

EPA Region 6 Review Guide for CWA §319(h) Work Plans June 2012

Purpose and Process

The purpose of this document is to ensure that Regional reviews of Clean Water Act §319(h) work plans are consistent among reviewers and with CWA §319(h), the 2004 *Nonpoint Source Program and Grants Guidelines for States and Territories* (Program Guidelines), and Regional program policy. The Region's goal in developing this policy is to minimize uncertainty that States may have in program requirements, conserve time and effort in work plan preparation, and facilitate timely reviews by Region 6 staff.

This review guide should be considered a living document that will be revised as guidance and policy changes, and as the Region and States develop useful processes that may be incorporated.

Because work plans constitute the basis for contractual agreements governing the expenditure of federal funds, it is imperative that these documents provide adequate information and assurance that resources will be invested in a responsible manner and in support of the Nonpoint Source Program mission and goals.

The term "work plan" is used in CWA§319 and the Program Guidelines to describe both the overall technical descriptions to be funded in the annual grant application, and the individual project-level descriptions. For the purpose of this review guide, "work plan" refers to the individual, project-level elements contained in the overall grant application package, and are commonly referred to as "projects."

Work plans are reviewed by the state's Project Officer (PO) and Program Manager (PM) to ensure technical soundness and consistency with all applicable guidance and regulations. Comments are compiled by the Project Officer and transmitted to the appropriate State contact. Letters and review comments are included in official grant project files for later reference.

To facilitate a quick and efficient review, early consultation between the State and Region 6 staff should be conducted. This helps to ensure that technical and programmatic issues are worked out prior to submittal of the work plans, and maximizes flexibility when implementing program policy and guidance. This review guide provides Regional staff with a tool to provide consistent reviews on completed work plans, but may also aid Regional staff, States, and Cooperators in pre-submittal discussions during the development phase.

CWA §319 (h)(2). *An application for a grant under this subsection in any fiscal year shall be in such form and shall contain such other information as the Administrator may require, including an identification and description of the best management practices and measures which the State proposes to assist, encourage, or require in such year with the Federal assistance to be provided under the grant.*

CWA §319 (h) (1) *... the Administrator shall make grants, subject to such terms and conditions as the Administrator considers appropriate, under this subsection to such State for the purpose of assisting the State in implementing such management program.*

Reviewing a Work Plan

Because State NPS programs are as diverse in their character, priorities, and resources as are individual States, it's impossible to recommend a single body of information appropriate for all work plans. But by following statutory provisions, guidelines, and policy, it is possible to provide States with insight into reviewer expectations and perspectives. This guide focuses on work plan context and content to describe these expectations. Examples are provided throughout the following sections, but are not intended to apply to every work plan.

Context

Describing the context of the work plan, within the State's NPS Management Program framework, provides the reviewer with immediate perspective on the project and funds being requested. Because of the diversity in project types, a lack of context can lead to confusion about the purpose, need, and relevancy of the work plan. Providing context satisfies statutory requirements and facilitates the review process.

The work plan should clearly explain the connection between the requested funding and the State's NPS Management Program. Additionally, work plans should be presented in the context of:

- Request for Proposals (RFP) or other State selection criteria
- Relevant §319(h) grant conditions
- Related activities, i.e. previous projects or Watershed-Based Plans (WBP).

Content

Information contained in work plans may vary widely, depending on project type (education, implementation, monitoring, etc.) but the basic types of information remains essentially the same. Providing timely and consistent information among work plans ensures that the necessary components are represented and facilitates the review process. Basic types of information necessary in an acceptable work plan are presented here.

Problem/Need Statement. Statements regarding the problem to be addressed and the need for the project are arguably the most basic piece of information needed by reviewers. Information provided in this section should provide a clear connection between the environmental or water quality problem and why the proposed project is the appropriate solution. Although presented above, in the Context section of this guide, a brief description of previous work plans that have funded related or previous phases of the current project can be extremely helpful in justifying the need for the proposed project. Where previous or other associated projects exist, the work plan should include a description of how the technical and funding aspects will be coordinated.

