

U.S. Environmental Protection Agency  
Implementation Document for the San Juan Watershed Program  
Assistance Agreements  
Awarded under Clean Water Act Section 319

## PURPOSE

To provide guidance to eligible states and tribes applying for a San Juan Watershed Monitoring Program assistance agreement authorized by the Water Infrastructure Improvements for the Nation Act (WIIN Act) and awarded under the Clean Water Act (CWA) Section 319.

## INTRODUCTION

Section 5004(d) of the WIIN Act, enacted in December 2016, authorizes the development and implementation of a long-term water quality monitoring program for the Animas River-San Juan Watershed (hereafter referred to as the San Juan Watershed Program). Specifically, EPA and the states and tribes within the watershed—Arizona, Colorado, New Mexico, Utah, Navajo Nation, Ute Mountain Ute Tribe, and Southern Ute Indian Tribe—are working together to:

- Monitor water quality throughout watershed,
- Assess the best data and literature to understand data gaps, identify potential water quality problems, and identify actions to address those water quality problems,
- Inform the public on the condition of the watershed relevant to various state and tribal uses of the water and state- and tribe-specific decision-making for the watershed, and
- Act on identified water quality problems using the best data and science.

Support of state, tribal and local government focus on implementation projects is authorized by the WIIN Act. The WIIN Act does not include an assistance agreement-making authority for this purpose, therefore, EPA is using the authority in CWA Section 319. The EPA will follow all requirements of the CWA as the authorizing statute selected for awarding assistance agreements. The EPA expects to award these funds to states and tribes beginning in calendar year 2021.

**EFFECTIVE DATE:** This guidance is effective January 1, 2021.

**AUTHORITY:** Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-322, and Clean Water Act, Section 319, 33 U.S.C. § 1329.

## ELIGIBLE RECIPIENTS

The following states and tribes are eligible to receive San Juan Watershed Monitoring Program funds through direct award of CWA Section 319 assistance agreements: Arizona, Colorado, Navajo Nation, New Mexico, Southern Ute Indian Tribe, Utah, and Ute Mountain Ute Indian Tribe. Local governments are not eligible to receive a direct award funding under CWA Section

319. States and tribes may choose to provide funding to sub-recipients, including local governments, in accordance with 2 CFR 200.331 and the EPA Subaward Policy.

## FUNDING ALLOCATION

Section 5004(d) of the WIIN Act authorizes Congress to appropriate \$4,000,000 annually for the San Juan Watershed Program from 2017 – 2021. From 2017 to 2020, Congress appropriated \$19,710,00 to develop and implement the San Juan Watershed Monitoring Program.

The EPA, in collaboration with eligible states and tribes, developed the San Juan Watershed Program and prioritized activities to be conducted with WIIN Act funding via various funding mechanisms. This implementation document provides information for the portion of the plan being implemented through CWA Section 319 assistance agreements. Future WIIN Act San Juan Watershed Program activities will be identified annually by EPA in collaboration with eligible states and tribes, based on continued WIIN Act appropriations.

## ELIGIBLE USES

A total of up to \$4,000,000 in assistance agreements, awarded under CWA Section 319, is available for the San Juan Watershed Program. Eligible states and tribes will develop workplans consistent with activities identified in watershed plans throughout the San Juan Watershed. To be eligible, all CWA Section 319 assistance agreement tasks must be consistent with priorities and focus areas in State and Tribe Nonpoint Source Management Plans and must be eligible under the CWA Section 319 program authority. In addition, the activity should be supported by a watershed plan, but it is not required that the watershed plan be accepted by EPA.

## ADMINISTRATIVE DETAILS

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards available at 2 CFR Part 200 and 2 CFR Part 1500, apply to this funding.

Workplans must link San Juan Watershed Program activities to the applicable priorities in the draft FY 2018-2022 EPA Strategic Plan and include outcomes and outputs. EPA's draft Strategic Plan is available at <http://www.epa.gov/planandbudget/strategicplan.html>. Workplan activities are intended to further EPA's current priorities to provide for clean and safe water by ensuring that waters are clean through improved water infrastructure and, in partnership with states and tribes, sustainably manage programs to support drinking water, aquatic ecosystems, and recreational, economic and subsistence activities.

EPA also requires that grant applicants adequately describe environmental outputs and outcomes to be achieved under assistance agreements (see EPA Order 5700.7A1, Environmental Results under Assistance Agreements, <https://www.epa.gov/grants/epa-order-57007a1-epas-policy-environmental-results-under-epa-assistance-agreements>). Outputs may be quantitative or qualitative and must be measurable during the assistance agreement funding period. Applicants must include specific statements describing the environmental results of the proposed project in

terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that will demonstrate how the project will contribute to the priorities described above.

The implementation document for the San Juan Watershed Program Assistance Agreements awarded under Clean Water Act Section 319 will be posted on EPA's website <http://www.epa.gov/sanjuanwatershed>. Below is further administrative information applicable to San Juan Watershed Program funds.

