



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

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## **2023-2024 Natural Resource Nitrogen Sensitive Area Grant Program** **Notice of Grant Opportunity**

### **1. GRANT OPPORTUNITY SUMMARY:**

- A. **Proposals Sought:** The Massachusetts Department of Environmental Protection (MassDEP or the Department) seeks proposals from Massachusetts municipalities or other government entities that meet the definition of “Local Government Unit,” as defined in 314 CMR 21.02, and have a watershed that has been designated as a Natural Resource Nitrogen Sensitive Area under 310 CMR 15.000, Title 5. The purpose of this grant program is to assist municipalities in a variety of activities, identified below, which facilitate completion of a Watershed Management Plan (WMP) for the purpose of completing a Watershed Permit application or De Minimis Load application, each of which address solutions to cultural eutrophication caused by nitrogen pollution from wastewater and other sources. Only planning activities that contribute to or come from a Watershed Management Plan, Watershed Permit application, or De Minimis Load application (as defined in 314 CMR 21.00) will be considered for funding. Through this grant program, MassDEP seeks to facilitate and advance Local Government Units’ application for a Watershed Permit or De Minimis Load application under 314 CMR 21.00 by offering funding for Eligible Projects to Eligible Entities as further defined below. Interested entities should refer to the regulations here:

<https://www.mass.gov/regulations/314-CMR-2100-watershed-permit-regulations>

The funding for this Grant Program is available only for work conducted during the Commonwealth of Massachusetts State Fiscal Year 2024 (July 1, 2023 - June 30, 2024). However, the work proposed to be funded may be part of a larger, ongoing project that exceeds Massachusetts State Fiscal Year 2024.

- B. **Overview and Goals:** A primary source of nitrogen contamination of coastal estuaries in Cape Cod is nitrogen loading from on-site septic systems. MassDEP, in conjunction with local Boards of Health, regulates these systems through its “Title 5” regulations, 310 CMR 15.000. On July 7, 2023, MassDEP promulgated revisions to these regulations. These regulations established new Natural Resource Nitrogen Sensitive Areas (NRNSAs) to more effectively address nitrogen impacted estuaries in the Commonwealth so that the waterbodies will meet state Surface Water Quality Standards for that particular pollutant, as found and outlined in 314 CMR 4.00. Currently, 31 watersheds of Cape Cod have been designated as NRNSAs under Title 5.

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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The regulations also establish new requirements for these NRNSAs. These requirements are designed to more effectively address specific problems related to the impairment of coastal estuaries arising from high densities of septic systems. More specifically, the Title 5 revisions require that any system serving new construction incorporate Best Available Nitrogen Reducing Technology by July 8, 2024 (as extended by DEP), unless the local government unit submits a Notice of Intent, a Watershed Permit application or a De Minimis Load application to stay this requirement. For existing systems, there is a 2-year Notice of Intent period, after which if no NOI, Watershed Permit or De Minimis application is filed, any existing facility with a Title 5 system must incorporate Best Available Nitrogen Reducing Technology within five (5) years of the end of the Notice of Intent period. While the enhanced treatment requirements for septic systems will result in significant reductions in nitrogen pollution, they may not be the most effective and efficient way to restore the impacted estuaries and achieve established water quality goals.

Therefore, MassDEP promulgated a second, concurrent regulatory revision formally establishing a “watershed permit process” under 314 CMR 21.00: Watershed Permit Regulations. A Watershed Permit provides a 20-year timeframe to implement a more comprehensive solution to address nitrogen loading to the watershed. As noted above, if Local Government Units obtain a Watershed Permit that covers an NRNSA (i.e., an area that would be subject to the updated Title 5 regulations), the above Title 5 NRNSA requirements will not become effective for that area. The watershed permit process requires Local Government Units to complete a Watershed Permit application as described by 314 CMR 21.03 or De Minimis Load application as described in 314 CMR 21.12. A Watershed Management Plan (WMP) is a required component of the Watershed Permit application and may be part of a De Minimis Load application. Other components of a watershed permit application may include a Comprehensive Wastewater Management Plan (CWMP), a Comprehensive Water Resource Management Plan (CWRMP), or a Targeted Watershed Management Plan (TWMP).

