State.

The final decision on which remediation strategy or combination of strategies are implemented ultimately lies with the individual PWS. The State, through a Technical Assistance Contractor, may provide guidance on selecting the most appropriate remediation strategy, however, the State and/or its Technical Assistance Contractor shall not decide for a PWS which remediation strategy is to be implemented. Each PWS will retain the responsibility of deciding which action or actions are in the best interest of the PWS.

Examples of a few eligible uses as remediation projects are shown below. Questions on the eligibility of a use or activity not shown in the list below may be directed to the [EC-SDC Coordinator](#).

Examples of Eligible Remediation Activities	
<ul style="list-style-type: none"> <li>Installation of new treatment processes in a drinking water treatment facility to reduce PFAS or other emerging contaminant levels</li> <li>Development of a new drinking water source to address an existing PFAS or other emerging contaminant(s) issue</li> <li>Connection of homeowners serviced by individual private drinking water wells experiencing PFAS or other emerging contaminant issues to an existing PWS capable of supplying drinking water with fewer or no PFAS or other emerging contaminant issues</li> </ul>	<ul style="list-style-type: none"> <li>Testing or sampling after remediation efforts are implemented or a new source water is developed</li> <li>Water system consolidation to reduce or eliminate PFAS or other emerging contaminant levels in the finished drinking water supply</li> </ul>



## C. Source Water Activities

An eligible entity, either as a PWS or as a non-profit organization through a partnership with a PWS serving a small or disadvantaged community, may engage in a project aimed to identify the presence, assess the levels of, and/or remediate PFAS or other emerging contaminants contained on an [EPA CCL](#) in the source waters utilized by a PWS.

Examples of a few eligible uses as source water remediation projects are shown below. Questions on the eligibility of a use or activity not shown in the list below may be directed to the [EC-SDC Coordinator](#).

Examples of Eligible Source Water Activities	
<ul style="list-style-type: none"> <li>Non-routine, non-compliance sampling for PFAS or other emerging contaminants in source waters to determine the presence / absence, significance, or track PFAS or emerging contaminant sources in source waters*</li> <li>Development of a source water protection plan or watershed plan to address emerging contaminants in source waters</li> <li>Installation of monitoring wells or equipment to evaluate the effectiveness of a funded project</li> <li>Well abandonment</li> <li>Wildlife management, such as feral hog removal, to reduce bacteria and pathogen contamination of source waters</li> <li>Physical removal of items from source waters, when those items are known contributors to a PFAS or other emerging contaminant concern, to treat against contamination impacted source water or contaminated land and industrial sources that may impact source water to alleviate a vulnerability to providing safe and reliable drinking water</li> </ul>	<ul style="list-style-type: none"> <li>Development of mapping software or data to analyze outcomes related to PFAS or other emerging contaminants being addressed within source waters</li> <li>Modeling of the fate or transport of PFAS or other emerging contaminants in source waters</li> <li>Best management practices (BMPs); such as rain gardens, catch basins, erosion control measures, or vegetated buffers; designed to reduce or capture PFAS or other emerging contaminants prior to them reaching source waters</li> <li>Agricultural BMPs to reduce or prevent sediment and/or nutrients from reaching source waters in areas where cyanobacteria / cyanotoxins are a concern</li> <li>Public education and outreach on PFAS or other emerging contaminants focused on reducing their impacts on source water</li> </ul>

*\*Eligibility for non-routine, non-compliance related investigative sampling is not contingent upon sample results indicating the presence of PFAS or other emerging contaminants.*

## VI. Ineligible Uses and Activities of EC-SDC Grant Funding

There are uses and activities that are explicitly categorized as being ineligible for EC-SDC Grant Program funding. The list below provides a sample of those ineligible uses and activities. This list is intended to be illustrative and is not all inclusive. Questions on the eligibility of a use or activity not shown in the list below may be directed to the [EC-SDC Coordinator](#).