#### OTHER ITEMS FOR CONSIDERATION:

- 1) Should a Tribe identify a project that spans into the geographic boundaries of a State, the Tribe is allowed to request and receive funds to implement an activity as long as the Tribe is able to make the connection to impacts to water quality. The Tribe would need to have a written agreement between the Tribe and State in place.
- 2) WIIN grants made using the CWA Section 319 authority will be independent grants.
- 3) EPA recommends that States and Tribes use the criteria in Appendix A and template in Appendix B. As the administrator of this Program, EPA makes the final decision on the allocation of WIIN Act funds.

#### OPTIONS TO RECEIVE FUNDS

- 1) States and Tribes request a set amount of money to administer a competitive process. EPA would encourage that the State or Tribe use the criteria outlined in Appendix A and template in Appendix B to request and select projects.
- 2) States and Tribes propose projects for consideration, and EPA awards a grant to the State or Tribe.

#### HOW TO APPLY

Eligible states and tribes applying for San Juan Watershed Program funds awarded under CWA Section 319 must apply for a new individual CWA Section 319 assistance agreement by submitting an initial application (e.g., SF-424, SF-424A, SF-424B, detailed workplan, and supporting documents) through Grants.gov. To facilitate submission, EPA's Office of Grants and Debarment will post the opportunity on Grants.gov under Funding Opportunity Number EPA-CEP-01.

The CFDA number for this funding opportunity is CFDA 66.460 (CWA Section 319). On the Application for Federal Assistance SF-424, title (Box 12), applicants should include:

1. The applicant name [Insert State or Tribe]
2. Federal fiscal year of funding [2021]

3. Assistance Agreement Title: “[Insert State or Tribe] San Juan Watershed Monitoring Program”

WIIN Act funds cannot be combined with existing or future CWA Section 319 assistance agreements. These funds are not eligible for inclusion in a Performance Partnership Grant (PPG) because they: must be used only to develop and implement a San Juan Watershed Program, are not included in the list of programs that are eligible for inclusion in a PPG found in 40 CFR Part A, and cannot be directed for other environmental program needs.

Applicants should work with their respective EPA regional project officer or point of contact (see “Regional Points of Contact” below) for further details about application requirements.

### MATCH, COST-SHARE, AND MAINTENANCE OF EFFORT REQUIREMENTS

Non-federal Share 40 Percent or Greater § 319(h)(3) provides: “The federal share of the cost of each management program implemented with federal assistance ...in any fiscal year shall not exceed 60 percent of the cost incurred by the state in implementing such management program and shall be made on the condition that the non-federal share is provided from non-federal sources.” The match need not be on an item-by item basis; rather, it is a single figure that covers the entire non-federal share of the costs of implementing a § 319 -funded state grant work plan. The non-federal match does not need to be contributed at the time of the grant award, but the funds must be contributed as needed to meet the schedules established in the work plan milestones, and must occur during the project period of the grant award. EPA regions must verify that grantees have satisfied the match requirements upon review and submittal of the grantee's final federal financial report.

“Recycled” Clean Water State Revolving Funds under Title VI of the Clean Water Act can be used to provide a match for § 319 grants. These are funds that have been loaned by the state and subsequently repaid by the borrower to the state. The repaid funds are then recycled by the Clean Water State Revolving Fund program to provide loans that fund other water quality projects. These recycled funds are not treated as federal funds for the purposes of match and therefore are eligible to be used as match for § 319 funds, provided that they, like any other § 319 match funds, are used to implement the approved § 319 state NPS management program.

Tribes shall request a hardship waiver if they wish to reduce the cost-share from 40% to 10%.

### PROJECT PERIOD LENGTH

Existing EPA grant policies apply to this funding, which limit project periods for continuing environmental programs, such as CWA section 319, to no more than five years. The project period for the San Juan Watershed Program assistance agreements is not to exceed 5 years. States and tribes should discuss the most appropriate project period with their regional contact.

EPA’s GPI 12-06, “Timely Obligation, Award and Expenditure of EPA Grant Funds,” also applies to this funding.

## APPLICATION TIMEFRAMES

States and tribes should submit their initial application within 30 calendar days of receiving a notice of funding availability. Additional funding may be available for states or tribes if one or more states/tribes does not apply for their full funding amount.

There are no specific WIIN Act San Juan Watershed Monitoring Program terms and conditions.

## GRANT-SPECIFIC PROGRAMMATIC TERMS AND CONDITIONS

### 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 annually/semiannually **on insert date each year** until the grant is closed). In accordance with 200.328(d) 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 1.0
- Strategic Plan Objective 1.2, 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 and submitted in hard copy if required.

## 2) 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 portal. All water quality data generated with § 319 funding, either directly or by sub-award, are required to be using either the Water Quality Exchange (WQX) or WQXweb. When uploading data through WQX or WQXweb, regardless of organization, will be assigned a primary Project ID of Animas\_Sanjuan\_Watershed. This will allow data users to search and retrieve all site related data and is a convenient way to group all data collected for previous and future efforts. A secondary Project ID will also be assigned to help identify individual datasets loaded to WQX. A secondary Project ID of WIIN\_Monitor will be used.

