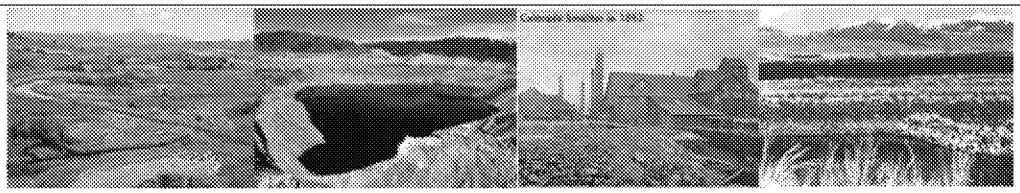

CITIZENS TECHNICAL ENVIRONMENTAL COMMITTEE

27 West Park Street
Butte, MT 59701
E-Mail: ButteCTEC@hotmail.com
Website: ButteCTEC.org

POLICIES AND PROCEDURES MANUAL

Citizen's Technical Environmental Committee (CTEC) exists to help people living in the Butte-Silver Bow Creek area understand and respond to the complex technical information related to the area's environmental problems. CTEC's major objective is to enhance the public's ability to participate meaningfully in local, state, federal, and industrial deliberations regarding solutions to the area's environmental problems.

This central objective involves educating the general population about technical environmental matters. This educational objective, in turn, encompasses assembling, analyzing, interpreting, translating, and disseminating available technical information to people in the area affected by environmental hazards, and collecting their questions, fears, needs, desires, and opinions.

The central objective of enhancing public participation further involves developing recommendations, advice, and criticism arising out of community-based concerns, independent of governmental or industrial special interests. Such recommendations, advice, and criticism are conveyed to the involved parties in whatever ways are most likely to influence final solutions for the present and future benefit of the community. Just as the community itself comprises many individuals with different concerns, CTEC's recommendations from CTEC's broad-based membership aim to accurately present both consensus and dissenting views about particular issues.

The Upper Clark Fork River Basin of Montana has two Superfund sites in the Butte area.

Superfund Site 1: **The Silver Bow Creek/Butte Area Site.** This site is located in Silver Bow County, in southwest Montana. The national Superfund database (i.e., CERCLIS) identification number for the site is MTD980502777. There are four remedial Operating Units (OU) identified by EPA within the Butte Portion of the Silver Bow Creek/Butte Area National Priorities List (NPL) site. A brief description of each of the OUs is provided below:

- **Butte Priority Soils OU (BPSOU)** - consists of historic mining areas within and near the municipalities of Butte and Walkerville, surface water, and alluvial groundwater associated with Silver Bow Creek. BPSOU Record of Decision 2006. The Consent Decree is still in negotiations.

- **Mine Flooding OU (BMFO)** - consists of the flooding Berkeley Pit and hydraulically connected underground mine workings and associated bedrock and alluvial aquifers in Butte. It addresses the bedrock groundwater system, which underlies beneath and influences the BPSOU. EPA completed a ROD for this OU in 1994. The ROD, including a treatment plant to provide perpetual treatment of groundwater and extensive monitoring into perpetuity.

- **Streamside Tailings OU (SSTOU)** - Silver Bow Creek extends from Butte approximately 23 miles to the Warm Springs Ponds, a water treatment facility located at the headwaters of the Clark Fork River. Since the late 1800s, tailings and other mine wastes containing elevated concentrations of metals have been discharged to or otherwise entered Silver Bow Creek. These toxic discharges impacted the stream and floodplain with heavy metals and virtually eliminated aquatic life in the stream. EPA and DEQ issued a Record of Decision (ROD) for the site in November 1995. The major remedial action that resulted from issuance of the ROD is excavation of tailings and related impacted soils from the floodplain of Silver Bow Creek and reconstruction of the stream channel and floodplain. For planning purposes, the SSTOU was divided into four subareas, each with a distinct geologic and geographic character.

