



## 2025 Virginia Section 319(h) Nonpoint Source (NPS) Implementation Program Request for Applications (RFA) Instructions

<b>Agency</b>	Virginia Department of Environmental Quality (DEQ), Office of Watershed and Local Government Assistance Programs
<b>Project Types</b>	Implementation of U.S. Environmental Protection Agency (EPA)-approved NPS Implementation Plan (IP) and related Best Management Practice (BMP) installation, information and outreach, and water quality monitoring.
<b>Eligible Entities</b>	Local governments (including counties, cities, and towns), county health departments, Soil and Water Conservation Districts (SWCDs), Virginia institutes of higher education (universities, colleges, etc.), planning district commissions (PDCs), regional commissions, nonprofit nongovernmental organizations (NGOs) (e.g., nonprofit environmental organizations, homeowners' associations (HOAs), etc.), Tribes of Virginia, and agencies/departments of the Commonwealth of Virginia.
<b>Deadline</b>	August 30, 2024 at 11:45 p.m.
<b>Application Materials</b>	Please visit the <a href="#">DEQ NPS webpage</a> "Current Funding Opportunities" section to access Application materials. This page will contain document revisions, Q&A information, and other relevant information.
<b>Funds Available</b>	DEQ anticipates approximately \$1.5 million will be available for projects starting October 1, 2025. (Funding levels are subject to change without notice.)
<b>Funding</b>	U.S. Environmental Protection Agency (EPA) – Clean Water Act Section 319(h)
<b>Match Rate</b>	<u>Non-SWCDs</u> : 30% Match (Example: \$300,000 of 319(h) Subrecipient Agreement funds will require a minimum of \$90,000 in match funds) <u>SWCDs</u> : No match requirements but must provide property-owner <u>cost-share</u> for BMPs in accordance with applicable requirements (see Section V.B.2.b).
<b>Award Range</b>	\$75,000 - \$300,000
<b>Length</b>	Up to 36 months
<b>Timeline</b>	<ul style="list-style-type: none"> <li>RFA Issued ..... June 7, 2024</li> <li>2025 RFA Application Development Webinar and Q&amp;A ..... Wednesday July 17, 2024 9:30 a.m. – 12 p.m.</li> <li><b>Register at:</b> <a href="https://attendee.gotowebinar.com/register/3771018558745120607">https://attendee.gotowebinar.com/register/3771018558745120607</a></li> <li>Deadline for Submission of Applications..... August 30, 2024 by 11:45 p.m.</li> <li>Application Review by DEQ ..... Sept. 1 – Nov. 29, 2024</li> <li>Notification of Selection Status to Applicants..... January 2025</li> <li>Public Posting of Notice of Intent to Award ..... February 2025</li> <li>Anticipated Project Start Date..... October 1, 2025 or later</li> <li>Latest Project End Date ..... September 30, 2028</li> </ul>
<b>Contact Email</b>	<a href="mailto:npsgrants@deq.virginia.gov">npsgrants@deq.virginia.gov</a>

<b>Supporting Environmental Justice and Equity in the Nonpoint Source Program</b>	<p>It is a priority of the EPA and Virginia DEQ to integrate environmental justice considerations into respective programs, plans, and actions and to ensure fair treatment and meaningful access and opportunities to the benefits from environmental programs for all individuals. EPA and DEQ are committed to ensuring that the benefits of cleaner water provided by the Section 319 program reach disadvantaged communities. See <a href="#">EPA's NPS Equity Guidance documents</a> including the following policy memos, <i>Achieving Greater Equity in the Nonpoint Source Program Through FY23 Section 319 Grant Allocations</i> and <i>Continued Actions in FY23 to Increase Equity and Environmental Justice in the Nonpoint Source Program</i>, for more information about the Agency's actions to engage the NPS community in this work. Further information can be found <a href="#">EPA's Environmental Justice website</a> and the <a href="#">Code of Virginia</a>.</p> <p>EPA and DEQ are interested in projects that: 1) mitigate for past environmental justice impacts and improve community health, resilience and/or sustainability; and 2) foster resilience and adaptation to changing climate and environmental conditions.</p>
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\*Indicates updates/revisions made to language after issuing the RFA on 6/7/2024.

Website Links to DEQ's NPS RFA Documentation	Date of Last Update*
<a href="#">DEQ Funding, Grant, and Project Resources</a>	
<a href="#">RFA Table 1</a> : List of Eligible Implementation Plan Areas	
<i>RFA Attachment 1</i> : <a href="#">Application Form</a> (Excel) – <a href="#">located on the DEQ website</a>	7/1/2024 – Clarified match requirements
<i>RFA Attachment 2</i> : <a href="#">Application Questions</a> (Excel) – <a href="#">located on the DEQ website</a>	7/1/2024 – Clarified match requirements
<a href="#">W-9</a> - "Request for Taxpayer Identification Number and Certification" Commonwealth of Virginia Substitute Form – located on the DEQ website	
<a href="#">DEQ's Nonpoint Source Implementation BMP Guidelines</a> (NPS BMP Guidelines)	7/1/2024 – Updated link to new FY25 Guidelines.
<a href="#">DEQ's Nonpoint Source Implementation BMP Specifications</a> (NPS BMP Specifications).	7/1/2024 – Updated link to new FY25 Specifications.
Environmental Justice Web-based Screening Tool - Applicants are encouraged, as appropriate, to utilize data from EPA's <a href="#">EJSCREEN</a> Tool, Virginia DEQ's <a href="#">EJScreen+</a> , or other EJ-focused geospatial mapping tools to identify, characterize, and describe potential affected communities/populations and areas.	

\*Indicates updates/revisions made to language after issuing the RFA on 6/7/2024.

