

U.S. ENVIRONMENTAL PROTECTION AGENCY  
CHESAPEAKE BAY PROGRAM OFFICE  
2025 GRANT AND COOPERATIVE AGREEMENT GUIDANCE



Updated December 2024

*Substantive updates to this Guidance will be indicated in bold.*



U.S. Environmental Protection Agency  
Chesapeake Bay Program Office  
2025 Grant and Cooperative Agreement Guidance

This guidance is hereby issued pursuant to EPA Delegation No. 2-46 Chesapeake Bay Program and EPA Region 3 Delegation No. 2-46, which, together, delegate to the Director of the EPA Chesapeake Bay Program Office the authority to promulgate Agency Guidance for grants issued under Clean Water Act Section 117.

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## TABLE OF CONTENTS

|                                                                                                          |    |
|----------------------------------------------------------------------------------------------------------|----|
| FOREWORD .....                                                                                           | 1  |
| A. OVERVIEW OF THE CHESAPEAKE BAY PROGRAM .....                                                          | 2  |
| B. AUTHORITIES AND DESCRIPTIONS.....                                                                     | 5  |
| 1. CWA SECTION 117(D) TECHNICAL ASSISTANCE AND GENERAL ASSISTANCE GRANTS.....                            | 5  |
| 2. CWA SECTION 117(E)(1)(A) – CHESAPEAKE BAY IMPLEMENTATION GRANTS (CBIG) .....                          | 6  |
| 3. CWA SECTIONS 117(E)(1)(A) – CHESAPEAKE BAY REGULATORY AND ACCOUNTABILITY PROGRAM GRANTS (CBRAP) ..... | 7  |
| 4. CWA SECTION 117(E)(1)(B) MONITORING GRANTS.....                                                       | 8  |
| 5. CWA SECTION 117(G)(2) SMALL WATERSHED GRANTS (SWG).....                                               | 8  |
| C. JURISDICTION IMPLEMENTATION GRANT FUNDING ALLOCATIONS.....                                            | 9  |
| 1. CHESAPEAKE BAY IMPLEMENTATION GRANTS (CBIG) FUNDING ALLOCATION .....                                  | 9  |
| 2. CHESAPEAKE BAY REGULATORY AND ACCOUNTABILITY PROGRAM (CBRAP) GRANTS FUNDING ALLOCATION.....           | 9  |
| 3. CONOWINGO WIP DEVELOPMENT AND IMPLEMENTATION FUNDING .....                                            | 10 |
| 4. LOCAL GOVERNMENT IMPLEMENTATION FUNDING ALLOCATION (TO CBIG AND/OR CBRAP) .....                       | 11 |
| 5. MOST EFFECTIVE BASINS FUNDING ALLOCATION .....                                                        | 11 |
| 6. SUPPLEMENTAL INFRASTRUCTURE FUNDING .....                                                             | 11 |
| D. PRE-AWARD INFORMATION AND APPLICATION REQUIREMENTS .....                                              | 13 |
| 1. COMPETITION PROCESS .....                                                                             | 13 |
| 2. APPLICATION REQUIREMENTS .....                                                                        | 13 |
| a. Agency Assistance Listings .....                                                                      | 14 |
| b. Application Deadlines and Submission Process .....                                                    | 14 |
| 3. MULTI-YEAR AWARDS .....                                                                               | 17 |
| 4. WORKPLAN REQUIREMENTS.....                                                                            | 18 |
| a. General Information.....                                                                              | 18 |
| b. Introduction Section Information by Grant Program.....                                                | 18 |
| c. Environmental Data.....                                                                               | 19 |
| d. Outputs.....                                                                                          | 20 |
| e. Outcomes – Linkage to 2014 Chesapeake Bay Watershed Agreement Goals.....                              | 22 |
| f. Addressing Diversity, Equity, Inclusion, and Justice (DEIJ) in Workplans .....                        | 23 |

|                                                                                                                            |    |
|----------------------------------------------------------------------------------------------------------------------------|----|
| g. Linkage to EPA’s Strategic Plan .....                                                                                   | 24 |
| h. Linkage to Jurisdiction’s Watershed Implementation Plan (WIP) Commitments, Two-Year Milestones, and Conowingo WIP ..... | 24 |
| i. Linkage to Addressing Priority Practices, Watersheds, and Strategies.....                                               | 25 |
| j. Additional Workplan Requirements.....                                                                                   | 31 |
| k. Workplan Content Specific to CBRAP Grants .....                                                                         | 32 |
| l. Additional Workplan Content Specific to Local Government Implementation Funding.....                                    | 40 |
| 5. FINANCIAL REQUIREMENTS .....                                                                                            | 43 |
| a. Cost-Share Requirements.....                                                                                            | 43 |
| b. EPA In-kind and Supplies .....                                                                                          | 44 |
| c. Indirect cost rates.....                                                                                                | 44 |
| d. Allowability and Reasonability of Costs .....                                                                           | 44 |
| E. POST-AWARD REQUIREMENTS.....                                                                                            | 45 |
| 1. APPLICABLE REGULATIONS .....                                                                                            | 45 |
| 2. NEW OR REVISED GRANTS POLICIES .....                                                                                    | 45 |
| 3. QUALITY ASSURANCE .....                                                                                                 | 47 |
| a. Quality Management Plan.....                                                                                            | 49 |
| b. Quality Assurance Project Plan .....                                                                                    | 49 |
| 4. PROJECT PROGRESS REPORTS .....                                                                                          | 50 |
| 5. ADDITIONAL REQUIREMENTS FOR CBIG AND CBRAP GRANTS.....                                                                  | 51 |
| a. Data Submission Schedules .....                                                                                         | 51 |
| b. Wetland Data.....                                                                                                       | 52 |
| 6. UNLIQUIDATED OBLIGATIONS (ULOS) .....                                                                                   | 52 |
| 7. FEDERAL FINANCIAL REPORT – SF-425.....                                                                                  | 53 |
| 8. MONITORING AND GRANT ENFORCEMENT.....                                                                                   | 53 |
| 9. DEBARMENT AND SUSPENSION .....                                                                                          | 55 |
| 10. MODIFICATIONS TO AWARD DOCUMENTS .....                                                                                 | 56 |
| 11. REASONABLE ACCOMMODATIONS .....                                                                                        | 57 |
| 12. SUBAWARDS .....                                                                                                        | 57 |
| 13. AWARD CLOSEOUT REQUIREMENTS .....                                                                                      | 58 |

## **ATTACHMENTS**

|              |                                                                                                                   |
|--------------|-------------------------------------------------------------------------------------------------------------------|
| Attachment 1 | Workplan Template                                                                                                 |
| Attachment 2 | Budget Detail Template                                                                                            |
| Attachment 3 | Progress Report Template                                                                                          |
| Attachment 4 | Chesapeake Bay Program Wastewater Facility and BMP Implementation Data Submission Specifications and Requirements |
| Attachment 5 | Chesapeake Bay Program Guidance and Policies for Data, Information and Document Outputs Submission                |
| Attachment 6 | Toxics Data Acquisition Specifications and Data Submission Questionnaire                                          |
| Attachment 7 | Chesapeake Bay Program Budget Detail Guidance                                                                     |
| Attachment 8 | Chesapeake Bay Accountability and Recovery Act (CBARA) Budget Reporting                                           |
| Attachment 9 | Most Effective Basins Funding Guidance                                                                            |

## **FOREWORD**

This guidance describes how the U.S. Environmental Protection Agency's (EPA) Region 3's Chesapeake Bay Program Office (CBPO) administers grant and cooperative agreement funds to focus on the restoration and protection of the Chesapeake Bay and its watershed. The success of this effort is directly linked to the success of the Chesapeake Bay Program (CBP) partners' ability to effectively utilize all available resources in reducing the levels of nutrients and sediment in the Chesapeake Bay and its tidal tributaries, restoring habitats and living resources, bolstering benefits to underserved communities, and facilitating increased stewardship of the Chesapeake Bay watershed.

The purpose of this grant guidance is to present nonprofit organizations, state and local governments, federally recognized tribes, colleges, universities, and interstate agencies with the best possible information needed to apply for and manage grant and cooperative agreement funding. This document provides a sound framework to attain successful assistance agreements that work toward achieving the goals set forth in the first Chesapeake Bay Agreement of 1983 and subsequent agreements. EPA will revise and redistribute this guidance periodically to incorporate legislative, regulatory, programmatic and/or other relevant changes. <sup>1</sup> Additional information about Chesapeake Bay Program funding is available at [www.sam.gov](http://www.sam.gov) under Agency Assistance Listing [66.466](#) and [66.964](#).

Recipients should check the following website for the most current grant guidance and applicable addenda: <https://www.epa.gov/grants/chesapeake-bay-program-grant-guidance>.

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<sup>1</sup> Changes from the previous version of this guidance are denoted by bold text for easier identification. If you have any questions regarding the changes, please contact your EPA project officer.

## **A. OVERVIEW OF THE CHESAPEAKE BAY PROGRAM**

The Chesapeake Bay Program is a unique regional, state, federal, and local partnership that has been directing and conducting the restoration and protection of the Chesapeake Bay since the signing of the historic [Chesapeake Bay Agreement of 1983](#). Considered a national and international model for estuarine research and watershed restoration and protection programs, the CBP partnership is led by the Chesapeake Executive Council – the governors of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; the mayor of the District of Columbia (D.C.); the administrator of EPA; and the chair of the Chesapeake Bay Commission, a tri-state legislative body. The Executive Council meets annually to establish the policy direction of the CBP partnership in implementing the Chesapeake Bay agreements. Also invited to participate in the Executive Council is the Secretary of the United States Department of Agriculture (USDA).

As the largest estuary in the United States and one of the most productive estuaries in the world, the Chesapeake Bay was this nation's first estuary targeted for restoration and protection. In the late 1970s, a congressionally funded five-year study was conducted after scientists began to observe the loss of living resources, and the public became concerned about environmental degradation in general. The study identified the main source of the Bay's degradation as an oversupply of nutrients entering the Bay and advocated programs that would limit nutrient loadings from point sources, such as wastewater treatment plants, and nonpoint sources, such as fertilizers running off farmland. The study pinpointed three areas requiring immediate attention: nutrient over-enrichment (specifically nitrogen and phosphorus), dwindling underwater Bay grasses, and toxic pollution. When the initial research was completed, the CBP partnership evolved as the means to restore this exceptionally valuable resource.

The term “Chesapeake Bay Agreement” means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and its living resources and signed by the Chesapeake Executive Council. All states in the Chesapeake Bay watershed, the District of Columbia, as well as the Chesapeake Bay Commission and EPA (representing the federal government) are signatories of the current Bay agreement. The current agreement is formally known as the [2014 Chesapeake Bay Watershed Agreement \(2014 Agreement\)](#).

This agreement identifies the CBP partnership's collective commitments for restoring and protecting the watershed through 10 goals and 31 outcomes. The goals address the partners' continuing efforts to restore the watershed in numerous ways, such as improving water quality, promoting sustainable fisheries, vital habitats, healthy watersheds, stewardship, land use and conservation, and improving public access. The goals also address critical emerging issues such as environmental literacy, toxic contaminants, and climate resiliency of the Bay ecosystem.

To help implement the 2014 Agreement, [the CBP partnership](#), through the CBP's goal implementation teams (GITs) and workgroups, developed *management strategies* for each of

the outcomes. The management strategies articulate the actions needed to achieve the goals and outcomes by 2025, summarize the means for accomplishing them, as well as methods for monitoring, assessing, reporting progress, and coordinating actions among partners and stakeholders.

Management strategies are implemented through two-year Logic & Action Plans that identify specific measures the partnership will take to reach the two-year targets for each outcome.

In 2017, the CBP partnership instituted a [Strategy Review System](#) (SRS), a process by which the partnership seeks to meet the commitments in the 2014 Agreement to “re-evaluate biennially and update strategies [and two-year Logic & Action Plans] as necessary.” The SRS is a two-year process meant to operationalize adaptive management to improve effectiveness in achieving Goals and Outcomes. During this process, the partnership reviews its progress toward the 2014 Agreement, identifies management approaches and actions that are or are not working, considers scientific, fiscal, and policy developments, adjusts management strategies as appropriate, and develops the next set of two-year Logic & Action Plans. Each quarter, the Management Board reviews three to six 2014 Agreement Outcomes so that each Outcome is reviewed at least once every two years.

In 2018, EPA conducted a partnership-approved<sup>2</sup> midpoint assessment of progress to determine if the seven Bay watershed jurisdictions had achieved 60% of the nutrient and sediment reductions necessary to achieve applicable water quality standards in the Chesapeake Bay and its tidal waters. As part of this midpoint assessment, the CBP partnership updated its suite of modeling tools – Phase 6 – to reflect the latest science and data and released Phase III Watershed Implementation Plan (WIP) planning targets that were developed using the Phase 6 suite of modeling tools. Consistent with how grant allocations were established in the past, EPA used the new [Phase 6 modeling tools](#) and the partnership-approved<sup>3</sup> Phase III WIP planning targets to update the CBRAP grants allocation formula. Individual letters were sent out to each jurisdiction on December 7, 2018, from the Regional Administrator addressing the grant funding re-allocation for 2019 and beyond.

To achieve program goals and commitments, EPA awards assistance agreements (grants/cooperative agreements) to nonprofit organizations, state and local governments, federally recognized tribes, colleges, universities, and interstate agencies. The types of projects awarded range from the monitoring of underwater bay grasses to environmental education. This also supports [Executive Order 13508](#).

Seven tribes in Region 3, all located in Virginia within the Bay watershed, have received federal recognition. Federally-recognized tribes have a special status in federal environmental law, including the Clean Water Act (**CWA**). See, e.g., CWA Section 518(e) (EPA “to treat an Indian tribe as a State” for various purposes under the statute). Federally recognized tribes are defined

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<sup>2</sup> Approved by the PSC on December 5, 2012 (see [Actions and Decisions document](#)).

<sup>3</sup> Approved by the PSC on July 9, 2018 (see [Actions and Decisions document](#)).

in the statute at CWA Section 518(h). Such tribes are also specifically included in the CWA's definition of "municipality." See CWA Section 503(4) ("municipality" includes "a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization.") Due to their CWA status, federally recognized tribes are eligible for Chesapeake Bay grants under [CWA Section 117](#) on the same basis as local governments. Moreover, tribes are eligible to receive subawards under Chesapeake Bay grants.

## **B. AUTHORITIES AND DESCRIPTIONS**

This section describes the various EPA CBPO grants and the authorities that allow EPA to provide these funds to nonprofit organizations, state and local governments, federally-recognized tribes, colleges, universities, and interstate agencies.

In November 2000, the President signed the [Estuaries and Clean Waters Act of 2000](#), which included Title II-Chesapeake Bay Restoration. This Act amended [Section 117 of the Federal Water Pollution Control Act](#) (commonly known as the Clean Water Act) and established new authorities for the CBP. These new authorities specify the type of work that can be performed with the funds appropriated for the CBP, the type of funding vehicles (e.g., assistance agreement) that can be used, and the types of governments and organizations eligible to receive funding. The purposes of these amended authorities are to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay and to achieve the goals established in the Chesapeake Bay Agreement.

### *CWA Grant Requirements*

Project applications that involve work in the waters of the United States may require federal and state permits. For purposes of assuring compliance and minimizing potential conflicts with permit requirements, applicants and subrecipients applying for funding under the authorities described below will be required to ascertain whether there is a need for a permit and document pre-permit application consultation with the relevant regulatory agencies. Applicants who are awarded grants under any of these authorities must include this requirement in their funding announcements for subawards, and such pre-permit consultation must be completed prior to the submittal of the grants or subaward application. If requested by the permitting agency, pre-permit application consultation may need to include pre-permit application project site visits by the permitting and regulatory review agencies. In such cases, joint (i.e., simultaneous multi-agency) site visits are strongly encouraged. Applicants and subaward applicants should not assume after completing the pre-application conference that the proposed project will receive authorization by the federal and state permitting agencies. To minimize potential conflicts with permit requirements, both the grant applicants and grantees issuing subawards are encouraged to consult with federal (e.g., EPA, U.S. Army Corps of Engineers) and/or state permitting and regulatory reviewing agencies on proposed projects prior to the submission of grant workplans and prior to issuing subawards.

The following describes the various CBPO grants and their CWA authorities.

### **1. CWA Section 117(d) Technical Assistance and General Assistance Grants**

EPA awards these grants competitively to nonprofit organizations, state and local governments, federally recognized tribes, colleges, universities, and interstate agencies through the Notice of Funding Opportunity (NOFO) process (see the [Competition Process](#) section for further information). These grants are used by recipients to implement the goals of the Chesapeake Bay agreements through activities that support:

- Sustainable Fisheries
- Vital Habitats
- Water Quality
- Toxic Contaminants
- Healthy Watersheds
- Stewardship
- Land Conservation
- Public Access
- Environmental Literacy
- Climate Resiliency

The Innovative Nutrient and Sediment Reduction (INSR) grant program also falls under this authority. The INSR grant program supports efforts within the Chesapeake Bay watershed that vastly accelerate sub-watershed and/or regional-scale implementation of nutrient and sediment reductions with innovative, sustainable, and cost-effective approaches.

