

	<p align="center">U.S. ENVIRONMENTAL PROTECTION AGENCY</p> <p align="center">Grant Agreement</p>		GRANT NUMBER (FAIN): 00349922 MODIFICATION NUMBER: 0 PROGRAM CODE: C9	DATE OF AWARD 08/18/2022
			TYPE OF ACTION New	MAILING DATE 08/23/2022
			PAYMENT METHOD: ASAP	ACH# 30359
			RECIPIENT TYPE: State	
RECIPIENT: VA Dept of Environmental Quality 1111 E Main St Richmond, VA 23219-3531 EIN: 54-1661753		PAYEE: VA Dept of Environmental Quality 1111 E Main St Richmond, VA 23219-3531		
PROJECT MANAGER Justin Williams 1111 East Main Street, Suite 1400 Richmond, VA 23219-3531 Email: justin.williams@deq.virginia.gov Phone: 804-659-1125		EPA PROJECT OFFICER Jason Challandes Four Penn Center, 1600 John F. Kennedy Boulevard, 3WD31 Philadelphia, PA 19103-2852 Email: challandes.jason@epa.gov Phone: 215-814-0000		EPA GRANT SPECIALIST Matthew Creedon Grants Management Section, 3MD22 Four Penn Center, 1600 John F. Kennedy Boulevard Philadelphia, PA 19103-2852 Email: Creedon.Matthew@epa.gov Phone: 215-814-5174
PROJECT TITLE AND DESCRIPTION VADEQ - 2022 Section 319(h) Nonpoint Source Implementation Grant See Attachment 1 for project description.				
BUDGET PERIOD 08/01/2022 - 07/31/2027	PROJECT PERIOD 08/01/2022 - 07/31/2027	TOTAL BUDGET PERIOD COST \$3,662,833.00	TOTAL PROJECT PERIOD COST \$3,662,833.00	
NOTICE OF AWARD				
<p>Based on your Application dated 06/09/2022 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$1,877,700.00. EPA agrees to cost-share <u>51.26%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$1,877,700.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.</p>				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS U.S. EPA, Region 3 , US EPA Region 3, 3MD22 Four Penn Center, 1600 John F. Kennedy Boulevard Philadelphia, PA 19103-2852			ORGANIZATION / ADDRESS U.S. EPA, Region 3, Water Division 3WD00 R3 - Region 3 Four Penn Center, 1600 John F. Kennedy Boulevard Philadelphia, PA 19103-2852	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official Jacqueline Guerry - Acquisition and Assistance Branch, Chief				DATE 08/18/2022

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$0	\$1,877,700	\$1,877,700
EPA In-Kind Amount	\$0	\$0	\$0
Unexpended Prior Year Balance	\$0	\$0	\$0
Other Federal Funds	\$0	\$0	\$0
Recipient Contribution	\$0	\$0	\$0
State Contribution	\$0	\$1,785,133	\$1,785,133
Local Contribution	\$0	\$0	\$0
Other Contribution	\$0	\$0	\$0
Allowable Project Cost	\$0	\$3,662,833	\$3,662,833

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.460 - Nonpoint Source Implementation Grants	Clean Water Act: Sec. 201(g)(1)(B) Under Sec. 319(h)	2 CFR 200, 2 CFR 1500, 40 CFR 33 and 40 CFR 35 Subpart A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2203LA0102	22	E1	03L5	000B01	4117	-	-	\$1,877,700
									\$1,877,700

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$0
2. Fringe Benefits	\$0
3. Travel	\$5,000
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$75,000
7. Construction	\$0
8. Other	\$3,582,833
9. Total Direct Charges	\$3,662,833
10. Indirect Costs: 0.00 % Base	\$0
11. Total (Share: Recipient <u>48.74 %</u> Federal <u>51.26 %</u>)	\$3,662,833
12. Total Approved Assistance Amount	\$1,877,700
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$1,877,700
15. Total EPA Amount Awarded To Date	\$1,877,700

Attachment 1 - Project Description

This Clean Water Act Section 319 grant award agreement provides financial assistance and support to the Commonwealth of Virginia to implement its nonpoint source management program, focusing on watersheds with water quality impairments caused by polluted runoff from nonpoint sources.

Nonpoint source implementation projects can be conducted by both the state grant recipient as well as by a variety of subrecipients, and include a variety of structural and non-structural best management practices (BMPs), monitoring, technology demonstrations, and a variety of education/outreach programs. The projects to be funded with this grant award will develop and implement projects and BMPs primarily in the areas of conservation planning, nutrient management, nutrient load reductions, Watershed Plan implementation, and ditch/wetland/stream restoration.