Through this grant program, MassDEP seeks to facilitate and advance Local Government Units’ applications for Watershed Permits or De Minimis Load Exemption under 314 CMR 21.00 by offering funding for Eligible Projects to Eligible Entities as further defined below.

- C. Environmental Justice:** MassDEP is committed to advancing equity, diversity, and environmental justice (EJ)<sup>1</sup> through its public investments. The agency seeks to prioritize the direction of these resources to benefit EJ communities and to address environmental inequities. To that end, MassDEP grant and funding programs include criteria and evaluation parameters that emphasize equity, diversity, and environmental justice, consistent with each program’s statutory authority and source of funding. Preference will be given to projects that provide direct benefit to environmental justice populations. Information on which communities are classified as environmental justice populations can be found at <https://www.mass.gov/info-details/environmental-justice-populations-in-massachusetts>.

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<sup>1</sup> “Environmental justice is based on the principle that all people have a right to be protected from environmental hazards and to live in and enjoy a clean and healthful environment regardless of race, color, national origin, income, or English language proficiency. Environmental justice is the equal protection and meaningful involvement of all people and communities with respect to the development, implementation, and enforcement of energy, climate change, and environmental laws, regulations, and policies and the equitable distribution of energy and environmental benefits and burdens.” See Environmental Justice Policy of the Executive Office of Energy and Environmental Affairs (updated June 24, 2021): <https://www.mass.gov/doc/environmental-justice-policy6242021-update/download>.

- D. **Eligible Entities:** Eligible Entities are regional or local government units that: (a) meet the regulatory definition of "Local Government Unit" as defined in 314 CMR 21.02; and (b) are seeking a Watershed Permit to address nitrogen pollution in one (1) of the 31 Cape Cod watersheds designated as an NRNSA under Title 5. The NRNSA Address Lookup Map can be found at <https://mass-eoea.maps.arcgis.com/apps/webappviewer/index.html?id=96035fe034044e2596b49168b0e35d8e>

Local Government Unit - Any town, city, district, county, commission, agency, authority, board or other instrumentality of the commonwealth or of any of its political subdivisions, including any Local Government Unit (314 CMR 21.02).

- E. **Eligible Projects:** Eligible projects will assist Local Government Units in completing Watershed Management Plans for the purpose of applying for a Watershed Permit, each of which address solutions to cultural eutrophication caused by nitrogen pollution from wastewater and other sources. Proposed projects must be in one (1) of the 31 Cape Cod watersheds designated as an NRNSA to be eligible. Interested applicants can use the MassDEP Designated Natural Resource Area Nitrogen Sensitive Area Address Lookup Map to determine if their project is eligible. The NRNSA Address Lookup Map can be found at <https://mass-eoea.maps.arcgis.com/apps/webappviewer/index.html?id=96035fe034044e2596b49168b0e35d8e>.

Only planning activities that contribute to, or come from, a Watershed Management Plan (WMP), a Comprehensive Wastewater Management Plan (CWMP), a Comprehensive Water Resource Management Plan (CWRMP), a Targeted Watershed Plan (TWMP), Watershed Permit application or De Minimis Load application (as defined in 314 CMR 21.00) will be considered for funding. Preference will be given to Eligible Projects that provide a benefit to the Local Government Unit's environmental justice populations, if present and applicable.

Watershed Management Plan or WMP – A plan that:

- (a) is consistent with a 208 Plan, if such plan exists, as determined by the designated areawide planning agency under § 208 of the Clean Water Act, 33 U.S.C. § 1288;
- (b) includes or is supplemented with the information and documentation specified in 314 CMR 21.03(2), unless the Department determines otherwise;
- (c) is based on one or more Comprehensive Wastewater Management Plans (CWMPs), Comprehensive Water Resource Management Plans (CWRMPs), or Targeted Watershed Management Plans (TWMPs), as defined in 314 CMR 21.02, which may serve as the WMP if all requirements of this definition are met; and
- (d) provides a schedule and description of actions to achieve Necessary Nitrogen Load Reductions. Unless otherwise determined by the Department, the WMP may address pollutants other than nitrogen (314 CMR 21.02).