Additionally, the Conowingo WIP (CWIP) developed by the partnership also falls under this authority. The CWIP grants provide funding to support the following activities:

- The development and implementation of the CWIP and associated two-year milestones to address increased pollutant loadings due to the Conowingo Dam infill;
- The development and implementation of a multijurisdictional financing strategy; and
- The development and maintenance of a system for tracking, verifying, and reporting progress on the CWIP and two-year milestones providing nutrient and sediment pollutant load reductions.

## **2. CWA Section 117(e)(1)(A) – Chesapeake Bay Implementation Grants (CBIG)**

The Chesapeake Bay Implementation Grants (CBIG) are authorized under CWA Section 117(e)(1)(A). EPA awards these grants non-competitively to any jurisdiction that has signed the 2014 Agreement (signatory jurisdictions). CBIG grants are for the purpose of implementing the management mechanisms established under the *Chesapeake Bay Agreement*, with particular emphasis on state programs for control and abatement of nonpoint source nutrient and sediment pollution (including atmospheric deposition as a nonpoint source). Specifically, CBIG awards support the signatory jurisdictions' implementation of the management strategies and CBP's two-year Logic & Action Plans developed for each of the applicable outcomes identified in the 2014 Agreement. If the signatory jurisdictions do not use CWA 117(e)(1)(A) grants for projects consistent with furthering the 2014 Agreement goals and outcomes, EPA may reallocate, conditionally award, or withhold funds.

CBIG awards may support the signatory jurisdictions' implementation of their WIP<sup>4</sup> and milestone commitments, including addressing EPA's evaluation of the WIPs and milestones, and comparable actions that support nutrient and sediment load reduction goals. In addition, for those activities that support the Agreement's water quality goal, if the signatory jurisdictions do not use CWA 117(e)(1)(A) grants for projects consistent with furthering that jurisdiction's progress on meeting their two-year milestones and/or WIP commitments, EPA may reallocate, conditionally award, or withhold those water quality-related funds. The funds may also be used to promote and support diversity, equity, inclusion, and justice (DEIJ) concerns.

### **3. CWA Sections 117(e)(1)(A) – Chesapeake Bay Regulatory and Accountability Program Grants (CBRAP)**

CBRAP grants aid the signatory jurisdictions in implementing and expanding their respective regulatory, accountability, assessment, compliance, and enforcement capabilities in support of reducing nitrogen, phosphorus, and sediment loads delivered to the Bay to meet the Water Quality Goal of the 2014 Agreement and the Chesapeake Bay Total Maximum Daily Load (Bay TMDL). These grants are awarded non-competitively. CBRAP awards may support the jurisdictions' implementation of their WIP and related programmatic milestone commitments, including addressing EPA's evaluation of the WIPs and milestones, and comparable actions that support nutrient and sediment load reduction goals.

These grants help each of the signatory jurisdictions to:

- Develop/revise regulations/policies, and develop and implement WIPs and two-year milestones;
- Implement regulatory, tracking, verification, reporting, assessment, and/or monitoring commitments of the jurisdictions' WIPs and/or two-year milestones or in response to EPA's evaluation of these documents;
- Issue, reissue, and enforce permits and regulations;
- Develop and implement verification programs following the CBP partnership's established verification protocols and policies;
- Develop and implement nutrient and sediment credit trading and offset programs;
- Develop and implement technical assistance and guidance documents to support WIP and/or two-year milestone implementation;
- Provide technical and compliance assistance to landowners; and
- Provide compliance assistance to local governments and regulated entities.

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<sup>4</sup> Watershed Implementation Plans (WIPs) are plans for how each of the Bay jurisdictions, in partnership with federal and local governments, will achieve their respective Bay TMDL allocations and CBP partnership planning targets. In 2010 and 2012, the seven jurisdictions finalized their Phase I and II WIPs, respectively. The goal of the Phase III WIPs, finalized in August 2019, is to outline all necessary practices that will be in place by 2025 to fully restore the Chesapeake Bay and its tidal waters.

#### **4. CWA Section 117(e)(1)(B) Monitoring Grants**

The monitoring grants are authorized under CWA Section 117(e)(1)(B) for signatory jurisdictions. These grants support the characterization of water and habitat quality and benthic community conditions and related parameters for the main stem Chesapeake Bay and tidal tributaries; characterizing pollutant (including nutrients and sediment) loadings and habitat quality and benthic community conditions to the Chesapeake Bay and its tidal tributaries from the surrounding Chesapeake Bay watershed; assessing changes in pollutant (including nutrients and sediment) concentrations in local streams and rivers throughout the Chesapeake Bay watershed; and providing data analysis and interpretation support for water quality and living resources status and trends. The work supports 2014 Agreement goal to “Reduce pollutants to achieve the water quality necessary to support the aquatic living resources of the Bay and its tributaries and to protect human health.” EPA may award these grants non-competitively to any signatory jurisdiction.

#### **5. CWA Section 117(g)(2) Small Watershed Grants (SWG)**

The Small Watershed Grants program was established under CWA Section 117(g)(2), which provides that grants can be awarded under Section 117(d) to local governments, federally-recognized tribes, nonprofit organizations, and individuals in the Chesapeake Bay region working at a local level to protect and improve watersheds while building citizen-based resource stewardship. This grant program is designed to demonstrate effective techniques and partnership-building activities to achieve CBP objectives at the small-watershed scale. The SWG program encourages the sharing of innovative ideas among the many organizations wishing to be involved in watershed protection activities. EPA competitively awards the SWG funds to an intermediary organization that manages a subaward program, provides technical assistance and builds capacity at the local level. Subawards may be particularly supportive of small, underserved communities and may advance DEIJ concerns.

In FY 2025, the SWG program will support local activities through two funding programs:

1. The SWG Planning, Assistance and Implementation program promotes community-based efforts to develop and implement conservation strategies to protect and restore the Chesapeake Bay and its watershed that support all the goals and outcomes of the 2014 Chesapeake Bay Watershed Agreement and any future watershed agreements and is administered by the [National Fish and Wildlife Foundation](#).
2. The SWG Community Capacity Building program builds the capacity of frontline organizations working collaboratively on community and watershed health goals and is administered by the [Chesapeake Bay Trust](#).

## **C. JURISDICTION IMPLEMENTATION GRANT FUNDING ALLOCATIONS**

This section describes the funding allocations for state implementation funding awarded as part of each jurisdiction's CBIG, CBRAP, and Infrastructure Act grants. Funding is always subject to availability and appropriations from Congress. Additionally, EPA reserves the right to change allocations at its sole discretion. Occasionally, additional funding becomes available for specific activities under these grants. These additional funds are supplemental and should not be factored into multi-year budgets. EPA will provide jurisdictions with the funding allocations for jurisdictions' implementation grants each year following receipt of EPA's annual appropriation.

### **1. Chesapeake Bay Implementation Grants (CBIG) Funding Allocation**

Maryland, Virginia, and Pennsylvania each receive 20 percent of total CBIG funding while Delaware, the District of Columbia, New York, and West Virginia each receive 10 percent. Beginning in FY 2014, all jurisdictions received additional CBIG funding to help support implementation of the goals and outcomes of the 2014 Agreement. There were no changes to the jurisdictions' CBIG funding levels due to the CBP partnership's Phase 6 suite of modeling tools and the CBP partnership-approved<sup>5</sup> Phase III WIP planning targets since this grant is intended to address all the goals and outcomes under the 2014 Agreement and not just water quality.

### **2. Chesapeake Bay Regulatory and Accountability Program (CBRAP) Grants Funding Allocation**

Grantees within each watershed state and the District of Columbia receive a combination of CBRAP base and targeted funding. EPA determines the amount of targeted funds based on the relative effectiveness of nutrient reductions within a jurisdiction on water quality in the Bay and how readily nutrient sources within the jurisdiction can be controlled. EPA used these decision rules beginning in July 2010 to distribute the amount of nitrogen the Bay can receive from the watershed and still meet water quality standards among the jurisdictions. Therefore, states that received proportionally lower and more aggressive nitrogen targets because they have a greater impact on water quality in the Bay received proportionally more CBRAP grant dollars.

EPA reviewed the allocation of the CBRAP funding amounts in FY 2018 and FY 2019 based on the CBP partnership's Phase 6 Watershed Model and the CBP partnership-approved Phase III WIP planning targets, working with the jurisdictions through the Grants Allocation Action Team (GAAT). Similar to the previous CBRAP funding methodology, the FY 2019-2025 funding reflects a combination of both base funding and formula funds. In addition, the formula funds are revised and reflect the signatory jurisdictions' combined nitrogen reductions achieved through 2017 (35% of formula funds), and the remaining load reduction commitment between 2017 and 2025 (65% of formula funds).

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<sup>5</sup> The PSC approved the Phase III WIP planning targets at its July 9, 2018 meeting.

Beginning with the FY 2013 awards, and on an annual basis thereafter, signatory jurisdictions may request that a portion of their annual CBRAP allocation (up to 10 percent) be applied to their CBIG award for implementation activities that support their WIPs and two-year milestones. Beginning in FY 2018, jurisdictions may request a reallocation exceeding 10 percent as long as a justification is provided, and the request is approved by the CBPO deputy director. These reallocations must take place before the funds are awarded. Except as provided in applicable regulations regarding revision of budget and program plans (see [2 CFR 200.308](#)), the funding may not be transferred from one grant to another once awarded. EPA will review each request on a case-by-case basis. EPA will only approve requests if the jurisdiction can demonstrate there are currently adequate resources and satisfactory progress for regulatory and accountability commitments in the WIPs, milestones, and as called for in EPA's evaluations and program assessments. The shift from CBRAP to CBIG funding should not hinder the progress or commitments in the jurisdiction's CBRAP workplan. The recipient should submit such requests to their EPA project officer on an annual basis before submitting their CBIG and CBRAP grant applications to EPA. Such decisions are made at the sole discretion of EPA. All [cost-share requirements](#) still apply to both grants. Additionally, jurisdictions should work with their EPA project officer to determine all necessary administrative requirements.

Jurisdictions can also direct a portion of their CBRAP grant allocation to EPA's contractors for assistance in carrying out applicable objectives of their CBRAP grant. Jurisdictions should work with their EPA project officer if they wish to use EPA's contractors.

EPA maintains its authority to review and revise CBRAP funding allocation formulas and will continue to consult with the jurisdictions in making revisions, as appropriate. Should EPA receive additional funds for CBRAP and CBIG in future years, these additional funds may also be used to support local governments for Phase III WIP implementation. (See "Non-Competitive Local Government Funding Implementation Allocation" below.)

### **3. Conowingo WIP Development and Implementation Funding**

This funding is intended to support the development and implementation of the Conowingo WIP and associated two-year milestones, financing strategy, and tracking and reporting systems. The grant funding allocated to support the Conowingo WIP comes from the Bay watershed jurisdictions' CBIG and CBRAP grants. It is anticipated that grant funding will continue to be allocated to support the Conowingo WIP through 2025. However, the jurisdictions' funding contributions toward the Conowingo WIP may increase or decrease over time, depending on the availability of federal funds and the ability to identify alternative funding sources. EPA will notify jurisdictions of the required contribution level annually. Jurisdictions have the flexibility to apply all their funding adjustment for the Conowingo to either their CBRAP or CBIG grants and must notify their project officer to which grant(s) they want EPA to apply the contribution prior to preparing their annual funding applications for their CBRAP and CBIG grants.

#### **4. Local Government Implementation Funding Allocation (to CBIG and/or CBRAP)**

Since FY 2014, EPA has provided signatory jurisdictions with increased funding for local entities to reduce nitrogen, phosphorus and sediment loads to the Chesapeake Bay, consistent with the jurisdictions' WIPs. EPA allocates the local government implementation funding to the Bay jurisdictions using the allocation formula for the targeted funds of the CBRAP grants. Under this formula, jurisdictions with a greater impact on pollution reductions receive a greater share of the funding. EPA may provide a portion of the local government implementation funding directly to local entities through competitive NOFOs. EPA may also consider increasing these funds in future years if EPA receives additional funding for CBRAP and CBIG.

Local government implementation funding may be added to either the Bay jurisdictions' CBRAP or CBIG award. Jurisdictions must notify their EPA project officer to which grant(s) they want EPA to add this funding prior to preparing their annual funding applications for their CBRAP and CBIG grants.

#### **5. Most Effective Basins Funding Allocation**

Since FY 2020, the CBP annual appropriation has targeted funding for "state-based implementation in the most effective basins." Additionally, the Infrastructure Investment and Jobs Act (IIJA), signed into law on November 15, 2021, authorized significant additional funding for Chesapeake Bay restoration, including funding for areas in the Chesapeake Bay Watershed that are most effective for nitrogen reduction.

To ensure efficient use of funding, EPA simplified its funding guidance and allocation formula for MEB funding in FY 2023. The methodology used by EPA to determine the most effective basins (MEB) for use of these funds, the amounts allocated per jurisdiction, and the most effective basins in which funding will be utilized are described in [Attachment 9](#).

EPA will award IIJA MEB funds through a separate, stand-alone grant. EPA will award the MEB allocation funded through the annual appropriations to the CBIG grant. EPA may consider adding the MEB funding to the CBRAP grant or may award the funds to a third party through a NOFO. Jurisdictions seeking to add MEB funding to their CBRAP grant should consult with their EPA project officer. Jurisdictions will need to incorporate the MEB funding into their CBIG grant workplan as a distinct objective.

#### **6. Supplemental Infrastructure Funding**

Based on available funding each year, EPA may make available IIJA funding to support additional jurisdictional priorities outside MEBs. Funding may be made available to 1) provide supplementation implementation support for jurisdictions that received a reduced allocation of MEB funding comparative to the FY 2022 funding level, or 2) advance progress toward CBP partnership outcomes that are off track. EPA will notify jurisdictions of the availability of funding annually. Funding will be awarded as part of each jurisdiction's IIJA MEB award and should be incorporated as a distinct objective in the workplan.

Supplemental implementation support funding supports practices designed to achieve water quality standards in the Chesapeake Bay, but this funding is not limited to the list of MEBs identified in [Attachment 9](#). To advance the partnership's commitment and focus on inclusion and equity, 40% of these funds should be directed towards projects that provide direct benefits to disadvantaged communities. Up to 25% of this funding can be used to support technical assistance directly to local communities and to develop plans and projects that will lead to direct implementation.

Subject to availability of funds, EPA may provide funding to advance progress for CBP outcomes that are off track may, with an emphasis on projects that provide direct benefits to disadvantaged communities. Funding will be awarded through a call for proposals, which will detail the priority focus areas and proposal submission requirements.

## **D. PRE-AWARD INFORMATION AND APPLICATION REQUIREMENTS**

### **1. Competition Process**

EPA Order [5700.5A1, Policy for Competition of Assistance Agreements](#) establishes the agency's competition policy. The authority for this order is the Federal Grant and Cooperative Agreement Act of 1977, as amended, 31 U.S.C. 6301(3).

It is EPA policy to promote competition to the maximum extent practicable in the award of assistance agreements under CWA Section 117(d). When assistance agreements are awarded competitively, EPA policy requires the competitive process be fair and impartial; all applicants be evaluated only on criteria stated in the announcement; and no applicant receive an unfair advantage.

[Grants.gov](#) is the required mechanism for submission of applications. Notices of Funding Opportunity (NOFOs) include details about organizations eligible to apply, page limitations, funding ranges, cost-share requirements, submission instructions, and any other relevant information pertaining to the process. Please follow the instructions in the NOFOs closely.

All EPA NOFOs issued by CBPO are announced in the following manner: Posted to [www.grants.gov](#), posted on the [EPA Region 3 website](#), posted on [CBP partnership's website](#), and listed in [Bay Brief newsletters](#). NOFOs are posted at various times throughout the year.

### **2. Application Requirements**

This section lists the required documentation and information needed to provide EPA with a complete application. It includes timeframes, contacts, address information, and recent changes to the application process.

