

Clean Water Act (CWA) Sections (§) 604(b) 319

January 24, 2024

Nonpoint Source (NPS) Pre-Request for Proposal (Pre-RFP) Meeting

> Watershed Planning Program (WPP)

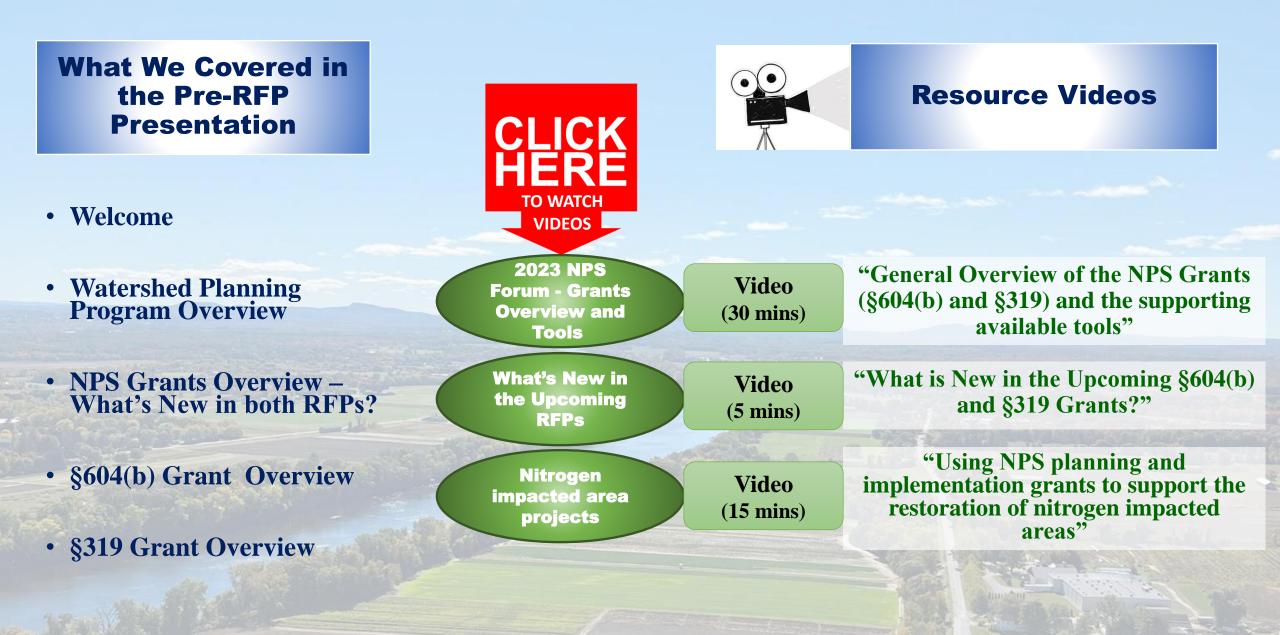
> > **Division of Watershed Management (DWM)**

Bureau of Water Resources (BWR)

Photo Courtesy: Therese Beaudoin, MassDEP

Agenda

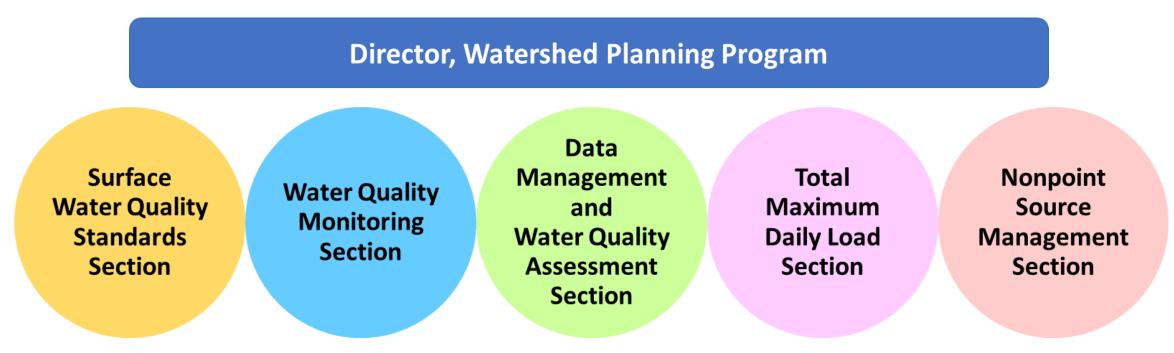
- Welcome
- Watershed Planning Program Overview
- NPS Grants Overview What is new in both RFPs?
- §604(b) Grant Overview
- §319 Grant Overview