The implementation projects are expected to primarily achieve pollutant load reductions in watersheds with Clean Water Act Section 319 approved watershed-based plans, ultimately leading to restoration of waterbodies and attainment of water quality standards. Direct Beneficiaries of this program include all Commonwealth of Virginia residents and occupants, both permanent and temporary. The activities to be implemented through subawards to multiple recipients will primarily include the implementation of on the ground Best Management Practices aimed at improving water quality in Nonpoint Source impaired waterbodies as guided by EPA accepted Watershed-based Plans.

Administrative Conditions

General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2021-or-later>.

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>.

A. Correspondence Condition

The terms and conditions of this agreement require the submittal of reports, specific requests for approval, or notifications to EPA. Unless otherwise noted, all such correspondence should be sent to the following email addresses:

- Federal Financial Reports (SF-425): RTPEC-Grants@epa.gov with copy to grant specialist of record.
- MBE/WBE reports (EPA Form 5700-52A): R3_MBE-WBE_Reports@epa.gov.
- All other forms/certifications/assurances, Indirect Cost Rate Agreements, requests for extensions of the budget and project period, amendment requests, requests for other prior approvals, updates to recipient information (including email addresses, changes in contact information or changes in authorized representatives) and other notifications: Grant specialist and project officer of record.
- Payment requests (if applicable): RTPEC-Grants@epa.gov.
- Quality Assurance documents, work plan revisions, equipment lists, programmatic reports and deliverables: project officer of record.

B. Pre-Award Costs

In accordance with 2 CFR 1500.9, the recipient may charge otherwise allowable pre-award costs (both Federal and non-Federal matching shares) incurred from **8/1/2022** to the actual award date provided that such costs were contained in the approved application and all costs are incurred within the approved budget period.

Programmatic Conditions

GRANT-SPECIFIC PROGRAMMATIC TERMS AND CONDITIONS

Based upon the review of the **FY2021** Annual Report and in accordance with the provisions of the Clean Water Act, Section 319(h)(8), entitled, "Satisfactory Progress", the Regional Administrator has determined that the **Virginia Department of**

Environmental Quality has made satisfactory progress in meeting the milestone schedule as identified in the approved Nonpoint Source Management Program Plan **dated January 15, 2020**.

A. Reporting Requirements

The recipient agrees to comply with all reporting requirements required by EPA regulation (40 CFR part 35, 2 CFR part 200), §§ 319(h)(10) and (11) of the Clean Water Act, and by the *Nonpoint Source Program and Grants Guidelines for States and Territories* (2013). Failure to comply with the above referenced reporting requirements may result in a disruption of grantee funding and/or early termination of the grant agreement in accordance with 2 CFR part 200.

1) Project Reports

The recipient agrees to submit reports for all projects identified in the approved work plan, including those performed by the recipient, subgrantees, contractors, and through interagency agreements. Reports shall include a comparison of actual accomplishments to the outputs/outcomes established in the workplan for that period, the reasons for slippage if those outputs/outcomes could not be met, and any other pertinent information such as cost overruns. Reports are due **semiannually** beginning 6 months after the project start date on **February 1st and August 1st** each year until the grant is closed. Reports should be submitted in Grants Reporting and Tracking System (GRTS). In accordance with [200.329](#) the recipient agrees to inform EPA as soon as problems, delays or adverse conditions arise which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan. In addition, reports should include the three essential elements:

- Strategic plan Goal 5.0
- Strategic Plan Objective 5.2, and
- Work plan commitments plus timeframe.

A final project report is due to the EPA project officer within **90** days after the end of the Assistance Agreement Project Period. The report must describe project activities and identify and discuss the extent to which project goals have been achieved, and the amount of funds spent on the project. The report should emphasize successes, failures, lessons learned, load reduction data, and should include any available water quality and habitat data demonstrating project results. Acceptance and approval of final project reports is the responsibility of the recipient. Final project reports will be provided electronically as attachments in GRTS, and submitted in hard copy if required. **The Final evaluation and populating the mandated element fields can satisfy this requirement.** In addition, the GRTS database should be updated to reflect the project status as complete and include the date.

