

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**AGENDA ITEM REQUEST**  
for Adoption

**AGENDA REQUESTED:** June 29, 2022

**DATE OF REQUEST:** June 10, 2022

**INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED:** Gwen Ricco, Agenda Coordinator, (512) 239-2678

**CAPTION:** Docket No. 2021-1160-MIS. Consideration of the adoption of revisions to *New Technology Implementation Grant Program: Guidelines for Grants (NTIG; RG-484)*.

Revisions to the NTIG guidelines incorporate changes made to NTIG regulations in Texas Health and Safety Code, Chapter 391, relating to the Texas Emissions Reduction Plan (TERP) NTIG program. These changes implement House Bill (HB) 2361 and HB 4472, 87th Texas Legislature, 2021, Regular Session. These revisions remove the requirement that flaring and other oil and gas site emissions reduction projects must capture waste heat to generate electricity solely for on-site service; add projects that reduce flaring emissions and other site emissions to the list of projects to which TCEQ shall give preference when awarding grants; and allow grant funds to be used for the lease of necessary equipment and the costs for operating and maintaining a grant-funded system. (Nate Hickman, Sierra Redding) (Non-Rule Project No. 2021-037-114-NR)

Tonya Baer  
**Director**

Mike Wilson, P.E.  
**Division Deputy Director**

Gwen Ricco  
**Agenda Coordinator**

**Copy to CCC Secretary? NO X YES**

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** June 10, 2022

**Thru:** Laurie Gharis, Chief Clerk  
Toby Baker, Executive Director

**From:** Tonya Baer, Director  
Office of Air

**Docket No.:** 2021-1160-MIS

**Subject:** Commission Approval for Adoption of  
Revisions to *New Technology Implementation Grant Program: Guidelines  
for Grants (NTIG; RG-484)*  
Rule Project No. 2021-037-OTH-NR

### **Background and reason(s) for the guideline revisions:**

The New Technology Implementation Grant Program (NTIG): Guidelines for Grants (NTIG; RG-484), provide procedures and criteria for implementing the NTIG established under Texas Health and Safety Code (THSC), Chapter 391.

Under THSC, §391.003, the Texas Commission on Environmental Quality (TCEQ or commission) is required to adopt grant guidelines and criteria consistent with Chapter 391 and update the guidelines as necessary. The commission may propose revisions to the guidelines and criteria as necessary to improve the ability of the Texas Emissions Reduction Plan (TERP) to achieve its goals.

House Bill (HB) 2361 and HB 4472, 87th Texas Legislature, 2021, amended THSC, Chapter 391, to remove the requirement that flaring and other oil and gas site emissions reduction projects must capture waste heat to generate electricity solely for on-site service. The legislation also added projects that reduce flaring emissions and other site emissions to the list of projects to which TCEQ shall give preference when awarding grants. Finally, the legislation allowed grant funds to be used for the lease of necessary equipment and the costs for operating and maintaining a grant-funded system.

The adopted NTIG; RG-484, revises guidelines to implement HB 2361 and HB 4472.

### **Scope of the guideline revisions:**

**A.) Summary of what the guideline revisions will do:** Revisions to the NTIG guidelines will make the guidelines consistent with HB 2361 and HB 4472 provisions.

A summary of the revisions is included with the back-up materials. In addition, the changes are highlighted in the revised NTIG guidelines presented for adoption.

**B.) Scope required by federal regulations or state statutes:** The changes are not required by federal regulations. Revisions to the guidelines are needed to make the guidelines consistent with statutory changes made under HB 2361 and HB 4472.

The NTIG guidelines are revised to:

1. Remove the requirement that flaring and other oil and gas site emissions reduction

Re: Docket No. 2021-1160-MIS

- projects must capture waste heat to generate electricity solely for on-site service;
2. Add projects that reduce flaring emissions and other site emissions to the list of projects to which TCEQ shall give preference when awarding grants; and
  3. Allow grant funds to be used for the lease of necessary equipment and the costs for operating and maintaining a grant-funded system.

**Statutory authority:**

- Texas Water Code (TWC), §5.102, which provides the commission with the general powers to carry out its duties;
- TWC, §5.103, which authorizes the commission to adopt any rules necessary to carry out the powers and duties under the provisions of the TWC and other laws of the state;
- TWC, §5.105, which authorizes the commission by rule to establish and approve all general policy of the commission;
- THSC, §382.017, which authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act;
- THSC, §382.011, which authorizes the commission to establish the level of air quality to be maintained in the state's air and to control the quality of the state's air;
- THSC, §382.012, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air;
- THSC, §391.003, which directs the commission to adopt guidelines consistent with the requirements of THSC, Chapter 391; and
- THSC, Chapter 391, which establishes NTIG.