Watershed Planning Program

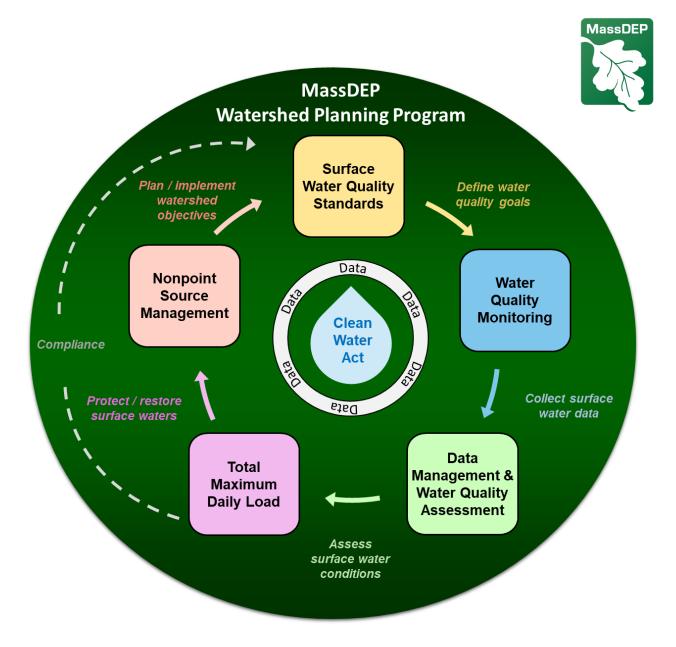


We are stewards of the water resources of Massachusetts. Together with other state environmental agencies, we share in the duty and responsibility to protect, enhance, and restore the quality and value of the waters of the Commonwealth. We are guided by the federal Clean Water Act and work to secure the environmental, recreational, and public health benefits of clean water for the residents of Massachusetts.



Watershed Planning Program

- The Watershed Planning Program is a statewide program with five Sections
- Each of the five Sections in the Watershed Planning Program has a different technical focus under the federal Clean Water Act
 - All Sections are linked under the CWA
 - · All actions are based on data
 - Iterative process to continually monitor, assess, and protect or restore water quality



Meet Our Grants Team at WPP



Richard Chase Chief Data Management and Water Quality Assessment Section



Dr. Richard Carey

Director Watershed Planning Program





Dr. Padmini Das Chief Nonpoint Source (NPS) Management Section



Malcolm Harper 319 Grant Coordinator



Judy Rondeau NPS Outreach Coordinator



Meghan Selby 604(b) Grant Coordinator

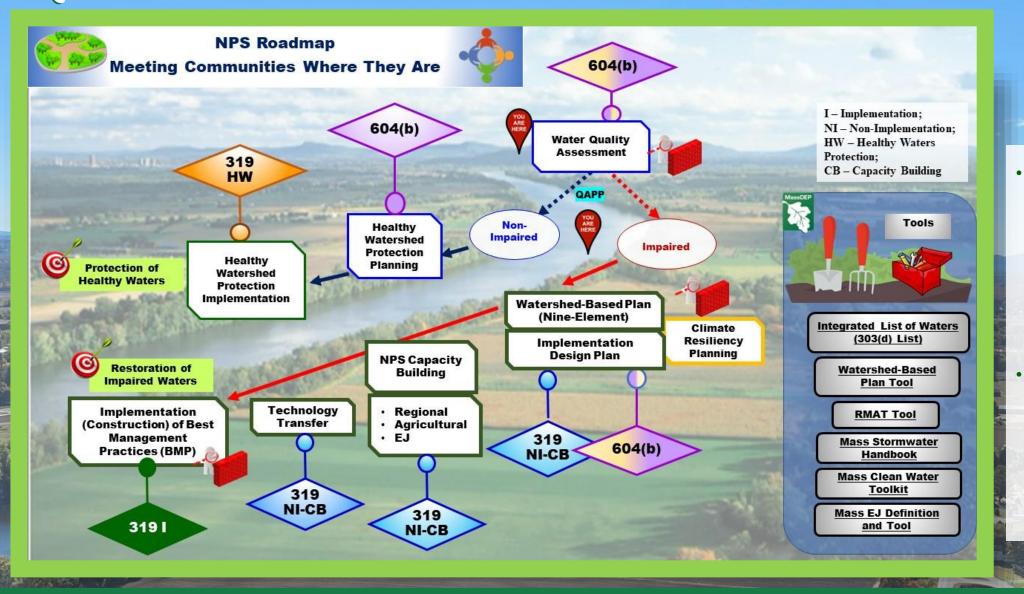
Watershed Planning Program – NPS Management Section

Vivian Gyimah

WPP Program Coordinator

WPP Grants Fiscal Coordinator

Meeting Communities Where They Are



MassDEP

The Theme:

This NPS Roadmap shows that

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Massachusetts Communities of any capacity can start the abatement of NPS pollution from their waterbodies.

MassDEP has available grants and tools to support all activities from start to finish.



What is

NEW

§604(b) RFP (FFY 2023) Water Quality Management and Planning Grant Program

- Base and Bipartisan Infrastructure Law Funds
- New Project Type: 604(b) Environmental Justice Coordinators Program
- New Project Type: Restoration of Nitrogen Impacted Area – Planning
- Active and Inclusive Community Engagement
- Climate Resiliency Planning and Supporting Tool

A Capacity Building Tool for Nonpoint Source Management Watershed Planning Program MassDEP

