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MassDEP Official Responses to Questions regarding the May 20, 2020 PFAS Treatment Grant Opportunity: Grants for Reimbursement or New Costs for Planning and Design of PFAS Treatment Systems in PFAS-Impacted Communities

On May 20, 2020, the Massachusetts Department of Environmental Protection (MassDEP) offered a grant opportunity to support the design of systems for treatment of drinking water in PFAS-impacted communities (PFAS Treatment Grant or PFAS Grant) (<https://www.mass.gov/info-details/water-resources-grants-financial-assistance>). The PFAS Treatment Grant also provides for the reimbursement for costs and expenses already incurred by impacted communities for the design of treatment systems for PFAS. Questions regarding the PFAS Treatment Grant Opportunity were accepted by email until June 3, 2020. The following questions were received. MassDEP's official responses are provided below each question. Please note that, where multiple applicants essentially asked the same question, MassDEP has combined the content of these duplicate questions in order to provide a single, consistent, and uniform response

1. Can a project that is ongoing get reimbursement for both past work and future work?

MassDEP Response: Yes. The proposed work activities do not need to be completed in order to be eligible for funding. However, any proposed reimbursement for expenditures made to date shall be documented in accordance with the requirements outlined in the PFAS Grant Opportunity. Anticipated costs should similarly be included as part of the application materials.

2. Can multiple projects be requested under the same grant application or should separate applications be prepared? If they can be combined, can they be both past and ongoing/planned projects?

Applications from each PWS should be combined wherever possible to simplify the review and grant award process. Owners of multiple PWS should submit one application for each PWS. As noted in MassDEP Response to Question #1, both proposed and past work projects can be included in the application.

3. How is the \$2 Million dollars in total grant funding intended to be allocated between projects that have already expended funds for this work and those that are planned?

MassDEP Response: All projects for grants or reimbursement of costs will be evaluated according to the criteria outlined in the PFAS Treatment Grant Opportunity. There is no evaluation requirement for the allocation of funding based upon whether the work is completed, partially completed, or proposed.

4. Will there be a future round of [funding for] this grant program?

MassDEP Response: Currently, MassDEP has no plans to offer a future round of grant/reimbursement funding. Contingent upon the availability of funding, MassDEP may offer additional rounds of PFAS6 grant/reimbursement opportunities in the future for this program.

5. If a community has completed and is actively working on multiple PFAS treatment projects at multiple wellfields, will a community be permitted to apply for a grant for one PFAS project under this grant program and still be permitted to apply for a separate project under a future grant program?

MassDEP Response: See MassDEP Response to Question 4 above. Currently, MassDEP has no plans to offer a future round of grant/reimbursement funding. Therefore, MassDEP has not determined nor finalized any terms and/or eligibility requirements that might be applicable to any future round of funding for PFAS grants and/or reimbursements for costs. Receiving a grant via this program/round would not impact future eligibility for State Revolving Funds or other DEP funding.

6. Is the maximum award for this program of \$200,000 per applicant all time, or would communities be potentially eligible for future rounds of funding for other PFAS removal design projects even if they have received this maximum award?

MassDEP Response: The maximum award for this grant program is \$200,000 per applicant. See MassDEP responses to Questions 4 and 5 regarding future rounds for PFAS grant and/or reimbursement funding.

7. The final completion deadline of June 30, 2021 is for final completion of design of the project, not completion of construction, which is specifically excluded for reimbursement under this program, correct?

MassDEP Response: Correct. The design project must be completed by June 30, 2021, and construction costs are not eligible for funding and/or reimbursement under this PFAS Treatment Grant.

8. Will acceptance of grant monies from this program preclude communities from potentially accepting other future reimbursement program monies, for example for construction or for an unfunded portion of the design work?

MassDEP Response: As noted above, MassDEP has no current plans to offer a future round of grant/reimbursement funding through this program. See MassDEP Responses to Questions 4, 5, and 6 above.

9. Please clarify the page limit requirement. Is the 15-page limit for the **entire** application, including all attachments and appendices?

MassDEP Response: Yes, the limit is 15 single-sided pages for the entire application. Applicants should summarize and consolidate the relevant information, including water quality data and lab reports, to simplify MassDEP's review, evaluation and grant/reimbursement award process. On a case-by-case basis, MassDEP reserves the right to request additional information from an applicant if needed in order to appropriately evaluate a submitted application. MassDEP also reserves the right, on a case-by-case basis, to request additional supporting documentation from applicants after grant/reimbursement award.

10. Will the evaluation favor projects with a longer design life?

MassDEP Response: No. Projects will be evaluated in accordance with the criteria described in the PFAS Treatment Grant Opportunity. There is no criterion that evaluates the life of the design.

11. Will the evaluation favor projects that have already begun?

MassDEP Response: No. Projects will be evaluated in accordance with the criteria outlined in the PFAS Treatment Grant Opportunity. There is no criterion that evaluates whether the work is completed, partially completed, or proposed.