Watershed Permit – A permit issued by the Department pursuant to 314 CMR 21.00 for one or more watersheds with a term of no longer than 20 years, including the Pleasant Bay Watershed Permit (Permit No. 001-0) that was issued August 3, 2018, by the Department prior to the promulgation of 314 CMR 21.00 (314 CMR 21.02).

Both existing and proposed projects are eligible for this grant program, and funding will support work activities for the planning phase of Watershed Management Plans or a Watershed Permit, so long as the work funded by this program is conducted during FY2024 (i.e., July 1, 2023, through June 30, 2024). All applications must include a feasible timeline for completion of the proposed work (i.e., illustrating that

the work being proposed for funding can be completed on or before the June 30, 2024, deadline). For proposed projects including work conducted before submission of the Grant Application, but on or after July 1, 2023, the Applicant must provide documentation, such as invoices, in the Grant Application.

Only planning activities that contribute to, or come from, either a Watershed Management Plan or a Watershed Permit (as defined in 314 CMR 21.00) will be considered for funding. Examples of Eligible Projects include, but are not limited to:

- Planning activities necessary to complete a watershed permit application as explained by 314 CMR 21.03(2) or De Minimis Load application as explained by 314 CMR 21.12. This includes, but is not limited to:
  - Completing a Watershed Management Plan, CWMP, TWMP, or Scientific Evaluation;
  - Assessment of nitrogen loads; or
  - Modeling of nitrogen reduction scenarios.
- Planning activities required by approved watershed permit. This may include, but is not limited to:
  - Data analysis of ambient water quality monitoring results; or
  - Permeable reactive barrier design.
- Review of ambient water quality monitoring, modeling, and/or other measures for the purpose of demonstrating de minimis load within a watershed or sub-watershed.

Construction or implementation projects will not be considered for funding. Examples of projects that are not eligible for funding include, but are not limited to:

- Construction or implementation projects, including but not limited to:
  - Construction of approved sewerage;
  - Upgrades to existing wastewater treatment facilities and/or septic systems; or
  - Installation of a permeable reactive barrier.
- Continued operation or maintenance of wastewater treatment facilities or upgraded septic systems.

Ownership of all equipment or resources purchased pursuant to a grant award shall remain the property of the grantee.

- F. **Application Deadline:** Applications are due electronically by 5:00 P.M., E.S.T. on Friday, January 5, 2024.
- G. **Page Limit:** Grant Applications, including the budget sheet but excluding the cover sheet, must not exceed fifteen single-sided (15) pages in length. The cover sheet (Attachment A) is at the end of this document is also available online at <https://www.mass.gov/info-details/grants-financial-assistance-watersheds-water-quality#natural-resource-nitrogen-sensitive-area-grant-program->
- H. **Funding Availability:** MassDEP anticipates that up to \$300,000 in total funding may be available for projects through this program. Grant Awards may range from \$20,000 to \$300,000 per applicant, although MassDEP reserves the right, in its discretion, to grant smaller awards to proposals of exceptional merit. If there are remaining unspent capital funds available from other Department projects during the period between the announcement of this grant opportunity and the announcement

of the grant awards, the Department reserves the right to allocate supplemental funds to this grant solicitation and/or initiate additional funding rounds.

Applicants may seek funding for Eligible Projects that will exceed the length of the grant award period (i.e., past June 30, 2024); however, only work that is proposed to be completed on or before June 30, 2024, is eligible for funding. In addition, work conducted after July 1, 2023, but before the date of the execution of the grant contract award, may also be eligible for funding. All funding for awards issued through this program are subject to the availability of appropriations or funding from other Department sources.

- I. **Match and Other Funding Obligations:** Applicants are not required to provide matching funds. However, applicants are encouraged to identify other known sources of funding for a proposed project on the Application Form, from both secured and anticipated sources, which may make the Application more competitive during review and evaluation by MassDEP.