## I. PURPOSE AND BACKGROUND

The Virginia Department of Environmental Quality (DEQ) is making available up to \$1.5 million in Federal Clean Water Act Section 319(h) grant funding through this Request for Application (RFA) to support [implementation projects](#) that will result in advancement of goals and milestones included in eligible Nonpoint Source (NPS) implementation plans (IPs), also called watershed-based plans. This RFA is intended to identify IP projects that do not currently have an active or pending Section 319(h) Subrecipient Agreement(s) in the IP of interest. Existing Subrecipients who wish to continue their current project should either contact their assigned DEQ NPS Regional Coordinator or [npsgrants@deq.virginia.gov](mailto:npsgrants@deq.virginia.gov) to inquire about the process of continuing their current 319(h) funded project.

## II. ELIGIBILITY REQUIREMENTS

**A. Applicants: Eligible Applicant categories are listed in the “Eligible Entities” section on page 1 above.** Applicants must be eligible to receive federal funds to participate in this program; and must not currently have a 319(h) Subrecipient Agreement or pending 319(h) project in the IP of interest.

1. **Note:** As mentioned above, existing Subrecipients can contact DEQ for options to continue their current 319(h) funded project.

**B. Implementation Plan (IP) Areas: Refer to [RFA Table 1](#) for a list of eligible IP areas. For IP eligibility questions, contact [npsgrants@deq.virginia.gov](mailto:npsgrants@deq.virginia.gov), email subject line “2025 RFA – IP Eligibility”.**

The project must address an IP that:

1. Has already been approved by the Environmental Protection Agency (EPA); or
2. Has been submitted to EPA for review by August 31, 2024, and approved by EPA by December 1, 2024.

**C. Implementation Activities.** The project shall only include implementation activities that address source sectors addressed in the proposed IP watershed(s). Implementation activities within an eligible IP area that meet Virginia’s [Chesapeake Bay Watershed Implementation Plan Phase III](#) (WIP III), but are not specifically listed in the IP, may be considered eligible activities for this RFA if the IP specifically allowed this (refer to the “Comment” column in [RFA Table 1](#) for more information). For IPs addressing a very large watershed, projects should prioritize implementation activities by sub-watershed (e.g., strategic targeting). Implementation activities fall into these categories:

1. **Best Management Practices (BMPs):** The major initiative of the project should be to install or complete BMPs identified in the approved IP, or comparable activities. BMPs fall into these categories:
  - a. **Agricultural BMPs:** The RFA will only provide funding for agricultural BMP programs that are administered and conducted by a Soil and Water Conservation District (SWCD). **Non-SWCDs must partner with SWCDs to implement Agricultural BMPs.** The Applicant shall:
    - i. Adhere to the most current version of the [DEQ’s Nonpoint Source Implementation BMP Guidelines](#) (*NPS BMP Guidelines*) and to the Department of Conservation and Recreation’s (DCR) [Virginia Agricultural BMP Cost-Share Manual](#) (*VACS Manual*), as applicable.
    - a. **Note:** As of release of this RFA on June 7, 2024, the most current version of the DEQ *NPS BMP Guidelines* is FY23 and the DCR *VACS Manual* is FY24. But new guidelines from DEQ and DCR for FY25 will be effective July 1, 2024;
    - ii. Use the [VA DEQ Nonpoint Source Cost-Share BMP Contract](#) (*NPS BMP Contract*) referenced in the *NPS BMP Guidelines*; and
    - iii. Report the BMPs in DCR’s BMP Tracking System.
    - b. **Residential Septic BMPs:** Residential septic BMPs shall be included in [DEQ’s Nonpoint Source Implementation BMP Specifications](#) (*NPS BMP Specifications*). The Applicant shall:

- i. Adhere to the associated BMP specifications and guidelines in DEQ's *NPS BMP Guidelines* and *NPS BMP Specifications*;
  - ii. Submit annual Residential Septic Program Guidelines to DEQ for approval based upon any updates made to DEQ's *NPS BMP Guidelines* and *NPS BMP Specifications*;
  - iii. Use the *NPS BMP Contract* referenced in DEQ's *NPS BMP Guidelines*; and
  - iv. Record BMPs in either *DCR's BMP Tracking System* (the Applicant shall be a SWCD or partner with a SWCD) or via the Grants Template in [DEQ's BMP Warehouse](#).
- c. **Pet Waste BMPs:** The project may include the development and implementation of a pet waste education program and the implementation of various pet waste BMPs. The Applicant shall:
- i. Adhere to DEQ's *NPS BMP Specifications* for pet waste specifications;
  - ii. Develop associated landowner agreements and operation and maintenance plans; and
  - iii. Record BMPs via the Grants Template in *DEQ's BMP Warehouse*.
- d. **Urban/Suburban BMPs:** Urban BMPs include those in an IP that are *not included* in the "Ineligible Activities" (refer to Section II.D below) and that *are* addressing stormwater and other actions not required by a NPDES/VPDES permit or required to meet permit conditions (review DEQ's *NPS BMP Guidelines* for additional programmatic information). The Applicant shall:
- i. Ensure associated BMPs comply with the specifications in:
    - a. DEQ's Stormwater Handbook (refer to the [Virginia Stormwater Management Publications](#));
    - b. The DEQ and Virginia Tech [Stormwater BMP Clearinghouse](#);
    - c. The Virginia Association of Soil and Water Conservation District's (VASWCD) [Virginia Conservation Assistance Program \(VCAP\) Resources](#), specifically the *VCAP BMP Manual*; and/or

**Note:** Projects fully funded by 319(h) should adhere to the VCAP practice specifications and rates; however, they will not be considered "VCAP" practices and do not require VCAP application process and approvals. If any VCAP funding is used for a practice (i.e., match), then it will be considered a VCAP practice and must go through the formal VCAP process.
  - d. [The Virginia Stream Restoration and Stabilization Best Management Practices Guide](#).
  - ii. Submit additional documentation certifying the project for which they receive Section 319(h) funding will not be credited toward a NPDES/VPDES permit prior to award;

**Note:** Refer to the EPA's [Nonpoint Source Program and Grants Guidelines for States and Territories](#) (Part VIII: Section 319 Funding Information, Section B: Urban Stormwater Runoff for the EPA's Guidance on using 319(h) funding for urban projects).
  - iii. Develop associated landowner agreements and operation and maintenance plans; and
  - iv. Record BMPs via the Grants Template in *DEQ's BMP Warehouse*.