2) Annual Nonpoint Source (NPS) Program Report:

The recipient agrees to provide information required under § 319(h)(11) of the Clean Water Act for the purpose of annual reporting on progress under the State's NPS management program. **The § 319 Annual Program Report will be due by February 1st.** At a minimum, the report shall contain a summary of progress, including rationale/evidence, in meeting the schedule of milestones in the approved management program and reductions in NPS pollutant loading and improvements in water quality that has resulted from implementation of the NPS management program. Failure to submit the annual NPS program report may affect the recipient's eligibility for future § 319 grant funding.

3) GRTS:

The recipient shall enter all mandated data elements into the GRTS for NPS projects funded under § 319 of the Clean Water Act, and any other data and/or information required by the EPA according to deadlines specified by EPA.

Initial data entry is due 90 days from award and includes all mandated data elements except the geographic area (if still to be determined), best management practices (BMPs) and load reduction data. The recipient will report BMP and load reduction data as projects are implemented. At a minimum, the BMP and load reduction data will be reported by **March 31st** of each year for projects implementing BMPs in the previous federal fiscal year.

4) Water Quality Data Reporting

The recipient agrees to enter water quality monitoring data, for data collected in a waterbody pursuant to the implementation of a § 319 project, into EPA's "Water Quality Exchange (WQX) system. All water quality data generated with § 319 funding, either directly or by sub-award, are required to be transmitted into the WQX system using either the WQX or WQXweb. When uploading data through WQX or WQXweb, data should be identified as 319 grant related by providing project ID **CWA319** in the data submission. If you have an existing project ID, please include this in addition to data collected using 319 funds. Please contact the WQX helpdesk ([wxq@epa.gov](mailto:wqx@epa.gov)) if you need assistance assigning multiple project IDs to a dataset.

5) Programmatic Subaward Reporting Requirement

The recipient must report on its subaward monitoring activities under [2 CFR 200.332\(d\)](#). Examples of items that must be reported if the pass-through entity has the information available are:

- a. Summaries of results of reviews of financial and programmatic reports.
- b. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
- c. Environmental results the subrecipient achieved.
- d. Summaries of audit findings and related pass-through entity management decisions.
- e. Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR 200.332(e), 2 CFR 200.208 and the 2 CFR Part 200.339 Remedies for Noncompliance.

B. Sufficient Progress/ Satisfactory Progress

EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project. In determining sufficient progress, EPA may also consider the rate of expenditure of funds (unliquidated obligations), as well as the findings from the most recent § 319 performance and progress determination §319 (h)(8) . (See EPA's *Guidance and Checklist for Determining Progress of State NPS Management Programs and Performance of CWA Section 319 Grants*.)

C. Watershed-based Plans

Under the § 319 guidelines, use of §319 “watershed project” funds requires that a watershed-based plan which includes all of the information in elements (a)-(i) as described in the § 319 grant guidelines or an acceptable alternative plan be completed prior to implementation of on- the-ground projects. The recipient shall ensure a watershed-based plan or acceptable alternative plan is completed prior to beginning to implement any on-the-ground project with § 319 watershed project funds.

The recipient shall provide a copy of all draft watershed-based plans or acceptable alternative plans funded as well as any available information regarding the status of implementation activities and results, including but not limited to any reports on BMP's implemented; § 319 funds expended; contributions of funds by other sources to assist in implementation of the watershed-based plans (to the extent this information is readily available to the State); results achieved; and other relevant and appropriate information **to EPA for review and acceptance prior to funding any activities utilizing § 319 funds.**

D. Operation and Maintenance

The recipient will assure the continued proper operation and maintenance of all nonpoint source management practices that have been implemented for projects funded under this agreement. Such practices shall be operated and maintained for the expected lifespan of the specific practice and in accordance with commonly accepted standards. The recipient shall include a provision in every applicable sub-agreement (subgrant or contract) awarded under this grant requiring that the management practices for the project be properly operated and maintained. Likewise, the sub- agreement will assure that similar provisions are included in any sub-agreements that are awarded by the sub-recipient.

E. Maintenance of Effort

State expenditures for NPS implementation activities must meet the maintenance of effort (MOE) level required under § 319(h)(9) of the Clean Water Act. No grant may be made to a State under this subsection in any fiscal year unless such State enters into such agreements with the Administrator as the Administrator may require to ensure that such State will maintain its aggregate expenditures from all other sources for programs for controlling pollution added to the navigable waters in such State from nonpoint sources and improving the quality of such waters at or above the average level of such expenditures in its two fiscal years preceding February 4, 1987. The state should assure that MOE requirements have been satisfied and report this through the final Federal Financial Report (FFR) at the end of the budget period.