**Effect on the:**

**A.) Regulated community:** The guidelines will not affect regulated entities.

**B.) Public:** The changes will impact entities and individuals that apply for a NTIG grant.

**C.) Agency programs:** Program processes, criteria, and forms will need to be updated.

**Stakeholder meetings:** Stakeholder meetings were not held for the revisions to the guidelines.

**Public comment:** Public Comment was not solicited for the revisions to the guidelines.

Commissioners

Page 3

June 10, 2022

Re: Docket No. 2021-1160-MIS

**Potential controversial concerns and legislative interest:** There are no potential controversial concerns or legislative interest

**Do the guideline revisions affect any current policies or require development of new policies?** No.

**What are the consequences if the guideline revisions do not go forward? Are there alternatives to guideline revisions?** Revisions to the NTIG guidelines are needed to incorporate statutory changes.

If the Commission does not adopt the guidelines or adopt them at a later date, it would preclude or delay opening a new grant application period for the program.

**Key points in the adoption schedule:** The revised NTIG guidelines will become effective upon adoption at the June 29, 2022, Agenda Meeting.

**Agency contacts:**

Nate Hickman, Project Manager, Air Grants Division, (512) 239-4434

Sierra Redding, Staff Attorney, Environmental Law Division, (512) 239-2496

Gwen Ricco, Agenda Coordinator, General Law Division, (512) 239-2678

cc: Chief Clerk, 2 copies  
Executive Director's Office  
Jim Rizk  
Morgan Johnson  
Krista Kyle  
Office of General Counsel  
Nate Hickman  
Gwen Ricco

**Summary of Revisions to  
New Technology Implementation Grant Program: Guidelines for Grants  
(NTIG; RG-484).**

**May 31, 2022**

The Texas Commission on Environmental Quality (TCEQ) proposes revisions to *the New Technology Implementation Grant Program: Guidelines for Grants (NTIG; RG-484)*. The revisions incorporate changes to Texas Health and Safety Code (THSC), Chapter 391, by House Bill (HB) 2361 and HB 4472, 87th Texas Legislature, Regular Session, 2021.

Only changes needed to make the guidelines consistent with the statute and current division and section titles are made to the guideline document.

Changes are highlighted in the document and explained in this summary. Notation is provided for changes necessary as a result of the statutory changes.

**1. Proposed Changes to Texas Emissions Reduction Plan, New Technology Implementation Grant Program: Guidelines for Grants (NTIG; RG-484)**

The New Technology Implementation Grant (NTIG) Program was established under THSC, Chapter 391, to provide grants to offset the incremental cost of emissions reductions from facilities and other stationary sources in Texas.

The NTIG guidelines are revised to make them consistent with the language adopted under HB 2361 and HB 4472.

**A. Summary of Proposed Changes to Chapters 1-5**

***Title Page***

*Header*

- Changed “Air Quality Division” to “Air Grants Division.”
- Changed “Revised” date from “March 2018” to “June 2022.”

*Footer*

- Changed document date from “March 2018” to “June 2022.”

***Chapter 1***

*History of Program, Page 1*

- Added description of changes made to the program by the 87<sup>th</sup> Texas Legislature, stating that: “In 2021, HBs 2361 and 4472, 87th Texas Legislature,

Regular Session, removed the requirement that flaring and other oil and gas site emissions reduction projects must capture waste heat to generate electricity solely for on-site service. The legislation also added projects that reduce flaring emissions and other site emissions to the list of projects to which TCEQ shall give preference when awarding grants. Finally, the legislation allowed grant funds to be used for the lease of necessary equipment and the costs for operating and maintaining a grant-funded system.”

*Footer (all pages)*

- Changed document date from “March 2018” to “June 2022.”

*How to Contact Us, Page 2*

- *Updated contact information to reflect current division and section titles*
  - Changed “Implementation Grants Section” to “Program Design and Coordination Section.”
  - Changed “Air Quality Division” to “Air Grants Division.”