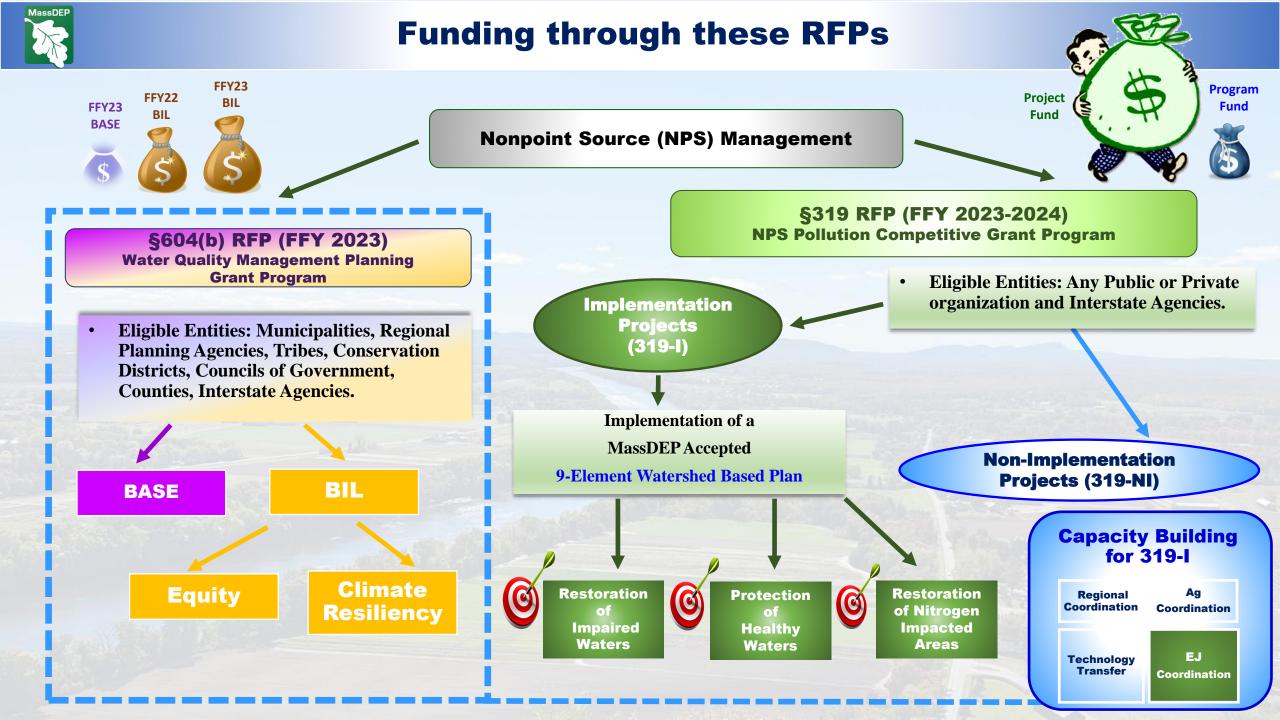
§319 RFP (FFY 2023-2024) NPS Pollution Competitive Grant Program

- Multi-Year RFP
- Match for FFY 2013-2024 Grant Cycle
- New Project Type: 319 Environmental Justice Coordinators Program
- New Project Type: Restoration of Nitrogen Impacted Area – Implementation
- Active and Inclusive Community Engagement
- Build America Buy America Requirement
- Streamlined RFP
- Eligibility Form
- <u>319 Project Cost Calculator</u>

Ideas for **Nonpoint**

Source

Projects: Information, Resources, Examples





Non-Federal Match for §319 Program



FFY 2023-2024 RFP



As a core capacity-building initiative,

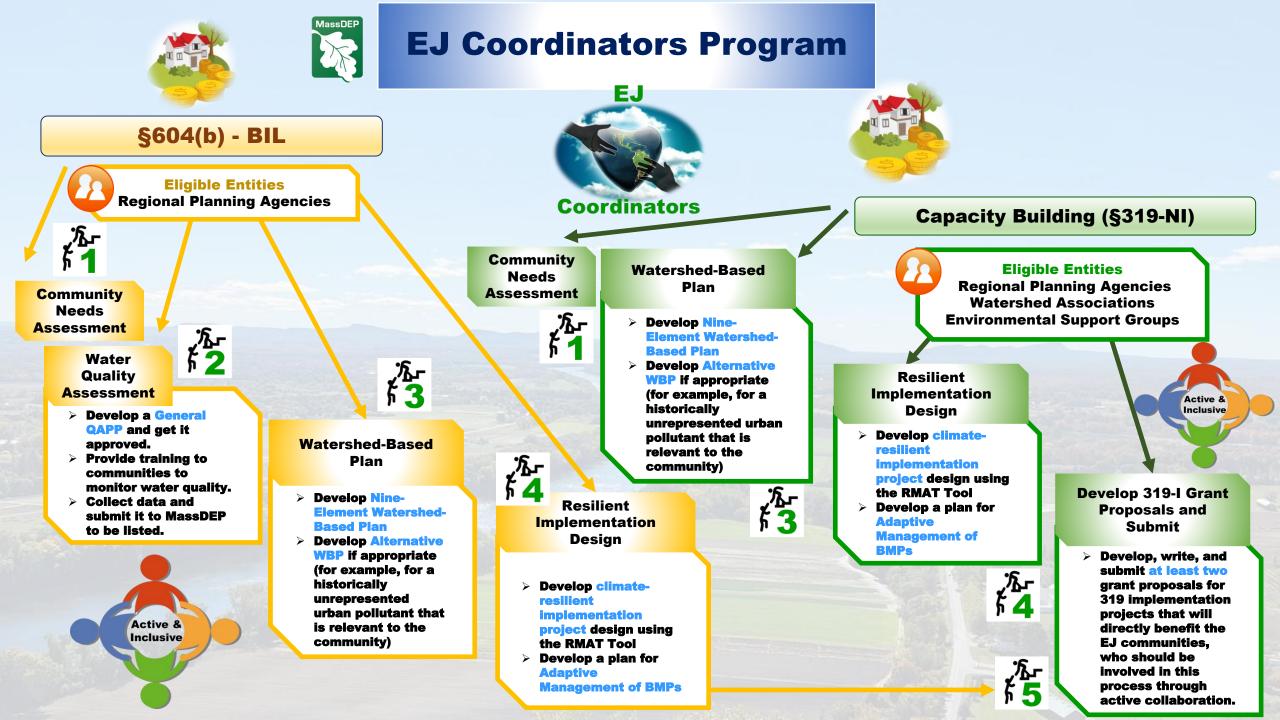
MassDEP's NPS Management Section in WPP has gathered the 40% non-federal match for the FFY 2023-2024 \S 319 project funds at the state level and therefore will

WAVE the match requirements for ALL awardees in this funding cycle.