**Note (Applicable to All BMPs):** All projects with BMP implementation activities must have an operation and maintenance plan (O&M Plan) or an equivalent, and signed landowner agreement (refer to DEQ's *NPS BMP Guidelines* for more information about DEQ's requirements for O&M Plans and landowner agreements). The Applicant:

- 1) Shall be responsible for obtaining a signed landowner agreement for all BMPs installed during the project period, including BMPs installed with match funds or Section 319(h) funds, and for submitting them to DEQ;
  - 2) Should plan for a minimum of ten (10) years, starting from the completion of the implementation of the BMP, unless otherwise agreed to by DEQ or if stated otherwise in the associated BMP specification; and
  - 3) Shall develop and obtain DEQ approval of an O&M Plan:
    - a. **Exception:** For agricultural and residential septic BMPs, the Applicant may substitute a signed *NPS BMP Contract* for an O&M Plan and associated landowner agreement (DEQ will not accept this substitution for any other BMP).
2. **Education and Outreach:** Education and outreach activities are allowed as a supplement to BMP implementation, as a means to recruit interest for BMP installation and support activities identified in the approved IP. The purchasing and use of outreach materials, equipment (items more than \$5,000), and supplies must directly support eligible project outreach and educational activities. Examples of eligible activities include:
  - a. Identifying potential land or property owners for BMP installation;
  - b. Developing and/or enhancing educational and outreach strategies and products that will increase participation in BMP cost-share programs, specifically those referenced in the IP;
  - c. Planning, hosting, and organizing public events, farmer/field days, workshops and site visits that demonstrate successful BMP installation, discuss the IP and encourage like-minded landowners within a specific IP area (no state-wide or regional initiatives) to participate through implementation of activities identified in the IP (targeting BMP installation);
  - d. Participating in community or industry events that provide opportunities to discuss water quality issues, discuss the IP, and promote BMP implementation;
  - e. Developing landowner list(s), parcel maps, and auxiliary data sets for outreach and targeting in order to identify potential participants;
  - f. Producing tools and resources (e.g., brochures, videos, pamphlets, targeted mailings, presentations, etc.) that are specifically targeted to engaging that target audience in participating in the IP project and installing BMPs on their property;
  - g. Conducting targeted local education/outreach events (such as technology transfer workshops) that promote the voluntary implementation of BMPs; and
  - h. Developing and delivering behavior-change programs that encourage voluntary participation in activities listed in the implementation plan (e.g., pet waste reduction, septic pump-out and maintenance, fencing livestock from stream access, etc.).
3. **Water Quality Monitoring:** Projects that conduct water quality monitoring to document progress toward improving water quality should be consistent with the monitoring plan described in the IP. Water quality monitoring activities may include documenting progress in achieving water quality milestones listed in the TMDL IP and identifying areas in the watershed(s) where the pollutant of concern's concentrations or loadings are the highest (for example, the latter could assist in outreach and targeting of BMP implementation). The Applicant shall:
  - a. Include a detailed Water Monitoring Plan that is outlined in Tab 5 of the Application document.
  - b. Develop a Quality Assurance Project Plan (QAPP) for approval by DEQ and EPA for all water quality monitoring activities. Applicants must utilize the EPA-approved 319 Nonpoint Source QAPP template available at DEQ's NPS website. Since QAPPs require EPA Headquarters review and approval, Applicants should be aware of the time necessary to accommodate the extensive review and revisions cycles involved to prepare and finalize a QAPP. DEQ

recommends that selected Applicants start preparing the QAPP early in the process since it must be approved before any monitoring can begin. QAPPs that addresses multiple projects may be utilized if:

- 1) Field and laboratory procedures are common to several projects;
  - 2) Only project-specific information is required (e.g., site locations or sampling frequency is only required to be submitted for individual projects); and
  - 3) It is subsequently reviewed and approved by the DEQ QA/QC officer.
- c. Water quality monitoring supplies that are less than \$5,000 per item can be covered by the 319(h) funding, as long as they are required to complete the monitoring and sufficiently justified. Supply costs should be included in the Applicant's proposed budget with detailed information about the WQM supplies (type, amount, and cost). In addition, Applicants must document the reason(s) for why the supply costs are necessary and disposition instructions for non-consumptive supplies once the project is complete (e.g., thermometers, meters, etc.).
- d. Submit monitoring data into the EPA's [Water Quality Exchange](#) (WQX/WQX web) database. The project must have "CWA319" listed as the project ID. If eligible, the Applicant may submit the data through the [Chesapeake Monitoring Cooperative](#) (CMC), which links to EPA's WQX/WQX web database. The project ID of "CWA319" must also be used if reporting to CMC.
- e. Submit a completed [DEQ Data Use Authorization Form](#).