**Chapter 3**

*Eligible Projects (Categories),  
Pages 6-7*

- *Removed “by capturing waste heat to generate electricity solely for on-site services” from third project category.*
- *Added “Preferences” section to include statutory language stating that: “In awarding grants under this program, TCEQ will give preference to projects that:*
  1. *involve the transport, use, recovery for use, or prevention of the loss of natural resources originating or produced in this state;*
  2. *contain an energy efficiency component;*
  3. *include the use of solar, wind, or other renewable energy sources;*
  4. *recover waste heat from the combustion of natural resources and use the heat to generate electricity; or*
  5. *reduce flaring emissions and other site emissions.*

Projects that include more than one of the above criteria will be given a greater preference.

TCEQ may give preference to a project only if the cost-effectiveness and emission performance of the project are comparable to those of a project not claiming a preference described by above.”

**Chapter 4**

*How to Apply, Page 9*

- *Updated contact information to include email address and reflect current*

*division and section titles*

- Added “via email to TERPapply@tceq.texas.gov, or by mail” to third paragraph.
- *Changed “Implementation Grants Section” to “Program Design and Coordination Section.”*
- *Changed “Air Quality Division” to “Air Grants Division.”*

**Chapter 5**

*Grant Administration, Pages 11-12*

Added new section to include new statutory requirement under “Restriction on Use of Grant. The section adds language directly from statute stating that “A recipient of a grant under this chapter must use the grant to pay the incremental costs of the purchase, lease, or installation of the project for which the grant is made, which may include reasonable and necessary expenses for the labor needed to install emissions-reducing equipment. The recipient may use the grant for the costs of operating and maintaining the emissions-reducing equipment.””

*Reporting, Page 12*

- *Updated contact information to reflect current division and section titles:*
  - Changed “Implementation Grants Section” to “Reimbursement and Compliance Section.”
  - Changed “Air Quality Division” to “Air Grants Division.”



# New Technology Implementation Grant Program

## Guidelines for Grants

### Contents

Chapter 1. .... 1

Summary..... 1

    History of Program ..... 1

    Purpose..... 2

    Funding..... 2

    How to Contact Us ..... 2

Chapter 2. Glossary ..... 3

Chapter 3. Eligibility Requirements..... 5

    Eligible Applicants ..... 5

    Eligible Projects (Categories) ..... 5

**Preferences** ..... 6

Chapter 4. Application and Award Procedures ..... 9

    How to Apply ..... 9

    Project Review..... 9

        Initial Review ..... 9

        Project Evaluation ..... 9

        Testing Protocol..... 10

        Project Selection ..... 11

    Awarding of Grants and Contracting ..... 11

Chapter 5. Grant Administration ..... 11

**Restriction on Use of Grant** ..... 11

    Reimbursement ..... 12

    Reporting ..... 12

    Grant Adjustments and Authorizations ..... 12

    Closeout and Release of Claims ..... 13





# Chapter 1.

## Summary

These guidelines contain the criteria for grants under the New Technology Implementation Grant (NTIG) program, authorized under Texas Health and Safety Code Chapter 391 (THSC 391).

NTIG recipients must comply with all applicable statutory provisions. In addition, they must also adhere to the criteria herein.

The Texas Commission on Environmental Quality (TCEQ) may also establish more specific criteria consistent with these requirements through Requests for Grant Applications (RFGAs), contracts, or other funding mechanisms.

## History of Program

In 2009, House Bill 1796, 81st Texas Legislature, authorized the TCEQ to administer the NTIG program. These guidelines establish the standards and criteria for grants issued under the NTIG program as administered by the TCEQ.

In 2013, HB 2446, 83rd Texas Legislature, Regular Session, amended the definition of an Advanced Clean Energy project to include projects involving natural gas. In addition, Senate Bill 1727, 83rd Texas Legislature, Regular Session, removed the requirement that an Advanced Clean Energy project must involve capital expenditures exceeding \$500 million to be eligible under the NTIG program.

In 2017, Senate Bill 1731, 85th Texas Legislature, Regular Session, included new technology projects that reduce emissions from upstream and midstream oil and gas industry activities—completions, production, gathering, storage, processing, and transmission—through any of the following three means:

- The replacement, repower, or retrofit of stationary compressors.
- The installation of systems to reduce or eliminate the loss of gas, flaring of gas, or burning of gas using other combustion-control devices.
- The installation of systems that reduce flaring emissions and other site emissions by capturing waste heat to generate electricity. solely for on-site services.