In addition, Applicants are advised that grant awards involving capital funds are required to be disbursed on a cost reimbursement basis, meaning that grantees will be reimbursed for funds already expended. To receive reimbursement for funds expended, grantees must submit a written request for payment, along with any other required documentation. Grantees are strongly encouraged to submit written requests for payment, and any corresponding supporting documentation, on or before June 30, 2024, as well. Please see section 1.L. for more information on required documents.

- J. **Bidders' Conference:** A Bidders' Conference using Microsoft Teams will be held on Tuesday, December 19, 2023, at 10:00 AM to field questions from Grant Applicants. To obtain the meeting link information or the Teams link please contact Caroline Adamson via email at [Caroline.P.Adamson@mass.gov](mailto:Caroline.P.Adamson@mass.gov) with "FY 2024 NRNSA Grant Bidders' Conference Details" in the email subject line.

- K. **Total Anticipated Duration of Grant(s):** The contract duration will be through June 30, 2024. MassDEP reserves the right to extend the contract duration solely for the purposes of performance completion consistent with the terms of the Grant Award contract.

- L. **Required Documentation:** Upon completion of the proposed work, and with submission of the final request for reimbursement, all Grant Awardees shall submit a one (1)-page Final Report summarizing their project tasks, including links or copies to the work product completed during the contract period.

MassDEP reserves the right to request additional materials, information, or other documentary evidence demonstrating completion of work and/or compliance with program requirements. MassDEP also reserves the right to withhold funding until receipt of satisfactory materials, information, or other documentary evidence demonstrating completion of work and/or compliance with program requirements.

- M. **Applicable Procurement Law:** Grants: MGL c. 7A, § 7; St. 1986 c. 206, § 17; 815 CMR 2.00.

## **2. INSTRUCTIONS FOR APPLICATION SUBMISSION:**

- A. Evaluation Criteria (general):** In order to be considered for a grant award, Applicants must submit a completed application that: includes all required supporting materials; consent to program terms and conditions; provides an affirmative commitment to completing the proposed work by June 30, 2024; and meets program eligibility requirements. A MassDEP review committee will evaluate proposed projects based upon the criteria listed below. The review committee reserves the right to reject any or all proposals.

**Evaluation Criteria Components:** The review committee will evaluate and score the grant applications from Eligible Entities (as previously defined in Section 1.D. of this Grant Opportunity) based upon the following criteria:

### **Project Description (20 points)**

- How well does the Applicant describe the proposed or existing project and the work to be covered by this funding?
- How well does the Applicant articulate how the proposed project will help the Eligible Entity achieve/meet the goals of the Grant Program and Title 5 requirements?
- If some or all of the proposed project includes a request for reimbursement for eligible costs incurred after July 1, 2023, and before submission of the Application, has the Applicant included a description of the project that is partially or fully completed?
- Are all elements of the proposal eligible under the listed criteria for this grant program and do not include construction/implementation and/or continued operational/ maintenance costs?

### **Meet Regulatory Requirements (15 points)**

- Does the Applicant demonstrate how the proposed project intends to contribute to the development of a Watershed Management Plan, Watershed Permit application, or De Minimis Load application under 314 CMR 21.00, De Minimis Load application and/or Title 5?

### **Financial Need (5 points)**

- How well does the applicant demonstrate the Eligible Entity's need for financial assistance to support the Proposed or Existing Project?

### **Project Budget and Timeline (10 points)**

- How well does the Applicant estimate and describe the project's costs within the application? Pricing details, such as quotes, may also be attached as supporting information.
- If some or all of the proposed or existing project includes a request for reimbursement for eligible costs incurred after July 1, 2023, and before submission of the Application, has the Applicant attached all documentation supporting the request for reimbursement for these project costs? Attachments do not count towards the 15-page limit.
- Does the Applicant demonstrate a realistic understanding of project costs by providing a budget with detailed and credible cost estimates or an invoice of actual costs?
- Does the Applicant identify and describe any match or other funding sources that will support the project?
- How well does the Applicant demonstrate a realistic understanding of the timeline for the proposed work?

### **Qualifications of Organization and Project Manager (10 points)**

- How well does the Applicant describe the qualifications of the Eligible Entity and its project manager to carry out the proposed project?