**D. Ineligible Activities:** Activities that are *not* eligible and that will not be supported with 319(h) funding include:

1. Projects located outside of an eligible NPS IP watershed (refer to *RFA Table 1*);
2. Implementation of BMPs not included in an eligible NPS IP (refer to *RFA Table 1*);
3. BMPs not meeting established specifications;
4. Activities completed to satisfy an enforcement action or for NPDES/VPDES permit development, implementation, or compliance. (This includes BMPs and activities credited under an MS4 permit or an MS4 TMDL Action Plan.);
5. Activities that are required by law (**Note:** Correction of failing septic systems and straight pipes are eligible);
6. Residential septic program aimed at addressing maintenance or septic tank pump-outs only (e.g., RB-1 and RB-3M)  
**Note:** Septic programs must address the repair and replacement of failed septic systems and/or straight pipes or connection to public sewer (RB-2/2P, RB-3, RB-4/4P and RB-5) to be eligible;
7. BMP implementation aimed at addressing only Virginia WIP III requirements;
8. Water quality monitoring for research and BMP efficiency;
9. Public sanitary sewer system improvements, including sewer line extensions (**Note:** Connections from an individual house to the property line in order to connect to a sewer line and/or sewer line extension *are* eligible);
10. Purchase of promotional items, unless that promotional item is specifically listed in the IP and was specifically detailed in the Subrecipient's Application, and DEQ receives prior authorization from EPA (refer to Sections 200.405 and 200.421 of the [Federal Uniform Grant Guidance](#));
11. Funding for education and outreach activities that are not directly related to achieving goals and milestones of the IP, including staff time spent on these activities and direct financial support for events (e.g., event sponsorships, supplies, etc.);
12. Food or beverages for events that do not meet the classification of a qualifying event and which do not adhere to DEQ and EPA guidelines; and
13. Projects that *only* include design work.



### III. PARTNERSHIPS, TECHNICAL EXPERTISE, AND SUB-CONTRACTING AND SUB-AWARDS

Past experience has shown that an active and engaged community partnership involving all stakeholders in a watershed is a key component in a successful NPS implementation project. This RFA is intended to recognize partnerships that will result in comprehensive implementation of an IP.

**A. Partnerships:** At a minimum, the project shall include the following partnerships, if the project includes these types of BMP implementation activities:

1. **Agriculture:** Partnership with the local SWCD(s) as a technical service provider.
2. **Residential Septic:** Partnership with local/county health department(s) in the project area.
3. **Urban/Suburban Stormwater:** Partnership with local government staff and appropriate stormwater professionals.

**B. Technical Expertise, Engineering Design, Design Costs, and 'Job Approval Authority':** The project shall utilize appropriate technical expertise for project implementation and BMP design/construction to ensure that practices are technically sound and meet the appropriate BMP specifications. The Applicant and/or their partner(s) shall:

1. Track and report on all BMP implementation activities; and
2. Be responsible for the development of designs and Applications for all applicable local, state, and federal permits for all BMPs to be installed/implemented, including:
  - a. Having the design, depending on the type of BMP, certified by a registered or licensed Professional Engineer of Virginia, USDA Natural Resources Conservation Service (NRCS) staff, or licensed professional that is listed in the associated specification (e.g., licensed Onsite Soil Evaluator for septic systems), unless the Applicant obtains a waiver of this certification requirement from DEQ (the waiver can be obtained from DEQ after award).

**C. Sub-contracting and Sub-awards:** The Applicant may sub-contract or sub-award portions of their Section 319(h) Subrecipient Agreement or local matching funds for technical or other services associated with implementation of the project. In accordance with 2 Code of Federal Regulations (CFR) 200.331 and the [EPA Subaward Policy](#), the Applicant must determine if the entities to which the funds will be issued are classified as sub-awardees or sub-contractors and then, correctly reflect the classification in the proposed budget. See the *RFA Attachment 1 – Application Form* for more details on these classifications.

### IV. PROJECT PERIOD

DEQ does not anticipate issuing Subrecipient Agreements (i.e., contracts) that will start before October 1, 2025; however, at the discretion of DEQ, and based upon availability of funding, DEQ may offer Applicants the option to start their project before October 1, 2025. Project length shall not exceed 36 months from the effective date of the agreement.

### V. FUNDING

DEQ will award funding for NPS implementation projects to assist in meeting goals and milestones established in eligible IPs; DEQ will target funding for projects that:

- Directly address goals and milestones of an eligible EPA-approved IP (refer to *RFA Table 1*);
- Demonstrate a high likelihood of positively impacting water quality;
- Focus on implementation of cost-effective BMPs and education and outreach activities listed in an IP;
- Include engaged and meaningful partnerships, especially any that are referenced in the IP; and
- Develop an education and outreach strategy and associated products that address pollutant source sectors outlined in the relevant IP to promote a high rate of participation.

Applicants should submit a proposed budget that includes a level of detail that allows DEQ reviewers to assess how funds will be used and whether or not the budget items are appropriate in terms of what is

allowable by the RFA, the *Federal Uniform Grant Guidance*, and the *EPA Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance*.

**A. Award Range:** The range for individual 319(h) NPS-funded Subrecipient Agreement awards available through this RFA is \$75,000 (minimum) and \$300,000 (maximum).

**B. Funding Conditions:**

1. **Cost-Share Rates for BMPs:** The Applicant shall adhere to the cost-share funding limitations as prescribed in DEQ's *NPS BMP Specifications* and DCR's *VACS Manual* for associated agricultural, residential septic, and pet waste BMPs. For urban BMP activities, the costs shall adhere to the VASWCD's *VCAP Resources Program*, specifically the *VCAP BMP Manual*. Section 319(h) funds are not available for BMPs that exceed these funding caps. **Note:** As of release of this RFA on June 7, 2024, the most current version of the DEQ *NPS BMP Guidelines/Specifications* is FY23 and the DCR *VACS Manual* is FY24. But new guidelines from DEQ and DCR for FY25 will be effective July 1, 2024. Application should use the updated residential septic cost-share rates in the FY25 DEQ *NPS BMP Guidelines/Specifications*.