In 2021, HBs 2361 and 4472, 87th Texas Legislature, Regular Session, removed the requirement that flaring and other oil and gas site emissions reduction projects must capture waste heat to generate electricity solely for on-site service. The legislation also added projects that reduce flaring emissions and other site emissions to the list of projects to which TCEQ shall give preference when awarding grants. Finally, the legislation allowed grant funds to be used for the lease of necessary equipment and the costs for operating and maintaining a grant-funded system.

## Purpose

The primary objective of the program is to offset the incremental cost of emissions reductions from facilities and other stationary sources in Texas [THSC 391.002(a)].

## Funding

This program is funded through revenue from the Texas Emissions Reduction Plan (TERP) fund (THSC 386.251). The fund consists of fees and surcharges established by the Texas Legislature.

The amount of funds available for grants during each year may vary depending upon the cash flow to the program, the amount of revenues received, appropriations made to the program, and reallocations of TERP funds pursuant to THSC 386.252. The TCEQ will periodically issue notices and information regarding the grants, including the amount of funds available.

## How to Contact Us

Anyone interested should check our website for information about the grant program. The NTIG webpage at <[www.terpgrants.org](http://www.terpgrants.org)> contains links to this document and application forms, as well as other information that may be helpful to a potential applicant.

If you are unable to access the website or you want additional information, the staff at the TCEQ is available to answer questions about this program. If you are unclear as to whether your proposed project would qualify for a grant, please feel free to contact us to discuss the project.

You may contact the program by calling 800-919-TERP (8377), 8 a.m. – 5 p.m., Monday-Friday. You may contact us by mail at:

Implementation Grants Program Design and Coordination  
Section (NTIG), MC-204

Air Quality Grants Division

Texas Commission on Environmental Quality

P.O. Box 13087

Austin, TX 78711-3087

You may also contact us by email, at <[terp@tceq.texas.gov](mailto:terp@tceq.texas.gov)>.

## Chapter 2.

# Glossary

A number of terms that apply to this program are defined in THSC 386 and TCEQ rules (30 TAC 114.620). Other relevant terms are defined below.

**advanced clean energy.** Any project for which an application for a permit or for an authorization to use a standard permit, under chapter 382 of the Texas Health and Safety Code, is received by the commission on or after Jan. 1, 2008, and before Jan. 1, 2020, and meets all the requirements of THSC 382.003 (1-a).

**best available control technology (BACT).** An emission limitation based on the maximum degree of reduction of each pollutant subject to regulation, emitted from or which results from any major emitting facility, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel-combustion techniques for control of each such pollutant. Industry-specific BACTs are available online at <[www.tceq.texas.gov/goto/bact](http://www.tceq.texas.gov/goto/bact)> or by contacting the TCEQ Air Permits Division at 512-239-1250. [42 USC 7479(3)]

**cost-effectiveness.** Money spent (in dollars) divided by the total reduced emissions (in tons) attributable to that expenditure. In calculating cost-effectiveness, one-time grants of money are annualized using a time value of public funds or discount rate determined for each project by the TCEQ, taking into account the interest rate on bonds, interest earned by state funds, and other factors that the TCEQ considers appropriate. The current discount rate used to determine cost-effectiveness is 3 percent per year.

**emission factor.** A representative value that relates the quantity of a pollutant released to the atmosphere to an activity associated with the release of that pollutant.

**EPA.** The U.S. Environmental Protection Agency.

**facility.** A discrete or identifiable structure, device, item, equipment, or enclosure that constitutes or contains a stationary source, including appurtenances other than emission-control equipment. A mine, quarry, well test, or road is not considered to be a facility. [THSC 382.003(6)]

**incremental cost.** The cost of a project less a baseline cost that would otherwise be incurred by the applicant in the normal course of business. It may include added lease or fuel costs, as well as additional capital costs.

**implementation plan.** A plan for the installation and operation of emissions-reducing technologies.

**new technology.** Emissions-control technology that results in emissions reductions that exceed state or federal requirements in effect at the time of submission of an NTIG application. [THSC 391.001(5)]

**notice to proceed.** A written notice from the TCEQ to a grant recipient confirming that adequate funding is available to support the grant agreement.

**person.** Not only an individual, but also a corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity.

**public financial assistance.** Tax credits or deductions, financial funding, or other financial incentives—such as a property-tax reduction or a grant—to a person by a government agency, whether county, city, state, or federal.