Please note that any reduction or waiver of match requirement is restricted to this funding cycle.

Continuation of this initiative in future funding cycles will be at MassDEP's discretion and will depend on the availability of eligible projects and funds.

Proposals under this RFP will not be required to provide match, but voluntary inclusion of match with cash or in-kind services will provide applicants a competitive advantage in the selection process.





Restoration of Nitrogen Impacted Areas

Restore waterbodies in nitrogen impacted areas a. Support the implementation of the Cape Cod s.208 Plan

b. Support the development of a Martha's Vineyard s.208 Equivalency Plan and/or other watershed plan at the regional scale and its potential implementation c. Support the development of a s.208 Plan and/or other watershed plan at the regional scale for Nantucket and its potential implementation

d. Support the development of a s.208 Plan and/or other watershed plan at the regional scale for Plymouth County and its potential implementation

e. Support the development of a s.208 Plan and/or other watershed plan at the regional scale for Bristol County and its potential implementation

s.208 Plan and/or other watershed plan at the regional scale

Approved

Ongoing?

What can be funded by the 604(b) Grant Program?

What can be funded by the 319 Grant Program?

Restoration



Restoration of Nitrogen Impacted Areas

Eligible Projects

604(b) RFP (FFY 2023) Eligible project components include:

- Ambient water quality sampling,
- Monitoring data analysis,
- Modeling of nitrogen reduction scenarios,
- Development of Comprehensive Watershed Management Plans (CWMP),
- Development of Targeted Watershed Management Plans (TWMP),
- Updating CWMPs or TWMPs to nineelement WBP,
- Development of climate resilient implementation plans

319 RFP (FFY 2023-2024) Eligible project components include:

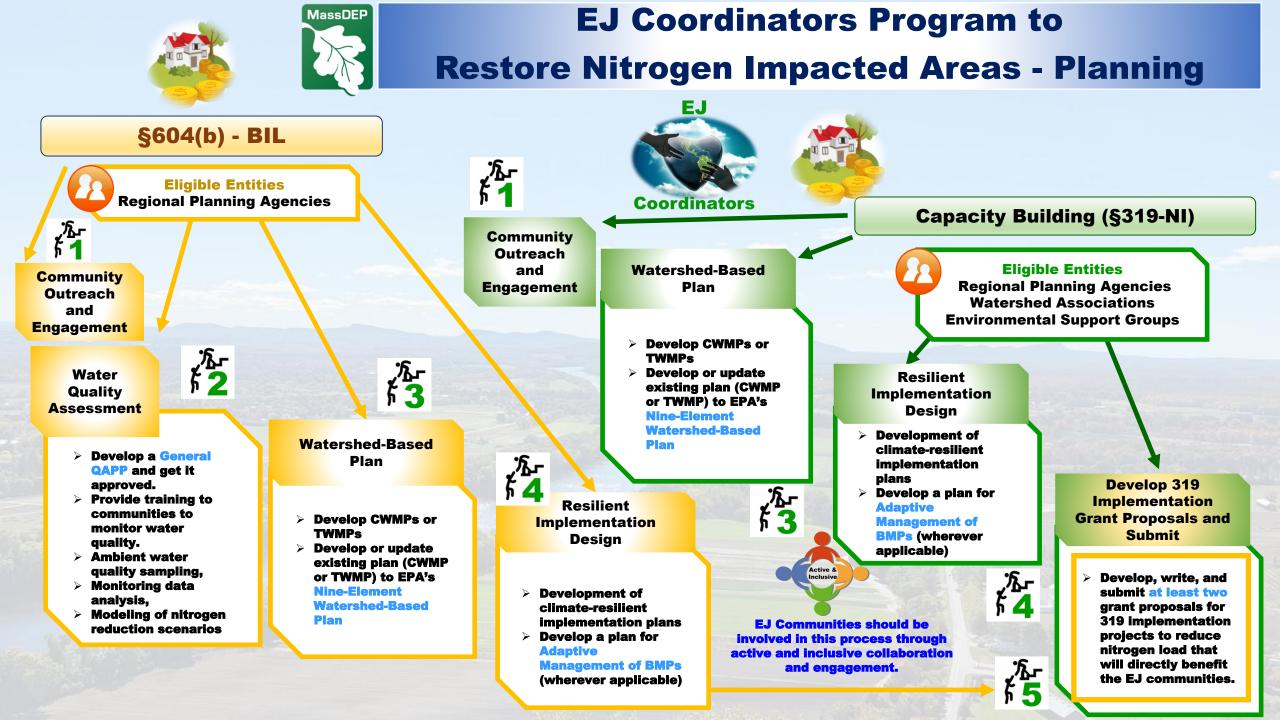
- Eligible project components must result in nitrogen load reductions and can include:
 - i. Installation of enhanced innovative/alternative (I/A) nitrogen reducing septic systems
 - ii. Installation of permeable Reactive Barriers (PRBs)
 - iii. Restoration of wetland areas

Additional Flexibilities for Massachusetts' EJ Communities

- Additional eligible project components for MA EJ communities can include:
 - iv. Development of Comprehensive Watershed Management Plans (CWMP) for MA EJ communities
 - v. Development of Targeted Watershed Management Plans (TWMP) for MA EJ communities
 - vi. Updating CWMPs or TWMPs to nine-element WBP,
 - vii. Development of climate-resilient implementation plans