**Cost-share** is the funding assistance provided by applicable grant programs (e.g., DEQ NPS 319h, VCAP, VACS, etc.) to support implementation projects to improve water quality. Cost-share funding rates/caps are determined by the applicable grant program guidelines. See Section V.B.1.

2. **Match Requirements:** The following information outlines match requirements for non-SWCDs and SWCDs. Applicants should provide the same level of budget detail for match as provided for the 319(h) budget (e.g., if personnel expenses are budgeted as match, then provide the staff time and salary detail for each staff allocated to match).

**Match** is considered funding provided by the Applicant for the non-federal share of the proposed budget to support implementation of the project. See Section V.B.2.

a. **Non-SWCD Applicants** shall:

- i. Provide a minimum of 30% match toward the project that directly supports the nature and content of the project; and are within the following parameters:
  1. Required percentages are based upon the total Section 319(h) funds requested. Whereas the total project cost is the 319(h) Subrecipient Agreement funds plus match. For example: An entity requests \$200,000 and is required to provide a 30% match; total match would be \$60,000 for a total project budget of \$260,000.
  2. Applicant match can be a combination of federal or non-federal sources. For example, match could be provided by NFWF, DCR, VCAP, local non-profits, and/or homeowners (portion of the cost share).
  3. Funds previously matched or committed to another grant are not eligible to be used as match for 319(h) Subrecipient Agreements.
  4. An activity or cost deemed ineligible for 319(h) funding is not eligible to be used as match (e.g., a BMP practice not included in the selected IP, inapplicable outreach such as recycling).
  5. Consider match funding requirements that involve applications and approval processes (e.g., using VCAP as match requires coordination with VCAP to complete the application and approval process for their cost-share funding).
  6. Match can be provided by the Applicant and/or partners. If a SWCD is a partner, then cost-share associated with SWCD BMP(s) can serve as match for non-District Applicants.
  7. Match can be provided for a combination of the Technical Assistance (TA) and/or BMP budget. The following are example scenarios for match allocation but the



Applicant is not limited to these options:

- a) Example 1: The budget is split proportionately (with the respective 319(h) 70% and match 30%) of TA (personnel, fringe, travel, supplies, and other direct) and BMPs across the budget.
  - b) Example 2: 319(h) pays for all BMPs and match pays for all TA while maintaining the 30% minimum for match.
  - c) Example 3: 319(h) pays for all TA and a portion of BMPs but several BMPs are fully paid for with match; all while maintaining the 30% minimum for match.
8. **Exception:** Projects that include the development and implementation of a residential septic program may request a reduced match amount of 15% if: 1) the Project area is located within a locality rated as High or Above Average Fiscal Stress; or 2) the Applicant requests to use the “Fiscal Stress Residential BMP Cost-Share Rate” structure. (Refer to the General Budget Narrative Section in the Application Questions document and the definitions within it for more details.)
- ii. Document all match expenditures in a manner similar to 319(h) Subrecipient Agreement expenditures during the life of the approved project.
- b. **SWCD Applicants** are not required to provide match because it is already provided via existing DCR state funding. But SWCDs shall:
- i. Provide homeowner/property-owner cost-share for BMPs in accordance with applicable requirements including the VACS Manual for agricultural BMPs, the DEQ NPS Guidelines/Specifications for residential septic BMPs, and VCAP Manual for urban BMPs.
    1. **Note:** This means that match is not required for SWCDs (or their partners) but applicable cost-share is required for BMPs and should be reflected in the application budget.
  - ii. Document all cost-share expenditures in a manner similar to 319(h) Subrecipient Agreement expenditures during the life of the approved project.
3. **Non-BMP (Technical Assistance) Funding:** Non-BMP or Technical Assistance (TA) funding are funds not directly related to the installation of BMPs on the ground, including costs related to staff expenses (salary, fringe, travel), education and outreach, and indirect and administrative costs. Any costs related to BMP installation are considered BMP funding (not including staff time to design the system, recruit participants, or oversee the installation).
- a. TA funds are capped at 35% of the total agreement funds awarded. For example: For a total agreement award of \$300,000, the maximum for TA is \$105,000 [ $\$300,000 \times 35\%$ ]; the remaining \$195,000 would be for BMP installation.
  - i. **Exceptions:** Additional TA funds are allowable in some situations to improve the management and execution of projects; however, the maximum TA allowable if all exceptions are granted, would be 50% or \$150,000. (Refer to the General Budget Narrative Section in the *RFA Attachment 2: Application Questions* document and the linked definitions within it for more details.)
- b. **Indirect Cost Rates:** Applicants planning to budget for indirect costs should reach out to the NPS team in advance of budget submission for guidance on the specific documentation required for their entity. Also, Applicants including Indirect Cost Rates in their budget must either:
- i. State that they are using the de minimis 10% rate, or
  - ii. Provide applicable documentation to support the proposed costs (i.e., federally approved indirect rate agreement, indirect cost rate proposal (ICAP), etc.) and maintain up-to-date records throughout the life of the project.
- C. **Food and Refreshments:** Subrecipient Agreement funds shall not be used for food or refreshments at activities or events (e.g., meetings, workshops, training, field days, or conferences), unless the

objectives of the event would be compromised if food or refreshments were not provided. The requested agreement funds will be allowed only if meetings adhere to the qualifying conditions specified in Section 34, Light Refreshments and/or Meals, of the [EPA General Terms and Conditions](#):