**regulated pollutant.** A pollutant subject to federal regulation under new-source review, including any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such a pollutant that have been identified by the EPA, or other pollutants based on the standards of the federal Clean Air Act, sections 108, 111, and 112, and Title VI.

**renewable energy.** Energy generated from resources that are naturally replenished—such as sunlight, wind, rain, tides, and geothermal heat.

**repower.** To replace an old engine with a new engine, a used engine, a remanufactured engine, or one or more electric motors, drives, or fuel cells.

**retrofit.** To equip an engine or a fuel system or both with new emissions-reducing parts or technology after the manufacture of the original engine or fuel system.

**stationary source.** Generally, any source of an air pollutant except those emissions resulting directly from an internal-combustion engine used for transportation purposes or from a non-road engine or non-road vehicle as defined in section 7550 of title 42 of the U.S. Code (**Clean Air Act, Title II, Section 216**).

**testing protocol.** A written document detailing how, when, and where testing of new technologies will be conducted. Potential applicants should review the EPA's criteria for testing new technologies.

# Chapter 3.

## Eligibility Requirements

### Eligible Applicants

The primary objective of the NTIG program is to offset the incremental cost of emissions reductions of pollutants from facilities and other stationary sources in Texas.

Owners or operators of stationary sources that emit pollutants, or of electricity-storage projects related to renewable energy, may apply for a grant. Only applicants in Texas are eligible for funding under the program. All applicants must certify compliance with all applicable Texas laws.

Each proposed new-technology applicant will need to demonstrate the projected potential for reduced emissions and the cost-effectiveness of the technology once it has been implemented, and the potential for the technology to contribute significantly to air quality goals; each applicant must also submit a substantial implementation plan.

We, the TCEQ, will evaluate proposals according to the selection criteria in the request for grant applications. The criteria may focus on the potential for reducing emissions, while remaining neutral as to the type of technology proposed or may target particular types of promising technologies.

Applicants will be required to submit the following (if applicable):

- articles of incorporation
- authorization to sign grants or contracts
- evidence of required insurance
- resumés or qualifications of all principal staff involved in the project
- an implementation plan
- a project plan (including drawings, photos, etc., to clarify the project)
- a project schedule (including a schedule of deliverables)
- a subcontracting plan
- a detailed budget

### Eligible Projects (Categories)

In general, activities eligible for funding under this program are those that implement new technologies to reduce emissions in Texas from stationary sources.

The specific activities that may be eligible under this program are outlined below. (In any particular funding period, however, the TCEQ may more narrowly define or limit the types of eligible activities.)

1. Advanced Clean Energy projects as defined by THSC 382.003 for new or modified sources. E.g.:
  - Projects that involve the generation of electricity using any of the following fuels:
    - coal
    - biomass
    - petroleum coke
    - solid waste
    - natural gas
    - fuel cells that use derived hydrogen
  - Creation of liquid fuel outside of the existing fuel production infrastructure, while co-generating electricity.
2. New technology projects that reduce emissions of regulated pollutants from stationary sources.
3. New technology projects that reduce emissions from upstream and midstream oil and gas industry activities—completions, production, gathering, storage, processing, and transmission—through any of the following three means:
  - The replacement, repower, or retrofit of stationary compressors.
  - The installation of systems to reduce or eliminate the loss of gas, flaring of gas, or burning of gas using other combustion-control devices.
  - The installation of systems that reduce flaring emissions and other site emissions ~~by capturing waste heat to generate electricity solely for on-site services.~~
4. Electricity-storage projects related to renewable energy, such as:
  - compressed-air energy storage
  - pumped hydropower
  - sodium-sulfur storage batteries
  - energy-retaining flywheels
  - lithium-ion batteries

## **Preferences**

In awarding grants under this program, TCEQ will give preference to projects that:

1. involve the transport, use, recovery for use, or prevention of the loss of natural resources originating or produced in this state;
2. contain an energy efficiency component;
3. include the use of solar, wind, or other renewable energy sources;
4. recover waste heat from the combustion of natural resources and use the heat to generate electricity; or
5. reduce flaring emissions and other site emissions.

Projects that include more than one of the above criteria will be given a greater preference.

TCEQ may give preference to a project only if the cost-effectiveness and emission performance of the project are comparable to those of a project not claiming a preference described by above.