Ineligibility

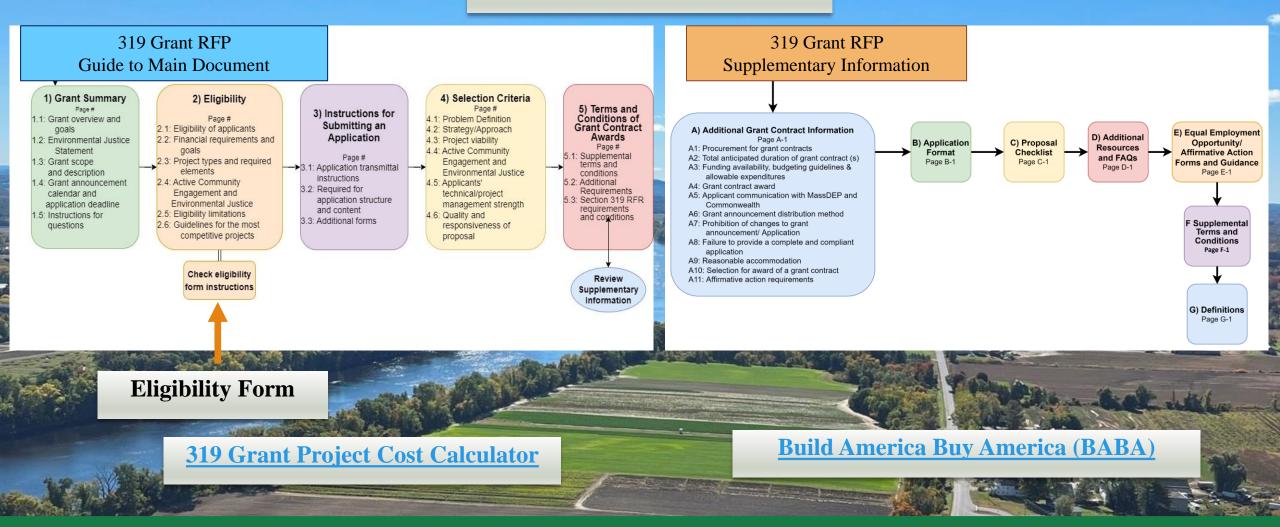
Connections to a centralized wastewater collection system or extension of a centralized wastewater collection system.





Streamlined 319 RFP

Divided into two major parts





Environmental Justice

For Massachusetts'

EJ Communities

For State and

Federally Recognized Tribes



9-Element Watershed-Based Plan (WBP)



For the Commonwealth's EJ Communities or a State or Federally Recognized Tribe



For Federally Recognized Tribe

Do you have an EPA-approved Tribal Implementation Plan? 319 |

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NC

YES

NO

YES

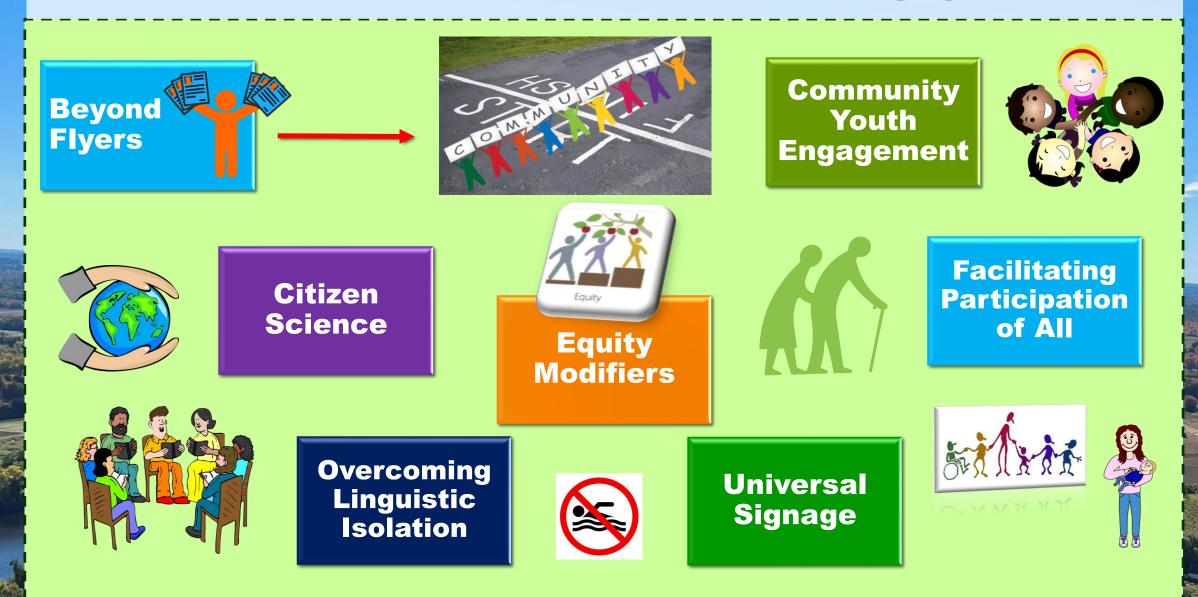


Active and Inclusive Community Engagement

> Active & Inclusive

Equity Modifiers

Active and Inclusive Community Engagement



Ideas for Nonpoint Source Projects: Information, Resources, Examples

The Nonpoint Source Management Section in the Watershed Planning Program, Massachusetts Department of Environmental Protection, developed INSPIRE as an online GIS-based capacity building tool.