- Costs for food and refreshments shall be at or below the Commonwealth of Virginia or local per diem rates (as applicable) for the event location.
  - Costs for food, refreshments, and meals for Applicant staff meetings and similar day-to-day activities are not allowable.
  - Funding for food, meals, light refreshments, and space rental may not be used for any portion of an event where alcohol is served, purchased, or otherwise available as part of the event or meeting, even if 319(h) funds are not used to purchase the alcohol.
  - Funds for receptions, banquets, and similar activities that take place after normal business hours are prohibited unless the Applicant provides a justification, which results in DEQ obtaining permission or approval from EPA. Examples of working meetings include those evening events in which small groups discuss technical subjects on the basis of a structured agenda or those with presentations being conducted by experts.
1. **The Applicant shall:**
    - a. Obtain written authorization from DEQ *prior to* the expenditure of agreement funds; and
    - b. Submit the following documentation to DEQ for a food or refreshment request for each qualifying project event:
      - i. An estimated budget and description for the light refreshments, meals, and/or beverages to be served at the event(s);
      - ii. A description of the purpose, agenda, location, length, and timing for the event;
      - iii. An estimated number of participants in the event and a description of their roles; and
      - iv. The justification provided to obtain authorization from DEQ.
- D. Sub-contracting and Sub-awards:** The Applicant shall obtain written prior approval from DEQ (and if necessary, EPA) for all costs associated with a sub-contract/sub-award that are not included in the executed Subrecipient Agreement.
- E. Build America, Buy America (BABA) Act:** The Infrastructure Investment and Jobs Act (IIJA) includes the Build America, Buy America (BABA) Act which applies specifically to infrastructure projects (see 2 CFR 184). NPS projects may implicate BABA Act but it depends on specific project activities, materials, public vs private use, budget, and other considerations. DEQ will review proposals for considerations with the BABA Act and work with Applicants to determine applicability.

## VI. REIMBURSEMENT

The Section 319(h) Grant Program is a reimbursement program; the Applicant shall receive funding on a cost-reimbursement basis.

### A. The Applicant shall:

1. Perform the work, pay for project costs, and submit an invoice with supporting documentation; and
2. Submit reimbursement requests by the 15<sup>th</sup> of the month following the end of a calendar quarter (i.e., April 15, July 15, October 15, and January 15).

### B. BMP Design Requirements:

1. **Costs Related to BMP Design:** In cases where projects are reimbursed for design costs, and then subsequently canceled or closed before the design is implemented, the Applicant shall be responsible for repayment of costs related to BMP design.
2. **Agricultural BMPs:** The Applicant shall submit documentation with their reimbursement request that demonstrates the program staff have the appropriate DCR and/or NRCS-recognized certification for the engineering design for the BMP.

3. **Residential Septic BMPs:** The Applicant shall submit documentation with their reimbursement request that demonstrates compliance with applicable standards and specifications including any necessary VDH permitting and engineering design requirements.
  4. **Urban BMPs:** The Applicant shall submit documentation with their reimbursement request that demonstrates compliance with the VCAP Manual for applicable design and specification requirements.
- C. **DEQ will:**
1. Reimburse the Applicant a minimum of quarterly, but no more frequently than monthly; the Applicant must request and obtain prior approval from DEQ, to submit monthly reimbursement requests.
  2. Follow the Virginia Prompt Pay Act, which requires DEQ to make payments within 30 days of receipt of a qualifying and approved report, reimbursement request, and invoice.

## VII. SUBRECIPIENT AGREEMENT REQUIREMENTS

- A. **Reporting Requirements:** The Applicant shall adhere to all applicable federal administrative, financial, programmatic, and reporting requirements including, at a minimum, quarterly progress and financial reporting in accordance with the *DEQ NPS BMP Guidelines*. Section 7 of the *NPS BMP Guidelines* details the applicable reporting requirements including *NPS BMP Contract*, documentation of BMP submissions to either *DCR BMP Tracking System* or the *DEQ BMP Warehouse*, and invoices/receipts indicating proof of payment. Also see Section II.C.1 “Implementation Activities” of this document for more additional information.
- B. **Terms and Conditions:** The Applicant shall:
1. Administer their 319(h) Subrecipient Agreement funds according to prevailing federal terms and conditions; and
  2. Submit written certification of compliance to, and upon request by, DEQ.  
(Refer to the *Federal Uniform Grant Guidance*, *EPA’s Nonpoint Source Program and Grants Guidelines for States and Territories*, *EPA’s General Terms and Conditions*, and [DEQ’s Special 319\(h\) Terms and Conditions](#) for more information.)
- C. **Standard Subrecipient Agreement:** DEQ will utilize its standard Subrecipient Agreement form for all projects awarded funding through this RFA.

## VIII. APPLICATION PACKAGE REQUIREMENTS AND SUBMISSION INSTRUCTIONS

DEQ will only consider complete Application Packages that:

- Contain the required components;
- Follow formatting requirements; and
- Are submitted by the due date and time as outlined in these “Instructions.”

Incomplete Applications and/or Applications that are not submitted as specified will be disqualified.

- A. **Components:** Applicants must submit each of the elements listed in Table A, “Required Application Documents” below. Applicants may also submit the elements in Table B, “Optional Application Documents”, as applicable. DEQ will not consider additional material outside of the “required” and “optional” elements submitted with an Application in the review and evaluation process.
- B. **Format:** All components must be submitted in the electronic format specified in the table below (i.e., PDF, Microsoft Word, or Excel).
- C. **Submission Instructions:** Email Application packages to [npsgrants@deq.virginia.gov](mailto:npsgrants@deq.virginia.gov) with the following email subject line: “2025 NPS TMDL RFA\_<insert name of TMDL IP>”.