Examples of Ineligible Uses and Activities	
<ul style="list-style-type: none"><li>⊘ Projects whose primary purpose is not to address PFAS or emerging contaminants</li><li>⊘ Remediation of contaminated groundwater or underlying aquifers</li><li>⊘ Operations and maintenance costs (prohibited by statute)</li><li>⊘ Funding of bottled water</li><li>⊘ Lead service line replacement</li><li>⊘ Replacement of premise plumbing</li><li>⊘ Construction or rehabilitation of dams</li></ul>	<ul style="list-style-type: none"><li>⊘ Activities needed primarily for fire protection</li><li>⊘ Activities needed primarily to serve future population growth</li><li>⊘ Activities that have received assistance from the tribal allotment for Indian Tribes and Alaska Native Villages</li><li>⊘ Costs that are unallowable (e.g., lobbying and alcoholic beverages) under 2 CFR 200 Subpart E – Cost Principles</li><li>⊘ Acquisition of land, rights of way, easements, and/or relocations</li></ul>

## VII. Application Process and Project Selection / Prioritization

A Project Sponsor seeking EC-SDC Grant Program funds must [submit an application](#) proposing a project. A Project Sponsor may employ the services of a qualified consultant to aid in completion and submission of an application. Each application will be reviewed by the State to ensure the proposed project and sponsor meet the eligibility requirements. Projects will be scored according to the [DWSRF Priority Ranking System](#). Additionally, priority will be assigned to projects based upon:

- Significance of the PFAS and/or other emerging contaminant concern;
- PWS size;
- Project feasibility; and
- Project cost.

The significance of PFAS or other emerging contaminant contamination will be determined by comparing sample results, where present, to the maximum contaminant levels (MCLs) published in the [Final PFAS National Primary Drinking Water Regulation](#) or an existing Health Advisory (HA). For other emerging contaminants, the existence of a greater number of emerging contaminants appearing on an [EPA CCL](#) will be considered more significant than the existence of fewer emerging contaminants appearing on an [EPA CCL](#).

As a voluntary, grant funded program addressing specific drinking water quality concerns, the EC-SDC Grant Program can only estimate the level of participation by the entities it aims to serve. Given the limited amount of grant funding available, any interested eligible entity is encouraged to submit a completed application during the call for projects period prior to the submission deadline to maximize the likelihood of consideration for the grant funds available within a given fiscal year. Any application received after the submission deadline may receive consideration on a first come, first served basis and the award of any grant funds to a project described on that application is dependent not only upon the merits of the proposed project, but also specifically upon the amount of grant funds that remain available.

EPA may review all projects chosen by the State to be awarded EC-SDC Grant Program funding and evaluate the merits of those projects.

## VIII. Match Requirements

The EC-SDC Grant Program has no cost share or match requirements.

## IX. Project Funding

EC-SDC Grant Program funds are to be awarded to the selected eligible Project Sponsors as a grant. The EC-SDC Grant Program funds awarded to a Project Sponsor for the selected project are not a loan, do not accrue interest, and do not require repayment as long as funding is spent on approved eligible activities.

Grant funds under this program will be provided to cover actual eligible costs by the Project Sponsor awarded funding on a reimbursement basis during the project period stated within the signed grant agreement. The Project Sponsor must submit reimbursement requests (also known as draw requests) and all associated invoices tied to each request to SCDES for review. Each reimbursement request must be for a total dollar amount of no less than \$5,000 to ensure operational efficiency, unless prior approval is obtained. The following information must be included on each invoice submitted to SCDES:

- Invoice date;
  - Must be within the project period defined by the grant agreement;
- Grant agreement number;
  - Listed within the signed grant agreement;
- Project Sponsor name;
- Project Sponsor address;
- Project Sponsor contact information;
- Description of invoiced costs; and
- The total dollar amount being requested for that invoice.

Upon approval from SCDES staff, the Project Sponsor will be reimbursed for the eligible costs listed within the reimbursement request that are supported by the accompanying invoice(s). A Project Sponsor, in total, may request up to 90% of the dollar amount awarded through the grant agreement prior to the submission of the final report for the project (see XI. Reporting). The remaining 10% of the total awarded grant funds shall only be reimbursed for eligible costs as a part of a final reimbursement request that accompanies the submission of a final report for the project.

EC-SDC Grant Program funds will not be pre-emptively distributed to any Project Sponsor for any project to cover estimated or anticipated costs.

The use of EC-SDC Grant Program funds does require proper acknowledgement to ensure public awareness of this funding source and its efforts. As such, project materials generated utilizing EC-SDC Grant Program funds shall include a funding acknowledgement statement. For example:

*This project is funded (in part) by the United States Environmental Protection Agency via an Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Grant through the South Carolina Department of Environmental Services.*

The logos for EPA and SCDES shall accompany the funding acknowledgement statement. Logos to be used for these purposes can be obtained from the [EC-SDC Coordinator](#). The inclusion of logos is not required for social media where character limits inhibit their use.