Shares **information** about the Clean Water Act (CWA) Section §604(b) and Section §319 grants;

Showcases successful NPS-funded projects throughout the Commonwealth as examples; Presents a collection of geospatial layers as resources.

© to help communities develop new project ideas for competitive grant proposals.





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Meghan Selby



604(b) Water Quality Management Planning Grant Program

Pre-RFR Informational Meeting January 24, 2024

Overview

- Section 604(b) of the Clean Water Act (CWA) provides grants to determine the nature, extent, and causes of water quality issues and develop plans to restore or protect water quality pursuant to the CWA and Massachusetts Surface Water Quality Standards (SWQS)
- Bipartisan Infrastructure Law (BIL) 2022-2026

Grant Program Goals

- The determination of the nature, extent, and causes of water quality problems and pollutant load reductions necessary to meet the SWQS.
- Identifying sources of impairment(s) to impaired waters on the 2022
 Integrated List of Waters.
- Developing climate-resilient implementation plans to remediate pollution to impaired waters that will partially or fully restore waterbody segments not meeting the SWQS.
- Provide opportunities for EJ communities to ensure equitable and fair access to the benefits of the 604(b) Grant Program.
- Support projects that will be used for future Section 319 projects, such as developing WBPs, implementation plans, and pollutant load reduction calculations.

Priority Projects

- Nine-Element Watershed-Based Plans (319 requirement)
 - Impaired Waters or Healthy Waters
- Water Quality Monitoring and Assessment
- Development of climate resilient implementation plans and adaptive management plans
 - Green Infrastructure and LID Projects
- EJ Coordinator Program (only RPAs are eligible)
- Nitrogen impacted waters (Cape Cod, MV, Nantucket, and Plymouth and Bristol counties)
- Projects that results in deliverables that can advance on to Section 319 for implementation funding

Priority Waters

- Priority Segments (nonpoint source impaired waters that are most likely to respond to remediation efforts that will result in meeting SWQS).
- Waters assessed as impaired or with a history of harmful algal blooms
- Waterbodies included in the following National Water Quality Initiative (<u>NWQI</u>) HUC12 watersheds:
 - Unkety Brook-Nashua River Watershed (HUCID: 010700040402)
 - Upper Manhan River (HUCID: 010802010608)
 - South River (HUCID: 010802030501)
 - Westport River Watershed (HUCID: 010900020501 and 010900020502)
- Healthy Waters proactive protection

Eligibility

- Regional Planning Agencies
- Council of Governments
- Counties
- Conservation Districts
- Cities and Towns
- State or federally recognized tribes
- Other substate public planning agencies and interstate agencies.
- *Private organizations are not eligible but can partner with eligible entities.

Funding

- Approximately \$900,000
 - FFY22 BIL
 - FFY23 Base and FFY23 BIL
- Match is not required but preferred
- D/MBE goal 4.2% and D/WBE goal 4.5%
- Approximately two-year duration all projects
 - NPS EJ Coordinator Program three-year duration
- Reimbursement basis
- 10% retainage is withheld

Procurement Schedule

- Request for Proposals mid February (planned)
 - Posted on COMMBUYS, MassDEP website, and email announcement
 - Once RFP is issued no project specific communication allowed.
- Anticipated due date for proposals: April 2024
 - The due date will be confirmed in the RFP
- Anticipated applicant notification date: Summer 2024
- Anticipated contract start date: Fall 2024

Evaluation Criteria

- Concise Problem Definition
- Project Goals and Approach
- Project Budget (Cost effectiveness of the proposal)
- Project Timeline
- Qualifications of Organization and Project Manager
- Project Benefit (considers climate resiliency)
- Active and Inclusive Community Engagement
- Benefiting Environmental Justice Communities
- Quality and Responsiveness of the Proposal

General Application Advice

- Understand the Problem
 - Clearly outline the problem (why, what, where)
 - Identify and discuss the specific impairment from the 2022 Integrated List of Waters (e.g. Bacteria, Nutrients)
 - Review past studies, data, etc. and provide summary in your proposal (Assessment needs – DEP's Watershed Assessment Reports)
 - Locus map & detailed map of project area
- <u>Devising a Plan</u>
 - Clearly outline the goals and approach (who, how, when)
 - Clearly connect the "solution" to the "problem"
 - Show rationale for location and BMP selection and /or sampling locations

General Application Advice

- Assume the reviewer is not familiar with the project
- Pay attention to the evaluation criteria
- Budget Salary (list staff and salary range), Subcontracts,
 Equipment/Supplies, Mileage Only (\$0.62 per mile) no "Travel"
- **QAPPs required** for all Monitoring, Assessment, and Modeling work. Recommend checking with Lab to determine detection levels.
- **DBE** Grantee must make good faith effort to meet 4.2% DMBE and 4.5% DWBE goals. Goals are calculated off the total project cost, not just the grant award
- Letters of support from all contributing financial or in-kind match
- Ensure tasks are set up in a way that a project could be partially funded

Additional Resources

<u>Massachusetts 2022 Integrated List of Waters, Assessment Reports, Draft and Final</u> <u>TMDL analyses</u>: <u>https://www.mass.gov/lists/integrated-lists-of-waters-related-</u> reports#final-2022-integrated-list-of-waters-

<u>Technical Memoranda</u>: MassDEP water quality monitoring efforts are reflected in these technical memoranda.

Water Quality Monitoring Data: Quality-assured water quality monitoring data and GIS coverages of sampling locations.