Table A. Required Application Documents
<a href="#">Attachment 1: Application Form</a> (Excel) – Must be submitted in Excel Form
Tab 1: Application
Tab 2: Project Partners and Technical Leads
Tab 3: Project Outputs
Tab 4: Project Budget
Tab 5: Water Quality Monitoring Plan
Tab 6: Application Checklist and Certification Statement (Provide a signed copy [preferably electronically signed])
<a href="#">Attachment 2: 319(h) NPS Implementation Program Application Questions</a> (Excel) Must be submitted in Excel Form
Match Documentation (one (1) PDF containing all letters of support, which document required matching funds)
Vicinity Map (limited to one (1) 8 ½ x 11-inch page) and/or Project Site Map (limited to one (1) 8 ½ x 11-inch page)
<a href="#">W-9</a> – “Request for Taxpayer Identification Number and Certification” Commonwealth of Virginia Substitute Form

Table B. Optional Application Documents
Letters of Support from non-match partners (limited to one (1) combined PDF document)
Description of previous accomplishments (limited to one (1) page, PDF or Word)
A copy of required indirect cost rate documentation (see Section V.B.3.b for details about requirements)

## IX. DEQ CONTACTS

- A. For general questions regarding this RFA, Section 319(h), and NPS implementation, contact the VA DEQ NPS Project Coordinator, Melissa Secor, at (804) 338-7493 or [npsgrants@deq.virginia.gov](mailto:npsgrants@deq.virginia.gov) (email subject line: “TMDL NPS RFA Question”). DEQ can only guarantee answers to general questions received on or before **Friday, August 9, 2024**.
- B. For specific questions regarding local activity, contact the VA DEQ Nonpoint Source Regional Coordinator for the applicable project coverage area:
  - **Blue Ridge Regional Office:** Kim Romero, [Kimberly.Romero@deq.virginia.gov](mailto:Kimberly.Romero@deq.virginia.gov), (540) 759-9075
  - **Northern Regional Office:** Kaitlin King, [Kaitlin.King@deq.virginia.gov](mailto:Kaitlin.King@deq.virginia.gov), (804) 338-2430
  - **Piedmont Regional Office:** Madison Whitehurst, [Madison.Whitehurst@deq.virginia.gov](mailto:Madison.Whitehurst@deq.virginia.gov), (804) 489-8796
  - **Southwest Regional Office:** Autumn Matney, [Autumn.Matney@deq.virginia.gov](mailto:Autumn.Matney@deq.virginia.gov), (276) 608-8841
  - **Tidewater Regional Office:** Kaitlin King, [Kaitlin.King@deq.virginia.gov](mailto:Kaitlin.King@deq.virginia.gov), (804) 338-2430
  - **Valley Regional Office:** Madison Whitehurst, [Madison.Whitehurst@deq.virginia.gov](mailto:Madison.Whitehurst@deq.virginia.gov), (804) 489-8796

## X. INITIAL REVIEW, EVALUATION, RANKING, AND SELECTION PROCESS

- A. **Initial Review:** DEQ will determine if an Application proposes a project in watersheds with an eligible IP (refer to *RFA Table 1*). Only Applications proposing projects in watersheds with an eligible IP will be referred for evaluation and ranking.
- B. **Evaluation and Ranking:** DEQ will:
  1. Designate a Review Team that will review and score Applications based upon the evaluative criteria listed below;

2. Calculate a final cumulative score for all Applications based upon the scores from all Review Team members;
  3. Rank the Applications from highest to lowest based upon the cumulative score; and
  4. Establish a cumulative ranking and sub-rank the list by geographic basin for Applications located within or outside of the Chesapeake Bay.
- C. Selection Process:** DEQ will assess Application rankings and, based upon the availability of funding (which includes the timing of when funds become available), select Applications for funding based upon the following rationale:
1. The highest-ranking Application located within each of the two (2) geographic target areas: Chesapeake Bay Drainage and non-Chesapeake Bay ("Southern Rivers"), based upon the sub-ranking outlined in Section B.4 above; and
  2. Statewide, sequential ranking (highest to lowest) after Applications in item "1" above are selected, based upon the ranking outlined in Section B.3 above.
- Note:** DEQ reserves the right to not award all available funding and to award funding for projects that can start within the start date parameters without conflicts.

## XI. EVALUATIVE CRITERIA

Tables C and D provide the evaluation criteria used by the Review Team during the selection process. See Section X above for additional information about initial review, evaluation, ranking, and the selection process.

Table C. Project Criteria	Points
<b>1.0 Project Overview</b> 1.1 Connects the project to a NPS Implementation Plan(s) or Watershed-Based Plan(s), identifies watersheds and/or sub-watersheds and the TMDL impairment on which the project will focus. 1.2 Identifies the specific NPS Implementation Plan(s) or Watershed-Based Plan(s) project phase and associated milestones the project will address. 1.3 Demonstrates that the outputs of the project are accurately reflective of the eligible activities listed in Section II.C of this RFA.	10 points
<b>2.0 Project Need</b> 2.1 Connects the importance of the project through the assessment of the water quality impairment(s) and interest within the community to address the impairment via BMP implementation. 2.2 Provides a rationale for the project's necessity and likelihood of success. 2.3 If current, previous or other associated grants have been done in the same IP watershed as this project (whether funded by 319(h) or not), the application demonstrates they have: 1) Built off of prior implementation work; 2) Adapted their approach and/or organization (as necessary) to address any previous challenges; and 3) Provided a rationale for an expansion and/or change in the focus area(s), if applicable. 2.4 Provides sufficient response regarding environmental justice and/or tribal communities including use of GIS tools to identify presence/location within the project area and describes outreach measures for environmental justice communities.	15 points
<b>3.0 Watershed, Geographic Description, and Location of Project</b> 3.1 Adequately explains the geographic extent of the project area, including if the project area is different from the boundary of the IP area. 3.2 Provides for the prioritization of implementation in sub-watersheds with a stated reasonable justification for the prioritization, such as targeting strategies identified in the IP.	20 points