As of February 17, 2015, with limited exceptions, applications must be submitted through [Grants.gov](#). Beginning in January 2018, Grants.gov began requiring that all applicants use their [Workspace](#) feature. Workspace allows applicants to copy and reuse forms. The chart below provides additional guidance on submission methods. In all circumstances, please email a courtesy copy of the application to the EPA project officer, if known.

| <b>APPLICATION SUBMISSION METHODS</b> |                                                                                                                          |                                                                                                                                            |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Competitive Programs</b>           |                                                                                                                          |                                                                                                                                            |
| <b><i>Application Type</i></b>        | <b><i>Description</i></b>                                                                                                | <b><i>Submission Method</i></b>                                                                                                            |
| Competitive Full Application          | The full proposal/application, including all required forms, submitted in response to a funding opportunity announcement | <a href="#">Grants.gov</a>                                                                                                                 |
| Revisions submitted upon              | Any revised forms that must be submitted by applicants selected for                                                      | Email <a href="mailto:R3_Grant_Applications@epa.gov">R3_Grant_Applications@epa.gov</a> with a copy to project officer and grant specialist |

|                                                                   |                                                                                                                                        |                                                                                                                                             |
|-------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| competitive selection                                             | funding to complete the award package                                                                                                  |                                                                                                                                             |
| Supplemental amendment application                                | The amendment application submitted for supplemental funding to an existing competitive grant                                          | Email <a href="mailto:R3_Grant_Applications@epa.gov">R3_Grant_Applications@epa.gov</a> with a copy to project officer and grant specialist. |
| <b>Non-Competitive Programs</b>                                   |                                                                                                                                        |                                                                                                                                             |
| <b><i>Application Type</i></b>                                    | <b><i>Description</i></b>                                                                                                              | <b><i>Submission Method</i></b>                                                                                                             |
| Non-competitive full application for CEP-type <sup>6</sup> grants | The full application, including all required forms, submitted under non-competitive programs that receive annual funding. <sup>7</sup> | <a href="https://www.epa.gov/grants">Grants.gov</a> via EPA-CEP-02                                                                          |
| Revised applications submitted pre-award                          | When changes to the forms or application require revised forms to be submitted.                                                        | Email <a href="mailto:R3_Grant_Applications@epa.gov">R3_Grant_Applications@epa.gov</a> with a copy to project officer and grant specialist  |
| Supplemental amendment application                                | The amendment application submitted for supplemental funding to an existing non-competitive grant                                      | Email <a href="mailto:R3_Grant_Applications@epa.gov">R3_Grant_Applications@epa.gov</a> with a copy to project officer and grant specialist  |

#### ***a. Agency Assistance Listings***

Assistance listings, formerly CFDA, are detailed public descriptions of federal programs that provide grants and other sources of funding. Prior to March 2021, CBP [Assistance Listing 66.466](#) included both competitive and non-competitive funding opportunities. To better report results and differentiate between competitive and non-competitive funding, EPA established [Assistance Listing 66.964](#) for jurisdiction (non-competitive) implementation, regulatory/accountability, and monitoring grants.

Projects awarded competitively will continue to be identified by assistance listing 66.466 and program code CB. Non-competitive grants awarded prior to the change will retain their original assistance listing (66.466) and program code (CB) through the expiration of the grant. New non-competitive grants under 66.964 will be assigned program code C2.

#### ***b. Application Deadlines and Submission Process***

For new and supplemental awards, the application must be submitted for review at least 60 days before the proposed start date. However, given time needed for technical review, recipients are encouraged to submit their applications at least 90 days in advance of anticipated award date when possible.

An electronic version of the application, application forms, and checklists can be found online at: [www.epa.gov/grants/epa-grantee-forms](https://www.epa.gov/grants/epa-grantee-forms). Office of Management & Budget Circulars may be

<sup>6</sup> CEP – Continuing Environmental Program grant

<sup>7</sup> Grants.gov requirement does not impact the method of the negotiation of the workplan/budget prior to submission of the SF-424

found at: <https://www.whitehouse.gov/omb/>. The OMB Uniform Grants Guidance (2 CFR Part 200) is available at: <https://www.ecfr.gov/>.

To download the grant application package for a non-competitive award:

- 1) Go to: <https://www.grants.gov/applicants/search-for-opportunity-package>;
- 2) Type “EPA-CEP-02” into the “Funding Opportunity Number” field and click “Search;”
- 3) Select Grant Opportunity Package for CFDA 66.964 and click “Apply;”
- 4) See the Grants.gov [How to Apply for Grants](#) website for more information.

To download the grant application package for a competitive award:

- 1) Go to: [Search Grants | GRANTS.GOV.](#)
- 2) Type in the “Opportunity Number” as it appears in the notice, e.g., EPA-R3-CBP-**25**-XX and click “Search.”
- 3) Click on the Opportunity Number associated with the NOFO and click “Apply;”
- 4) See the Grants.gov [How to Apply for Grants](#) website for more information.

A complete application must include the following components to be considered for review. Recipients should consult their project officer for questions regarding completing a grant application.

- 1) Standard Form (SF) 424 – Application for Federal Assistance
  - Assistance Listings 66.466 and 66.964 are EPA programs potentially subject to [Intergovernmental Review](#); therefore, applicants must ensure they address Q.19 on the form. (See [Executive Order 12372](#) and [RAIN-2021-G02](#) for details.)
  - Areas affected by project is also required at Item 14. If your project will involve more than one site, please list up to five cities and their zip codes. Watersheds can be listed in lieu of cities (specify if using HUC8 or HUC12 level).
- 2) SF-424A – Budget Information for Non-Construction Programs
- 3) Budget detail
  - Please note that all costs associated with subawards and participant support costs, including agreements with federal agencies other than EPA, should be placed in the “Other” budget category, with sub-awards being specifically identified as such, whether in a sub-category or parenthetically. For assistance in distinguishing between subawards and contracts, please see [Subawards section](#) or the [EPA Subaward Policy](#).
  - The budget detail should add specific detail about each budget category instead of simply repeating the information found on the SF-424A. Please see [Attachment 7](#) for further guidance.
  - An optional budget detail template is available in [Attachment 2](#).
- 4) Workplan
  - Recipients of competitive awards will negotiate the workplan with their EPA project officer following notice of selection. The scope of work within the workplan must be consistent with the project narrative submitted to EPA as part of the original application package.

- See [Workplan Requirements](#) for additional information on the required elements of the workplan.
  - A workplan template is available in [Attachment 1](#).
- 5) Quality Management and Quality Assurance Project Plans – required if application is accepted, if applicable (see the [Quality Assurance](#) section for more information).
  - 6) Indirect cost rate agreement – Applicants and recipients should promptly inform EPA if they are in the process of negotiating an indirect cost rate agreement with their cognizant agency to allow EPA the opportunity to recommend to the cognizant agency a special rate for assistance agreements where EPA will provide office space and/or equipment as a form of in-kind assistance. Additionally, recipients can voluntarily opt to charge a lower rate for a particular assistance agreement. If the recipient chooses to charge a lower rate, they must charge the lower rate for the “life” of the grant award.
  - 7) [Certification Regarding Lobbying](#)
  - 8) SF-LLL- Disclosure of Lobbying Activities (This form needs to be completed only if the applicant has lobbying activities to disclose.)
  - 9) EPA Form 4700-4 Pre-award Compliance Review Report (Answer all questions even if the answer is “not applicable.”)
  - 10) EPA Key Contacts Form 5700-54
  - 11) The Budget Detail of your Application for Federal Assistance (SF-424) must reflect how your administrative costs will comply with the cap. In accordance with the Paperwork Reduction Act, the Administrative Cap Worksheet is no longer required but can assist in calculating allowable administrative costs.

As noted earlier, Grants.gov requires all mandatory forms to be submitted. Note:

- All initial applications for competitive and non-competitive awards must be submitted through [Grants.gov](#) using the [Workspace](#) feature.
- Applicants with limited or no internet access can apply for an exception and submit their application through another method if approved.

Once the original application is submitted through grants.gov, any revisions should be submitted through the R3 mailbox at [R3\\_Grant\\_Applications@epa.gov](mailto:R3_Grant_Applications@epa.gov) with a copy to the project officer and grant specialist, if known.

Any incomplete application may delay processing. In addition, the recipient can expect an award only after all administrative and programmatic issues are resolved and the [Intergovernmental Review](#) comment period has been met, if applicable. EPA will not approve grant awards or amendments for additional funding until all deliverables from existing CBP grants are completed, or the EPA project officer has approved an extension in writing.

Applicants are required to disclose certain information to EPA regarding eligibility prior to award. As found in [2 CFR Section 180.335](#), the recipient must disclose when there is an affirmative response to any of the following questions:

- Are you or any of the principals for this award presently suspended, debarred, or otherwise ineligible?
- Have you or any of the principals for this award been convicted within the preceding three years of any of the offenses listed in [2 CFR Section 180.800\(a\)](#) or had a civil judgment rendered against you for one of those offenses?
- Are you or any of the principals for this award presently indicted or otherwise criminally or civilly charged by a governmental entity with commission of any of the offenses listed in 2 CFR 180.800(a)?
- Have you had one or more public transactions terminated within the preceding three years for cause or default?

The Federal Funding Accountability and Transparency Act (FFATA, Public Law 109-282, as amended) established reporting requirements for prime grant recipients on the following information: first tier subawards; first-tier subrecipient executive compensation; and pass-through entity executive compensation. This requirement is applicable to all new awards that equal or exceed **\$30,000**.

FFATA also requires registration in the System for Award Management (SAM) and a current Unique Entity ID (UEI). Through a term and condition, grant recipients are required to ensure the currency of the information they report and that all subrecipients have an assigned UEI prior to receiving pass-through funds. If not previously registered, recipients must create a new account in SAM.gov. For more assistance using SAM, please contact the Federal Service Desk at [fsd.gov](#).

Another requirement of FFATA is the reporting of where the work funded by a grant will take place (commonly referred to as “place of performance”). Beginning in 2022, recipients must identify a maximum of five cities, towns, zip codes, or watersheds where the majority of work is expected to occur. If multiple performance locations are identified for the project, one location must be designated as the primary place of performance. This requirement applies to all grants and cooperative agreements. OMB requires EPA to report this data for every grant within 30 days of award. The information is publicly available at [USAspending.gov](#).

### **3. Multi-Year Awards**

Multi-year awards are defined as awards for which the project and budget periods are of the same length; the recipient requests full funding for the entire project/budget period in the initial application; and the recipient provides annual budget details for the outlying years. If the application is approved, the funds are then awarded on an annual and incremental basis over the life of the grant. Recipients have only to submit a full application package once. Thereafter, the recipient is required to submit the following information annually to their EPA project officer (see the [Modifications to Award Documents](#) section for additional information):

- 1) If there are *no changes to the workplan or budget*, recipient confirms that fact and requests the approved funding via email to their project officer for the coming year.

- 2) If there are changes to the *workplan*, then a revised workplan with tracked changes must accompany the request for funding.
- 3) If there are budget *changes*, then a revised budget detail for the relevant years and a revised SF-424A must accompany the request for funding.

#### **4. Workplan Requirements**

All recipients are encouraged to use the workplan template shown in [Attachment 1](#) to ensure the workplan includes the required elements. This template will be instrumental in linking workplans to EPA's Strategic Plan, 2014 Agreement goals and outcomes, WIPs, the Bay TMDL, two-year milestones, and EPA evaluations and assessments. Recipients should complete all areas of the workplan applicable to the grant they are receiving, and they should label any section *not applicable*, when appropriate.

##### **a. General Information**

For competitive awards, the workplan must be consistent with the original application submitted in response to the NOFO. For all other awards, the workplan should be consistent with the original application unless the EPA project officer and the grantee agree in writing to changes in scope.

If an assistance agreement application contains more than one objective, an introductory paragraph should describe the overall strategy your organization has developed for completing all the tasks.

Each objective of the workplan should be sufficiently detailed in the narrative, description, and task section with clearly defined deliverables or outputs for the EPA project officers to understand exactly what the grantee plans to do for each year under the agreement. All grantees, including subrecipients, with an outreach component identified in their workplan should provide documentation of the outreach (e.g., link of a news release and/or media coverage) in the progress report. Further, it should be clear how the outputs relate to the tasks within each objective.

##### **b. Introduction Section Information by Grant Program**

1) *117(d) – Technical and General Assistance Grants (including INSR grants), 117(e)(1)(B) Monitoring Grants to Signatory Jurisdictions, and 117(g)(2) Small Watershed Grants*

This narrative must include background of your organization and historical perspective, if any, of work contributing to the restoration of the Chesapeake Bay. In addition, if the application is being submitted in connection with a NOFO, then the narrative in the workplan should be consistent with the project narrative submitted as part of the competitive application.

### *2) 117(e)(1)(A) – Chesapeake Bay Implementation Grants (CBIG) to Signatory Jurisdictions*

This narrative should identify significant state and federal funding programs used to implement the management mechanisms established in the 2014 Agreement. The narrative should include the linkages between these funding sources and the objectives/projects funded through the CBIG award. This narrative should also include, as appropriate, the state and federal point and nonpoint source programs that are available to fund the jurisdiction's nutrient and sediment reduction efforts and explain how each program is used to address watershed implementation activities. Examples of state and federal programs include but are not limited to: Nonpoint Source Management Program (Clean Water Act, Section 319), Water Quality Cooperative Agreements Program (Clean Water Act, Section 104(b)(3)), Water Pollution Control Program (Clean Water Act, Section 106), State Revolving Funds (Clean Water Act, Section 602), USDA Environmental Quality Improvement Program (EQIP), Conservation Reserve Program (CRP); Conservation Reserve Enhancement Program (CREP); Conservation Innovation Grants (CIGs); and Coastal Zone Act Reauthorization Amendments (CZARA, Section 6217).

The narrative should also describe the objectives covered by the grant, the relationship to the WIP and/or two-year milestones; and refer to applicable Management Strategies and two-year Logic & Action Plans of other goals and outcomes from the 2014 Agreement.

### *3) 117(e)(1)(A) – Chesapeake Bay Regulatory and Accountability Program (CBRAP) Grants*

This narrative should identify significant state and federal funding programs used to address nutrient and sediment reduction-related activities within the Chesapeake Bay watershed and the linkages between these funding sources and the objectives/projects funded through the CBRAP grants. The narrative should also describe the objectives covered by the grant and a description of the relationship to the WIP and/or two-year milestones.

After the introduction section, recipients will need to complete the following details for each objective. Additional details are contained in [Attachment 1](#), Workplan Template.

#### ***c. Environmental Data***

In December 2012, EPA issued a new policy requiring organizations that generate or use environmental data under EPA-funded assistance agreements to submit documentation of their competency to do so. This applies to all CBPO grants and cooperative agreements that involve organizations generating environmental data through environmental sample collection, field measurements and/or laboratory analyses. When applicable, recipients must demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipients shall maintain competency for the duration of the project period of the applicable agreement and this will be documented during the annual reporting process. A [copy of the policy is available online](#) or a copy may also be requested by contacting the EPA project officer.

For new grant applications whose workplan and objectives are similar to those under previous awards, please include in the introductory paragraph a statement to the effect that:

*In accordance with EPA’s Competency Policy, this confirms that work being conducted under this assistance agreement is similar in nature to work conducted under previous assistance agreements and aligns with our approved [or pending approval] Quality Management Plan.*

**d. Outputs**

EPA Order 5700.7A1, [Environmental Results Under EPA Assistance Agreements](#), states that an assistance agreement workplan must be negotiated to ensure that the workplan contains well-defined outputs. The definition of output is as follows:

“Output” means an environmental activity, effort, and/or associated work products related to an environmental goal or objective that will be produced or provided over a period of time or by a specific date. Outputs may be qualitative but must be measurable during an assistance agreement funding period.

As a resource to help identify and report on outputs, the table below offers examples of output categories and associated numeric outputs. These are offered as a resource to support in identifying measurable outputs that may be relevant to grant objectives and activities.

**Table 1. Examples of Potential Outputs**

| Output Category         | Output Measures                                                                                                                                                                                                                                                                                                                 |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Non-Enforcement Testing | Number of field or laboratory testing, monitoring, sampling, or surveillance activities completed by activity type, tested media, and location type                                                                                                                                                                             |
| Leveraged Resources     | Total dollar (\$) amounts inclusive of all non-EPA funding (including contributions from the grantees and any or all cost-share requirements) by funding type, funding source, and cost-share status<br><br>Total number of people (grantee staff or volunteers) contributing to activities covered by the grant by person type |
| Outreach and Engagement | Number of meetings with interested parties by meeting type and attendee type<br><br>Number of project partners by partner type<br><br>Number of public engagement materials developed by type (e.g., websites, publications - this would not include social media which is counted separately)                                  |

| Output Category                 | Output Measures                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Technical Assistance            | Number of entities (by type) receiving technical support by underserved status, provider, and type of technical assistance                                                                                                                                                                                                                                        |
| Climate                         | <p>Number of EPA community grants that support science to address climate change concerns, including Tribal community science projects</p> <p>Number of projects that include commitments to address climate change risks by type of grantee</p> <p>Number of grantees that are, or are working with, CBOs to address climate justice issues in the community</p> |
| Agreements and Partnerships     | Number of agreements by partner type                                                                                                                                                                                                                                                                                                                              |
| Strategies, Policies, and Plans | Number of strategies / plans / policies developed                                                                                                                                                                                                                                                                                                                 |

### 1) Required Outputs

#### *Progress and Final Reports*

Semi-annual and final progress reports document outputs that must be included in each workplan and must comply with EPA Order 5700.7A1 (see [Project Progress Report](#) for additional information).

#### *Data/Information and Document Outputs*

CBP has adopted a comprehensive set of guidelines and policies addressing the management and submission of data, information, and documents, which must be submitted electronically in a format identified in [Attachments 4 and 5](#) unless otherwise stipulated in the workplan. The workplan must describe the data and information management procedures to be followed to ensure the quality and timely delivery of data and/or information. Specifically, the workplan must describe the plan for adhering to the CBP data management guidelines as documented in Attachment 5. Please refer to [Attachments 4, 5, and/or 6](#) for additional policies and guidelines, as well as specific formatting information for outputs.