### **Project Benefit (25 points)**

- MassDEP will evaluate the proposed project's contribution to a Watershed Management Plan and/or pursuit of a Watershed Permit application or De Minimis Load application. Specifically, the Department will look at how the proposed project furthers the goal of the Local Government Unit in comprehensively addressing nitrogen impacts in the watershed.

**Environmental Justice (15 points)**

- How does the proposal describe direct benefits to environmental justice (EJ) populations? (Information on which communities are classified as EJ communities can be found at <https://www.mass.gov/info-details/environmental-justice-communities-in-massachusetts>).
- How well does the project specifically benefit EJ populations?
- How are EJ populations, EJ communities, or EJ organizations involved in the proposed project?

**B. Application Completion and Submission Instructions:** All Applicants must include the attached application form (Attachment A) in their application and submit the packet electronically, as a Microsoft Word or Adobe PDF file, by 5:00 p.m. E.S.T., on Friday, January 5, 2024.

Applications shall be submitted to Caroline Adamson via email at: [Caroline.P.Adamson@mass.gov](mailto:Caroline.P.Adamson@mass.gov). Please include the Applicant name AND "NRNSA Grant Program" in the subject line. Attachment A, Section 1 and 2 are at the end of this document or available for download at: <https://www.mass.gov/info-details/grants-financial-assistance-watersheds-water-quality#natural-resource-nitrogen-sensitive-area-grant-program>.

Applications received after the deadline will be automatically rejected. MassDEP reserves the right to reject any and all proposals or request additional information, if needed.

**C. Additional Required Documentation:**

If selected for a Grant Award, the Applicant will be required to submit the following forms to complete the Grant Award contracting process. Forms with an asterisk (\*) need not be submitted, if they have been completed previously and are already on file with the Commonwealth:

- Commonwealth Standard Contract Form, filled out and signed by the applicant. The Standard Contract Form is listed under Contracts on this website: [www.macomptroller.org/forms](http://www.macomptroller.org/forms)
- Commonwealth Terms and Conditions. [www.macomptroller.org/forms](http://www.macomptroller.org/forms)  
These Terms and Conditions are incorporated by reference into the Standard Contract Form, and do not need to be executed separately.
- Commonwealth W-9 tax information form filled out and signed by the applicant with DUNS number and Federal Tax ID(\*). [www.macomptroller.org/forms](http://www.macomptroller.org/forms)
- Completed Contractor Authorized Signatory Listing Form. [www.macomptroller.org/forms](http://www.macomptroller.org/forms)
- Electronic Funds Transfer (EFT) form(\*). <https://www.mass.gov/how-to/tips-for-completing-the-electronic-funds-transfer-eft-form>
- Scope of Work

Applicants are encouraged to review these forms prior to submission of an application.



### 3. ESTIMATED CALENDAR FOR GRANT APPLICATION/AWARD:

Event	Date	Time
Notice of Grant Opportunity (posted on COMMBUYS and MassDEP website)	Tuesday, December 12, 2023	
Bid Release Date (Posting Date) on MassDEP website	Tuesday, December 12, 2023	
Bidders' Conference: Via Teams. To obtain dial-in information or the Teams link please contact Caroline Adamson via email at Caroline.P.Adamson@mass.gov with 'FY 2024 NRNSA Grant Bidder's Conference Details' in the email subject line.	Tuesday, December 19, 2023	10 A.M.
Deadline for Submission of Questions to MassDEP, either at Bidders' Conference or prior to deadline, via email to: Caroline.P.Adamson@mass.gov	Wednesday, December 20, 2023	3 P.M.
Official Answers for Q&A published on MassDEP website	Friday, December 22, 2023	5 P.M.
<b><u>GRANT APPLICATION DEADLINE; ELECTRONIC SUBMISSION TO: Caroline.P.Adamson@mass.gov</u></b>	Friday, January 5, 2024	<b>5 P.M.</b>
Notification of Grant Award(s) (Estimated) (POSTED ON COMMBUYS AND MASSDEP WEBSITE)	Friday, March 8, 2024	
Estimated Contract Start Date	Friday, March 29, 2024	