- **West Side Soils OU** - encompasses areas of Silver Bow County that have experienced mining activity but lie outside of other OU boundaries, generally north and west of the Butte Priority Soils OU.

Superfund site 2: The Montana Pole and Treating Plant, in Silver Bow County, in southwest Montana. The national Superfund database (i.e., CERCLIS) identification number for the site is MTD006230635. The Montana Pole and Treating site is located in Butte, Montana. A wood-treating facility operated on site from 1946 to 1984. During most of this period, a solution of about 5 percent pentachlorophenol (PCP) mixed with oil was used to preserve poles, posts and bridge timbers. Wood treating involved the application of the PCP solution to wood products in vats and pressure cylinders (retorts). Creosote was used as a wood preservative for a brief period in 1969. Site operators discharged hazardous substances from the pole-treating operations into a ditch next to the plant. The substances then flowed toward Silver Bow Creek. These activities contaminated soil, sediment, surface water and groundwater with hazardous chemicals. Following cleanup, operation and maintenance activities are ongoing. This site was listed 07/22/1987. Groundwater, sediment, surface water and soil contamination by Pentachlorophenol,Polycyclic aromatic hydrocarbons, dioxins and furans from wood treatment are being remediated at the site.

CTEC By-Laws

OBJECTIVES

CTEC exists to help people living in the Butte-Silver Bow Creek area understand and respond to the complex technical information related to the area's environmental problems. In the broadest sense, then, CTEC's major objective is to enhance the public's ability to participate meaningfully in local, state, federal, and industrial deliberations regarding solutions to the area's environmental problems.

This central objective involves educating the general population about technical environmental matters. This educational objective, in turn, encompasses assembling,

analyzing, interpreting, translating, and disseminating available technical information to people in the area affected by environmental hazards, and collecting their questions, fears, needs, desires, and opinions.

The central objective of enhancing public participation further involves developing recommendations, advice, and criticism arising out of community-based concerns, independent of governmental or industrial special interests. Such recommendations, advice, and criticism are conveyed to the involved parties in whatever ways are most likely to influence final solutions for the present and future benefit of the community. Just as the community itself comprises many individuals with different concerns, CTEC's recommendations from CTEC's broad-based membership aim to accurately present both consensus and dissenting views about particular issues.

RESTRICTIONS

Section 1 CTEC shall not have or exercise any power or authority either expressly, by interpretation or by operation of law, nor shall it directly or indirectly engage in any activity, that would prevent CTEC from qualifying (and continuing to qualify) as a corporation described in section 501(c)(3) of the Internal Revenue code, contributions to which are deductible for federal income tax purposes.

Section 2 No substantial part of the activities of CTEC shall consist of carrying on propaganda, or otherwise attempting to influence legislation; nor shall it in any manner or to any extent participate in any political campaign on behalf of any candidate for public office; nor shall it engage in any activities that are unlawful under the laws of the Unites States of America, or the State of Montana, or any other jurisdiction where such activities are carried on; nor shall it engage in any transaction defined at the time as "prohibited" under section 501(c)(3) of the Internal Revenue Code.

Section 3 CTEC shall never be operated for the primary purpose of carrying on a trade or business for profit. Neither the whole, nor any part or portion, of the assets shall be used, nor shall CTEC ever be organized or operated, for purposes that are not exclusively charitable, scientific, literary, or educational within the meaning of section 501(c)(3) of the Internal Revenue Code.

Section 4 Compensation or payment shall not be paid or made to any member, officer, director, trustee, creator, or organizer of CTEC, or substantial contributor to it, except as a reasonable allowance for actual expenditures or services actually made or rendered to or for CTEC; and neither the whole or any part or portion of the assets or net earnings, current or accumulated, of CTEC shall ever be distributed to or divided among any such person; provided, further, that neither the whole nor any part of such assets or net earnings shall ever be used for accrue to, or inure to the benefit of any member or

private individual within the meaning of section 501(c)K(3) of the Internal Revenue Code.