Nonpoint Source Program and Grants Guidelines for States and Territories:

IV.B.2.b. Regions must be able to determine from the draft work plans that:

(1) They conform to all applicable legal requirements of Section 319, EPA's general grant regulations in 40 CFR parts 31 and 35, and the requirements of OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133;

(2) they are consistent with these guidelines and with the goals, objectives and priorities in the State nonpoint source management program;

(3) they only include expenditures that are necessary, eligible, reasonable, and consistent with the grant;

(4) the State and EPA will mutually be able to assess the success of grant activities in meeting State program goals; ...

Goals and Objectives. Information provided in this section should closely tie to the preceding problem statement. Given the overarching statutory goals supporting the NPS program, it is expected that the goals and objectives of the work plan focus on the restoration and protection of water quality. In cases where administrative project goals or objectives are included, a clear link back to the project's environmental goal or objective must be provided. Environmental goals should be as detailed and quantifiable as possible, particularly where historical information or previous projects provide a basis for projections or estimates.

Project Description. Although this section generally comprises the bulk of a work plan, it will vary in length and detail, and should be commensurate with the complexity of the project. This section will generally contain a mix of narrative overview and more concise tasks. In addition to other project-related information, the narrative portions should explicitly describe how the project addresses the problem and meets the goals presented in earlier sections of the work plan. Additionally, the project description section should contain clear indication about how the proposed tasks will be coordinated with each other, and with associated projects when they exist.

**Nonpoint Source Program and Grants
Guidelines for States and Territories:**

IV.B.2. *Work plans ...should include a brief and concise synopsis explaining the State's strategy for using Section 319 funds in the current fiscal year. This synopsis should outline*

- *the problem to be addressed;*
- *the project's goals and objectives;*
- *the lead implementing agency and other agencies that will be authorized to expend project funds;*
- *the types of measures or practices that will be implemented;*
- *the projected implementation schedule;*
- *the outputs to be produced by performance of the project; and*
- *the environmental indicators and/or other performance measures that will be used to evaluate the success of the project.*

Task level information is, of course, the most project-specific and detailed language in the work plan and should contain the basic who, what, when, where, how, and how much for each activity. Generally, a single task should not describe multiple activities. Separate tasks should be developed for distinct activities, and subtasks may be used to provide even greater detail. To facilitate EPA reviews, costs associated for each task may be provided in federal and non-federal amounts. Examples of considerations for various project types are provided below. This is not intended to be an exhaustive list of examples or of project-specific comments that may be made by reviewers.

- **Monitoring** For a work plan that includes water quality monitoring (instream or BMP-related), the overall task description should include information such as why monitoring is needed and how the data will be used, while subtasks should be used to describe associated activities such as historic data review, monitoring plan development, field reconnaissance, sample collection, and data analysis. For projects that include ambient water quality monitoring, data entry into STORET must be ensured.
- **QAPPs.** A task for QAPP development should be included for all projects where a QAPP is required by EPA's Quality System for Environmental Data and Technology. In addition to the standard QAPP for collection of new data, commonly required QAPPs for activities funded under §319 include Secondary Data plans for the gathering and/or use of existing data, Geospatial plans for use of GIS and other spatial or mapping activities, and Modeling plans for projects related to modeling activities. Tasks associated with QAPP development should describe what activities will be covered and what type of QAPPs will be developed, i.e. modeling, secondary data, GIS, etc. It

should be noted that an umbrella QAPP may be utilized if field and lab procedures are common to several projects, requiring only project-specific information such as site locations or sampling frequency be submitted for individual projects.