In select cases where electronic submission of an output is not possible, the recipient and the project officer will determine an alternate form of submission in advance and document in the final workplan the exact format for submission of the outputs. Outputs that are videos or printed material meant for the public, such as brochures, fact sheets, or publications, shall contain the following statement: "This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement (number) to (recipient).

The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does the EPA endorse trade names or recommend the use of commercial products mentioned in this document.”

## *2) Other Outputs*

A comprehensive schedule for submittal of progress reports, milestones, quality management plans, quality assurance project plans, data, information, document output submissions, and final reports is required within the workplan. Jurisdictions should follow the Chesapeake Bay TMDL Progress Schedule as detailed in [Attachment 4](#).

The recipient agrees to deliver to EPA all products by the dates outlined in the workplan accompanying the application, following the procedures described in the workplan and the most recently approved version of the applicable quality assurance project plans. The recipient will deliver to EPA all outputs resulting from all programs (federally funded and non-federal **cost-share**) described within the workplan.

All data and information generated through grant funding, whether EPA funds or cost share, is considered public information and shall be made available to the public, unless there is a grant/cooperative agreement condition that specifies otherwise.

### ***e. Outcomes – Linkage to 2014 Chesapeake Bay Watershed Agreement Goals***

EPA Order 5700.7A1 also states an assistance agreement workplan must contain, to the maximum extent practicable, well-defined outcomes. The definition of outcome is as follows:

“Outcome” means the result, effect, or consequence that will occur from carrying out an environmental program or activity that is related to an environmental programmatic goal or objective. Outcomes may be environmental, behavioral, health-related, or programmatic in nature, must be quantitative, and may not necessarily be achievable within an assistance agreement-funding period.

For Chesapeake Bay Program grants, this means all recipients are required to identify in the workplan the appropriate [2014 Agreement goal\(s\) and outcome\(s\)](#) for each objective. Any objective or project under the recipient’s workplan that addresses the goals of the jurisdiction’s WIP or two-year milestones must be linked to outcomes under the Water Quality Goal of the 2014 Agreement. Additionally, all CBRAP objectives must include outcomes related to the Water Quality Goal.

Any objective or project under the recipient’s workplan that addresses community outreach, education, or citizen engagement must be linked to outcomes under the stewardship and diversity outcomes of the 2014 Agreement.

If the workplan contains long-term objectives/projects that exceed one grant cycle, additional information is required. The applicant must provide information on what will be accomplished

during the current grant cycle, whether the objective/project is on schedule, the ultimate goal of the objective/project, and what has been completed in previous years. Recipients are encouraged to provide progress on previous objectives/projects in a table format if possible.

Jurisdictions are not required to include information in their CBIG or CBRAP workplans on any 2014 Agreement outcomes and management strategies they are implementing with other sources of funding.

***f. Addressing Diversity, Equity, Inclusion, and Justice (DEIJ) in Workplans***

The CBP partnership has taken deliberate steps to advance DEIJ in its work to conserve and restore the Chesapeake Bay Watershed.

- Since 2014, the CBP [Diversity Workgroup](#) has led the development and implementation of a Management [Strategy](#) and Logic & Action Plan to achieve the diversity outcome in the *Chesapeake Bay Watershed Agreement*.
- In 2018, jurisdictions provided EPA with a status update on how diversity and/or EJ is being addressed in their state grant guidance or related programs or policies for CBIG, CBRAP or other CBP funding.
- In April 2020, under the direction of the Diversity Workgroup, an independent consultant finalized a [DEIJ Strategy](#) for the entire CBP partnership. This DEIJ Strategy contains recommendations grouped into four focus areas, which were developed based on interviews with CBP teams and leadership, a DEIJ readiness survey, two focus groups, a review of key partnership policy documents, and input from the Diversity Workgroup.
- In August 2020, the [Chesapeake Executive Council](#) unveiled at its annual meeting a [DEIJ Statement](#) for the CBP partnership and reaffirmed the Council's commitment to embrace diversity, equity, inclusion and justice in all areas of the Chesapeake Bay Program. The first commitment reads: "Strengthen and improve diversity, equity, inclusion and justice in our organizational structure, leadership, policies, strategic goals, restoration and conservation activities, workplans and program delivery, including guidance on including DEIJ and environmental justice criteria in grant targeting and evaluations."
- The [Principals' Staff Committee](#) released an accompanying [DEIJ Action Statement](#), which articulates their commitment to implement the recommendations in the CBP DEIJ Strategy consistent with applicable state and federal law and policy. A [DEIJ action team](#) developed a [DEIJ Strategy Implementation Plan](#) (Implementation Plan), which the PSC accepted in fall 2021.

Consistent with the CBP DEIJ Statement and objectives of the DEIJ Strategy Implementation Plan, it is strongly recommended that jurisdictions and other recipients review their workplans to ensure that they are inclusive, working for all communities in the Bay watershed, and addressing DEIJ and environmental justice (EJ) concerns.

Beginning in 2022 for new awards, a section was added to the Workplan and Progress Report templates to address how grant outcomes are advancing the CBP DEIJ Statement and

Implementation Plan. Jurisdictions, local partners, and other stakeholders are encouraged to identify which Implementation Plan Objectives and/or Indicators of Success are advanced by grant outcomes. They are further encouraged to use EPA’s environmental justice screening and mapping tool “[EJSCREEN](#)” as well as the [Chesapeake Bay Environmental Justice and Equity Dashboard](#), which provide desktop information and may help ensure that the diverse communities in the Bay watershed are considered when making decisions about Bay restoration.

CBRAP and CBIG funding can be used for activities supporting the Watershed Agreement goals and outcomes, including those that relate to DEIJ and the Climate Directive.

***g. Linkage to EPA’s Strategic Plan***

Prior to approving an assistance agreement workplan, EPA’s project officer must determine that the workplan links to EPA’s [FY 2022-2026 Strategic Plan](#). Recipients must include in their workplan the current CBPO linkage to EPA’s Strategic Plan at the time of their application.

The activities to be funded under Bay program grants are intended to further EPA’s current priorities under:

- Goal 5: Ensure Clean and Safe Water for All Communities
  - Objective 5.2 Protect and Restore Waterbodies and Watersheds

***h. Linkage to Jurisdiction’s Watershed Implementation Plan (WIP) Commitments, Two-Year Milestones, and Conowingo WIP***

All seven jurisdictions developed Phase III WIPs to meet partnership-approved 2025 goals for nutrients and sediment, and implementation of those plans is currently underway. EPA released its evaluations of the plans and continues to assess progress on an annual basis. In addition, a separate WIP to address the nutrient and sediment loads resulting from infill of the Conowingo Dam was developed.

Recipients of CBIG awards should complete this section of the workplan if the [Water Quality Goal](#) was chosen as a link above (see [Outcomes – Linkage to 2014 Chesapeake Bay Watershed Agreement Goals and Outcomes](#)), and all CBRAP grants must complete this section to include WIP and/or two-year milestone commitments, including any section, chapter, and/or page number of said WIP. Recipients should mark this section “Not applicable” for grant objectives and projects that align with other 2014 Agreement goals, outcomes, and management strategies.

All CBRAP grant objectives must be linked directly to WIP and/or two-year milestone commitments, issues raised in EPA’s evaluation of the WIPs and two-year milestones, and the jurisdiction’s programs that relate to improved water quality in the Chesapeake Bay due to the load reductions of nutrients and sediment. Activities related to the implementation of WIPs

and/or two-year milestones must be consistent with EPA's and CBP partnership's expectations set forth in the:

- November 4, 2009 WIP Expectations letter;
- April 2, 2010 [Guide for EPA's Evaluation of Phase I Watershed Implementation Plans](#);
- March 30, 2011 [Guide for Chesapeake Bay Jurisdictions for the Development of Phase II Watershed Implementation Plans](#);
- July 6, 2011 [Guide for Chesapeake Bay Water Quality Two-year Milestones](#) [See January 24, 2020 documents below for updated information];
- June 19, 2018 [Phase III WIP Expectations for the Bay jurisdictions](#);
- July 19, 2018 [Phase III WIP planning targets](#) issued to the Bay jurisdictions; and
- August 17, 2018 [Phase III WIP Expectations for Federal Agencies](#).
- January 24, 2020 [PSC Approved Schedule for Two-Year Milestones](#)
- January 24, 2020 [PSC Approved Options Regarding Numeric Milestones](#)
- July 19, 2023 [EPA Expectations for the Implementation of the Conowingo WIP Phased Approach](#)

***i. Linkage to Addressing Priority Practices, Watersheds, and Strategies***

In May 2010, EPA issued the *Strategy for Protecting and Restoring the Chesapeake Bay Watershed* in fulfillment of Section 203 of Executive Order 13508. This section of the grant guidance is consistent with the [EO 13508 Strategy](#) targeting mission, which states, "... in 2011 these grant funds are being targeted...to better protect the Chesapeake Bay and its tributary waters, including resources under the Clean Water Act."

Consistent with the EO 13508 Strategy, recipients of CBRAP and INSR grants must give preference to priority practices, watersheds, and strategies in their workplans that will result in the greatest benefits to water quality in the Bay. Recipients of CBRAP and CBIG grants are also encouraged to consider practices with multiple benefits targeted for implementation. Benefits not only refer to water quality improvements but also address other 2014 Watershed Agreement outcomes. The co-benefits that should be of the highest priority are those selected by the CBP partnership as having a direct relationship to the Phase III WIPs, including the Conowingo WIP. These are discussed further in the Phase III WIPs fact sheets at: [https://www.chesapeakebay.net/what/programs/watershed\\_implementation](https://www.chesapeakebay.net/what/programs/watershed_implementation).

CBIG and SWG grants are intended to support implementation of all of the goals and outcomes of the 2014 Agreement. Recipients of CBIG and SWG should also give preference to priority practices, watersheds, and strategies in their workplans that will result in the greatest benefit to multiple outcomes under the 2014 Watershed Agreement. This focus is consistent with CBPO's ongoing efforts to use the most accurate and appropriate science to identify priority practices, watersheds, and activities. EPA's environmental justice screening and mapping ("EJSCREEN") [tool](#) and/or [Chesapeake Bay Environmental Justice and Equity Dashboard](#) may also be helpful in identifying diverse communities in priority watersheds that are often

overlooked as well as and those with environmental justice concerns where priority practices and activities could be implemented.

Below is additional information about this sub-section of the workplan.

### 1) *General Priority Practices and Watersheds*

Priority practices are those approved, cost-effective practices that reduce or prevent the greatest nutrient and sediment loads to the Chesapeake Bay. Grant recipients should refer to the following resources for a representative list of proven, cost-effective practices that can reduce nutrients/sediment:

- Chesapeake Bay Program Partnership Approved Best Management Practices (BMPs) – a full list of practices approved by the partnership for credit in assessing progress towards milestones and other goals and objectives can be found on the [Phase 6 Source Data page](#) of the [Chesapeake Assessment Scenario Tool \(CAST\)](#) website;
- Chesapeake Bay Program Partnership BMP Guide: [A Quick Reference Guide for Best Management Practices: Nonpoint source BMPs to Reduce Nitrogen, Phosphorus and Sediment in the Chesapeake Bay and its Local Waters](#) – provides summarized profiles for the most utilized CBP-approved BMPs in the CBP partnership’s Phase 6 Watershed Model;
- EPA [Guidance for Federal Land Management in the Chesapeake Bay Watershed](#) – provides a list of proven, cost-effective tools and practices that can reduce water pollution from nonpoint sources. Although this document was developed for federal lands, the same set of tools and practices are appropriate for nonfederal land managers to restore and protect the Chesapeake Bay;
- EPA report titled [The Next Generation of Tools and Actions to Restore Water Quality in the Chesapeake Bay](#) – provides a list of priority practices to address nutrient loads to the Chesapeake Bay;
- [Chesapeake Bay Watershed Data Dashboard](#) – consolidates and provides accessibility to a large amount of scientific and technical information at both the state and local levels to inform restoration efforts; and
- Watershed Resources Registry used in conjunction with EPA’s Recovery Potential Screening Tool at: <https://watershedresourcesregistry.org/>.

While grant recipients should consider all these resources, EPA acknowledges grant recipients may include other partnership-approved BMPs in their workplan with a justification that includes the following information:

- The priority practices that will be implemented with the grant funds;
- A short justification as to why each practice is a priority for the location in which it is to be implemented;
- A short description of the nutrient and sediment reductions associated with the practice; and

- A brief description of the strategies utilized to ensure effective implementation of the practice.

CBRAP grants can only support implementation of practices the CBP partnership has determined result in nutrient and/or sediment reductions. However, CBIG grants can support implementation of practices the CBP partnership has determined result in nutrient and/or sediment reductions, as well as contribute to the desired habitat and/or living resource restoration objectives. All projects must be consistent with the goals and outcomes of the 2014 Agreement. Jurisdictions are encouraged to include priority practices associated with federal, state, and/or local regulatory and related compliance assurance programs in their CBRAP workplan content.

Grant recipients should strongly consider whether their work addresses DEIJ concerns. This includes ensuring projects are undertaken in communities with environmental justice concerns and historically disadvantaged communities to address past and existing disparities. In the work to meaningfully engage with such communities, jurisdictions should consider the strategies articulated in the Diversity Outcome Management Strategy, the recommendations in the CBP DEIJ Strategy and its implementation plan, and the commitments made by the Executive Council and Principals' Staff Committee in their respective 2020 DEIJ Statements (see [Addressing Diversity, Equity, Inclusion, and Justice \(DEIJ\) in Workplans](#)).

The U.S. Geological Survey (USGS) issued results on the sources of sediment within the Chesapeake Bay that also could be considered in helping to select areas on which to focus water-quality improvements. The information, based on the Chesapeake Bay sediment SPARROW model, can be accessed [online](#). The user can find information showing areas of high sediment loads to local streams and to the Bay and its tidal tributaries. Results of SPARROW models for nitrogen and phosphorus can be found at: [water.usgs.gov/nawqa/sparrow](http://water.usgs.gov/nawqa/sparrow).

## 2) *Priority Urban Watersheds*

In urban watersheds, grant recipients may give preference to watersheds in areas of accelerated population and impervious cover growth as well as areas requiring extensive retrofits to address urban stormwater. These priority areas can be identified using local land use/land cover data as well as recent [land change data developed by USGS](#). Jurisdictions should rely on recent water quality monitoring and modeling data being used for development of their WIPs and should also consider delivered loads of nitrogen, phosphorus, and sediment described in the [online USGS SPARROW website](#).

Changing hydrologic conditions due to climate change pose risks to stormwater infrastructure and public safety. To date, state and local governments have used a series of precipitation volume-based engineering design criteria to manage risks to public health as well as the performance of their stormwater infrastructure. However, the current practice of designing infrastructure using intensity-duration-frequency (IDF) curves based on historic precipitation

analysis are likely to underestimate future precipitation, leading to a loss of stormwater BMP efficiency and increased risk of infrastructure failure.

While not a requirement, jurisdictions are encouraged to consider stormwater design using sizing criteria that provides an acceptable level of risk under future climate conditions. There are multiple approaches to resilient sizing criteria that may include the use of projected IDF curves, adding a “factor of safety” to historic precipitation data, or establishing over-management criteria for quantity and rate control. [Future projected IDF curves](#) tailored for each county in the entire Chesapeake Bay Watershed and an accompanying [web-based tool](#) are now available to assist jurisdictions with their resilient design considerations. If stormwater management BMPs funded under CBIG fail to apply sizing criteria that provide an acceptable level of risk under future climate conditions, please explain why the future projected [IDF](#) curves were not used.

Jurisdictions may also utilize [EPA’s environmental justice screening and mapping \(“EJSCREEN”\) tool](#) and the [Chesapeake Bay Environmental Justice and Equity Dashboard](#) to assist them in identifying watersheds in communities that may have environmental justice concerns. These tools provide desktop information that may help ensure that the diverse communities in the Bay watershed are included for consideration with Bay restoration funding.

### *3) Priority Approaches and Practices for Stormwater*

Approaches to stormwater management have changed notably in the past few years from extended detention approaches (big basins) to onsite retention. EPA encourages grant recipients to consider the following sources of information when selecting their approaches and practices for addressing stormwater nutrient and sediment loads:

- National Research Council – [Urban Stormwater Management](#), 2008;
- EPA technical documents – [Guidance for Federal Land Management in the Chesapeake Bay Watershed](#), Chapter 3 Urban and Suburban, 2010;
- EISA technical guidance – [Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act](#), 2009;
- EPA green infrastructure [policy memos](#);
- EPA [Green Streets / G3 Program](#);
- EPA [Green Infrastructure website](#);
- [Green Infrastructure Modeling Toolkit](#);
- [Community Solutions for Stormwater Management](#);
- [Green Infrastructure Performance](#);
- EPA Region 3 November 2023 MS4 guide – [Municipal Stormwater Permitting Approach for the Mid-Atlantic Region](#)
- [Chesapeake Bay Program Partnership Approved BMPs](#);
- Chesapeake Stormwater Network [resources](#);
- [Municipal Online Stormwater Training \(MOST\) Center](#);

- [National Stormwater Calculator](#); and
- State Stormwater BMP and Erosion and Sediment Control Manuals.