Section 5 In the event of termination, dissolution, or winding-up of CTEC, in any manner or for any reason whatsoever, its remaining assets, if any, shall be distributed to (and only to) one or more organizations described in section 501(c)K(3) of the Internal Revenue Code.

MEMBERSHIP

Section 1 Membership shall be open to individuals and organizations whose interests and/or objectives agree with the purposes and objectives of CTEC.

Section 2 Members shall be required to pay annual dues, which shall be set by the Board of Directors. The failure by member to pay such dues shall result in, at the discretion of the Board of Directors, a suspension in the member's right to vote, hold office, or otherwise engage in any other business of CTEC. At the discretion of the Board of Directors, membership may be terminated upon failure to pay dues.

Section 3 Membership shall not be open to political parties, political action committees, or any organization whose principal purpose is to advance or promote the candidacy of any individual for elected office.

Section 4 Each member agrees to release, hold harmless, and indemnify CTEC, its Board of Directors, Officers, agents, or members from all claims for damages arising from complaints of unlawful acts against the member.

Section 5 Any member may resign by written notice to CTEC, and such resignation shall be effective upon receipt.

Section 6 **Suspension and Expulsion from CTEC.**

Section 6.1 A formal complaint about the behavior of a member of CTEC shall be in writing, signed by complainant, and filed with the member and the Board of Directors for review.

Section 6.2 The member then will be notified of a right to reply within twenty (20) days in writing to the Board of Directors, which may upon receipt of the answer, choose by majority vote to:

a. Dismiss the Complaint;
b. Admonish the member formally;

c. Suspend the member for not less than six months; And

d. Expel the member.

Section 6.3 After at least six months from the suspension or expulsion of any member, application may be made to the Board of Directors for reinstatement, which may be granted under any terms deemed appropriate.

BOARD OF DIRECTORS

Section 1 The Board of Directors (Board) shall consist of not less than five (5), no more than eleven (11) members. The first permanent board shall be elected by the incorporators at the first annual meeting of the members. Elected members will be for terms of one and two years. Thereafter at each annual meeting of the members, the members shall elect one-half of the Board for two year terms. Directors shall old office for two years and until their respective successor shall be elected and qualified. Sequential terms for Board members are not prohibited. Members shall have one vote for purposes of voting for board members, whether the member is an individual or an organization.

Section 2 Members of the Board serve on the Board in their individual capacity. If they are active participants in member organizations of CTEC, their duties shall include liaison between CTEC and the member organizations in which they are active.

Section 3 Individuals employed by Principal Responsible Parties (PRPs) or government identities directly associated with CERCLA cannot hold a Board Position.

Section 4 Powers of the Board

Section 4.1 the Board shall have the general direction, management, and control of all property, business, and affairs of CTEC. It shall determine the duties, beyond those affixed by these Bylaws, of all officers and agents of CTEC.

Section 4.2 The Board shall establish policies, issues, strategies, and tactics for CTEC activities.

Section 4.3 The Board shall reserve to itself final authority over all press releases, information packets, brochures, papers, and any other forms of communication. At the discretion of the Board, this authority may be delegated to Officers, or the staff of CTEC.

Section 4.4 The Board shall initiate and coordinate activities with member organizations. This authority may be3 delegated to Officers or the staff.

Section 4.5 The Board shall direct the solicitation and allocation of funds and property for organizational activities.

Section 5 Meetings of the Board shall be held at such times as the Boa5rd shall direct, but at least twice a year. Special meetings of the Board shall be called by the President, Secretary, or three (3) members of the Board. Voting may be by written proxy. Notice of each special meeting shall be given each Director at least five (5) days prior to the meeting.

Section 6 One third of the Board, but not less than four (4), shall constitute a quorum for the transaction of business.

Section 7 A decision of the Board may be overturned by two-thirds of the Board. Any member so removed may be reinstated by two-thirds of the membership by referendum. Voting may be by written proxy.

Section 8 Any member of the Board may be removed by two-thirds of the Board. Any member so removed may be reinstated by two-thirds of the general membership by referendum. Voting may be by written proxy or mail ballot.