## X. Project Timeline

The EC-SDC Grant Program has a limited lifespan, and the funding associated with it does have an expiration date. The use of EC-SDC Grant Program funding is time sensitive and it is imperative to ensure all activities are completed prior to the expiration of this funding source. As such, all projects awarded EC-SDC Grant Program funds must complete all EC-SDC Grant Program funded activities and fulfill the conditions of a signed grant agreement within 24 months.

## XI. Reporting

The EC-SDC Grant Program has specific reporting requirements associated with it. These requirements aim to accurately quantify the level of impact this grant program has on the drinking water within communities it aims to benefit. Reporting for EC-SDC Grant Program projects will be required to primarily focus on these seven factors:

1. Number and location of small or disadvantaged communities receiving funds;
2. Number of homes served within the project area;
3. Population impacted by completed projects;
4. Dollar amount of assistance provided to each small or disadvantaged community;
5. Number and location of impacted PWSs by the project;
6. Number of PWSs evaluated for PFAS or other emerging contaminants; and
7. Number of treatment projects or activities targeting the reduction of emerging contaminants.

Project Sponsors are encouraged to also report any secondary benefits related to the improvement of drinking water or source waters, community building, process improvements that facilitate greater efficiency, or improved resiliency. Where applicable, estimates in the reduction of PFAS or other emerging contaminants should be included.

### A. Quarterly Reports

Projects awarded EC-SDC Grant Program funding will be required to submit quarterly reports to SCDES that provide an update on all EC-SDC Grant Program related project activities that occurred within the quarter. These reports shall be submitted electronically to [EC-SDC@des.sc.gov](mailto:EC-SDC@des.sc.gov). Quarterly reports will be required even if a project makes no measurable progress during a given quarter. The quarterly reporting periods and quarterly report due dates are:

- January – March, report due April 15;
- April – June, report due July 15;
- July – September, report due October 15; and
- October – December, report due January 15.

These quarterly reporting periods and report due dates are static and independent of the start date for an EC-SDC Grant Program project. As such, a project with a start date in March of 2027, for example, will be required to submit a quarterly report for the January – March 2027 reporting period by the April 15, 2027 deadline since the project was active during the January – March 2027 reporting period. This applies even if no grant funds were spent during the reporting period.

### B. Final Report

At the conclusion of the project, a final report will be submitted by the Project Sponsor to SCDES to close out the project and summarize the totality of the activities conducted under the grant. The final report is due within 30 days of the conclusion of the project. Final reports will be utilized to track overall progress of projects funded by the EC-SDC Grant Program, quantify public health outcomes,

and help ensure compliance with federal requirements, discussed below. A final cumulative summary of all EC-SDC Grant Program expenditures and a final reimbursement request are to accompany the final report. Approval of the final reimbursement request is dependent upon satisfying all cost eligibility and invoicing requirements, as well as approval of the final report.

## **XII. Permitting**

The EC-SDC Grant Program strongly advises that the time required to obtain all applicable permits be taken into consideration when applying for EC-SDC Grant Program funds. This should be factored into the scope of work for each project, knowing that EC-SDC Grant Program projects have timeline limitations, in order to ensure a proper on-time completion of the project. The selection of a project / Project Sponsor to receive EC-SDC Grant Program funding does not waive, expedite, or otherwise impact the process of permitting any portion of a selected project. All applicable permitting requirements remain in effect and are the responsibility of the Project Sponsor.

For any proposed project occurring in, along, or near any type of body of water, the following must be considered:

1. Will the project result in discharge, excavation, or fill of wetlands or impact state waters?
  - a. If yes, contact the [US Army Corps of Engineers](#).
2. Will the project potentially result in excavation, fill, or propose other activities within a FEMA Special Flood Hazard Area?
  - a. If yes, consult the [FEMA Flood Map Service Center](#).

## **XIII. Federal Requirements**

All EC-SDC Grant Program projects and their Project Sponsors, as well as any consultants, contractors, agents, or subrecipients receiving funds as a part of an EC-SDC Grant Program project are required to meet specific federal requirements, including those within the [Uniform Grant Guidance \(UGG\)](#). A summary of some of the individual federal requirements is included below. For additional information on applicable federal requirements and the list of cross-cutting federal authorities for the EC-SDC Grant Program, please see the [FY22 / FY23 Implementation Document](#) located on the [EPA EC-SDC Grant website](#).

### **A. Procurement**

All recipients of EC-SDC Grant Program funding are required to follow state (South Carolina) and federal procurement guidelines. Information on the procurement of services, supplies, and equipment may be found on the [Division of Procurement Services webpage](#) and the [EPA Grants webpage](#) within the [Best Practice Guide for Procuring Services, Supplies, and Equipment under EPA Assistance Agreements](#).