## 3) Programmatic Subaward Reporting Requirement

The recipient must report on its subaward monitoring activities under 2 CFR 200.331(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 200.331(e), 2 CFR 200.207 and the 2 CFR Part 200.338 Remedies for Noncompliance.

### B. 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.

### C. 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. Tribes may with a hardship request have match reduced to 10 to 0% match.

#### D. 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.

#### E. Public Awareness Options

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

#### F. 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](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.

#### H. 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.

#### I. 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.

#### J. 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.

#### K. 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.

#### REGIONAL POINTS OF CONTACT

States and tribes should direct questions to their regional contacts below.

<u>EPA Region</u>	<u>Regional Point of Contact</u>	<u>Email</u>
R6	Melissa Benfer	Benfer.Melissa@epa.gov
R8	Shera Reems	Reems.Shera@epa.gov
R9	Danielle Angeles	Angeles.Danielle@epa.gov



APPENDIX A

**Water Infrastructure Improvements for the Nation Act (WIIN)  
Project Selection Criteria and Ranking**

<b>Criteria</b>	<b>Points Available</b> High = 4-5, Med = 2-3, Low = 0-1	<b>Points Awarded</b>
Does the applicant have a state or tribe sponsor?	Yes or No	If no, application does not proceed
Does the applicant identify an appropriate funding authority?	Yes or No	If no, application does not proceed
Does the project include an implementation component?	Yes or No	If no, application does not proceed
Is the waterbody located in an area of concern*?	5 = located in an area of concern 0 = not located in an area of concern	
Is there a public health benefit?	4-5 = project will directly eliminate contaminants that pose a risk to public health 2-3 = Project will indirectly improve water quality resulting in improved public health 0-1 = Project will have little or no effect on improving/protecting public health	
Is there a water quality benefit?	4-5 = Project will directly improve water quality and address parameters of concern 2-3 = Project will provide some water quality benefit but does not address parameters of concern 0-1 = Project will provide little to no water quality benefit	
Does the project demonstrate effectiveness?	4-5 = Proposed BMPs are proven to improve water quality and are strategically located 2-3 = Project will address water quality issues but may not use the most optimal BMPs and is a stand-alone project in an isolated area 0-1 = Project is not effective at addressing the identified water quality issue	
Is the project ready to proceed?	4-5 = Project will be implemented in the next 12 months, all permits	

	are obtained, and landowners have provided permission 2-3 = Project may take more than 1 year to complete and permits and designs have not been obtained 0-1 = Projects have been identified but commitments from landowners or land management agencies have not been obtained.	
Does the project have local support?	4-5 = Letters of support provided by other partners participating in the project 2-3 = One or two partners will assist with the project 0-1 = No partners will be associated with the project	
Does the project leverage funds from other sources?	4-5 = More funding will be provided by partners than the amount requested 2-3 = Some matching funding acquired 0-1 = No matching funding acquired	
<b>Total</b>	<b>35</b>	
*Area of concern defined as: Navajo Nation = the waterbody's "designated use is not supported;" SUIT = the waterbody's "designated use not supported;" Ute Mountain Ute = the waterbody's "designated use not supported;" states (CO, NM, UT) = the waterbody is "impaired;" EPA water quality analysis = the waterbody is located in one of the following areas: XX		

## APPENDIX B

# Water Infrastructure Improvements for the Nation Act (WIIN) Application for Project Implementation

### GENERAL INFORMATION

**Project Title:**

**Primary Applicant Name/Contact Info:** *If this is a collaborative effort, please also list any project co-applicants.*

**EPA Region:**

**Tribe or State Sponsor:**

**Project Start Date:**

**Project Completion Date:**

**Funding Authority:** *Please select one of three authorities - WIIN 106 or 104b(3) or 319. Authority selection should be discussed with your state or tribe sponsor prior to application submission. A description of funding authorities is available upon request.*

**Funding Amount Requested:**

**Matching Funding:** *Note that a 60/40 match is required if using the 319 authority. Please list the amount of matching funding as well as the funding source (e.g., NRCS EQIP, In-kind, Local, etc...)*

**Total Project Cost (Requested + Matching):**

### PROJECT SUMMARY

**Project Location:** *Please provide geographic coordinates, the HUC 8 watershed, and state or tribe jurisdictions where the project is located.*

**Project Purpose and Need:**

**Project Objectives:**

**Project Scope:** *Please include all project tasks, plans, and specifications.*

**Water Quality Benefits:** *Please describe the water quality benefits to be realized by the project.*

**Project Effectiveness:** *Please describe how project effectiveness will be demonstrated.*

**Project Partners:**

**Project Deliverables:**

**Proposed Schedule:**

**Proposed Budget:** *Please complete the associated budget file and submit along with this application.*

*For application questions, please contact Lucy Parham @ [lparham@utah.gov](mailto:lparham@utah.gov). For more information on efforts in the San Juan Watershed, please visit <https://www.epa.gov/san-juan-watershed>.*