Watershed-Based Planning Tool

The WBP will guide a user to select a watershed and complete the nine elements necessary to comprise a watershed-based plan: <u>http://prj.geosyntec.com/MassDEPWBP</u>

- WBP-tool Element Specific Guidance
- WBP-Tool Provisional Review Checklist and Rating Scoresheet
- Example <u>Completed WBPs</u>

EPA's Quick Guide to Developing Watershed Plans to Restore and Protect Out Waters

Additional Resources (continued)

Examples of Past Projects (Indicative Summaries)

https://www.mass.gov/info-details/grants-financial-assistance-watersheds-water-quality#s.-319-and-s.-604b-project-summaries-

The Clean Water Toolkit

A manual in electronic format that provides an overview of nonpoint source related issues, fact sheets and detailed information about best management practices to address nonpoint source problems: http://prj.geosyntec.com/npsmanual/default.aspx

Stormwater:

- <u>Funding Opportunities: https://www.mass.gov/service-details/available-funding-for-stormwater-projects-in-massachusetts</u>
- University of New Hampshire Stormwater Center : <u>http://www.unh.edu/unhsc/</u>
- Stormwater Policy and General Publications <u>http://www.mass.gov/eea/agencies/massdep/water/wastewater/stormwater.html</u>
- Cornell Extreme Precipitation Analysis website, providing rainfall analysis calibrated to the present climate: <u>http://precip.eas.cornell.edu/</u>
- MA Stormwater Handbook
- EPA Opti Tool (Cost Information)
- MWC <u>BMP Cost Catalog</u>

<u>Supplier Diversity Office</u> – Provides a search engine for certified vendors

Questions?

MassDEP Grants Website:

<u>https://www.mass.gov/info-details/grants-financial-assistance-</u> <u>watersheds-water-quality</u>

> 604(b) Grant Coordinator: Meghan Selby <u>meghan.selby@mass.gov</u> (617) 418-9666

319 Nonpoint Source Competitive Grant — Program

Pre-RFP Informational Meeting January 24, 2024

Nonpoint Source Pollution is unregulated overland runoff

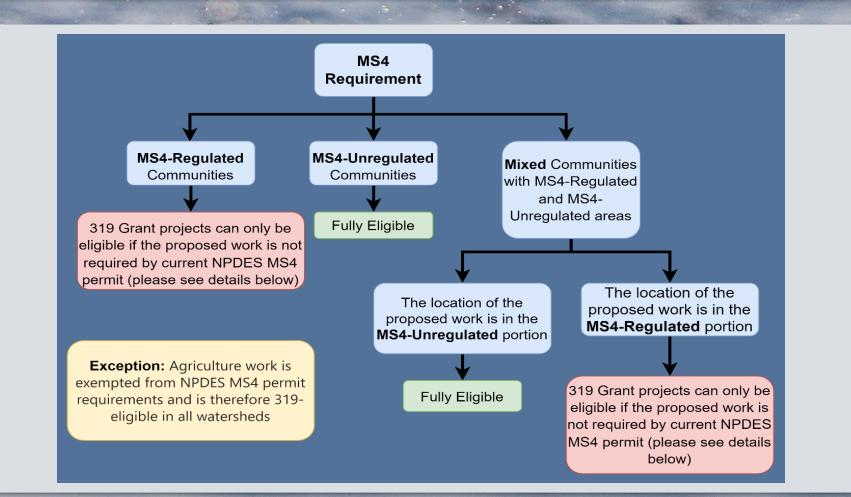
- NPS pollution is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters, and groundwater.
- Unlike "point source" pollution from regulated industrial discharges and sewage treatment plants, NPS pollution comes from many diffuse sources.

Overview

- Section 319 (319) of the Clean Water Act: address nonpoint sources (NPS) of water pollution
- Grants for prevention, control, and abatement of NPS pollution to restore or protect water quality pursuant to the Clean Water Act and the Massachusetts Surface Water Quality Standards



MS4 Area Eligibility



Eligibility

- Any Massachusetts public or private organization.
- This can include State and Federally Recognized Tribes, Regional Planning Agencies, Councils of Governments, Counties, Conservation Districts, Cities and Towns, other substate public planning agencies and interstate agencies.
- Projects can be located in MS4 areas (Municipal Separate Storm Sewer System) if they meet 319 program requirements and will be completed in years.

303(d): Impaired Waters List

- Biennial submission by states and tribes to EPA for review and approval
 - List of waters currently not meeting water quality standards
- Most recent Integrated List of Waters for 2022: https://www.mass.gov/doc/final-massachusettsintegrated-list-of-waters-for-the-clean-water-act-2022-reporting-cycle/download

Integrated List of Waters - Five Categories

- 1 "Waters Attaining All Designated Uses
- 2 "Waters Attaining Some Use But Not Assessed For All Uses"
- 3 "No Uses Have Been Assessed"
- 4A "Waters where TMDLs have Been Completed"
- 4B "Impairment Controlled by Alternative Pollution Control Requirements
- 4C "Waters Where an Impairment is NOT Caused by a Pollutant"
- 5 "Waters Impaired and Requiring a TMDL"

Watershed Planning Program – Nonpoint Source Management Section

Impairment categories fundable through §319 grant program

Eligible Project Types

- Implementation Projects (BMPs) to Restore Impaired Waters
- Implementation Projects to Protect Healthy Waters
- Implementation Projects to Restore Nitrogen
 Impacted Areas
- Environmental Justice Capacity Building
- Regional NPS Coordinators
- Agricultural NPS Coordinators
- Technology Transfer

Competitive Proposals

- Watershed-based approach
- Address a significant amount of the major source(s) of impairment
- Project is ready to go
- Match and strong stakeholder support
- More info on Competitiveness inside the RFR