# Chapter 4.

## Application and Award Procedures

### How to Apply

The TCEQ will periodically issue a Request for Grant Application and indicate the dates that project selections will be made. Copies of the RFGA and the necessary application forms will be available on the TCEQ's NTIG webpage at <[www.terpgrants.org](http://www.terpgrants.org)> and directly from the TCEQ.

To find out more or to obtain copies of the application forms, see <[www.terpgrants.org](http://www.terpgrants.org)>. You may also contact us directly to discuss your project. Program staff members may be reached at 800-919-TERP (8377).

Apply for each distinct project separately. Costs should be broken down so that partial funding could be considered for any grant. Please enter all necessary information on the application forms in accordance with the accompanying instructions. Incomplete applications may delay review or be deemed ineligible or unresponsive. The required number of copies of the application and all necessary attachments should be submitted **via email to [TERPapply@tceq.texas.gov](mailto:TERPapply@tceq.texas.gov), or by mail** to:

**Implementation Grants Program Design & Coordination**  
Section (NTIG), MC-204  
Air **Quality Grants** Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

### Project Review

#### *Initial Review*

We, the TCEQ, will review the application for completeness. If your application is found to be incomplete or ineligible for funding during initial review, we will notify you, the applicant. TCEQ staff members will provide details about what is missing from the application or why the proposed project is not eligible for funding.

#### *Project Evaluation*

We will evaluate properly completed applications according to the criteria established in these guidelines and the RFGA and determine the funding eligibility of each activity included in the project application.

An application for a technology grant awarded under the NTIG program, in accordance with THSC 391, must show reasonable evidence that the proposed technology project will reduce emissions and be cost effective, and must also include a strong implementation plan.

We will consider all the following points in each application:

- the projected potential for reduced emissions of regulated pollutants
- project maturity
- cost-effectiveness of emissions reduction
- potential air quality benefit
- strength of the implementation plan
- other environmental impacts
- strength of the project team
- project timeline or schedule
- potential funding from other sources
- the uniqueness of the plan or product being considered for funding and its ability to offer long-term environmental benefits

If we require additional information to complete or review a submitted application, then you may be asked to submit additional or supporting documentation within a reasonable set time period. Substantially incomplete applications or those for which the requested additional information is not submitted will be deemed incomplete or unresponsive. Incomplete applications will receive a letter of ineligibility and will not be considered for grant funding.

## ***Testing Protocol***

If you submit testing results or propose to test equipment submitted as part of the application, we will require that testing protocols be included in the application. Testing may include (but is not limited to) stack sampling or continuous emissions monitoring or both.

The testing protocol will be reviewed for acceptability by the appropriate community or authority (e.g., the EPA). However, its inclusion in the application will allow us to facilitate review and acceptance of an applicable test protocol in parallel with the grant negotiations and grant award and thereby help minimize the time lapse before testing can begin.

Testing protocols must be developed considering a broad range of interested parties (the manufacturer of the original equipment, the developer of the new technology, installers of the new equipment, testing facilities, etc.) that must reach agreement about how the test will be conducted.

The first part of the protocol consists of the initial readings or analysis before and after the application of the new technology. The second part is durability testing, demonstrating how long the new technology will last. The end of the process is a consensus-developed final report presenting all the data, including the facilities and industries that would experience similar results.

An acceptable written testing protocol initiates the process and carries it through to the final report. The testing data and final report will be sent as documentation to the EPA for determination of emission-reduction credits.

There are many companies in the United States capable of performing the full range of testing that is required to evaluate emissions from stationary sources.

## ***Project Selection***

Project selections will be made using ranking and scoring procedures that will be explained in the RFGA. In general, the selection criteria may include priority funding among different types of technology, the maturity of the project, and air quality benefits. TCEQ executive management or their designee will make the final project selections.

## **Awarding of Grants and Contracting**

Projects selected for funding will be awarded a grant, **not to exceed 50 percent of the implementation costs**, through the execution of a contract between the recipient and the TCEQ. If necessary, our grant-management staff will coordinate with the recipient on any additional information necessary to complete the contract, including the scope of work and the budget. All grant recipients should review the contract language carefully before accepting and signing the contract.

Because the funding for this program is derived from revenue that is received throughout the year, all grant awards and contracts will be contingent upon the receipt of sufficient revenue to cover the grant. The TCEQ may issue grant contracts on a contingency basis, subject to issuance of a notice to proceed once sufficient funds are available.

The applicant will need to sign the grant contract and return the document to the TCEQ for final signature and execution. A copy of the signed contract will then be provided to the grant recipient.

