



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 14 2019

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Additional Supplemental Appropriation Disaster Relief Act, 2019 –
Section 106 Supplemental Guidance

FROM: Andrew D. Sawyers, Director
Office of Wastewater Management

TO: Regions 3, 4, 6 and 9 Water Division Directors

A handwritten signature in black ink, appearing to read "Andrew D. Sawyers", written over the "FROM:" field.

This memorandum transmits supplemental guidance for the Section 106 funding provided by the *Additional Supplemental Appropriation Disaster Relief Act, 2019*.

The FY 2019 supplemental appropriation bill provides for:

"grants under section 106 of the Federal Water Pollution Control Act, \$5,000,000, to remain available until expended, to address impacts of Hurricane Florence, Hurricane Michael, Typhoon Yutu, and calendar year 2018 wildfires, notwithstanding subsections (b), (e), and (f), of such section: Provided, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985."

In addition, this guidance includes the final funding allocation and the counties in each impacted state with Major Disaster designations.

An alternate allotment formula was developed in consultation with Regions 3, 4, 6 and 9. The allocation provides each eligible entity with a base grant amount of \$200,000. The remaining funds are allocated based on the impacts from the disasters using the land area, surface water area and population for the counties in each eligible entity that had FEMA Major Disaster designations for public assistance. In addition, the existing CWA Section 106 formula data was factored in to represent the pre-existing extent of the pollution problem in the state.

The funds have been transmitted to the regional accounts and are available for obligation.

Thank you for your assistance in this matter. If you have any questions, please contact Robyn Delehanty at (202) 564-3880 or delehanty.robyn@epa.gov.

Attachments:

Guidance for the 2019 Section 106 Disaster Relief Funding
Final Allocation of the 2019 Section 106 Disaster Relief Funds
Disaster Relief 2019 Counties Impacted

cc: Susan Gilbertson, OWM
Daniel Malloy, OWM
Tracey Miller, OW
Stephanie Rich, OGC

U.S. Environmental Protection Agency
Guidance for the 2019 Section 106 Disaster Relief Funding
Hurricane Florence, Hurricane Michael, Typhoon Yutu, and 2018 Wildfires

PURPOSE

To provide guidance to eligible entities applying for funding authorized by the Additional Supplemental Appropriations for Disaster Relief Act, 2019, and awarded under the Clean Water Act (CWA) Section 106.

INTRODUCTION

The Additional Supplemental Appropriations for Disaster Relief Act (Disaster Relief), enacted June 20, 2019, provides funding for those areas impacted by Hurricane Florence, Hurricane Michael, Typhoon Yutu and 2018 wildfires. The funds are targeted for use in the counties with a Federal Emergency Management Agency (FEMA) Major Disaster Designation.

The EPA expects to award these funds by January 30, 2020.

EFFECTIVE DATE This guidance is effective August 14, 2019.

AUTHORITY: Clean Water Act, Section 106, 33 U.S.C. § 1256, Additional Supplemental Appropriations for Disaster Relief, 2019 P.L. 116-20.

ELIGIBLE RECIPIENTS

The following entities are eligible to receive Disaster Relief funds awarded under CWA Section 106:

- Hurricane Florence: Virginia, North Carolina, and South Carolina
- Hurricane Michael: Georgia, Florida, and Alabama
- Typhoon Yutu: Commonwealth of Northern Mariana Islands
- 2018 Wildfires: Oklahoma and California

FUNDING ALLOCATION

Each eligible entity will be awarded a base grant of \$200,000. The remaining funds will be allocated based on the impacts from the disasters using the land area, surface water area and population for the counties in each eligible entity that had FEMA Major Disaster designations for public assistance. In addition, the existing CWA Section 106 formula data was factored in to represent the pre-existing extent of the pollution problem in the state. See Attachment A.

ELIGIBLE USES

A total of \$5,000,000 in assistance agreements will be awarded under CWA Section 106. Eligible entities will develop workplans consistent with activities needed to address impacts from the disasters.

Examples of how the funds may be used include:

- Restoring lost monitoring assets,
- Collecting additional data to assess the impact of each disaster,
- Inspecting facilities that may have been compromised by the events and have the potential to impact water quality,
- Developing or updating watershed management and restoration plans to address recovery and resilience, and
- Implementing demonstration projects that address impacts of Hurricane Florence, Hurricane Michael, Typhoon Yutu and 2018 wildfires.

Disaster Relief funds are targeted for use in those counties with FEMA Major Disaster Designations. Attachment B lists the counties where these funds can be used.

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. The requirements of 40 CFR Part 35 Subpart A also apply with the exception of 35.162 and 35.168.