Evaluation Criteria

- Completion of Eligibility Form
- Problem Definition
- Strategy/Approach
- Project Viability
- Active and Inclusive Community Engagement
- Applicant's technical/project management strength
- Quality and responsiveness
- Climate Resiliency
- Benefiting Environmental Justice Communities

General Application Advice

- Assume the reviewer is not familiar with the project
- Focus the project on remediating NPS pollution
- Pay attention to evaluation criteria
- Provide Detailed Budget Salary (list staff and salary range),
 Subcontracts, Materials and Supplies, Mileage (\$0.62 per mile) Only no "Travel"
- **Provide Adequate Designs** conceptual or better plans
- Calculate estimated **Pollutant Removal Numbers** in pounds/CFUs/tons for implementation projects
- Include letters of support from all contributing financial or in-kind match, and owner or manager of the project site as appropriate

Disadvantaged Business Enterprise Goals

- Grant recipients and their subcontractors must meet the appropriate federal "Fair Share" Disadvantaged Business Enterprise (DBE) and Affirmative Action requirements. Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) who are also certified as DBE should be utilized to meet the Fair Share goals. These goals are 4.2% D/MBE and 4.5% D/WBE of the total project cost. The Supplier Diversity Office (SDO) has certified over 1,900 DBEs.
- The Statement of Intent must reflect DBE goals in terms of dollars, not percentages.
- Ask your subcontractor to help you meet these goals.
- Additional information and access to the certified DBE database is available at: <u>https://www.mass.gov/supplier-diversity-office</u>.



Funding

- Approx. \$2.9 million implementation projects
- Approx. \$300,000 for non-implementation
- 15-30 projects anticipated
- 0% non-federal match required this grant cycle
- DM/WBEs @ 4.2% and 4.5%
- Approx. 2.5 years duration
- Reimbursement basis
- 10% retainage is withheld

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Additional Resources

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The Clean Water Toolkit

A manual in electronic format that provides an overview of nonpoint source related issues, fact sheets and detailed information about best management practices to address nonpoint source problems: <u>http://prj.geosyntec.com/npsmanual/default.aspx</u>

Healthy Waterbody Prioritization and Healthy Watershed Projects

While MassDEP welcomes high quality proposals throughout the state, a list of waterbodies that may be more competitive can be found on the MassDEP website: https://www.mass.gov/doc/healthy-waterbody-prioritization-and-healthy-watershed-projects/download

Watershed-based Planning Tool

The WBP will guide a user to select a watershed and complete the nine elements necessary to comprise a watershed-based plan:

http://prj.geosyntec.com/MassDEPWBP

- WBP-Tool Provisional Review Checklist and Rating Scoresheet
- Example <u>Completed WBPs</u>

Additional Resources (continued)

Examples of Past Projects (Indicative Summaries)

- Grants & Financial Assistance: Watersheds & Water Quality | Mass.gov
- Section 319 2022 Annual Report: https://www.mass.gov/doc/nonpointsource-management-program-2022-annual-report/download

Stormwater:

- MA Stormwater Handbook
- Massachusetts Watershed Coalition: BMP Cost Catalog
- University of New Hampshire Stormwater Center: http://www.unh.edu/unhsc/
- Stormwater Policy and General Publications: <u>https://www.mass.gov/info-details/stormwater</u>
- Cornell Extreme Precipitation Analysis website, providing rainfall analysis calibrated to the present climate: <u>http://precip.eas.cornell.edu/</u>
- EPA's Opti-Tool Cost Information: <u>https://www.epa.gov/tmdl/opti-tool-epa-region-1s-stormwater-management-optimization-tool</u>

Rain Garden - Leominster



Rain Garden - Leominster



Biofiltration Basin – Old Reservoir, Lexington



Bioretention Basin - Lake Congamond-Southwick



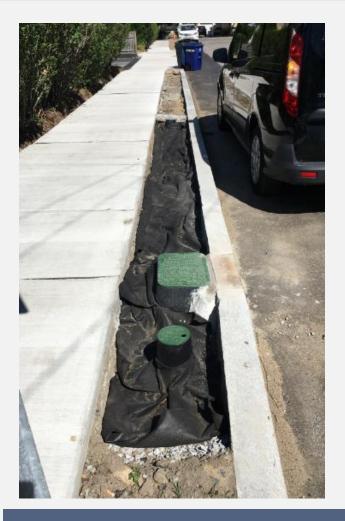
Interceptor Tank and Subsurface Infiltration System - Cohasset

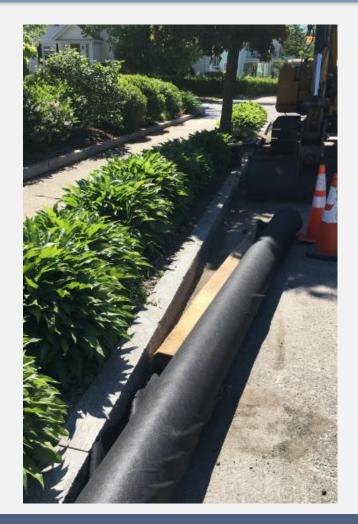


Interceptor Tank and Subsurface Infiltration System - Stoughton



Small-scale Infiltration BMPs - Mystic River Watershed





Questions

MassDEP Grants Website:

https://www.mass.gov/service-details/available-funding-forstormwater-projects-in-massachusetts

319 Grant Coordinator:

Malcolm Harper (Malcolm.Harper@mass.gov or 617-418-9732)