Section 9 In the event of the vacancy of any Officer or member of the Board, the Board may elect at its discretion an individual member of CTEC to the Board to serve for the unexpired portion of the term.

Section 10 Proxies. Directors may give proxies to other Directors for use at meetings. Such proxies shall be valid only if filed in writing with the Secretary prior to the meeting.

EXECUTIVE OFFICERS

Section 1 Every year, the Board shall elect from its members a President, Vice President, Secretary, and Treasurer, plus one additional member to constitute the Executive Committee.

Section 2 Membership on the Executive Committee shall be coterminous with the Officer's membership on the Board. Duties of the Executive Committee will be delegated by the Board.

Section 3 Duties of the Officers

Section 3.1 President. The President shall preside at all meetings of the Board and the Executive Committee but may delegate this authority to any other member of the Board. S/he shall oversee on behalf of the Board the implementation of the policies adopted by the Board, and shall have other powers and duties as may be prescribed by the Board from time to time.

Section 3.2 Vice President. The Vice President shall act in the absence of the President and shall perform other duties or responsibilities delegated by the President or the Executive Committee.

Section 3.3 Treasurer. The Treasurer shall take custody of all funds, gifts received, and other assets of CTEC; place them in accounts in the name of CTEC in such banks and other depositories as the Board may direct; disburse such funds or other assets upon the direction of the Board or two members of the Executive committee; keep and maintain complete financial records of the assets, receipts, and disbursements of CTEC; collect all monies due CTEC; pay routine bills and expenses of CTEC without specific resolution of the Board, but subject to the ratification of the Board; and perform other duties as the Board or President may direct.

Section 3.4 Secretary. The Secretary shall keep records of CTEC and the Board. S/he shall call meetings of the Board, keep minutes of all such meetings of the Board and Executive Committee; issue notices of all meetings; file all reports required pursuant to state and federal law; and perform such other duties as the Board or President may direct.

Section 4 Both the Secretary and Treasurer shall permit any Board member or member of the Executive Committee to inspect all books and records of CTEC for any proper purpose at any reasonable time.

COMMITTEES

Section 1 Between Board meetings the Executive Committee shall act on behalf of the Directors. Any decision of the Executive Committee may be overruled by two-thirds of the Board, or two-thirds of the general membership. Such voting may occur by written proxy or mail ballot.

Section 2 There shall be standing Nominating/Membership, Fund Raising, and Publicity committees, whose specific duties shall be defined, and members appointed annually, by the President. The President may also establish ad hoc committees, define their functions, and appoint their members. Members of the standing and ad hoc committees need not be members of the Board but shall be members of CTEC.

MEETINGS OF MEMBERS

Section 1 The annual meeting of the membership shall be decided by the Board. A majority of the Board may change the date of the annual meeting provided members are notified by mail no later than twenty (20) days before the new meeting date.

Section 2 Special meetings of the membership shall be called by the Board no sooner than seven (7) days after mailing written notice of said meeting.

Section 3 All organizational decisions, unless otherwise noted in these bylaws, shall be settled by majority vote. All meetings shall conform to Robert's Rules.

FISCAL YEAR

Section 1 The fiscal year of CTEC shall be determined by the Board.

AMENDMENTS AND REFERENDA

Section 1 Proposals for Amendments to these Bylaws, and for Referenda, may be made by one of the following:

a. A majority vote of the Board
Or

b. A written petition signed by one-tenth of the general voting membership.

Section 2 The proposed Amendment or Referendum must be announced to the membership with two (2) months after its proposal. A ballot, either directly or by mail, shall then be circulated among all members in good standing. Votes, including proxy votes, must be received by a designated date not less than forty-five (45) days after the mailing. Amendments shall be approved by two-thirds (2/3) of the votes received. Referenda shall be determined by majority vote.