12. Will the evaluation favor projects that serve more customers?

MassDEP Response: No. Projects will be evaluated in accordance with the criteria outlined in the PFAS Treatment Grant Opportunity. There is no criterion that evaluates the number of customers to be served.

13. Under the Assist economically disadvantaged communities criterion, are any points available for communities without a Tier ranking?

MassDEP Response: No. MassDEP's review team will rely on the Tier rankings for the score of this evaluation criterion.

14. Under the Extent of the PFAS6 contamination criterion, does MassDEP have specific point thresholds based on PFAS6 levels? If so, please provide this information.

MassDEP Response: No, MassDEP does not have specific thresholds beyond the 20 ppt exceedance for PFAS6 contamination.

15. For proposals requesting reimbursement for expenditures made to date, is there a cutoff date where reimbursement is no longer eligible?

MassDEP Response: No, there is no cutoff date restriction. However, applicants must demonstrate through their application for reimbursement that any past work activities were for the primary purpose of addressing PFAS contamination.

16. MassDEP has asked some communities with less than 20 ppt PFAS6 to begin planning for PFAS treatment; however, this grant appears to favor communities with more than 20 ppt. Is funding available for communities with less than 20 ppt PFAS6?

MassDEP Response: The PFAS Treatment Grant Opportunity prioritizes past and/or future work projects intended to treat systems with demonstrated PFAS6 contamination at or greater than 20 ppt. Projects with PFAS6 at less than 20 ppt are eligible to apply, but may be considered to be less competitive for this grant opportunity, depending upon the quantity and/or quality of the applications submitted in response to this program.

17. Are there any ongoing reporting requirements throughout the duration of the contract? For example, will MassDEP require monthly/quarterly reports, design reports or other deliverables?

MassDEP Response: MassDEP does not currently anticipate that a significant amount of reporting will be required from grant/reimbursement recipients. For reimbursement awards, MassDEP will require detailed supporting documentation of project costs as part of the review team's acceptance of the final designs or deliverables for reimbursement payment. For proposed work activities utilizing grant funding, MassDEP may request progress reports, depending upon the nature of the project. Specific reporting requirements for each project will be outlined in each recipient's Grant/Reimbursement Award materials.

18. What will MassDEP require for each request for reimbursement? For example, will monthly drawdown forms and invoicing backup be required?

MassDEP Response: See MassDEP's Response to Question 17 above. MassDEP will reimburse both grant and reimbursement awards based upon invoices documenting project costs, and may request additional documentation depending upon the project details. Specific reporting requirements for each project will be outlined in each recipient's Grant/Reimbursement Award materials.

19. Are facilities such as non PWS airports eligible to apply for the PFAS Treatment Grant?

MassDEP Response: No. Applicants are required to submit a PWS ID number as part of the application materials to establish their eligibility. Only Community (COM) and Non-Transient Non-Community (NTNC) MassDEP registered Public Water Systems, as defined in 310 CMR 22.02, whether under public or private ownership, are eligible to apply.

20. The "additional required documentation" section on Page 6 of the Grant Opportunity refers to the requirement for the applicant to sign the Commonwealth Standard Contract, including the Terms and Conditions. Item 10 in the "COMMONWEALTH TERMS AND CONDITIONS" makes mention of the need to purchase supplies and services from certain types of businesses. See the last sentence in the excerpt below.

"10. Affirmative Action, Non-Discrimination In Hiring And Employment. The Contractor shall comply with all federal and state laws, rules and regulations promoting fair employment practices or prohibiting employment discrimination and unfair labor practices and shall not discriminate in the hiring of any applicant for employment nor shall any qualified employee be demoted, discharged or otherwise subject to discrimination in the tenure, position, promotional opportunities, wages, benefits or terms and conditions of their employment because of race, color, national origin, ancestry, age, sex, religion, disability, handicap, sexual orientation or for exercising any rights afforded by law. The Contractor commits to purchasing supplies and services from certified minority or women-owned businesses, small businesses or businesses owned by socially or economically disadvantaged persons or persons with disabilities."

Please provide clarifying details for this requirement, including any specific numeric or percentage goals, potential for waivers if the nature of the work cannot accommodate this requirement, etc.

MassDEP Response: In accordance with 815 CMR 2.06(2), all recipients selected for a grant award must execute and/or adhere to both the Commonwealth's Standard Contract Form and the Commonwealth's Terms and Conditions (T&Cs) in order to receive the funding offered through any grant program. Accordingly, to the extent feasible, all recipients of funding through this PFAS Treatment Grant opportunity must commit to the purchasing of supplies/services from the certified entities and other identified groups of businesses or persons in accordance with Article 10 of the T&Cs. However, applicants should note that the PFAS Treatment Grant Opportunity does not require any specific numeric or percentage goals with respect to Article 10 of the T&Cs, nor is there a requirement to submit a written waiver in the event that the grant recipient is unable to identify opportunities and/or contract for the purchase of supplies and/or services with the entities or individuals listed in Article 10 of the T&Cs.