- On-site BMPs. For work plans that include implementation BMPs, some level of effort should be dedicated to assessing effectiveness. Ideally, this would include pre- and post-implementation monitoring at instream site(s) and/or at edge-of-field scale coupled with estimates of instream effects. Estimates or demonstration of water quality improvements that can be tied to water quality standards are useful to reviewers when assessing whether the proposed project will result in, or contribute to, measurable instream water quality effects.
- Sub-grantees. For work plans that include hiring sub-grantees/sub-contractors, e.g., watershed coordinators or consultants, task descriptions should clearly indicate what activities the staff or contractor will conduct or is responsible for. This information is useful to reviewers in assessing the reasonableness and appropriateness of project costs.
- Education/Outreach. Nationally, there is a renewed program emphasis on measurable water quality improvements. However, for work plans focusing on education or outreach, it may be difficult to quantify water quality improvements resulting, directly or indirectly, from these activities. These work plans should clearly explain how the proposed activities address the stated environmental problem and will contribute to the improvement of water quality. It is also feasible to utilize data or findings from studies to estimate the degree to which the project may contribute to water quality improvement.
- Urban. Work plans that include work in urban areas should clearly indicate that the proposed activities do not explicitly address a permit requirement for a regulated large, medium or small MS4. Given the universe of BMPs that a regulated entity may select to include in their Storm Water Management Plan (SWMP), and considering the unique characteristics of any given watershed, each work plan should be reviewed on a case-by-case basis to determine possible eligibility for funding. The Region 6 guide on grant funding and regulated MS4s will be a helpful guide to determine which activities within an MS4 area may be eligible, or ineligible, for §319(h) funding.

Schedules must be provided for all significant project activities, including task-level timeframes or start/end dates, interim milestones, and timeframes for deliverable development and deadlines. Schedules may be included as part of the general project description, or in a separate section of the work plan.

Significant deliverables are most often included in the project description, at the task-level, but could be described elsewhere in the work plan. Any significant output should be identified as a project deliverable. Typical project-level deliverables include interim and final project reports, QAPPs, or WBPs, but may also include development of a success story in cases where water quality improvements are demonstrated.

Measures of Success. Indicators of success of CWA §319(h) projects are two-fold. Outputs, or deliverables, can be used as an indication of progress in conducting and completing the project, as well as overall successful implementation of the project. Outcomes, or environmental indicators, can be used as measures of success in meeting statutory and programmatic goals related to restoration and protection of water quality. Both types of indicators are important components of a

work plan and necessary for reviewers assessing the relevancy and effectiveness of the proposed project in meeting program goals.

Budget and Costs. Each work plan’s proposed budget will be reviewed to ensure it is reasonable from a programmatic perspective. Technical necessity for, and price reasonableness of, proposed budget components will be considered, including Personnel, Travel, Equipment, Supplies, and Other items. All costs must be eligible, reasonable, allowable and allocable. The work plan budget or cost narratives should be detailed and expressed at the lowest practical project level, i.e. objectives, tasks, etc.

- Personnel – The applicant must identify all staff positions by title, annual salary, and the percentage of time each position will be assigned to the project/program.
- Travel – The applicant must identify the number of trips planned, the planned destinations, the number of travelers, and the estimated cost of each trip.
- Equipment – For Federal purposes, equipment is defined as an item with a unit acquisition cost of \$5,000 or greater and a useful life of more than one year. The applicant must identify each item of equipment, its cost, and where it will reside after the project is complete.
- Supplies – The applicant must only request supplies which are needed to complete the proposed work plan.
- Other – Examples of “other” costs could include postage, printing, sub-awards or stipends.

Cost Share – The work plan budget must show Federal and non-Federal funding, including totals. An explanation of how cost share/match will be met is required. Recipients can claim only allowable and eligible costs to meet cost sharing requirements.

Nonpoint Source Program and Grants Guidelines for States and Territories:
III.B.3. ... the Region should assure that a proper balance exists between funding the development of watershed-based plans and the implementation of watershed-based plans.

Planning vs Implementation

While States may use base funds for the full range of activities in their approved NPS Management Programs, the use of incremental funds must focus on the development and implementation of WBPs to address NPS impaired waters.

Nonpoint Source Program and Grants Guidelines for States and Territories:
III.B.3. Regions will include in each grant a condition that provides that the State will use these funds to implement a watershed-based plan only after the State completes the development of a watershed-based plan that addresses each of the watershed planning elements (a) through (i).

In some instances, it may be necessary for planning activities to take place concurrently with early implementation, such as education to change stakeholder behavior or other BMPs where adequate information is available to target high priority areas. Implementation in absence of an accepted WBP should be conducted only in rare occasions. Consultation ahead of time would be appropriate and such proposals would need to be evaluated on a case by case basis.