F. Required Non-Federal Match

A 40% non-federal program match is required under § 319(h)(3) . The state should assure that the match requirements have been satisfied and report this through the final Federal Financial Report (FFR) at the end of the budget period.

G. Limitation on Administrative Costs

In accordance with § 319(h)(12) of the Clean Water Act, administrative costs in the form of salaries, overhead, or indirect costs shall not exceed in any fiscal year 10 percent of the amount of the grant except that costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer programs shall not be subject to this limitation.

H. Obligation and Outlay of Funds

In accordance with § 319(h)(6) of the Clean Water Act, the recipient will show commitment to expend the funds awarded in this grant and to complete the funded projects in accordance with its EPA approved Nonpoint Source management program and the approved work plan. The recipient will award all proposed contracts, subgrants and interagency agreements within one year after grant award.

I. Public Awareness Options

<https://www.epa.gov/grants/clean-water-act-section-319-non-point-source-assistance-agreements-public-awareness-terms-and>

I. Outreach Signage Requirements

If the 319 award includes an outreach component, the recipient agrees to provide signage that informs the public that the project is funded by EPA. The signage shall contain the EPA logo. To obtain the appropriate EPA logo or seal graphic file, the recipient should send a request directly to OPA and include the EPA Project Officer in the communication. Instructions for contacting OPA are available at: <http://www2.epa.gov/stylebook/using-epa-seal-and-logo>. The EPA Logo will be displayed meeting the following specifications:

http://www.epa.gov/ogd/tc/epa_logo_seal_specifications_for_infrastructure_grants.pdf. If the physical design of the sign allows, it should also include the following text:

"This project has been funded by the United States Environmental Protection Agency"

or

"This cooperative project has been funded in part by the United States Environmental Protection Agency"

Exceptions to including the EPA logo may be made by the Regional 319 Coordinator on recommendation by the State.

II. Announcements

The grant recipient agrees that announcements through the web or print materials for workshops, conferences, demonstration days or other events as part of a project funded by a 319 assistance agreement shall contain a statement that the materials or conference has been funded by the United States Environmental Protection Agency.

III. Public or Media Events

The Recipient agrees to notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to construction projects as a result of this agreement, and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days notice.

IV. Limited English Proficiency Communities

To increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to include in their outreach strategies communication in non-English languages. Translation costs for this purpose are allowable, provided the costs are reasonable.

J. Permits

The recipient agrees to ensure that all necessary permits (such as Clean Water Act § 404) are obtained prior to implementation of any grant funded activity that may fall under applicable federal, state or local laws. The subgrantee's project implementation plan must identify permits that may be needed to complete work plan activities. The recipient must keep documentation regarding necessary permits in the project file. EPA approval of a workplan does not imply nor guarantee that a federal, state, or local permit will be issued for a particular activity.

K. Participation in Regional and National Meetings

The recipient agrees to attend National and Regional NPS Program meetings, GRTS users meetings, teleconferences, training sessions and webinars, as scheduled, unless agreed upon in advance by the EPA Project Officer. In order to permit EPA to assess the adequacy of program progress, the recipient also agrees to annually participate in a detailed on-site evaluation. This evaluation schedule will be negotiated by the recipient and the EPA State Program Manager. The State agrees to budget for one yearly trip to the EPA Regional office in Philadelphia, in the event that the parties agree that such an evaluative visit to the EPA Regional office is necessary to assess the adequacy of program progress.

L. NPS Success Stories

The recipient must draft and submit to EPA all applicable NPS program success stories which highlight projects resulting in the restoration of waterbodies. These stories shall be submitted through the success story database in GRTS. A minimum of one water quality restoration (Category 1) Success Story or two water quality improvement (Category 2) is/are required each year unless otherwise agreed upon by the state and EPA Regional NPS Coordinator.

M. TMDLs Developed Under Section 319 Grant

For each § 319-funded TMDL, the recipient will provide the following supplemental information to support the load allocations specified in the TMDL: (1) an identification of total NPS existing loads and total NPS load reductions necessary to meet water quality standards, by source type; (2) a detailed identification of the causes and sources of NPS pollution by source type to be addressed in order to achieve the load reductions specified in the TMDL (e.g., acres of various row crops, number and size of animal feedlots, acres and density of residential areas); and (3) an analysis of the NPS management measures by source type expected to be implemented to achieve the necessary load reductions, with the recognition that adaptive management may be necessary during implementation.