#### 4) *Priority Practices for Onsite Treatment Systems*

EPA's [Model Program for Onsite Systems Management in the Chesapeake Bay Watershed](#) is available to help Bay jurisdictions more effectively prevent nutrients from entering the Bay from onsite or septic systems. This model program provides state-of-the-art treatment, management, and operational recommendations to jurisdictions and their local communities interested in reducing onsite system nitrogen impacts. EPA encourages grant recipients to consider the information provided in this document when selecting their approaches and technologies. In addition, on April 16, 2015, the states of Delaware, Maryland, Pennsylvania, Virginia and West Virginia signed a [Memorandum of Cooperation](#) to share data developed to document the performance of advanced onsite pretreatment units for nitrogen reduction and thus simplify and expedite the approval processes for these technologies in each individual state, as well as reduce costs to residents and manufacturers.

#### 5) *Priority Agricultural Watersheds*

Priority agricultural watersheds have the greatest influence on Chesapeake Bay water quality and include watersheds in greatest need of restoration where nutrient/sediment loads to the Bay are greatest, have the highest “delivery factors” for loads reaching the Bay, and/or the watershed is having a negative impact on water quality. EPA encourages grant recipients to consider the CBP partnership’s list of priority agricultural watersheds when selecting agricultural locations in need of restoration. Recipients should refer to the [web mapping application](#) and associated [story map](#) for more information.

#### 6) *Priority Strategies for Trading and Offset Programs*

The Chesapeake Bay TMDL assumes that all new or increased loads (growth) will be offset. Water quality trading also can be used to meet allocations. Developing environmental markets, particularly for nutrient and sediment credit trading, can be an important supporting strategy for achieving water quality goals for the Chesapeake Bay.

In early 2012, EPA completed a comprehensive assessment of the Bay jurisdictions’ trading and offset programs to determine whether they met the criteria established in Section 10 and Appendix S of the Bay TMDL. These assessments identified a number of jurisdiction-specific and cross-jurisdictional common concerns. EPA requested that jurisdictions prepare action plans by 2013 to address these areas. EPA updated its assessments and sent them to the jurisdictions in November 2016 and January 2021. Information regarding these assessments is posted to [EPA’s Trading and Offset website](#).

On February 6, 2019, EPA issued an updated [Water Quality Trading Policy Memo](#) to promote market-based mechanisms for improving water quality. This policy update includes additional flexibilities that state and local policymakers may consider incorporating into trading and other market-based programs to promote water quality improvements. They may also update or

improve current policies and regulations related to nutrient accounting and trading per the 2019 memo. Nutrient and sediment credit trading has the potential to reduce the costs of achieving the nutrient and sediment load reductions expected under the Bay TMDL and to generate revenue streams for some sectors. EPA supports trading programs that are consistent with the Clean Water Act and the Bay TMDL – specifically, programs in which appropriate baselines are used, the practices are verified, trading partners are accountable, and the process is open to all interested parties. A number of Bay jurisdictions have already implemented [water quality trading](#) programs.

Grant recipients may use CBRAP funds to support the development and implementation of trading and offset programs as long as these programs are established and implemented in a manner consistent with the Bay TMDL, the Clean Water Act, and its applicable regulations. EPA expects grant recipients to use their CBRAP funds to continue to develop and implement accountability and tracking systems for the appropriate sectors. EPA also expects the continued development and maintenance of these systems to be identified as a separate objective or task in CBRAP workplans (see [Additional Workplan Content Specific to CBRAP Grants](#)).

Grant recipients using CBRAP grants to fund development and implementation of trading and offset programs need to consider the following:

- Jurisdiction authority,
- Baseline for credit generators,
- Minimum controls required for credit purchasers,
- Eligibility,
- Credit calculation and verification,
- Safeguards,
- Certification and enforceability,
- Accountability and tracking,
- Nutrient-impaired segments,
- Credit banking,
- Local water quality impacts,
- Accounting for credit uncertainty,
- Management of new nutrient and sediment loads, and
- Timing of credit generation and use.

For more details, refer to [Appendix S of the Bay TMDL](#). EPA, in coordination with the CBP partnership's Trading and Offsets Workgroup (TOWG), host frequent informational calls on these topics.

#### *7) Guidance on the Use of this Sub-section for Other Priority Watersheds*

While the resources identified in this sub-section should be considered by recipients of CBIG and CBRAP grants, EPA acknowledges the jurisdictions may include other priority watersheds in their workplan with appropriate justification that includes the following information:

- The priority watersheds that will be addressed;
- An explanation as to why each watershed is considered a priority;
- The amount of grant funding to be allocated to each;
- The work to be accomplished in each; and
- A brief description of the strategies being undertaken.

***j. Additional Workplan Requirements***

Summary of Staff Funded. Under each objective in their workplan, all recipients should include a summary of staff funded with federal dollars and recipient cost-share. At a minimum, this should include the personnel costs and number of staff for the objective(s).

Conferences/workshops/meetings. Conferences may be funded with an assistance agreement if the principal purpose is not for the direct benefit of the government (see [Best Practices Guide for Conferences Funded with an Assistance Agreement](#)). If a workplan includes conferences, workshops, or meetings that the recipient will conduct, address the following questions in the narrative summary portion of the workplan. Note that the requirement to address these questions in the EPA workplan applies only to conferences and workshops being conducted by the direct recipient of EPA funding (prime), not its subrecipients and contractors. When conferences and workshops are conducted by subrecipients, the prime should in turn ask these questions of their subrecipients to ensure conference activities comply with federal and EPA requirements.

- Who is initiating the conference, workshop, or meeting?
- How is the conference, workshop, or meeting being advertised?
- Whose logo will be on the agenda and conference, workshop, and meeting materials?
  - a) Supporting a Conference Sponsored by a Nonfederal Entity: Use of the EPA's logo in connection with promotion or sale of non-government produced goods or services is forbidden. Promotional material for conferences conducted under grants and cooperative agreements may acknowledge the conference receives financial support from the agency under an assistance agreement, but they cannot use the logo on a conference brochure in a manner that implies the conference is being conducted by EPA. These conferences should be described as the recipient's event, not EPA's.
  - b) Jointly sponsored Conferences: The EPA's official logo may be used on promotional and conference materials for conferences EPA jointly sponsors with outside groups. The co-sponsor's logo should also be used on promotional and conference materials and should be displayed at least as prominently as the EPA's.
- What is the expected percentage distribution of the persons attending the conference, workshop, or meeting (i.e., percent of federal, state, local, or public participants)?
- Is the recipient going to produce a record of the proceedings or analysis/analyses and disseminate this information to the state, local, or scientific community?
- Does the recipient anticipate program income being generated from the conference, workshop, or meeting, including registration fees?

Light refreshments. In addition, if the workplan includes activities during which light refreshments and/or meals will be provided, recipients should consult the [Guidance on Selected Items of Costs for Recipients](#). Additional information will be necessary prior to approving the workplan or incurring expenses for such costs. The General Services Administration has defined light refreshments to include but not be limited to coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, and/or muffins.

If a workplan includes activities during which light refreshments and/or meals will be provided, the recipient must address the following in the narrative summary portion of the workplan:

- The estimated cost of the event associated with the light refreshments and/or meals.
- An adequate description of the event.
- A statement regarding whether those attending the event will receive a *per diem* financed with grant funds.
- A statement justifying why the provision of light refreshments and/or meals is necessary to achieve the objectives of the assistance agreement.
- A statement justifying why the provision of light refreshments and/or meals is necessary to achieve the objectives of the event.
- Information on the availability of the light refreshments and/or meals (i.e., before, during, or after the event).

#### ***k. Workplan Content Specific to CBRAP Grants***

Activities eligible for funding under the CBRAP grants differ from those funded by CBIG. CBRAP grants fund activities related to the water quality goal of the 2014 Agreement whereas CBIG can fund all goals of the 2014 Agreement. Although there is some overlap among the eligible uses of these grants, recipients cannot fund the same activity or task in both.

CBRAP funds can be used to address issues identified by EPA in its program assessments and WIP and milestone evaluations. Recipients should work with their project officer to address all issues raised during relevant program assessments. These assessments include, but are not limited to, agricultural, stormwater, offset and trading, and BMP verification program assessments.

EPA contractor (in-kind) assistance may be available to Bay jurisdictions to support multi-jurisdictional work on common templates or systems or for addressing jurisdiction-specific needs (see [Jurisdiction Implementation Grant Funding Allocations](#)).

Each jurisdiction should work with their project officer to determine what they need to include in their workplan related to tracking and accountability. Each jurisdiction continues to maintain and enhance an operational tracking and accountability system consistent with [Appendix S of the Chesapeake Bay TMDL](#) and is expected to include the following as a separate objective in its CBRAP workplan:

Continue making improvements to existing tracking and accountability systems based on the CBP partnership's decision to use conditions forecasted through 2025 in the Phase III WIPs and two-year milestones. These growth projections will be updated on a two-year basis to coincide with the two-year milestone submission schedule. This review does not ensure a new model of record will be created for each milestone period. Any refinements or updates to existing tracking and accountability systems that may be needed should be completed by the end of each milestone period as appropriate.

The following should also be included in this CBRAP objective:

Consistent with Common Element 8 on pages 5-6 of [Appendix S of the Chesapeake Bay TMDL](#), the accountability and tracking system(s) will be able to track the offsetting of new or increased loadings of nitrogen, phosphorus, and sediment to the Chesapeake Bay watershed. Such systems are expected to focus on performance outcomes while providing maximum transparency, operational efficiency, and accessibility to all interested parties. Such system(s) should address the following:

- 1) An appropriate offset baseline used to generate credits.
- 2) The offset is quantified and verified according to standards established by the jurisdiction.
- 3) The offset or credit is sold to no more than one purchaser at a time.
- 4) The nutrient delivery equivalency of the offset generated, and the offset consumed both in terms of the equivalency of pollutants and appropriate attenuation.
- 5) The locations(s) of the offset, including where the offset or credit is generated.
- 6) Authentication of ownership.
- 7) The NPDES permit number or other identification of the purchaser of the offset or credit.
- 8) Documentation of agreements between parties to the offset transaction.
- 9) Whether sufficient offsets will be acquired over the period of the new or increased loading.
- 10) Compliance status of NPDES parties.
- 11) The results of monitoring and verification for each offset.
- 12) Time frames for regular review and evaluation of the offset program.

The Bay jurisdictions' accountability and tracking systems should have the ability to differentiate BMPs according to their benefits for meeting WIP commitments or for offset/trading. When the jurisdictions report their implemented BMPs for the annual progress review between September 1 – December 1, EPA expects that they will identify which BMPs, and any other projects and practices, were used to generate nutrient credits. This information should be reported through the National Environmental Information Exchange Network (NEIEN). Alternatively, a jurisdiction may demonstrate through the design of the program and the tracking of credits on its registry that new or increased loads are being offset and that both the BMPs in an offset or trading program and the associated nutrient reductions are accurately accounted for and publicly available. As part of the annual progress submissions, the CBP

partnership calculates the pounds of nitrogen, phosphorus, and sediment reduction from those credit-generating projects and practices at the state-basin scale.

EPA also expects the jurisdictions to sum the load reductions (i.e., pounds) used in trades and offsets by major river basin in each year for each of the three pollutants – nitrogen, phosphorus, and sediment. This should not require additional calculations, just summing already quantified pounds of credits used as reported in the state’s registry/tracking system. This information will then be used as part of the annual progress submissions or two-year milestone evaluations. Jurisdictions should report BMPs in this manner with their progress input deck submissions. Finally, BMP data that is submitted by federal agencies must be entered by the jurisdictions into NEIEN and identified as federal with the appropriate agency code. Complete entry of federal facility BMP data (by federal agency) is critical to allow EPA to assess progress in meeting federal facility planning goals.

In September 2014, the CBP partnership’s Principals’ Staff Committee approved and adopted the *Chesapeake Bay Basinwide BMP Verification Framework*.<sup>8</sup> This framework commits the partners to a set of five BMP verification principles and comprehensive sets of BMP verification guidance. Based on the schedule agreed to by the CBP partnership, all seven jurisdictions developed and submitted, and EPA reviewed and approved, their enhanced BMP tracking, verification, and reporting program quality assurance project plans (QAPPs). These programs were considered fully consistent with and supportive of the CBP partnership’s adopted BMP verification principles. EPA will review updates to these verification QAPPs based on each jurisdiction’s annual progress submissions. Starting with the 2018 progress submission, BMPs reported through NEIEN by jurisdictions that do not have and/or do not meet approved verification protocols may not be counted. Protocols for EPA’s annual verification assessment of reported BMPs and wastewater data are [available online](#). CBRAP grant funding can be used directly by the jurisdictions to support the development, enhancement, or expansion of their BMP verification programs and their continued operation.

1) *Examples of eligible grant activities and tasks include:*

a. Development and Implementation of WIPs and Two-Year Milestones

- Gathering, analysis, and quality assurance of data related to the sources and transport of nutrient and sediment loads to the Bay; the impact of future growth, changing land uses, and conservation strategies on water quality; and/or management of nutrient and sediment loads;
- Development of strategies to reduce nutrient and sediment loads delivered to the Bay;
- Implementation of the Phase III WIPs and drafting and implementation of two-year milestone commitments;

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<sup>8</sup> Chesapeake Bay Program, 2014. [Strengthening Verification of Best Management Practices Implemented in the Chesapeake Bay Watershed: A Basinwide Framework](#). Annapolis, Maryland.

- Development and tracking of local<sup>9</sup> and federal facilities planning goals; and/or
  - Facilitation of stakeholder input into implementation of WIPs and development and implementation of two-year milestones.
- b. Improved or Expanded Regulation of Sources of Nitrogen, Phosphorus, and Sediment Delivered to the Bay Consistent with WIPs and/or Two-Year Milestones for Water Quality
- Development of new authorities, rules, or regulations to reduce nutrient and sediment loads delivered to the Bay through enforceable or otherwise binding commitments;
  - Development or revision of state technical standards;
  - Development of more stringent and clearly enforceable permits;
  - Development of technical information to ensure permits contain necessary information to ensure consistency with TMDL wasteload allocations;
  - Technical and/or compliance assistance for permit reviews;
  - Technical and/or compliance assistance for landowners;
  - Additional staff to develop permits and ensure consistency with water quality needs, including TMDL wasteload allocations;
  - Designation for regulation of additional areas or operations as regulated under the Clean Water Act; and/or
  - Development or implementation of trading programs to facilitate compliance with water quality goals.
- c. Enforcement and Compliance Assurance Consistent with WIPs and/or Two-Year Milestones for Water Quality
- Develop and implement methods to assess compliance with existing or new regulations, such as those relating to municipal separate storm sewers (MS4s), construction of storm water and animal feeding operations and wastewater treatment plants, and pursuit of appropriate enforcement responses when violations are identified, with particular emphasis on permittees that are in significant noncompliance (SNC);
  - Develop and implement methods to target and deliver enforcement follow-through or compliance assistance;
  - Develop and implement transparent methods to track and publicly communicate compliance and enforcement efforts, including identifying serious noncompliance, compliance, and enforcement efforts to address noncompliance and resulting environmental benefits achieved;
  - Technical compliance assistance to support enforcement and/or compliance assurance efforts;
  - Training and outreach to local entities on nutrient and sediment reduction practices for MS4s;

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<sup>9</sup> [Final Recommendations of the Local Planning Goals Task Force.](#)

- Increased staff resources for compliance monitoring, enforcement follow-up, reviews, reporting, inspections, investigations, audits, corrective actions, and assistance visits;
  - Workshops for regulatory staff or permittees on new permit conditions, standards, or requirements; and/or
  - Effectiveness monitoring for practices or management actions associated with permit conditions or contracts.
- d. Improved Tracking, Reporting, Verification, and Accountability Consistent with WIPs and/or Two-year Milestones for Water Quality
- Development and implementation of NEIEN BMP data flows to report practices to the CBP;
  - Consistent with the November 4, 2009, December 29, 2009, and June 19, 2018 federal expectation letters as well as the [Guide for EPA's Evaluation of Phase I Watershed Implementation Plans](#) issued April 2, 2010, as amended or clarified by subsequent EPA and CBP partnership communications, including the CBP partnership's October 2014 [Strengthening Verification of Best Management Practices Implemented in the Chesapeake Bay Watershed: A Basinwide Framework](#);
  - Development and enhancement of verification programs and policies (e.g., procedures for verifying agricultural conservation practices – both cost-shared and non-cost shared – are properly designed, installed, and maintained);
  - Development and implementation of protocols and staff resources to report data that meet EPA expectations for tracking and verification into NEIEN and CAST;
  - Development and implementation of protocols, procedures and staff resources to report BMP data from federal facilities and federal lands as jurisdictions work towards their established pollutant load reduction targets and achievement of their two-year milestones, consistent with the CBP partnership's June 2015 [Protocol for Setting Targets, Planning BMPs and Reporting Progress for Federal Facilities and Lands](#) and EPA's August 16, 2018 [Expectations for Federal Lands and Facilities in Supporting Chesapeake Bay Watershed Jurisdictions' Phase III Watershed Implementation Plans](#);
  - Development and/or improvement of procedures for verifying practices that were designed, implemented, and maintained properly, including as specified in permit or contract conditions;
  - Development and implementation of protocols, procedures, and staff resources to improve NPDES data quality and data transfers for completeness and accuracy of compliance data in the Integrated Compliance Information System (ICIS); and
  - Securing any necessary data-sharing agreements with universities, industry associations, or other entities consistent with the CBP partnership's approved approaches, protocols, and requirements.

e. Improved Monitoring and Assessment of Compliance with Regulatory Loading Limits and Water Quality Standards Regulations

- Development and implementation of monitoring, assessment and/or data analysis techniques for determining and reporting progress toward achievement of Bay TMDL and WIP-based allocations; and/or
- Development and implementation of monitoring and assessment techniques for making regulatory decisions (consistent with state water quality standards) on listing and delisting Chesapeake Bay and tidal tributary and embayment waters.