EPA 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 Guidance for the 2019 Section 106 Disaster Relief Funding - Hurricane Florence, Hurricane Michael, Typhoon Yutu, and 2018 Wildfires will be posted at: : <https://www.epa.gov/water-pollution-control-section-106-grants/guidance-2019-section-106-disaster-relief-funding>. Below is further administrative guidance applicable to Section 106 Disaster Relief funds

WORK PLAN REQUIREMENTS

Workplan tasks must: address impacts from the disaster the state has received funding for, be conducted in counties with Major Disaster Designations and be eligible for Section 106 funding. Recipients must follow requirements for the use, tracking, and reporting of permitting and enforcement funds. These requirements are:

1. Separate identifiable task(s) in work plan for this funding - the activities in the work plan that address disaster impacts must be separate tasks. Each task should include a supplemental budget narrative. There is no requirement to track these additional funds once the work plan has been approved. However, Regions are expected to ensure the level of effort proposed in the work plan is appropriate for the tasks proposed.

2. Establish identifiable outputs and outcomes – The Disaster Relief activities identified in the work plan for these funds must have distinct, identifiable outputs and/or outcomes.
3. Completion report – Grantees must report on the Disaster Relief activities (outputs and/or outcomes) separately in their annual reports.

HOW TO APPLY

The Additional Supplemental Disaster Relief Act, 2019 specifies the funds are to be used “to address the impacts of Hurricane Florence, Hurricane Michael, Typhoon Yutu, and calendar year 2018 wildfires.” Therefore, these funds cannot be included in a Performance Partnership Grant.

Eligible entities applying for the CWA Section 106 Disaster Relief funds may amend an existing Section 106 grant or may apply for a new individual CWA Section 106 assistance agreement.

Amending an existing Section 106 workplan

Entities who wish to amend an existing Section 106 individual grant should contact their Regional POCs (listed at the end of this guidance) to discuss the best way to update the existing project workplan with Disaster Relief funding added as new activities and commitments. Please note, amending an existing Section 106 grant will require the agency to submit a new SF-424, SF-424A, workplan, and budget detail.

On the Application for Federal Assistance SF-424, title (Box 12), applicants should include:

1. The applicant name
2. Federal fiscal year of funding
3. Assistance Agreement Title: “[Applicant] Section 106 2019 Additional Supplemental Appropriations for Disaster Relief Act Funding”

Using a standalone Section 106 grant

Entities that wish to accept the Disaster Relief funds through a standalone Section 106 grant should submit a complete grant application and workplan through [grants.gov](https://www.grants.gov) using the opportunity number **EPA-CEP-01**, CFDA number **66.419**.

On the Application for Federal Assistance SF-424, title (Box 12), applicants should include:

1. The applicant name
2. Federal fiscal year of funding
3. Assistance Agreement Title: “[Applicant] Section 106 2019 Additional Supplemental Appropriations for Disaster Relief Act Funding”

The Commonwealth of the Northern Mariana Islands may add this funding to an existing or new consolidated assistance agreement awarded under the authority of 48 U.S.C. §1469a(a).

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

For CWA Section 106, this funding will not impact the maintenance of effort the recipients have already provided as part of their base Section 106 assistance agreements.

PROJECT PERIOD LENGTH

Existing EPA grant policies apply to this funding, which limit project periods for continuing environmental programs, such as CWA Section 106, to no more than five years.

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

APPLICATION TIMEFRAMES

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

PRE-AWARD COSTS

Pre-award costs incurred for Disaster Relief activities may be allowable based on eligibility. The following criteria provide some guidance:

- The activities and associated costs are included in the work plan
- The costs are incurred pursuant to (leading up to) negotiation and in anticipation of a federal award where such costs are necessary for efficient and timely performance of the scope of work
- The costs are allowable/eligible under CWA Section 106
- If costs are incurred within 90 days of award: The applicant notifies the project officer that they intend to incur pre-award costs.
- If costs are incurred more than 90 days prior to the award: The applicant notifies the project officer that they intend to incur pre-award costs more than 90 days prior to award. Specific written approval may be required and project officers need to include additional justification for allowing costs incurred more than 90 days prior to award on the funding recommendation.
- **The applicant incurs such costs at its own risk, EPA is not obligated to pay for any costs if:**
 - The applicant does not receive an award;
 - The award is less than anticipated;
 - The award is inadequate to cover pre-award costs or;
 - The costs do not conform to the cost principles.

EPA will determine if there are sufficient programmatic reasons to incur the expenditure prior to award, e.g., time constraints, weather factors.

Project Officer concurrence will be obtained by the Award Official on pre-award costs incurred 90 calendar days prior to award. The Grants Management Office will include a term and condition to the assistance agreement approving the costs.

TERMS AND CONDITIONS

The following Term and Condition will be included in all awards: The recipient must use this funding to address impacts of [disaster name] in counties with a FEMA Major Disaster Designation in the State of [recipient name].

The Disaster Relief appropriation language specified recipients are not required to meet the CWA Statutory requirements found in Section 106(e) for having an adequate monitoring program, providing water quality data or reporting required under Section 305(b). However, EPA encourages states to submit water quality data to the Water Quality Exchange (WQX).

REGIONAL POINTS OF CONTACT

Applicants should direct questions to their regional contacts below.