Table C. Project Criteria	Points
<p>Otherwise, provides reasonable justification for not targeting specific sub-watersheds in the project area.</p> <p>3.3 If applying for BMP implementation in more than one IP area, the application: 1) Identifies the benefit of doing so; and 2) Includes a targeted approach to ensure a higher likelihood of resulting in water quality improvements.</p> <p>3.4 Identifies and factors in how community characteristics can make the project successful and/or pose challenges.</p>	
<p><b>4.0 Project Methods</b></p> <p>4.1 Includes detailed information about BMP implementation for each source sector (as applicable), that demonstrates an understanding of the IP goals and eligible BMPs from the IP, including BMP type and extent of implementation.</p> <p>4.2 Provides enough detail regarding the BMP implementation/administration, including cost-share allocation, BMP design and approval, development of landowner agreements and permits (as applicable), tracking and reporting, and operations and maintenance to conclude the Applicant adequately understands <i>DEQ's NPS BMP Guidelines and Specifications</i> and/or the approved guidance related to the project's type of BMP implementation.</p> <p>4.3 Provides a clear description of the project's public outreach strategy <b>related to BMP implementation</b>, including a strong rationale behind the type of activities, outputs, who will play a role and plans for gauging the success of outreach activities as the project progresses.</p> <p>4.4 If the project includes general public outreach <b>not related to BMP implementation</b>, the application provides a clear description of the project's public outreach strategy, including a strong rationale behind the type of activities and will be adequately integrated with the project BMP implementation, outputs, who will play a role, how it aligns with outreach activities described in the IP, and plans for gauging the success of outreach activities as the project progresses.</p> <p>4.5 If the project includes water quality monitoring activities, the application includes: 1) Detailed description of the monitoring program (Tab 5); 2) Justifiable rationale for conducting a monitoring program; 3) Relevant organizations and their role in activities; and 4) Details on how the data will be used and shared with the public.</p>	20 points
<p><b>5.0 Budget Narrative</b></p> <p>5.1 Provides comprehensive, accurate, and complete budget information.</p> <p>5.2 Requests a reasonable amount of funds (with realistic assumptions) for the requested time period and proposed outputs.</p> <p>5.3 Requests a proportion of TA funds to BMP funds consistent with the RFA requirements (35:65).</p> <p>5.4 Provides an appropriate match amount (30% for non-SWCDs) and the activity(s) covered by the match will directly support the nature and content of the project.</p> <p>5.5 If the Applicant is requesting Indirect Costs, then the application includes applicable documentation (i.e., federally approved indirect rate agreement, indirect cost rate proposal (ICAP), etc.), details about the processes, procedures, or systems in place to track these costs separately from Direct costs.</p> <p>5.6 If the Applicant is requesting additional TA funds beyond the 35% base allowance, then the application includes information that fully justifies and support the request.</p> <p>5.7 If the Applicant is requesting 319(h) funds for food and refreshments, then the application includes sufficient detail to justify and approve the costs to achieve the objectives of the project.</p> <p>5.8 Provides sufficient information in the application and budget that confirms the activities in the project are cost effective.</p>	15 points



Table C. Project Criteria	Points
<b>6.0 Project Capacity</b> 6.1 Identifies meaningful partners and their roles and responsibilities regarding project activities (whether they are identified among the organizations included in the IP or not). 6.2 Includes appropriate local and/or technical expertise for project implementation and BMP design/construction to meet the approved BMP specifications. 6.3 Includes a sufficient description of how the Applicant will coordinate partners and demonstrates they will be able to complete the activities. 6.4 Identifies internal administrative processes that demonstrate the Applicant's capacity to lead and administer a successful implementation project. 6.5 If the Applicant has received recent funding (federal or non-federal), their grant management experience aligns with the capacity necessary to manage a 319(h) funded implementation project. 6.6 Demonstrates the ability to track BMP implementation through the DCR VA Agricultural <i>BMP Tracking System</i> , <i>DEQ BMP Warehouse</i> , or has outlined in the application a detailed plan for how they will access, use, and report BMPs during the project period. 6.7 Demonstrates past experience and/or role within the community will lead to a strong likelihood of successfully implementing BMPs.	15 points
<b>7.0 Timeline</b> 7.1 Provides a rationale of proposed project length and sequence of activities that are realistic and conveys that the project will be completed successfully within the requested grant period.	5 Points
<b>Total Maximum Points</b>	100 points

Table D. Applicant Experience Criteria – Every Applicant will be evaluated on their performance in managing grants. All points will be applied to the final score after evaluative review.	Points
<b>A. Applicant's performance implementing previous 319(h) Subrecipient Agreements(s)</b> Applicants will be assessed based upon past performance on 319(h) funded projects implemented more than three (3) years ago, using progress reviews conducted by DEQ, related to meeting expectations for grant and/or project administration and coordinating grants and projects: <ul style="list-style-type: none"> <li>• <b>No previous 319(h) Funded Performance:</b> (0 points)</li> <li>• <b>Met Satisfactory Performance:</b> The Applicant met the goals and deliverables outlined in the executed agreement; demonstrated the ability to successfully manage and administer a 319(h) implementation project and received a fully satisfactory progress review rating. (0 points)</li> <li>• <b>Did Not Meet Satisfactory Performance:</b> The Applicant did not receive a fully satisfactory review during the last progress review and has a weak track record coordinating and administering 319(h) grants and projects. Project deliverables were rarely completed on time and/or often did not meet the expected quality level. Modifications to the project scope were required due to administrative issues on the part of the Applicant. (- 10 points)</li> </ul>	-10 to 0 points