Activities and tasks not listed above but in support of the development and/or implementation of the jurisdictions' WIPs and two-year milestones for water quality, or in response to EPA's evaluation of these documents or to EPA assessments of jurisdictions' programs, are also eligible for CBRAP grants. Activities and tasks should be targeted based on EPA evaluations of WIPs, milestones, trading offsets, and other program assessments. Jurisdictions should also give priority to addressing state regulatory programmatic deficiencies identified in EPA's State Review Framework, Permit Quality Review, Trading and Offset Program Assessments, Stormwater Assessments, Agricultural Assessments, and the WIP and Milestones Evaluations that can be an impediment in achieving their WIP and milestone commitments and goals.

The following related activities are not eligible under CBRAP:

- Cost-sharing implementation of voluntary controls or best management practices identified in the jurisdictions' WIPs and two-year milestones;
- Paying penalties and fines; and
- Costs resulting from violations of, alleged violations of, or failure to comply with, Federal state, tribal, local or foreign laws and regulations are unallowable, except when incurred as a result of compliance with specific provisions of the federal award, or with prior written approval of the Federal agency (in accordance with [2 CFR 200.441](#)).

*2) Examples of possible outputs within each of the above five categories of eligible grant activities and tasks include but are not limited to:*

a. Development and Implementation of TMDL WIPs and Two-Year Milestones

- Submission of draft and final WIPs by relevant deadlines;
- Submission of draft and final two-year milestones by relevant deadlines;
- Number of stakeholder or public meetings; and/or
- Number of stakeholder groups engaged.

b. Improved or Expanded Regulation of Sources of Nitrogen, Phosphorus, and/or Sediment Delivered to the Bay

- Number of new authorities, rules, or regulations adopted;
- Number of new authorities, rules, or regulations adopted pertaining to trading and offsets;

- Pounds of nitrogen and phosphorus and tons of sediment loads now subject to new, expanded, or improved regulatory controls;
- Nitrogen, phosphorus, and/or sediment load reductions due to improved or expanded regulations;
- Number of operations subject to new, expanded, or improved regulatory controls;
- Acreage of area subject to new, expanded, or improved regulatory controls;
- Percent of permits reviewed;
- Percent of permits that contain appropriate conditions, controls, limits and/or consistency with local water quality needs, including TMDL wasteload allocations;
- Number of permits issued;
- Number of new or improved management practices or procedures implemented; and/or
- Development of adequate accountability and tracking systems for tracking trading and offsets.

c. Enforcement and Compliance Assurance

- Percent of permits in compliance with permit conditions;
- Percent of permits in Significant Noncompliance (SNC);
- Number of inspections of NPDES permittees in SNC;
- For those permits where serious noncompliance is identified (including instances where an NPDES permit was not applied for but should have been), indicate estimated nitrogen, phosphorus, and/or sediment loads associated with the noncompliance and the type of action taken to address the noncompliance;
- Percent of permits inspected;
- Percent of permits inspected for compliance assurance/enforcement due to impact on Bay water quality within a target area;
- Percent of permittees in compliance with permit conditions in an area targeted for compliance assurance/enforcement due to impact on water quality in the Bay;
- Percent of targeted areas where all sources potentially contributing to the impairment have been inspected;
- Number of workshops for regulatory staff and/or permittees;
- Percent of regulatory staff and/or permittees that attend permitting workshops;
- Percent of sites with available monitoring;
- Number of enforcement actions (with locations, and types of violations addressed);
- Number of corrective actions;
- Percent of noncompliant permittees brought into compliance;
- Nitrogen, phosphorus, and/or sediment load reductions that will be required due to injunctive relief;
- Dollars spent on installing and operating required remedies;
- Penalties and/or supplemental environmental projects;
- Number of new or improved management practices or procedures implemented;
- Number of new compliance assistance outreach and educational materials available

- Audience reached by new compliance assistance outreach and educational materials; and/or
- Number of new or improved management practices resulting from compliance assistance.

Upon request, EPA can provide methodologies and tools for estimating nitrogen, phosphorus, and/or sediment load reductions from BMPs and/or corrective actions associated with improved or expanded regulatory, enforcement, and compliance assurance actions.

d. Improved Tracking, Verification, and Accountability

- Improved pollutant identification;
- Percent of sites with effective monitoring;
- Percent of state tracking and verification systems compatible with Chesapeake Bay Program Office tools (NEIEN and CAST) and consistent with the November 4, 2009, December 29, 2009, and June 19, 2018 expectations, as well as the [Guide for EPA's Evaluation of Phase I Watershed Implementation Plans](#) issued April 2, 2010 – as amended or clarified by subsequent CBP partnership communications, including the CBP partnership's October 2014 [Strengthening Verification of Best Management Practices Implemented in the Chesapeake Bay Watershed: A Basinwide Framework](#) and the [Verification Framework Updates](#)
- Number of state tracking and verification systems compatible with Chesapeake Bay Program Office tools (NEIEN and CAST) and consistent with the November 4, 2009, December 29, 2009, and June 19, 2018 expectations, as well as the [Guide for EPA's Evaluation of Phase I Watershed Implementation Plans](#) issued April 2, 2010 – as amended or clarified by subsequent CBP partnership communications, including the CBP partnership's October 2014 [Strengthening Verification of Best Management Practices Implemented in the Chesapeake Bay Watershed: A Basinwide Framework](#) and the [Verification Framework Updates](#)
- Number of state tracking and verification systems. For example, verification systems for ensuring agricultural conservation practices (both cost-shared and non-cost shared) are properly designed, installed and maintained);
- Percent and number of sites, sources, and/or permittees captured by tracking and verification systems compatible with CBPO systems;
- Percent and units of BMPs verified under annual progress submissions to the Chesapeake Bay Program Office, in accordance with each jurisdiction's EPA-approved verification program and plan; and/or
- Submission of state data for each of the 12 outcome measures.

e. Improved Monitoring and Assessment of Compliance with Regulatory Loading Limits and Water Quality Standards Regulations

- Number of watersheds assessed for compliance with Bay TMDL/WIP allocations; and/or

- Number of Chesapeake Bay tidal segments assessed for attainment of Chesapeake Bay water quality standards.

EPA may work with grant recipients to select appropriate programmatic and environmental outputs related to WIPs, regulatory programs, enforcement, compliance assurance, and accountability.

### ***I. Additional Workplan Content Specific to Local Government Implementation Funding***

Since FY 2014, EPA has been committed to providing increased funding for local governments to reduce nitrogen, phosphorus, and sediment loads to the Chesapeake Bay, consistent with the jurisdictions' WIPs. The Consolidated Appropriations Act of 2014 provided additional state funding for CBPO, \$5 million of which was budgeted to this commitment. Jurisdictions have the option of adding this funding to their CBRAP and/or CBIG grant.

Local government implementation funding is intended for use by local entities. For purposes of this guidance, "local entity" may include counties, municipalities, cities, towns, townships, or federally-recognized tribes, as well as local public authorities or districts (including conservation districts or regional planning districts), organizations representing local governments, or watershed organizations that support local government implementation. If EPA awards a Bay jurisdiction local government implementation funding, they are expected to provide this funding through contracts or subawards to local entities based on the entities' ability to reduce nutrient and sediment loads through key sectors, such as land development and agriculture. Jurisdictions must make subrecipient and contractor determinations in accordance with [2 CFR 200.331](#). If a jurisdiction plans to make subawards, then they must follow the requirements of [2 CFR 200.332](#).<sup>10</sup> Jurisdictions can provide this funding to a different state agency that would then provide the funding to local entities through subawards or contracts. EPA can also provide this funding directly to entities through competitive NOFOs (see [Competition Process](#)).

Local government implementation funding added to CBRAP and CBIG awards must be identified as a distinct objective(s) in the workplan and include the content identified immediately below.

The Narrative Summary of Outputs for this objective should briefly describe the local government implementation work that will be accomplished with this funding and how the funding will be used in a timely manner. Jurisdictions should also describe how they will distribute this funding to local entities. This includes describing what criteria or mechanisms they will use to select local entities for funding through subgrants or contracts and whether they will provide these funds to another state agency to distribute to local entities. If jurisdictions know the local entities they will fund when they are preparing this work plan objective, then they should include them under the new work plan objective and explain why they were chosen. Where appropriate, jurisdictions should describe how funds will address needs in underserved communities, such as improving protections and/or accruing environmental benefits to these communities.

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<sup>10</sup> This only applies to CBIG and CBRAP awards that receive any funding on or after December 26, 2014.

EPA expects workplans to include well-defined and measurable outputs related to meeting WIP commitments and, where applicable, address issues raised by EPA in its evaluations of the jurisdictions' two-year milestones. The workplan should include near-term outputs for local government implementation activities that produce nutrient and sediment reduction. However, some activities jurisdictions fund may not lead to quantifiable pounds of nutrients or sediment reduced, such as those related to development of local ordinances. For these activities, jurisdictions should still include outputs and deliverables that are quantifiable while describing the activity's connection to nutrient and sediment reduction. Other areas of the local government implementation objective should follow the guidance in the [Workplan Requirements section](#) and [Attachment 1](#), Workplan Template.

The local government implementation activities will be in support of the Bay jurisdictions' WIPs. Local entities may use these funds to help track local planning goals and/or to support their participation in Phase III WIP implementation.

Jurisdictions should consider funding activities that address issues raised by EPA in its evaluations of the jurisdictions' WIPs and milestones if local government implementation activities address one or more of the issues. Jurisdictions should give priority to funding those activities that will address missed water quality milestones, accelerate the pace for meeting WIP commitments, and/or have the greatest impact on reducing nutrient and sediment loads. In deciding which local activities to fund, jurisdictions should also consider the timeliness and cost-effectiveness of the activities in contributing to nutrient and sediment reduction.

As such, the allowable uses of the local government implementation funding are a subset of the eligible uses of the CBRAP and CBIG awards that address EPA's evaluations of jurisdictions' WIPs and milestones. Jurisdictions should choose to which grant vehicle to apply their local government implementation funds based on the types of activities they plan to fund. CBIG should be used if they plan to fund local entities for direct implementation of nutrient and sediment reduction. Examples of direct implementation include the expansion of BMP implementation as well as improvements to wastewater treatment and stormwater management, including green infrastructure projects. CBRAP should be used if they plan to distribute their funding to local entities to expand local entities' regulatory and accountability capabilities related to nutrient and sediment loads. This funding should consider transferability of these tools to other local jurisdictions. Examples of CBRAP-eligible activities and related outputs by local entities can be found in this guidance under the [Workplan Content Specific to CBRAP Grants](#) section. These activities include improving the regulation of sources of nutrients and sediment as well as expanding capacity to enforce and ensure compliance. With the exception of training requested by local entities, jurisdictions that need to improve training and outreach to local entities on nutrient and sediment reduction practices should use their other CBRAP funding.

Additional examples of possible uses of this funding by local entities for reducing nutrient and sediment loads that would also support WIP implementation are:

- Local implementation of priority, structural agricultural, urban/suburban, and/or resource BMPs identified in the jurisdictions' WIPs and two-year milestones.
- Optimization studies and subsidies for operation and maintenance of wastewater treatment plants.
- Local stormwater program improvements.
- Training sponsored by local governments for local governments (e.g., peer-to-peer) focused on addressing barriers to and innovative ideas for implementation of nutrient and sediment reduction programs. Training conducted by jurisdictions that was specifically requested by local entities is also eligible.
- Filling gaps and technical assistance to develop and implement environmental financing revenue streams, including stimulation and leveraging of private capital, to pay for nutrient and sediment reduction projects.
- Compliance monitoring and assistance, and inspections and enforcement of MS4s, construction stormwater, animal feeding operations, and wastewater treatment plants.
- Development of new, or improvement of, existing authorities, rules, codes, zoning, and/or regulations to reduce nutrient and sediment loads delivered to the Bay through enforceable or otherwise binding commitments.
- Green Infrastructure projects including Chesapeake Bay Green Street-Green Jobs-Green Towns (G3) Initiative: The G3 Initiative supports community-based green stormwater infrastructure in urbanized watersheds for water quality benefits. Local government implementation funds can be used for "green streets," specifically for the design and implementation of green infrastructure-based stormwater management practices, increasing urban tree canopy in conjunction with stormwater management practices, and replacing impervious surfaces with more permeable materials. Additional information about the G3 Initiative and other green infrastructure funding opportunities, which might offer options for coordination, can be found at: <https://cbtrust.org/green-streets-green-jobs-green-towns/> and <https://www.epa.gov/green-infrastructure/green-infrastructure-funding-opportunities>
- Projects that emphasize nutrient and sediment load reduction efforts with co-benefits, such as source water protection and local hazard mitigation planning.
- Development and implementation of protocols and procedures and provision of staff resources to track, verify and report BMP data from local governments, conservation districts, non-governmental organizations and other local partners implementing BMPs.

Jurisdictions may request EPA in-kind services by having EPA contractors assist local entities with implementation needs identified by EPA in its milestone evaluations.

Jurisdictions are expected to be able to track wastewater facility, stormwater management, and other BMP implementation activities they fund with this money. They should submit these practice implementation data to CBPO through NEIEN, in accordance with [Attachment 4](#). The CBP partnership's [Chesapeake Bay Basinwide BMP Verification Framework](#) clearly states jurisdictions are ultimately responsible for providing the necessary documentation of verification of all practices implemented within their part of the Chesapeake Bay watershed and

submitted through each respective state's NEIEN node for crediting of nutrient and sediment pollutant load reductions. They are responsible for documenting – in detail or by reference – the verification programs, protocols, and procedures for all agencies, organizations, institutions and businesses contributing to the collective set of tracked, verified, and reported practices for nutrient and sediment load reduction credit. Jurisdictions should use their CBRAP funding if they need to improve tracking, verification and reporting of local implementation actions.

## 5. Financial Requirements

This section provides information regarding cost-share requirements, in-kind calculations for EPA onsite grantees, and information regarding the Federal Financial Report requirements.

### ***a. Cost-Share Requirements***

CBPO is funded under the Clean Water Act, Section 117. For funds awarded on or after December 26, 2014, all EPA recipients must comply with [2 CFR 200.306](#) for cost-sharing. Recipients must spend cost-share funds on activities or projects in direct support of the Chesapeake Bay Agreement, such as staff working on Bay-related projects. Cost-share sources must be from non-federal sources. Recipients can use in-kind services, such as volunteer hours, in-lieu of cash, as long as the recipient maintains a record of these hours. The rates associated with these volunteer hours must be reasonable and in accordance with wages in the wider labor market and approved by your project officer.

The table below summarizes the cost-share requirements by grant program:

| Grant Program            | CWA Section  | Cost-Share Percentage |
|--------------------------|--------------|-----------------------|
| CBIG                     | 117(e)(1)(A) | 50%                   |
| CBRAP                    | 117(e)(1)(A) | 50%                   |
| Monitoring grants        | 117(e)(1)(B) | 50%                   |
| Small watershed grants   | 117(g)(2)    | 25%                   |
| Other competitive grants | 117(d)       | 5% – 50%, see NOFOs   |

To calculate the specific cost-share amount, follow these two-step equations:

- For 5% cost-share:
  - EPA amount (including any in-kind) ÷ 95% = 100% of Total Grant Amount
  - 100% of Total Grant Amount × 5% = Recipient's Cost-Share Amount  
(e.g., \$425,000 ÷ 95% = \$447,368; \$447,368 × 5% = \$22,368, which is the recipient's cost-share amount)
- For 25% cost-share:
  - EPA amount (including any in-kind) ÷ 75% = 100% of Total Grant Amount
  - 100% of Total Grant Amount × 25% = Recipient's Cost-Share Amount  
(e.g., \$375,000 ÷ 75% = \$500,000; \$500,000 × 25% = \$125,000, which is the recipient's cost-share amount)

If a jurisdiction chooses to use part of their CBRAP funding to obtain contractual services through EPA's contract (as an in-kind service), their cost-share amount is based on their full grant amount including the contractual service. For example, if EPA awards the jurisdiction \$2,758,047 and it decides to use \$1,000,000 to obtain services from EPA's contract (in-kind services), then the recipient would receive \$1,758,047 in cash. However, the recipient will still be required to **cost-share** the full award amount of \$2,758,047.