Funding

Technical Assistance Grant

Citizen's Technical Environment Committee (CTEC) is a non-profit educational organization. CTEC receives a Technical Assistance Grant (TAG) from the Environmental Protection Agency (EPA) for the two NPL sites located in the Butte, Montana area. This grant helps CTEC to provide outreach to the Butte area so the community can participate in Superfund cleanup decision-making. CTEC contracts with technical advisors to interpret and explain technical reports, site conditions, and EPA's proposed cleanup proposals and decisions. CTEC received up to $50,000 for each site from EPA for this effort.

CTEC: Grant Number 1-00871001 site/projects SBC/Butte 0822TG00 and MPTP 0869TG00

TAG Grant Management

Ongoing Basis

Task 1.01 Maintain financial management system. In particular, monitor project budget and all financial transactions; keep track of administrative vs. technical costs.

Task 1.02 Maintain filing system for record keeping. In particular, maintain records of the following:

cancelled checks, invoices, time sheets, work orders, receipts, letters, reports, audits, acquired assets, award contracts, in-kind contributions and related items. Additionally, insure that contractors keep detailed records that reflect work progress, reports, expenditures, and commitments and indicate their relationship to the Superfund site and approved costs and schedules.

Task 1.03 Discuss project changes as they arise with the EPA regional office.

Monthly

Task 1.11 Submit Payment Request and supporting documentation, except if monthly costs are less than $500, in which case reimbursement request will be submitted quarterly.

Quarterly

Task 1.21 Submit Progress Report

Annually

Task 1.31 Submit Montana Secretary of State Annual Report (April 15)

Task 1.32 Renew SAM.gov Registration (June 15)

Task 1.33 Renew Technical Advisor Contract Amendments (July 5)

Task 1.34 Renew TAG Coordinator/Technical Advisor Contract Amendments Bi-Annually (Sept 1)

Task 1.35 Submit Federal Tax Return 990-EZ (Sept 30)

Task 1.35 Submit MBE/WBE Utilization Under Federal Grants, EPA Form SF 334. (October 30)

Task 1.36 Submit Federal Financial Report 269A (December 31)

TAG Award Grant Funding

Requests for an increase in funds to the TAG grant will be requested by CTEC Board members processed through EPA Denver to be approved

1 copy to EPA Denver, TAG Project Officer

1 copy to EPA Denver, Grant Officer

1 copy to EPA Helena, Remedial Project Officer

1 copy to CTEC Board of Directors, President

1 copy to CTEC Board of Directors, Treasurer

1 copy to CTEC file

TAG Approved Expentitures

(a) CTEC will use all or most of your funds to procure a technical advisor(s) to help the public understand the nature of the environmental and public health hazards at the Butte Area sites, the various stages of health and environmental investigations and activities, cleanup, and "operation and maintenance" of a site, including exposure investigation, health study, surveillance program, health promotion, remedial investigation, and feasibility study, record of decision, remedial design, selection and construction of remedial action, operation and maintenance, and removal action. This technical assistance will contribute to the public's ability to participate in the decision making process by improving the public's understanding of overall conditions and activities at the site.

(b) CTEC may also use a portion of our funds to:

(1) Undertake activities that communicate site information to the public through newsletters, public meetings or other similar activities;

(2) Procure a grant administrator to manage your group's grant; and/or

(3) Provide an office to be used as Superfund site information repository where all site-related documents are available to the public. It is also beneficial for the public to have a place where they can stop to get information, ask questions and voice their concerns. This was approved due to the large scale of this Superfund cleanup.

(4) Provide one-time health and safety training for your technical advisor to gain site access to your local Superfund site.