EPA Region	Regional Point of Contact	Phone Number	Email
R3	Ed Hopkins	(215) 814-5401	hopkins.edward@epa.gov
	Diana Saintignon	(215) 814-2760	saintignon.diana@epa.gov
R4	Johnnie Purify	(404) 562-9298	purify.johnnie@epa.gov
R6	Virginia Vietti	(214) 665-7431	vietti.Virginia@epa.gov
R9	Jamie Marincola	(415) 972-3520	marincola.jamespaul@epa.gov

HEADQUARTERS POINT OF CONTACT

While applicants should direct questions to their regional contact, Robyn Delehanty, Office of Water (202-564-3880 or delehanty.robyn@epa.gov) is the lead contact for the CWA Section 106 Program.

Appendix A: FY 2019 Section 106 Disaster Relief Special Appropriation

July 19, 2019

Final Allocation for Disaster Relief Funds: Base Funds Plus Variable Based on Section 106 2018 Allocation, and Population, Land Area, and Water Area in Affected Counties

States*	Base Funding	Variable %	Variable Portion	Total
Virginia	\$200,000	7.4%	\$237,900	\$437,900
N. Carolina	\$200,000	25.8%	\$827,200	\$1,027,200
S. Carolina	\$200,000	6.8%	\$217,900	\$417,900
Florida	\$200,000	12.1%	\$388,500	\$588,500
Alabama	\$200,000	4.4%	\$141,700	\$341,700
Georgia	\$200,000	11.2%	\$357,200	\$557,200
Oklahoma	\$200,000	2.7%	\$87,700	\$287,700
California	\$200,000	29.1%	\$930,700	\$1,130,700
N. Marianas	\$200,000	0.4%	\$11,200	\$211,200
Total	\$1,800,000	100%	\$3,200,000	\$5,000,000

* Tribes would also be eligible. Affected counties identified as "designated areas" receiving "Public Assistance" from FEMA.

Appendix B: Counties Included in the FY 2019 Section 106 Disaster Relief Special Appropriation

July 19, 2019

Counties receiving public assistance in states with a Major Disaster Declaration:

<i>Hurricane Michael</i>			
Alabama	Florida	Georgia	
Geneva	Bay	Appling	Macon
Henry	Calhoun	Atkinson	Marion
Houston	Franklin	Bacon	Miller
Mobile	Gadsden	Baker	Mitchell
	Gulf	Ben Hill	Montgomery
	Hamilton	Berrien	Peach
	Holmes	Bleckley	Pulaski
	Jackson	Brooks	Putnam
	Jefferson	Bulloch	Quitman
	Leon	Burke	Randolph
	Liberty	Calhoun	Schley
	Madison	Candler	Screven
	Okaloosa	Chattahoochee	Seminole
	Suwannee	Clay	Stewart
	Taylor	Coffee	Sumter
	Wakulla	Colquitt	Tattnall
	Walton	Cook	Telfair
	Washington	Crawford	Terrell
		Crisp	Thomas
		Decatur	Tift
		Dodge	Toombs
		Dooly	Treutlen
		Dougherty	Turner
		Early	Twiggs
		Echols	Washington
		Emanuel	Webster
		Evans	Wheeler
		Glascok	Wilcox
		Grady	Wilkinson
		Hancock	Worth
		Houston	
		Irwin	
		Jeff Davis	
		Jefferson	
		Jenkins	
		Johnson	
		Jones	
		Laurens	
		Lee	

Hurricane Florence			
North Carolina		South Carolina	Virginia
Alamance	Pamlico	Berkeley	Botetourt
Alleghany	Pender	Calhoun	Bristol City
Anson	Person	Chesterfield	Chesterfield
Ashe	Pitt	Clarendon	Craig
Beaufort	Polk	Colleton	Danville City
Bertie	Randolph	Darlington	Floyd
Bladen	Richmond	Dillon	Franklin
Brunswick	Robeson	Florence	Franklin
Cabarrus	Rowan	Georgetown	Grayson
Carteret	Sampson	Horry	Halifax
Chatham	Scotland	Lancaster	Henry
Columbus	Stanly	Marion	Isle of Wight
Craven	Tyrrell	Marlboro	King and Queen
Cumberland	Union	Williamsburg	King William
Dare	Wayne		Lancaster
Davidson	Wilson		Lunenburg
Duplin	Yancey		Martinsville city
Granville			Mathews
Greene			Mecklenburg
Guilford			Nelson
Harnett			Newport News
Hoke			Northumberland
Hyde			Nottoway
Johnston			Patrick
Jones			Pittsylvania
Lee			Pulaski
Lenoir			Richmond
Madison			Roanoke
McDowell			Russell
Montgomery			Williamsburg
Moore			
New Hanover			
Onslow			
Orange			

Wildfires	
California	Oklahoma
Santa Barbara	Woodward
Lake	Roger Mills
Shasta	Dewey
Butte	Custer
Los Angeles	Harmon
Ventura	

Typhoon Yutu
Commonwealth of the Northern Marianas
Rota
Tinian
Saipan