## ATTACHMENT A

### **Natural Resource Nitrogen Sensitive Area** **2023-2024 Grant Program Application**

Sections 1 and 2 of this Application Form are available for download at: [www.mass.gov/info-details/grants-financial-assistance-watersheds-water-quality#natural-resource-nitrogen-sensitive-area-grant-program](http://www.mass.gov/info-details/grants-financial-assistance-watersheds-water-quality#natural-resource-nitrogen-sensitive-area-grant-program)

**Overview:** The Massachusetts Department of Environmental Protection (MassDEP or the Department) seeks proposals from Massachusetts municipalities or other government entities that meet the definition of “Local Government Unit,” as defined in 314 CMR 21.02, and have a watershed that has been designated as a Natural Resource Nitrogen Sensitive Area under 310 CMR 15.000, Title 5. The purpose of this grant program is to assist municipalities in a variety of activities which facilitate completion of a Watershed Management Plan (WMP) for the purpose of completing a Watershed Permit application or De Minimis Load application, each of which address solutions to cultural eutrophication caused by nitrogen pollution from wastewater and other sources. Only planning activities that contribute to or come from a Watershed Management Plan, Watershed Permit application, or De Minimis Load application (as defined in 314 CMR 21.00) will be considered for funding. For more information, please see the Notice of Grant Opportunity.

#### **Section 1: Applicant Information**

Applicant Name: \_\_\_\_\_

Project Title: \_\_\_\_\_

Short description of the work (<5 sentences)

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Requested Funds: \_\_\_\_\_ Matching Funds (optional): \_\_\_\_\_

Name of person completing form: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**By checking this box ☐ the applicant confirms that they are authorized to submit this grant application on behalf of the specified Permittee listed above.**

#### **Section 2: Ability to Perform Proposed project**

**A. Ability to Use Funds:** If awarded an NRNSA Grant, the awardee must be able to enter into a contract with MassDEP within 15-30 days of Grant Award.

**By checking this box ☐ the Applicant acknowledges and agrees that its entity is able to enter into the contract and perform the project and meet all requirements of this state grant.**

### Section 3: Application Structure

Please include the following sections in your application:

**Project Description:** Describe the Eligible Project and the proposed work to be covered by this funding. Include proposed project tasks, desired outcome(s) for the project, and how the Eligible Entity will be helped to meet the goals of the grant program and Title 5 requirements by the project. If all or some of the Eligible Project includes a request for reimbursement for eligible costs incurred after July 1, 2023, and before submission of the Application, please include a description of the project partially or fully completed.

**Meet Regulatory Requirements:** Describe how the proposed project intends to contribute to the development of a Wastewater Management Plan and/or application for a Watershed Permit or De Minimis Load under 314 CMR 21.00?

**Financial Need:** Describe the need for financial assistance to implement the proposed project, including other anticipated or secured funding sources that will support portions of the project (if applicable).

**Project Budget and Timeline:** Describe the anticipated cost associated with the Eligible Project. Demonstrate a realistic understanding of project costs by providing a budget with detailed and credible cost estimates. For any in-kind or monetary match, explain how extensive it is and how it will be made available to the project. If all or some of the Eligible Project includes a request for reimbursement for eligible costs incurred after July 1, 2023, and before submission of the Application, please attach documentation supporting these project costs. Include a timeline for the proposed work (and/or work that is in the process of completion). Please explain in detail how the proposed work can be feasibly completed by June 30, 2024, or earlier.

**Qualifications of Organization and Project Manager:** Describe the qualifications of the Eligible Entity and its project manager relevant to carrying out the proposed project.

**Project Benefit:** Describe how the proposed project contributes to a Watershed Management Plan and/or pursuit of a Watershed Permit application or De Minimis Load application. Include information specific to how the Proposed Project furthers the goal of the Local Government Unit in comprehensively addressing nitrogen impacts in the watershed.

**Environmental Justice:** If applicable, describe in detail how environmental justice populations will benefit directly from the proposed project, and whether EJ populations, EJ communities, or EJ organizations will be involved in the proposed project.