N. Cybersecurity Condition

State Grant Cybersecurity

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure.

For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.332(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

O. Competency Policy

Competency of Organizations Generating Environmental Measurement Data

In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements,

Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at <https://www.epa.gov/sites/production/files/2015-03/documents/competency-policy-aaia-new.pdf> or a copy may also be requested by contacting the EPA Project Officer for this award.

P. Geospatial Data Standards

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at www.fgdc.gov.

Q. QUALITY ASSURANCE

Authority: Quality Assurance applies to all assistance agreements involving environmental information as defined in [2 C.F.R. § 1500.12](#) Quality Assurance.

The recipient shall ensure that subawards involving environmental information issued under this agreement include appropriate quality requirements for the work. The recipient shall ensure sub-award recipients develop and implement the Quality Assurance (QA) planning documents in accordance with this term and condition; and/or ensure sub-award recipients implement all applicable approved QA planning documents.

1. Quality Management Plan (QMP)

a. Prior to beginning environmental information operations, the recipient must:

- i. Develop a QMP,
 - ii. Prepare the QMP in accordance with the most current version of [EPA QA/R-2: EPA Requirements for Quality Management Plans](#).
 - iii. Submit the document for EPA review, and
 - iv. Obtain EPA Quality Assurance Manager or designee (hereafter referred to as QAM) approval. or
- b. The recipient must submit the QMP within 60 days after grant award.
- c. The recipient must review their approved QMP at least annually. The results of the QMP review and any revisions must be submitted to the PO and the QAM at least annually and must also be submitted when changes occur.

2. Quality Assurance Project Plan (QAPP)

- a. Prior to beginning environmental information operations, the recipient must:
- i. Develop a QAPP,
 - ii. Prepare QAPP in accordance with the most current version of [EPA QA/R-5: EPA Requirements for Quality Assurance Project Plans](#).
 - iii. Submit the document for EPA review, and
 - iv. Obtain EPA Quality Assurance Manager or designee (hereafter referred to as QAM) approval.
- b. The recipient must submit the QAPP no more than **180** days after grant award.
- c. The recipient shall notify the PO and QAM when substantive changes are needed to the QAPP. EPA may require the QAPP be updated and re-submitted for approval.
- d. The recipient must review their approved QAPP at least annually. The results of the QAPP review and any revisions must be submitted to the PO and the QAM at least annually and may also be submitted when changes occur.
- e. The recipient must submit a QAPP **and pre-submittal checklist** with the QAPP.

For Reference:

- [EPA QA/R-2: EPA Requirements for Quality Management Plans](#) and [EPA QA/R-5: EPA Requirements for Quality Assurance Project Plans](#); contain quality specifications for EPA and non-EPA organizations and definitions applicable to these terms and conditions.
- [EPA QA/G-5: Guidance for Quality Assurance Project Plans](#), Appendix C provides a QAPP Checklist.
- [EPA's Quality Program](#) website has a [list of QA managers, and Quality Specifications for non-EPA Organizations to do business with EPA](#).
- [The Office of Grants and Debarment Quality Assurance Requirements](#).

R. Use of Logos

If the EPA logo is appearing along with logos from other participating entities on websites, outreach materials, or

reports, it must **not** be prominently displayed to imply that any of the recipient or subrecipient's activities are being conducted by the EPA. Instead, the EPA logo should be accompanied with a statement indicating that the VADEQ received financial support from the EPA under an Assistance Agreement. More information is available at: <https://www.epa.gov/stylebook/using-epa-seal-and-logo#policy>

S. National Programmatic Term and Condition for Fellowship, Internship Programs and Similar Programs Supported by EPA Financial Assistance

1. EPA funds for this program may only be used for participant support cost payments, scholarships, tuition remission and other forms of student aid for citizens of the United States, its territories, or possessions, or for individuals lawfully admitted to the United States for permanent residence.
2. The recipient and program participants are responsible for taxes, if any, on payments made to or on behalf of individuals participating in this program that are allowable as participant support costs under 2 CFR 200.1 or [2 CFR 200.456](#) and scholarships and other forms of student aid such as tuition remission under [2 CFR 200.466](#). EPA encourages recipients and program participants to consult their tax advisers, the U.S. Internal Revenue Service, or state and local tax authorities regarding the taxability of stipends, tuition remission and other payments. However, EPA does not provide advice on tax issues relating to these payments.
3. Participant support cost payments, scholarships, and other forms of student aid such as tuition remission are lower tiered covered Nonprocurement transactions for the purposes of [2 CFR 180.300](#) and EPA's Suspension and Debarment Term and Condition. Recipients, therefore, may not make participant support cost payments to individuals who are excluded from participation in Federal Nonprocurement programs under [2 CFR Part 180](#). Recipients are responsible for checking the eligibility of program participants in the System for Award Management (SAM) or obtaining eligibility certifications from the program participants.