### **B. Single Audit**

Any entity receiving federal funds totaling \$1 million or more from all federal funding sources within an entity-defined fiscal year must complete a single audit of those federal funds received. This applies to the total amount of federal funding dollars received within that fiscal year, not the total amount of federal funding dollars awarded. The costs associated with a single audit are an allowable expense under the EC-SDC Grant Program as the proportion of EC-SDC Grant Program funds received relative to the total amount of federal funds received within the entity-defined fiscal year. This cost is billable as a direct cost and should be budgeted for accordingly.

For example, when receiving \$1 million or more in federal funds during a given fiscal year, if the amount of EC-SDC Grant Program funds received comprises 20% of the total amount of federal funding dollars received during that fiscal year, the EC-SDC Grant Program can cover 20% of the total cost to perform a single audit as an eligible expense.

## C. Civil Rights and Nondiscrimination Responsibilities

Projects receiving EC-SDC Grant Program funds are subject to the federal requirements regarding civil rights and nondiscrimination, including those that follow.

- The Age Discrimination Act of 1975
- Title VI of the Civil Rights Act of 1964
  - 40 C.F.R. Part 7
- Section 13 of the Federal Water Pollution Control Act Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973
- Title IX of the Education Act Amendments of 1972
  - 40 C.F.R. Part 5

Recipients of EC-SDC Grant Program funding must abide by the civil rights laws above, which prohibit discrimination in providing services or benefits based on race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or age. These laws were amended in 1988 to make clear that their anti-discrimination powers are intended to apply to the entire operations of a Project Sponsor, not just the specific program, project, or activity that involves federal assistance. Recipients of federal financial assistance from the United States Environmental Protection Agency must comply with the above laws.

## D. Disadvantaged Business Enterprise Compliance

Project Sponsors are required to ensure, to the fullest extent possible, that disadvantaged businesses have the opportunity to participate in the contracts and subcontracts awarded via the EC-SDC Grant Program. This is required by public law which EPA has determined applies to the EC-SDC Grant Program via:

- Public Law 102-389; and
- 42 U.S.C. 4370d.

### Disadvantaged Business Enterprise Definition

A Disadvantaged Business Enterprise (DBE) is defined as a business that is:

- Owned by socially disadvantaged individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities; and
- Owned by economically disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished opportunities to obtain capital and credit as compared to others in the same line of business who are not socially disadvantaged. An individual claiming disadvantaged status must have an initial and continued personal net worth of less than \$750,000.

For the purposes of this definition, disadvantaged enterprises may include those owned by individuals of the following communities:

- Black Americans
- Women
- Disabled Americans
- Minority Institutions
- Asian Americans
- Hispanic Americans
- Native Americans
- Historically Black Colleges and Universities

Six Good Faith Efforts [40 CFR, Part 33, Subpart C] Pursuant to 40 CFR Section 33.301, the recipient agrees to make good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained. The specific six good faith efforts can be found at: 40 CFR Section 33.301 (a)-(f). However, in EPA assistance agreements that are for the benefit of Native Americans, the recipient must solicit and recruit Native American organizations and Native American-owned economic enterprises and give them preference in the award process prior to undertaking the six good faith efforts (40 CFR Section 33.304). If recruiting efforts are unsuccessful, the recipient must follow the six good faith efforts.

Contract Administration Provisions [40 CFR, Section 33.302] The recipient agrees to comply with the contract administration provisions of 40 CFR Section 33.302 (a)-(d) and (i).

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

## E. Parties Excluded from Federal Procurement and Non-Procurement Programs

### *Debarment and Suspension, Executive Order 12549*

Under the federal authority listed above, funds provided by the federally assisted EC-SDC Grant Program may not go to individuals or entities that are prohibited from doing business with the federal government. Debarment status can be checked on the System for Award Management (SAM) Website, <https://sam.gov/>.

Project Sponsors, prime contractors, and subcontractors whose contract amount is expected to equal or exceed \$25,000 must submit a Certification Regarding Debarment, Suspension, and Other Responsibility Matters certifying that they are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participating in a contract using federal funds.