In addition to the cost-share requirement, recipients must adhere to the requirement in the Clean Water Act, Section 117(e)(6) – “Administrative Costs.” This section requires a 10% cap on grant administration costs. The costs of administering the grant (e.g., salaries and fringe benefits) shall not exceed 10% of the total project costs. The budget detail of your application for federal assistance (SF-424) should reflect how your administrative costs will comply with the cap. The worksheet can help you in calculating allowable administrative costs.

#### ***b. EPA In-kind and Supplies***

The dollar value associated with providing space, supplies, etc., for grantees located onsite at EPA offices is considered in-kind funding. If the grant/cooperative agreement supports staff housed in the EPA CBP office, the application budget must include the cost to house the employee(s). For **FY 2024** and beyond (until amended), the EPA in-kind amount is \$11,480 per person per year. Recipients must include in-kind funding in the federal share of funding when calculating their cost-share amount. Grantee staff located onsite at CBPO must obtain a Personal Identity Verification (PIV) card. Recipients should contact their EPA project officer for information about obtaining a PIV card.

#### ***c. Indirect cost rates***

Under [2 CFR Part 200](#), there are separate appendices for determining indirect cost rates for institutions of higher education ([Appendix III](#)), non-profit organizations ([Appendix IV](#)), state and local governments ([Appendix V](#)), and tribes ([Appendix VII](#)).

#### ***d. Allowability and Reasonability of Costs***

For grants awarded on or after January 1, 2011, EPA provided project officers and grant specialists with guidance on determining the allowability and reasonableness of certain cost items under assistance agreements. Funding for evening banquets and receptions are prohibited in most cases. Costs for light refreshments and meals at meetings, conferences, training workshops, and outreach activities (events) are allowable if necessary to complete the objective but must be justified in the workplan and in the budget detail. EPA will not approve the use of grant funds for any portion of an event where alcohol is served, purchased, or otherwise available even if grant funds are not used to purchase the alcohol. See the [General Terms and Conditions](#) for more information.

## **E. POST-AWARD REQUIREMENTS**

### **1. Applicable regulations**

Below is a summary of applicable regulations for awards:

- **OMB Grant Guidance, Administrative Requirements**
  - [2 CFR Part 200, Subparts A through D](#) - Additional information about the Uniform Grants Guidance is available at [cfo.gov/cofar](https://cfo.gov/cofar).
  - [2 CFR Part 1500, Subparts A through D](#)
- **OMB Grant Guidance, Cost Principles**
  - [2 CFR Part 200, Subpart E](#)
- **Disadvantaged Business Enterprise Regulation**
  - [40 CFR Part 33](#) - The recipient should enter the year of their grant award and then expand Title 40, Chapter I, Subchapter B.
- **Suspension and Debarment Regulation**
  - [2 CFR Part 180](#)
  - [2 CFR Part 1532](#)
- **Intergovernmental Review Regulation**
  - [40 CFR Part 29](#)

### **2. New or Revised Grants Policies**

#### *EPA Grant Policies*

EPA grant policies may affect how recipients manage and administer EPA assistance agreements. A full library of EPA policy and guidance documents is available on the EPA [Grant Policy Resources website](#). Excerpts from recently revised grants policies are as follows:

- 1) EPA issued [RAIN-2022-G02](#), Rescission of Grants Policy Issuance 04-04 Consultant Fees Under EPA Assistance Agreements and Related Revision to Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements. This notice rescinds GPI-04-04 and directs recipients to sources that provide more current guidance on the consultant cap, including the [EPA General Terms and Conditions](#), the [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#), and the [Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#).
- 2) EPA issued [RAIN-2023-G01](#), Establishment of the Investing in America Signage Required Term and Condition. This notice informs applicants and recipients of the creation of the term and condition requiring the use of the Investing in America emblem and links to [EPA's Investing in](#)

[America Signage website](#), which applies to construction projects funded in whole or in part by the [Bipartisan Infrastructure Law](#).

3) EPA issued [RAIN-2023-G02](#), Partial Revocation of Class Exception for Fair Share Objectives Pursuant to 40 CFR Part 33, Subpart D and EPA Minority Business Enterprise/Women’s Business Enterprise Certification Pursuant to 40 CFR Part 33, Subpart B. This notice partially rescinds [RAIN-2019-G10](#) and reinstates the requirement for recipients to negotiate fair share objectives for minority business enterprise (MBE) and women’s business enterprise (WBE) participation in procurement under assistance agreements.

4) EPA issued [RAIN-2023-G03](#), Required Use of ID.me to Sign into ASAP.gov, which informs recipients and applicants of the U.S Department of Treasury’s Automated Standard Application for Payments (ASAP) requirement to use ID.me to log into ASAP.gov by September 15, 2023.

5) EPA issued [RAIN-2023-G04](#), Establishment of New EPA General Terms and Conditions, which informs recipients of the addition of five new [General Terms and Conditions](#).

6) EPA issued [RAIN-2024-G01](#), New Recipient Training Requirement, which informs applicants of a new training requirement that must be completed by new applicants/recipients prior to receiving grant funds. All new applicants/recipients are required to complete the [EPA Grants Management Training for Applicants and Recipients](#) and the training on [How to Develop a Budget](#). EPA defines new applicants/recipients as an organization that never received an EPA grant before, or if the organization last received an EPA grant prior to federal fiscal year (FY) 2015 (i.e. prior to October 1, 2014). Organizations can check [USA Spending](#) to determine if they are a new applicant/recipient for this requirement by using [these instructions](#).

### *Build America, Buy America Act*

In Title IX of IIJA, Congress passed the Build America, Buy America (BABA) Act, which establishes strong and permanent domestic sourcing requirements across all Federal financial assistance programs for infrastructure.<sup>11</sup> Section 70914(a) of the IIJA states when a Buy America preference under BABA applies: “Not later than... [May 14, 2022], the head of each Federal agency shall ensure that none of the funds made available for a Federal financial assistance program for infrastructure...may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project<sup>12</sup> are produced in the

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<sup>11</sup> Note that the BABA requirements apply to all federal funding, not just those awards issued under IIJA.

<sup>12</sup> A project is defined as “any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States.” As detailed in A8.8 of the [Supplemental Questions and Answers for Build America, Buy America Act Implementation Procedures for Office of Water Federal Financial Assistance Programs](#), a “project” consists of all construction necessary to complete the building or work regardless of the number of contracts or assistance agreements involved so long as all the contracts and assistance agreements awarded are closely related in purpose, time, and place.

United States.” Therefore, federal awards obligated on or after May 14, 2022, must comply with the BABA requirements.<sup>13</sup>

In considering whether a project is BABA-eligible, recipients should consider the following questions. If all three are yes, BABA applies.

- 1) Does the project involve the construction, alteration, or repair of, e.g., water infrastructure, buildings, or real property?
- 2) Does the project serve a public function (e.g., publicly owned/operated, serve a public function, place of public accommodation)?
- 3) Does the project involve leaving iron, steel, manufactured goods, or construction materials permanently affixed?

If it is determined that BABA applies, recipients should consider whether the project meets the criteria for one of the [EPA-approved program-wide waivers](#).

- 1) Small project waiver: Projects where assistance agreements or subawards under assistance agreements are less than \$250,000.
- 2) *De minimus* waiver: Projects where the products covered by BABA cumulatively comprise no more than five percent of the total project costs.

Additionally, pursuant to Section 70914(c) of the BABA Act, projects subject to BABA may apply for a waiver when:

- 1) Applying the domestic content procurement preference would be inconsistent with the public interest (a “public interest waiver”);
- 2) Types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (a “nonavailability waiver”); or
- 3) The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (an “unreasonable cost waiver”).

For general information on BABA, including FAQs, please visit EPA’s webpage at <https://www.epa.gov/cwsrf/build-america-buy-america-baba>.

Questions regarding the BABA requirements can be directed to the recipient’s EPA project officer or [BABA-OW@epa.gov](mailto:BABA-OW@epa.gov).

### **3. Quality Assurance**

This section describes specific technical documentation and reporting requirements for assistance agreements that involve environmental information operations performed on behalf

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<sup>13</sup> BABA applies to 1) all new awards made on or after May 14, 2022 and 2) all amended awards that add funding on or after May 14, 2022. No-cost amendments (those where no funding is being added) do not trigger inclusion of the BABA term and condition in the award.

of EPA. This includes a description of Quality Management Plans (QMPs) and Quality Assurance Project Plans (QAPPs).

Environmental information operations encompass collection, production, evaluation, or use of environmental information by or for EPA. In addition, activities relating to design, construction, operation, or application of environmental technology also constitute environmental information and require appropriate QA documentation as mandated by the EPA Agency-wide Quality Program ([CIO 2105.3](#)). Direct measurements of surface waters, sediment, atmospheric conditions, living resources, and land cover are examples of environmental information collected for the CBP partnership. Pre-existing data related to BMP implementation, wastewater treatment and the development, calibration, verification, and application of environmental models using current or historical databases are also subject to quality assurance requirements.

Quality assurance requirements for EPA grants and cooperative agreements are mandated in [2 CFR 1500.12](#). The regulations state:

- (a) Quality assurance applies to all assistance agreements that involve environmentally related data operations, including environmental data collection, production, or use.
- (b) Recipients shall develop a written quality assurance system commensurate with the degree of confidence needed for the environmentally related data operations.
- (c) If the recipient complies with EPA's quality policy, the system will be presumed to be in compliance with the quality assurance system requirement. The recipient may also comply with the quality assurance system requirement by complying with American National Standard ANSI/ASQ E4:2014: Quality management systems for environmental information and technology programs.
- (d) The recipient shall submit the written quality assurance system for EPA review. Upon EPA's written approval, the recipient shall implement the EPA-approved quality assurance system.
- (e) EPA Quality Policy is available at: <https://www.epa.gov/quality/agency-wide-quality-program-documents#policy>.

If required, a recipient must establish, document, and implement a quality system that applies to all work within the scope of the agreement. The recipient's quality system is documented in a QMP and a QAPP and must be approved by EPA prior to initiating work. See the [EPA website](#) for additional information on the quality assurance requirements for organizations receiving EPA financial assistance. Additional quality assurance guidance for the products and services supported by the Chesapeake Bay Program Office and the overall quality system employed to ensure compliance and consistency with the EPA Region 3 QMP may be found at [https://www.chesapeakebay.net/documents/CBPO\\_Quality\\_Manual\\_Final\\_08April2020.pdf](https://www.chesapeakebay.net/documents/CBPO_Quality_Manual_Final_08April2020.pdf).

The jurisdictions are required to annually update their quality assurance project plans documenting any substantive changes or other enhancements to their BMP verification programs as committed to within the CBP partnership's October 2014 [Strengthening](#)

[Verification of Best Management Practices Implemented in the Chesapeake Bay Watershed: A Basinwide Framework](#). These quality assurance project plans will also be consistent with EPA quality assurance guidelines referenced herein.

***a. Quality Management Plan***

Recipients of assistance agreements that involve environmental information operations shall submit a QMP prepared in accordance with the specifications in [EPA's Quality Management Plan Standard](#). The QMP describes the organizations' Quality Program and includes details of the internal quality procedures for implementing and assessing the effectiveness of the program. One QMP may apply to several assistance agreements if administered under the same management system. However, the QMP must describe in detail all technical activities associated with each of the assistance agreements to be performed under the Quality Program. Laboratory Quality Manuals are required for ongoing monitoring programs.

A QMP must be approved by the organization's quality assurance and senior managers, and then submitted to the EPA project officer at least 45 days prior to the initiation of environmental information operations. QMPs are approved by the U.S. EPA Region 3 Quality Assurance Manager (or designee).

An approved Quality Management Plan is valid for up to five years unless significant changes have been made to the Quality Program. Alterations to the quality program that may potentially impact performance of the environmental information operations may necessitate re-submission of the QMP for review and approval. Senior managers and/or QA officers are required to review their QMP at least annually to confirm effectiveness of the approved quality management practices. If an approved plan is expected to expire during the course of the agreement, include a deliverable for the submission of a revised plan.

***b. Quality Assurance Project Plan***

Recipients of assistance agreements that involve environmental information operations shall submit a QAPP prepared according to the specifications in [EPA's Quality Assurance Project Plan Standard](#). A QAPP describes how environmental information operations are planned, implemented, documented, and assessed to ensure meeting the quality standards defined for the project. In developing these plans, all CBP partners and grant recipients must utilize appropriate data quality indicators to ensure generation of comparable data sets. Protocols for CBP water quality monitoring can be accessed at [Methods and Quality Assurance for Chesapeake Bay Water Quality Monitoring Program](#).

Recipients of assistance agreements that involve gathering and/or use of existing environmental information for purposes other than those for which they were originally generated shall also submit a QAPP. For these projects, recipients shall prepare a QAPP to include the requirements identified in Chapter 3 of the [Quality Assurance Project Plan Requirements for Secondary Data Research Projects](#) document. Additional guidance for projects with modeling and geospatial needs can be accessed at the EPA [Region 3 Quality Program](#)

[Directives](#) website. Project plans that encompass both primary data collection as well as use of existing environmental information may be unified in a single QAPP that addresses quality assurance and quality control requirements for both aspects of the project.

All QAPPs must be reviewed and approved by the organizations' quality assurance and senior managers, and then submitted to the EPA project officer at least 45 days prior to the initiation of each environmental information operations or when requested by CBPO. All QAPPs are approved by the U.S. EPA Delegated Approving Official (DAO).

An approved QAPP is valid for five years or a shorter duration as defined for the project. All QAPPs must be reviewed annually to confirm effectiveness for the project. For ongoing monitoring programs, the QAPP should be reviewed annually and updated, if necessary, for changes to field, laboratory, quality control or data management procedures. The recipient must notify the project officer prior to changing the number of samples, the number of sites, or parameters measured. Updates to jurisdictions' BMP Verification Program Plans describing new data sources and changes to tracking methods, reporting, and verification are due by September 1. EPA's Office of Environmental Information requires QAPPs to be reviewed annually.

#### **4. Project Progress Reports**

After the assistance agreement has been awarded, the recipient will need to complete and submit to their EPA project officer interim (i.e., semiannual) and final reports that document the progress made in achieving the objectives of the workplan as presented in the application. Each assistance agreement will contain a programmatic term and condition specifying the reporting periods and submittal deadlines for interim and final reports. See [Attachment 3](#) for a progress report template. At a minimum, each report should contain:

- A comparison of actual accomplishments with the anticipated outputs and outcomes;
- Reason(s) why anticipated outputs were exceeded or not met;
- Problems encountered during the performance period that may have interfered with meeting program/project objectives;
- Proposed remedies to problems encountered, if applicable;
- Information on the rate of expenditure versus progress on the project;
- If applicable, information on equipment purchased during the reporting period; and
- Any additional pertinent information, including, when appropriate, analysis of cost overruns or high unit costs or unanticipated economics.

In accordance with EPA Order 5700.7A1, the EPA project officer must ensure that interim and final performance reports submitted by recipients adequately address progress in achieving agreed-upon outputs and outcomes. This includes, where necessary, ensuring performance reports provide a satisfactory explanation of why outcomes or outputs were not achieved.

## 5. Additional Requirements for CBIG and CBRAP Grants

It is assumed the results achieved by coordinating CBIG and CBRAP grant activities with other available state and federal programs produces cost-effective solutions that meet the current CBP partnership goals for nutrients and sediments, WIP commitments, two-year milestones for water quality, and respond to EPA's evaluations of the WIPs and milestones and assessments of jurisdictions' programs. It is also believed this coordination supports the jurisdictions' implementation of the management strategies developed for each of the applicable outcomes identified in the 2014 Agreement. The expenditure of public funds requires accountability and transparency through periodic cost-effectiveness evaluations.

According to the CBP partnership-approved [schedule for two-year milestones](#), the Bay jurisdictions and federal agencies will submit annual, written progress reports for the two-year milestones by January 15 of each year. This requirement is separate from the project progress reports discussed above. EPA may require, or revise grant terms and conditions to require, more frequent written progress reporting based upon the jurisdictions' progress in achieving the WIP and milestone goals. All progress reports should be submitted to the appropriate EPA state WIP lead.