(40 CFR 35.4070)

TAG Restrictions

CTEC's TAG funds cannot be used for the following activities:

(a) Lawsuits or other legal actions;

(b) Attorney fees for services:

(1) Connected to any kind of legal action; or

(2) That could, if such a relationship were allowable, be interpreted as resulting in an attorney/client relationship to which the attorney/client privilege would apply;

(c) The time of your technical advisor to assist an attorney in preparing a legal action or preparing and serving as an expert witness at any legal proceeding;

(d) Political activity and lobbying that is unallowable under 2 CFR part 200 Subpart E - Cost Principles, (this restriction includes activities such as attempting to influence the outcomes of any Federal, State or local election, referendum, initiative, or similar procedure through in-kind or cash contributions, endorsements, or publicity, or attempting to influence the introduction or passage of Federal or state legislation; this regulation is available at *http://www.ecfr.gov.*)

(e) Other activities that are unallowable under the cost principles stated in 2 CFR part 200 Subpart E - Cost Principles (such as costs of amusement, diversion, social activities, fund raising and ceremonials);

(f) Tuition or other training expenses for your group's members or your technical advisor except as 35.4070(b)(3) allows;

(g) Any activities or expenditures for your group's members' travel;

(h) Generation of new primary data such as well drilling and testing, including split sampling;

(i) Reopening or challenging final EPA decisions such as:

(1) Records of Decision; and/or

(2) Disputes with EPA under its dispute resolution procedures set forth 2 CFR Part1500 Subpart E (see 40 CFR 35.4245); and

(j) Generation of new health data through biomedical testing (for example, blood or urine testing), clinical evaluations, health studies, surveillance, registries, and/or public health interventions.
(40 CFR 35.4075)

TECHNICAL REVIEW AND ANALYSIS

Task 2.01 Technical review, public education and comment of pertinent documents and activities related to the SBC/BA site.

Task 2.02 Initiate, facilitate and/or attend meetings/forums with government and non-government entities concerning activities at the SBC/BA site: The Environmental Protection Agency (EPA), Mt Department of Environmental Quality (MDEQ), Butte-Silver Bow Government (B-SB), Natural Resource Damage Program (NRDP), Pitwatch, Butte Natural Resource Damage Restoration Council (BNRC), Restore Our Creek (ROC), Superfund Advisory and Redevelopment Trust Authority (SARTA) Clark Fork Watershed Education Program (CFWEP), Montana Bureau of Mines and Geology (MBMG), Clark Fork Coalition, local schools and/or Primary Responsible Parties (PRP).

Task 2.03 Educate, inform and engage the community on technical issues using a variety of formats and media: forums, publications, displays, newspaper, radio, television Public Service Announcements, CTEC office special events, website and social media.

Task 2.04 Contact government and non-government entities concerning activities at SBC/BA site.

Task 2.05 Conduct periodic visits to work areas at the SBC/BA site.

Outcome: A thorough understanding of the Silver Bow Creek/Butte area site technical issues by the CTEC members and dissemination of this information to the public at large. Review documents from Technical advisors are made available to the general public for their review.

PUBLIC COMMUNICATIONS AND PRESENTATION

Task 3.01 Maintain CTEC office for public access to documents, updates and to ask questions relevant to the SBC/BA site.

Task 3.02 Continue identifying and inviting speakers/guests who are knowledgeable about the variety of activities at SBC/BA to disseminate and clarify information about SBC/BA at regularly scheduled CTEC meetings and CTEC office special events

Task 3.03 Develop and initiate periodic public meetings and special events aimed at SBC/BA activities and concerns.

Task 3.04 Offer and give presentations to public groups interested in learning about the SBC/BA.

Provide a resource through which the public can express their concerns and desires.

Task 3.05 Attend meetings and functions as appropriate to facilitate communication with the public on issues relating to the SBC/BA sites..

Task 3.06 Encourage the public to become involved in the Superfund process by publicizing current and future activities, concerns and opportunities for public comment.

Task 3.07 Solicit public attitudes toward the ongoing remediation through contacts with affected residents and make these opinions known to the appropriate stakeholders.

Task 3.08 Maintain/upgrade CTEC publications, displays, website and facebook page to ensure the most up-to-date information is available to the public

Task 3.09 Conduct public tours of the SBC/BA site, as appropriate, for the public education

Outcome: The general public is informed about Superfund issues and the progress being made at each site. Local citizen concerns are addressed pertaining to ongoing plans and processes.