## F. The Federal Funding Accountability and Transparency Act (FFATA)

*Federal Funding Accountability and Transparency Act of 2006 (FFATA); Public Law 109-282*

The Federal Funding Accountability and Transparency Act of 2006, as amended, requires disclosure of all entities and organizations receiving federal funds over \$25,000. Information collected by SCDES to comply with FFATA requirements may include:

1. Award Date;
2. Award Amount;
3. SCDES Contract;
4. Place of Performance;
5. Area of Benefit (congressional district);
6. Project Sponsor Unique Entity Identifier (UEI; 12 digits; available via [sam.gov](https://sam.gov));
7. Project Sponsor Parent UEI;
8. Project Sponsor Doing Business as Name;
9. Project Sponsor Address (including zip + 4 digits); and, conditionally,
10. The names and total compensation of the five (5) most highly compensated officers.

## G. Environmental Review

The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., as implemented by the Council on Environmental Quality (CEQ) Regulations (40 CFR Parts 1500 through 1508), and EPA NEPA Regulations (40 CFR Part 6) requires EC-SDC Grant Program projects to undergo an environmental review. The environmental review will be conducted according to the [State Environmental Review Process](#) as defined by SCDES / SRF. The Project Sponsor will submit an environmental evaluation as part of the Preliminary Engineering Report (PER). The evaluation must include sufficient information to enable SCDES to complete an environmental review to determine if the project will significantly impact the environment.

In general, the Project Sponsor should avoid activities which significantly impact, directly or indirectly, sensitive areas containing features such as those listed below.

- Endangered species
- Flood plains
- Historical / archaeological sites
- Important farmlands
- National Natural Landmarks
- Special coastal resources
- Wetlands
- Wild and scenic rivers

## H. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URLAP)

The Project Sponsor is required to certify in writing that it has complied with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act). This certification requirement applies to all land whether already owned, leased, purchased, or used without payment. Fee simple title, long-term lease, permanent easement, and use without payment are all acceptable acquisition methods. Compliance with the Uniform Act can be waived for pre-owned land or previously acquired easements, but a request for waiver stating the date of possession of such waived land or easements must be submitted.

## I. Build America, Buy America Act (BABA)

*Build America, Buy America Act. Pub. L. No. 117-58, §§ 70901-52*

*Ensuring the Future Is Made in All of America by All of America's Workers, Executive Order 14005*

The Build America, Buy America (BABA) Act requires the following Buy America preference:

1. All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
2. All manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
3. All construction materials are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.

Additional information may be found on the [EPA Build America, Buy America \(BABA\) website](#).

Unless a BABA waiver has been approved, Project Sponsors must require the prime contractor to follow the BABA provisions and certify compliance using SCDES Form 4360, Bidder's Build America, Buy America Certification, which must be submitted as part of the bid package. If a BABA waiver has been approved, the Project Sponsor must submit a list of significant manufactured products or construction materials likely subject to the waiver within the scope of the project and comply with American Iron and Steel provisions.

To certify a Project Sponsor is in compliance with BABA during construction, the Project Sponsor will be required to submit a completed Build America, Buy America Compliance Form, DES Form 4359, with all draw requests.

## J. Signage

EPA desires to increase public awareness of EPA assistance agreements including those made with funds from the EC-SDC Grant Program. The primary objective is to improve public understanding of the positive benefits of grant funding to towns, cities, municipalities, and water systems. In addition, the federal government desires to increase the transparency of projects funded in whole or in part by federal dollars. The EC-SDC Grant Program will employ the same signage requirement described within the SRF [Signage Guide for Equivalency Projects](#).

The sign should satisfy the overall objective of communicating the role of EPA in funding projects that achieve positive benefit(s) but should not be burdensome in the investment of time or resources. Costs associated with meeting the signage requirement are an eligible EC-SDC Grant Program expense.

## **XIV. EC-SDC Grant Program Related Forms**

Forms associated with the EC-SDC Grant Program are available online at [des.sc.gov/ec-sdc](https://des.sc.gov/ec-sdc). The library of forms is subject to change as needs arise or updates to a form are required due to updates in guidance or regulations. Many of the forms are equivalents or adaptations of forms utilized by the SRF Program. Some forms may not be required for all EC-SDC Grant Program project types. For example, the Project Sponsor's Build America, Buy America Certification would not be required for a project that lacks construction, such as a study.

## **XV. Additional EC-SDC Grant Program Guidance**

SCDES has additional guidance documents on topics that have been adapted to the EC-SDC Grant Program. These guides are available to aid Project Sponsors as they navigate through the various types of EC-SDC Grant Program projects and are accessible online at [des.sc.gov/ec-sdc](https://des.sc.gov/ec-sdc). The list of guides will continue to be updated as needed.