### ***a. Data Submission Schedules***

Annual progress reporting is a required output for CBIG and CBRAP grants. Additional information about data submission schedules is contained in [Attachment 4](#). Grant recipients are expected to provide annual point source and nonpoint source nutrient and sediment load reduction implementation progress data based on the following schedule:

| Submission | Date Range of Data | Submission Schedule       |
|------------|--------------------|---------------------------|
| Initial    | July 1 – June 30   | September 1 – November 30 |
| Final      | July 1 – June 30   | By December 1             |

EPA expects data submitted to CBPO to be complete, quality-assured, and in proper formats. This will allow CBPO to begin immediate processing of the recipients' data, on December 1, in a CBP Watershed Model (WSM) annual progress scenario (see [Attachment 4](#) for data specifications and requirements and additional details for submission schedules).

For the wastewater sector, though DOEE is the grant recipient, DC Water Authority is responsible for reporting the point source nutrient and sediment load reduction implementation progress data directly to CBPO.

In the event data are not submitted on time, are inaccurate, or do not use the appropriate NEIEN or wastewater format for CBPO to calculate annual progress toward the Reducing Pollutions Indicators, CBPO will use the most recent quality-assured data submitted by the jurisdiction.

## ***b. Wetland Data***

Wetland restoration, creation, and rehabilitation are credited as BMPs in the CBP partnership's Phase 6 Watershed Model. Wetland restoration is an indicator for the annual Bay Barometer and the online accountability tool Chesapeake Progress. CBP therefore needs annual wetland BMP data (in all three categories) from the state partners to update the model and the indicator. Accordingly, the jurisdictions will submit wetland BMP information via the NEIEN as a deliverable according to the Data Submission Schedule identified in this guidance. Jurisdictional leads for the model Input-Decks are strongly encouraged to communicate with their natural resource agency wetland program managers to ensure accuracy of reporting and to avoid any double-counting of projects. At a minimum, jurisdictional leads should request wetland BMP data from the USDA, Natural Resource Conservation Service and Farm Service Agency, U.S. Fish and Wildlife Service, state conservation departments, state agriculture departments, Ducks Unlimited, The Nature Conservancy, Chesapeake Bay Foundation, and other local conservation organizations involved in non-tidal and tidal wetland conservation.

The Wetland Workgroup will continue to advise the CBP modeling team and other relevant CBP staff to clarify existing and updated wetland BMP definitions and data fields. New guidance on these terms and definitions will be provided to the jurisdictions as necessary to facilitate accurate reporting of progress toward wetland-related outcomes.

## **6. Unliquidated Obligations (ULOs)**

EPA staff are required to certify annually to the EPA administrator that unneeded funding has been de-obligated from EPA assistance agreements to ensure compliance with [the Government Accountability Office's Policy and Procedures Manual for Guidance of Federal Agencies, Title 7; the Federal Managers' Financial Integrity Act](#); and [OMB Circular A-123](#). To accomplish this task, EPA reviews all unliquidated obligations on assistance agreements.

ULOs are the unexpended balance of federal funds awarded. EPA is committed to ensuring funds are being utilized properly and in a timely manner. As part of this commitment, EPA project officers review ULO balances on grants, and EPA may use these balances to determine funding levels for future awards. For example, in FY 2013, EPA used ULOs to allocate reductions to CBRAP, Small Watershed, and some Clean Water Act (CWA) Section 117(d) grants.

Circumstances will be reviewed on a case-by-case basis. The CBPO intends to work with the recipient whenever there are ULOs of concern and when making funding decisions based on ULO balances. In situations where recipients have sustained ULOs, EPA may choose to take other actions to reduce ULOs including redirecting federal funds.

To strengthen the identification and prevention of the unwarranted accumulation of ULOs, EPA project officers and grant specialists are required, as part of current monitoring activities, to monitor the disbursement of funding awarded to the recipient. Each project officer and grant specialist must validate the necessity of the remaining monies and document their files accordingly. This will require ongoing dialogue between the recipient and the project officer. In addition, EPA adds a term and condition to all awards that establishes clear progress expectations. If a recipient has a history of accumulating unliquidated obligations without

adequate justification, EPA may include a term and condition requiring the recipient to submit quarterly budget reports. More information regarding EPA's procedures for managing ULOs can be found in [GPI 11-01](#) – Managing Unliquidated Obligations and Ensuring Progress under EPA Assistance Agreements.

## **7. Federal Financial Report – SF-425**

All recipients must use SF-425, Federal Financial Report (FFR), to report the financial status of their grant(s). A blank, fillable FFR, as well as instructions for how to complete the form, are available on the EPA [Financial Services website](#).

Only financial status information is required by EPA. Recipients are no longer required to submit Federal Cash Transaction information formerly reported on the SF-272 (FFR lines 10a through 10c). Therefore, all fields on the FFR need to be filled out except for 10a, 10b, and 10c. However, it should be noted that cost-share ratios stated in the application and budget must be included in the final FFR.

Interim FFRs are due annually within 90 days of the expiration of each 12-month cycle. Final FFRs are due no later than 120 days after the end of the grant budget/project period. All FFRs should be sent to the Research Triangle Park Finance Center (RTPFC) at [rtpfc-grants@epa.gov](mailto:rtpfc-grants@epa.gov) with a copy to the grant specialist of record.

If you have any questions, please contact Region 3 RTPFC financial specialist Sarah Olive ([olive.sarah@epa.gov](mailto:olive.sarah@epa.gov)), or contact customer service at 919-541-1550 or [rtpfc-grants@epa.gov](mailto:rtpfc-grants@epa.gov).

## **8. Monitoring and Grant Enforcement**

After the assistance award is approved, the EPA project officer must ensure federal funds are being spent appropriately. To do this, the EPA project officer must:

- 1) Review the progress reports and other outputs to ensure the recipient is fulfilling the obligations as outlined in the workplan, applicable regulations, and programmatic terms and conditions in the agreement;
- 2) Conduct mid-year and closeout monitoring reviews in accordance with EPA Order 5700.6A2; and
- 3) Work with the EPA grants office to make modifications as needed to the assistance agreement (i.e., amendments) based on the recipient's request and EPA's discretion.

When an EPA project officer observes through any type of periodic monitoring activity that the recipient is failing to meet pre-approved programmatic timelines or milestones, the EPA project officer will require the recipient to update the workplan accordingly (see [Modifications to Award Documents](#)). In addition, EPA may take action as described below.

It is important to get changes to the assistance agreements in writing. A recipient's written request for a change must be accompanied by a justification and submitted to the project

officer. The project officer will then forward this change request to the grants management office along with their recommendation.

Under the Uniform Grants Guidance, if a recipient fails to comply with federal statutes, regulations, or the terms and conditions of an award, EPA may impose one or more additional conditions, as described in [2 CFR 200.208](#). Further, EPA may impose one or more of the conditions from 2 CFR 200.208 under the following circumstances:

- a. Based on the criteria set forth in [2 CFR 200.206](#) (“Federal agency review of risk posed by applicants”);
- b. When an applicant or recipient has a history of failure to comply with the general or specific terms and conditions of a federal award;
- c. When an applicant or recipient fails to meet expected performance goals as described in [2 CFR 200.211](#) (“Information contained in a Federal award”). These include specific performance goals, indicators, milestones, or expected outcomes (such as outputs or services performed or public impacts of any of these) with an expected timeline for accomplishment; or
- d. When an applicant or recipient is not otherwise responsible.

The conditions from [2 CFR 200.208\(c\)](#) include:

- a. Requiring payments as reimbursements rather than advance payments;
- b. Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given period of performance;
- c. Requiring additional, more detailed financial reports;
- d. Requiring additional project monitoring;
- e. Requiring the recipient to obtain technical or management assistance; or
- f. Establishing additional prior approvals.

Prior to adding one or more of these conditions, EPA will notify the recipient in writing of the additional requirements, the reasons for the conditions, the steps it must take to have EPA remove the conditions, and the method for requesting reconsideration of the additional requirements.

If EPA determines noncompliance cannot be remedied by imposing one or more of the above conditions, then EPA may take one or more of the following actions found in [2 CFR 200.339](#). EPA will notify the recipient in writing of the action taken, the reasons for the action, the steps it must take to come into compliance, and their appeal rights. The potential additional actions are:

- Temporarily withhold cash payments pending correction of the deficiency by the recipient or the recipient may risk more severe enforcement action by EPA.
- Disallow (that is, deny both use of funds and any applicable **cost-share** credit for) all or part of the cost of the activity or action not in compliance.

- Wholly or partly suspend or terminate the current award.
- Initiate suspension or debarment proceedings as authorized under 2 CFR Parts 180 and 1532.
- Withhold further awards for the project or program.
- Take other remedies that may be legally available.

EPA can also terminate an award in whole or in part for cause if the recipient fails to comply with the terms and conditions of an award ([2 CFR 200.340\(a\)\(1\) and \(2\)](#)).

EPA may exercise other options if a Bay jurisdiction fails to meet EPA's expectations for WIPs and milestones or does not demonstrate satisfactory progress toward achieving nutrient and sediment allocations established by EPA in the Bay TMDL. This only applies to CBIG and CBRAP grants.

These options were communicated to all the states and the District of Columbia in the [December 29, 2009 letter](#) from the Regional Administrator of EPA Region 3. According to this letter, EPA may condition or redirect CBRAP and/or CBIG funds if a jurisdiction incorporated elements of their WIP or milestones into the grant workplan and then fails to adequately perform or complete the activities. Potential funding actions by EPA may be targeted to improve the existing program or workplan deliverables within the jurisdiction. Likewise, jurisdictions should give priority to addressing state regulatory programmatic deficiencies identified in EPA's State Review Framework, Permit Quality Review, Trading and Offset Program Assessments, Stormwater Assessments, and Agricultural Assessments that can be an impediment in achieving their WIP and milestone commitments and targets.

Additionally, if EPA determines a recipient is not making satisfactory progress with their CBIG or CBRAP grants, EPA may decide not to provide additional funding or reduce future funding. Jurisdictions should also refer to the [November 4, 2009 letter](#) concerning EPA's expectations on the first two elements of the Chesapeake Bay accountability framework: the WIPs and the two-year milestones.

## **9. Debarment and Suspension**

Recipients are required to ensure contracts or subawards are only awarded to responsible entities. Therefore, recipients must verify prior to passing through funds that such entities are eligible in accordance with the methods located in 2 CFR Part 180. EPA strongly encourages recipients to check the Excluded Parties List in the System for Award Management (<https://www.sam.gov/SAM/>). In addition, recipients are responsible for requiring contractors and subrecipients to comply with Subpart C of 2 CFR Part 180 regarding suspension and debarment and passing the same requirement down, as appropriate.

If, at any point after the award, the recipient learns it failed to notify EPA prior to award of suspension and debarment information as noted in the last paragraph under the [Application Requirements](#) section of this guidance, or if circumstances have changed regarding the required

information to be disclosed, then the recipient must provide EPA with immediate written notification.

## **10. Modifications to Award Documents**

Recipients should send written notification of changes to their EPA project officer, with a copy to the grant specialist of record, as soon as the recipient becomes aware of the necessary change(s). When submitting a revised budget detail, please add text to describe changes that cannot be readily discerned in the columns (see Attachment 2). In addition, any change requiring a formal amendment must also be sent to Region 3 Grants Management Section at [R3\\_grant\\_applications@epa.gov](mailto:R3_grant_applications@epa.gov). Recipients should contact their project officer regarding further information about the process for modifying awards.

### *a) Changes That Do Not Require EPA Project Officer Approval or Formal Amendment:*

Minor changes to the workplan that are consistent with the project objective and within the scope of the agreement do not require project officer approval. For example, a recipient may make minor changes to the approach or other aspects of the project to meet objectives sooner or to expedite completion. Even though these changes do not require project officer approval, EPA requests notification as a courtesy.

### *b) Changes That Require Notification of EPA Project Officer and Grant Specialist, but Not Prior Approval or Formal Amendment:*

Consistent with the [EPA General Terms and Conditions #24.1](#), recipients must notify their EPA Project Officer and Grant Specialist of cumulative funding transfers among direct budget categories or programs, functions and activities that do not exceed 10% of the total budget. Notification should include an email to the EPA Project Officer describing the changes along with a revised SF-424A showing the changes in funding between cost categories. EPA will document these revisions in the grant file and by issuing an award document showing the changes. These changes do not require EPA prior approval. For efficiency, recipients are encouraged to submit these changes semiannually as part of the six-month reporting process and during annual funding award processes.

### *c) Changes That Require EPA Project Officer Approval (No Formal Amendment):*

- A change in key personnel;
- The absence for more than three months or a 25% reduction in time devoted to the project by the approved project director or principal investigator;
- Unless described in the application and funded in the approved award, the subaward, transfer, or contracting out of any work under an award; and/or
- Contracting out or otherwise obtaining services of a third party to perform activities central to the purpose of the award not already approved in the workplan/narrative.
- Transfer of funds budgeted for participant support costs or training allowances to other categories of expense.

*d) Changes That Require a Formal Amendment:*

- Any revision resulting in the increase or decrease in **total funds for the award**;
- **Increases or decreases to the indirect cost line of the budget**;
- Major revisions to the objectives or scope of the project (PLEASE NOTE: The recipient cannot request revisions that substantially change the original project objectives selected under the competitive process);
- Extensions to the budget and project period (PLEASE NOTE: The recipient must notify the EPA project officer in writing with supporting reasons and a revised expiration date at least 10 business days before the expiration date specified in the award, as well as provide a revised workplan addressing work to be completed through the duration of the extension period. To merely exhaust unobligated balances is not a valid justification for an extension); and
- Re-budget of funds if the cumulative amount of funding transfers among direct budget categories or programs, functions and activities exceed 10% of the total budget. These changes require prior approval from the EPA Grants Management Official.

## **11. Reasonable Accommodations**

Recipients and subrecipients are subject to the program accessibility provisions of Section 504 of the Rehabilitation Act, codified in [40 CFR Part 7](#), which includes an obligation to provide individuals with disabilities reasonable accommodations and an equal and effective opportunity to benefit from or participate in a program, including those offered through electronic and information technology (“EIT”). In compliance with Section 504, EIT systems or products funded by EPA awards must be designed to meet the diverse needs of users (e.g., U.S. public, recipient personnel) without barriers or diminished function or quality. Systems shall include usability features or functions that accommodate the needs of persons with disabilities, including those who use assistive technology. At this time, EPA will consider a recipient’s websites, interactive tools, and other EIT as being in compliance with Section 504 if such technologies meet standards established under Section 508 of the Rehabilitation Act, codified at 36 CFR Part 1194. While Section 508 does not apply directly to grant recipients, we encourage recipients to follow either the 508 guidelines or other comparable guidelines that concern accessibility to EIT for individuals with disabilities. Recipients may wish to consult the latest [Section 508 guidelines](#) issued by the U.S. Access Board or W3C’s [Web Content Accessibility Guidelines \(WCAG\) 2.0](#).

## **12. Subawards**

Recipients may subaward funds to other organizations to carry out a portion of the federal award. A subaward is a legal agreement between the pass-through entity issuing the subaward and the subrecipient organization carrying out a portion of the award. Subawards are distinct from contracts even if the pass-through entity uses the term “contract” internally to describe the subaward arrangement. In particular, subawards are distinct from contracts in several ways:

| <b>Subaward:</b>                                                                                                                  | <b>Contract:</b>                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Public purpose                                                                                                                    | Provides goods and services to the recipient                                                                                           |
| Subrecipient may not profit from the award                                                                                        | Reasonable profit is allowable                                                                                                         |
| May be awarded without competition, unless competition is required by state, regulation, or the terms and conditions of the award | Requires full and open competition, except for amounts below the micro-purchase threshold or when sole source procurement is justified |

If a recipient chooses to pass-through funds to another organization via a subaward, the recipient is responsible for complying with the applicable regulatory and policy requirements, as outlined in [2 CFR Part 200](#) and the [EPA Subaward Policy](#). Subrecipients are subject to the same Federal requirements as the pass-through entity, including all terms and conditions in the assistance agreement.

### **13. Award Closeout Requirements**

Closeout is the process by which the EPA determines that all applicable administrative actions and all required work of the award have been completed. The closeout process generally begins once the period of performance for the award ends, but it may begin sooner if all project requirements have been met prior to the award expiration date.

No later than 120 days after the end of the period of performance, the recipient must:

- Perform all final drawdowns related to the award (All costs must be incurred prior to the budget and project period end date);
- Submit the final financial report (FFR) (SF-425) to RTP with a copy to the grant specialist;
- Submit the final progress report to project officer;
- Submit the final MBE/WBE report (EPA Form 5700-52A) to [r3\\_mbe-wbe\\_reports@epa.gov](mailto:r3_mbe-wbe_reports@epa.gov) with a copy to the grant specialist; and
- Submit a Property Report (SF-428) if applicable.

Copies of the required forms can be found at <https://www.epa.gov/grants/epa-grantee-forms>. A final progress report template is available in [Attachment 3](#) of this Guidance, which should be marked *final*.

Generally, recipients must retain grant files for at least three years after the date of submission of the final FFR. The retention period may be extended in certain circumstances, as outlined in [2 CFR 200.334](#).

Additional information and resources can be found on the EPA's [Closeout FAQ webpage](#). Questions regarding closeout should be directed to your EPA project officer and/or grant specialist, as appropriate.