Financial Management and Procurement Systems

Financial Management Systems

Accounting Policy:

All CTEC TAG federal financial transactions are processed through the US Treasury Automated Standard Application Payment (ASAP) System and are tracked though Quicken Financial Software. In-kind or non-federal hours are also tracked through Quicken Financial Software.

Monthly:

Monthly Reimbursement Request

1. The CTEC TAG Coordinator submits the monthly reimbursement request for CTEC. These requests include CTEC fixed office expenses and variable contract expenses. The request is forwarded to the EPA TAG Project Officer in Denver, CTEC President, CTEC Treasurer and the site Remedial Project Manager for review and approval. All disbursements are accounted for with corresponding detailed invoices and receipts. Copies are kept on file at the CTEC office for the life of the TAG.

2. The EPA TAG Project Officer in Denver will okay the reimbursement then forward the approval to the ASAP Federal reimbursement system in Las Vegas.

3. The CTEC TAG Coordinator will access the ASAP system and request payment to be released electronically to the CTEC checking account. An Account Settlement Report showing TAG Income and expenses is printed monthly from the ASAP system and filed with the reimbursement request.

4. The ASAP reimbursement system in Las Vegas will transfer funds into the CTEC checking account.

5. The CTEC Board of Director Treasurer or President will sign the corresponding CTEC checks to pay the monthly expenses. The President and Treasurer are the only authorized signatures on the CTEC checking account.

- All expenses must be accompanied by an invoice or receipt.
- There will be no longer than 30 days between the receipt and disbursement of Federal funds.
- Costs are reasonable, allocable and allowable.
- Income and expenses are entered into the financial management software Quicken.

- Only the Board President or Treasurer is authorized to sign checks.

Account Settlement Report

An account Settlement report showing TAG Income and expenses is printed monthly from the

ASAP system and filed with the reimbursement request.

CTEC Time Keeping

Monthly, the contractor shall submit timesheets and corresponding invoices to the President of CTEC for services performed during the calendar month just ended. Time sheets indicate the hours charged on a daily basis (even if zero) and indicate travel expenses corresponding to the days the charges were incurred.

Invoices must clearly show the total hours charged for each month, rate and total cost, and specify the total charges for that month.

Technical Advisor and Tag Grant Coordinator invoice hours are reviewed by the CTEC President, CTEC Treasurer and the site Remedial Project Officer monthly. The invoices are submitted to EPA on the monthly reimbursement request. (40CFR Part 35)

CTEC In-Kind/Volunteer Hours

In-kind hours for CTEC are mainly contributed by Board of Directors. Each month these hours are submitted to CTEC's TAG Coordinator. They are forwarded to EPAs TAG Project Officer with the monthly reimbursement request to count toward the 20% contribution of the total cost of the TAG project. In-Kind hours are credited at $55/hour. These hours go toward the non-Federal share of the TAG. In-Kind hours are tracked in Quicken Financial. 35.4050

Annually:

Federal Financial Status Report FFR 269A

1 copy is sent to the EPA TAG Project Officer in Denver, the CTEC Board of Directors President and 1 copy is filed at the CTEC office

Internal Revenue Service 990-EZ - 501(c)(3)

CTEC files IRS form 990-EZ, Return of Organization Exempt from Income Tax, at the end of each fiscal year. The end of Fiscal year is September 30th. 1 copy is submitted to the IRS and 1 copy is filed at the CTEC office

CTEC Annual Meeting Financial Report

A detailed financial report of CTEC's Income and expenditures is provided at CTEC's annual meeting. This information is kept on file at the CTEC office.

Cash Management Report

A Cash Management report showing TAG Income and expenses is printed annually from the

ASAP system and is kept on file at the CTEC office

Procurement Procedures

Competition

CTEC tries to ensure open and free competition in your purchasing (40 CFR 30.43) procurement contracts for professional services that are readily available in the commercial marketplace such as environmental consulting, information technology development, legal services, or training curriculum design. If it is impractical to procure general office supplies competitively CTEC will ensure that they are paying market rates for such goods.