An application for a Texas payee identification number (PIN) will also be supplied to the grant recipient with the contract. This number must be assigned before the Texas comptroller will make payment from state funds. Potential applicants without a PIN should consider applying for one as soon as possible. A grant recipient that has not already been assigned a PIN will need to return a completed PIN application form to us along with the signed contract. We will forward the application to the comptroller so that the required number can be assigned. Lack of a PIN will not affect project evaluation or selection.

# Chapter 5. **Grant Administration**

## **Restriction on Use of Grant**

**A recipient of a grant under this chapter must use the grant to pay the incremental costs of the purchase, lease, or installation of the project for which the grant is made, which may include reasonable and necessary expenses for the labor needed to install**

emissions-reducing equipment. The recipient may use the grant for the costs of operating and maintaining the emissions-reducing equipment.

## Reimbursement

Grant payments are reimbursements, meaning that payment will be made after the eligible expense has been incurred and paid by the grant recipient. The grant recipient must request reimbursement of expenses by submitting a completed, original, signed TCEQ Request for Reimbursement (RFR).

The grant contract and the reimbursement forms will include requirements for documentation of expenses. Copies of all purchase orders, receipts, and paid invoices for expenditures must be submitted with each RFR of payments. Documentation of paid expenses (including canceled checks) and any required insurance must be provided in accordance with the provisions of the applicable grant contract.

## Reporting

The grant recipient must submit a project status report monthly (or as specified by the contract), and with each RFR, as well as a final report upon completion of the overall project. The project status and final report will be posted on the TCEQ's website. Following TCEQ acceptance of the final report, the grantee will be required to continue submitting annual activity reports for at least five years. Based on the activities funded, the TCEQ will determine what information the activity reports should contain. Each report must clearly identify the project and be written so that a lay person can understand the project.

The TCEQ TERP staff will review the forms and accompanying documentation. To be eligible for reimbursement, all expenses must meet all applicable requirements of the Uniform Grant Management Standards (UGMS), including allowable-cost principles set forth in Part III, Subpart C, Section \_\_\_\_\_.22(b).

The TCEQ will supply the reimbursement and reporting forms to grantees, who should send all completed forms to:

Implementation Grants Reimbursement and Compliance Section (NTIG),  
MC-204  
Air Quality Grants Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

## Grant Adjustments and Authorizations

Grant recipients must complete the project according to the timelines established in the grant agreement. Recipients should request approval for adjustments to the schedule as needed, according to the provisions of the grant agreement; however, a thorough explanation is required as to why additional time is needed. The TCEQ will have sole discretion to approve any modifications to timelines. Any changes to the

timeline must be justified, since the project's timing is considered in the evaluation and selection of an application. Consistent with the grant contract, the TCEQ may also choose to terminate a project early due to delays, particularly if the delays will put the project completion date past the end of the eligible funding period.

Once the grant contract is signed and the project begins, any desired changes to the grant agreement—including work activities, authorized representative, schedule, or budget—must be requested in writing to the TCEQ. In accordance with the grant agreement provisions, the TCEQ may approve any changes through an amendment to the contract. The TCEQ has the sole discretion to approve any changes to the contract. Instructions for budget changes will be included in the contract provisions. Applicants are encouraged to carefully analyze all costs in the grant application before execution of a contract.

## **Closeout and Release of Claims**

Upon completion of the project, the grant recipient must submit an RFR for all remaining unreimbursed expenses, all required expense documentation, and a final project report. This documentation must be submitted no later than the deadline established in the grant contract.

The TCEQ must review and accept all deliverables due as part of the grant project before final reimbursement or closeout of the grant. The contract will contain provisions for the grantee to submit deliverables to the TCEQ for review and comment. Review and comment must be accounted for in the project timeline and schedule. The grantee will also have a contractual obligation to respond to the TCEQ's review comments before finalizing reports or other deliverables.

The final RFR must include a completed and signed release of claims. Once the TCEQ receives a release-of-claims form and the recipient has met all other contract requirements, the TCEQ will close out the grant contract.

The TCEQ will also complete a contractor evaluation in accordance with the provisions that will be outlined in the grant contract. The grant recipient will be notified of the results of the evaluation and will be given the opportunity to respond. This evaluation, which is required for all contracts administered by the TCEQ, is used to track the compliance and effectiveness of all TCEQ contractors and grant recipients.