See [EPA Guidance on Participant Support Costs](#).

T. Pre-Award Costs Approval

Pre-Award costs have been approved in accordance with the recipient's application dated June 9, 2022. This is part of a continuation grant program. Reimbursement of pre-award costs is authorized under 40 CFR 35.113.

U. Funding Urban Runoff Control Measures with Section 319 in MS4 Areas

If work funded pursuant to this grant agreement becomes required to be implemented by a National Pollution Discharge Elimination System (NPDES) permit, the work from that time forward will no longer be eligible for funding under this grant agreement. This pertains to all current final effective NPDES permits, including general and individual permits for wastewater, combined sewer overflows, and stormwater discharges (construction, multi-sector, MS4 permits). For purposes of this provision, work is considered to be "required to be implemented" and thus not eligible for funding under this grant agreement whenever there is a final permit, an Order, or letter or other written directive issued by EPA, the state, or a court to do the work.

V. Programmatic Term and Condition for Exemption from 50 Percent Watershed Project Funding Requirement for Substantial State Fund Leveraging

Virginia Department of Environmental Quality's (VADEQ) FY22 application and workplan request an exemption to the requirement that specifies at least 50 percent of a state's allocation be used for watershed projects and proposes that an additional \$400K be spent in FY22 as "NPS program funds." The recipient understands and

agrees that their request for an exemption from the “50 Percent Watershed Project Funding Requirement for Substantial State Fund Leveraging” is a one-time request for the FY22 award, will not be made on a regular basis, must advance the VADEQ’s Nonpoint Source Management Plan, and provide a clear benefit toward implementing agricultural best management practices (BMPs) in watersheds with EPA-accepted Watershed-Based Plans (WBPs).

The \$400K of additional “NPS program funds” can be found described in Project 1 of the FY22 application. In order to ensure that this exemption results in more, not less, on-the-ground implementation of watershed projects, Virginia has leveraged and committed an additional state match of \$800K above and beyond the required 40% non-federal match amount through one project (22) and two tasks (22.1 and 22.2) during the life of the award from September 1, 2022 to August 31, 2026. As documented in the workplan, the additional \$800K in match will come from the Virginia Department of Conservation and Recreation (VADCR) through the Virginia Agricultural BMP Cost-Share (VACS) Program and will be provided to soil and water conservation districts and spent on implementation of a watershed project (Project 22) installing on-the-ground stream exclusion and protection Best Management Practices (BMPs) as guided by EPA-accepted watershed-based plans (WBPs), and technical assistance in implementing those WBPs.

The recipient also understands and agrees that the \$800K in additional eligible state-leveraged match will be used in the exact same manner as the Clean Water Act §319 Program’s “watershed project funds” (see Guidelines, Section IX, paragraph B, page 34), the funding will go toward restoring impaired waters through the implementation of WBPs, no federal funds may be counted towards this leveraging exemption, and the following Grants Reporting and Tracking System (GRTS) requirements apply:

- All state-funded projects used for leveraging must be reported in GRTS in the same manner as §319 funded projects; and all nationally and regionally mandated elements are required for these projects. The purpose of this requirement is to ensure the appropriate data and information is input into GRTS. Actual entry may change with the needs of the VADEQ and the EPA.
- The VADEQ will enter all available information for planned leveraged projects into GRTS within 90 days of the FY22 award date and EPA approval of the VADEQ’s exemption request. If projects change during the grant period or additional projects are created, GRTS will be updated within 45 days of the change.
- The VADEQ will enter all project information into GRTS for all federal funding and state match according to the EPA Region 3 GRTS Standard Operating Procedure (SOP).

In summary, this appropriation year’s exemption (FY22) is granted as long as the above term and condition is met, and VADEQ continues to demonstrate progress in meeting and maintaining their exemption through GRTS entry and/or monthly communications (which may include conference calls, meetings, and/or emailed updates). Should the grant recipient not meet the above term and condition, or fail to track and report on the additional \$800K match requirement during the life of the award, the exemption will no longer apply and VADEQ must then meet the requirement that specifies at least 50 percent of a state’s allocation be used for watershed projects.