Cost and price review

CTEC's purchasing system compares the cost or price of their supplies, equipment, and services making sure they are reasonable (40 CFR 30.45). a lease vs purchase analyses is done whenever possible. The price analysis for each procurement action is documented in the CTEC office file.

Disadvantaged Business Enterprise (DBE) opportunity

CTEC makes a good faith effort to provide opportunities for disadvantaged business enterprises whenever procuring equipment, services and supplies under 40 CFR 33.301.

- Purchases not routine to operation must be okayed by the Board of Directors
- Avoid purchasing unnecessary items
- All purchases and equipment inventory with documentation are filed at the CTEC office

Records

All records required shall be maintained during the grant period. Such records must clearly show detailed acquisitions, work progress, reports, expenditures, and contracts. These records will be kept for three years after the closeout of the grant. (40CFR 30.21)

Personnel

CTEC has contract employees. CTEC and the contractor agree that the work to be performed is eligible under the Tag guidelines. These agreements may be terminated in whole or in part, in writing, by either party in the event of substantial failure by the other party to fulfill its obligations under the agreement through no fault of the terminating party.

The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on EPA funded work under this agreement in accordance with generally accepted accounting principles and practices consistently applied, and 40CFR Part 35, Subpart M in effect on the date of execution of the agreement. Under each cost reimbursement contract a budget is set and monitored. The agreement/contract outlines the scope of work, expected outcome, contractual period, hours allowed, personnel rates, travel rates, codes of conduct and conflict of interest.

Technical Advisors need to have direction and pre-approval from the CTEC board of directors for work performed and hours submitted. Each contract is reviewed by the board of directors before being amended. The contracts currently active are for the Technical Advisors and Technical Assistance Grant Coordinator.

Code of Conduct

- A CTEC employee, officer or agent (employee) cannot participate in the selection, award, or administration of a contract under an EPA grant if the employee, any of the employee's family members or partners, or an organization which employs or is about to employ any of these persons, has a financial or other interest in the organization selected for the contract. This would be an inappropriate conflict of interest.
- An employee cannot solicit or accept gratuities, favors, or anything of monetary value from your contractors. You may, however, set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.
- If any of your employees violate the code, the code must make them subject to disciplinary action. (40 CFR 30.42)

Conflict of Interest

1. The contract recipient shall require each prospective contractor on any agreement, with its bid or proposal:

a) Information on its financial and business relationship with all Primary Responsible Parties (PRPs) at the site, and with their parent companies, subsidiaries, affiliates, subcontractors, and current client or attorneys and agents (this disclosure requirement encompasses past and anticipated financial and business relationships including services related to any proposal or impending litigation with such parties).

b) Certification that, to the best of its knowledge and belief, it has disclosed such information or no such information exists, and

c) A statement that it shall disclose immediately any such information discovered after submission of its bid or proposal or after award. The contractor shall evaluate such information and shall exclude any prospective recipient whose conflict of interest is significant and cannot be avoided or otherwise resolved.

2. Contractor and subcontractor may not be technical advisors to contractor groups at the same NPL site for which they are doing work for the Federal or State government or any other entity.

(40 CFR 35.4220)

Travel

Specific travel reimbursement rates are covered in detail under each Technical advisor contract.

Travel reimbursement is not permitted for any activities or expenditures for your group's members' travel.

Reference:

CFR › Title 40 › Chapter I › Subchapter B › Part 35 › Subpart M Grants for Technical Assistance

CRF – Codes of Federal Regulation

Title 40 – Protection of Environment

Chapter 1 – Environmental Protection Agency

Subchapter B - Grants and Other Federal Assistance (Parts 30 to 49)

Part 35 – State and Local Assistance

Subpart M - Grants for Technical Assistance (35.4000 - 35.4275)

Revised September 2016