

**EXHIBIT 8**  
**ADEQ18-179166 AMENDMENT NO. 5**

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	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Cooperative Agreement</b>		<b>GRANT NUMBER (FAIN):</b> 99T73523 <b>MODIFICATION NUMBER:</b> 0 <b>PROGRAM CODE:</b> BG		<b>DATE OF AWARD</b> 07/19/2022
			<b>TYPE OF ACTION</b> New		<b>MAILING DATE</b> 07/22/2022
			<b>PAYMENT METHOD:</b> ASAP		<b>ACH#</b> 90007
<b>RECIPIENT TYPE:</b> State			<b>Send Payment Request to:</b> Contact EPA RTPFC at: rtpfc-grants@epa.gov		
<b>RECIPIENT:</b> AZ Dept of Env Quality 1110 West Washington Street Phoenix, AZ 85007-2955 <b>EIN:</b> 86-6004791			<b>PAYEE:</b> AZ Dep of Env Quality 1110 West Washington Street Phoenix, AZ 85007-2955		
<b>PROJECT MANAGER</b>		<b>EPA PROJECT OFFICER</b>		<b>EPA GRANT SPECIALIST</b>	
Robyne Clark 1110 West Washington St Phoenix, AZ 85007 <b>Email:</b> grants@azdeq.gov <b>Phone:</b> 602-771-5102		Sorchia Vaughan 75 Hawthorne Street, LND-1-1 San Francisco, CA 94105 <b>Email:</b> Vaughan.Sorchia@epa.gov <b>Phone:</b> 415-947-4217		Angela Mendiola Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105 <b>Email:</b> Mendiola.Angela@epa.gov <b>Phone:</b> 415-972-3284	
<b>PROJECT TITLE AND DESCRIPTION</b> PERFORMANCE PARTNERSHIP GRANT  See attachment 1 for project description					
<b>BUDGET PERIOD</b>		<b>PROJECT PERIOD</b>		<b>TOTAL BUDGET PERIOD COST</b>	
07/01/2022 - 06/30/2024		07/01/2022 - 06/30/2024		\$29,052,006.00	
				<b>TOTAL PROJECT PERIOD COST</b>	
				\$29,052,006.00	
<b>NOTICE OF AWARD</b>  Based on your Application dated 05/01/2022 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$6,103,834.00. EPA agrees to cost-share 66.41% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$6,103,834.00. 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.					
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>			<b>AWARD APPROVAL OFFICE</b>		
<b>ORGANIZATION / ADDRESS</b>			<b>ORGANIZATION / ADDRESS</b>		
U.S. EPA, Region 9 , U.S. EPA, Region 9 Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105			U.S. EPA, Region 9, Land, Chemicals, and Redevelopment Division, LND-1 R9 - Region 9 75 Hawthorne Street San Francisco, CA 94105		
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>					
<b>Digital signature applied by EPA Award Official</b> Carolyn Truong - Grants Management Officer					<b>DATE</b> 07/19/2022



## Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$9,960,288
2. Fringe Benefits	\$3,884,514
3. Travel	\$269,000
4. Equipment	\$0
5. Supplies	\$530,000
6. Contractual	\$7,422,040
7. Construction	\$0
8. Other	\$756,000
9. Total Direct Charges	\$22,821,842
10. Indirect Costs: 0.00 % Base	\$6,230,164
11. Total (Share: Recipient <u>33.59</u> % Federal <u>66.41</u> %)	\$29,052,006
12. Total Approved Assistance Amount	\$19,292,604
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$6,103,834
15. Total EPA Amount Awarded To Date	\$6,103,834

## **Attachment 1 - Project Description**

This agreement provides funding for the operation of Arizona Department of Environmental Quality's (ADEQ) continuing environmental programs while giving it greater flexibility to address its highest environmental priorities, improve environmental performance, achieve administrative savings and strengthen the partnership between ADEQ and EPA.

This agreement provides partial federal funding in the amount of \$6,103,834. Preaward costs are approved back to July 1, 2022. Major activities of these programs include: conducting surface water quality monitoring, preparing a water quality assessment, preparing permits, writing Total Maximum Daily Loads, reducing nonpoint source pollution, participating in interagency watershed coordination activities, sampling agricultural wells to monitor for pesticide contamination, conducting outreach/education to the community, monitoring air quality, planning and implementing air reduction measures, assessing and cleaning up land, building infrastructure by conducting training and professional development, and reporting progress to EPA. Intended beneficiaries are the people of the state of Arizona. The work includes outputs and outcomes associated with managing continuing environmental programs which include activities to protect and maintain air, water, land, and data quality. Pinal County:

- Pinal County Air Quality Control District for operation the Pinal County ambient air monitoring network consisting of 8 PM10 monitors, 3 ozone monitors 3 MET stations and associated calibration and communications equipment and operational supplies. In this grant cycle the following improvements will be made: Year 1 site communications, dataloggers, acquisition of portable monitoring equipment. Year 2 site communications, dataloggers, acquisition of portable monitoring equipment
- FTE's in year 1 and year 2 to ensure compliance with dust requirements not directly related to fee based dust programs, including receiving dust complaints from the public and responding to them with 3 working days, proactively addressing observed dust issues and reports those as Field Activity Reports (FARs).
- funding staff training in the areas of emission inventory, compliance/enforcement, permitting, modeling, monitoring planning and safety. Allocation of funds is distributed between year 1 and year 2 of the grant cycle. Training is scheduled as it is available and staff are able to attend.
- maintenance of the Agricultural Best Management Practices (AgBMP) program, to reduce the amount of particulate matter (PM10) emissions in the PM10 from agricultural sources in the nonattainment areas of Maricopa, Pinal, and Yuma Counties. This program comprises field inspections, public outreach, and enforcement activities to ensure compliance with the Ag MBP PM10 general permit record requirements. Ag BMP PM10 general permit records are required for commercial sources including crop operations, dairy operations, beef cattle feedlots, poultry facilities, and swine facilities.

Department of Agriculture:

Improve air quality through the maintenance of the Agricultural Best Management Practices (AgBMP) program, to reduce the amount of particulate matter (PM10) emissions in the PM10 from agricultural sources in the nonattainment areas of Maricopa, Pinal, and Yuma Counties. This program comprises field inspections, public outreach, and enforcement activities to ensure compliance with the Ag MBP PM10 general permit record requirements. Ag BMP PM10 general permit records are required for commercial sources including crop operations, dairy operations, beef cattle feedlots, poultry facilities, and swine facilities. Respond to all agriculture related dust complaints within 5 business days;

Perform a minimum of:

- 10 inspections of crop operations each year;
- 10 inspections of commercial animal operations each year;
- 4 agricultural Best Management Practices outreach and training events each year.

## **Administrative Conditions**

**Administrative Terms and Conditions "A" through "C" and General Terms and Conditions below apply.**

### **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. Federal Financial Reporting (FFR)**

For awards with cumulative project and budget periods greater than 12 months, the recipient will submit an annual FFR (SF 425) covering the period from "project/budget period start date" to **June 30** of each calendar year to the EPA Finance Center in Research Triangle Park, NC. The annual FFR will be submitted electronically to [rtpfc-grants@epa.gov](mailto:rtpfc-grants@epa.gov) no later than **September** of the same calendar year. Find additional information at <https://www.epa.gov/financial/grants>. (NOTE: The grantee must submit the Final FFR to [rtpfc-grants@epa.gov](mailto:rtpfc-grants@epa.gov) within 120 days after the end of the project period.)

*Additional FFR information for CAA 105 program*

The recipient shall identify non-federal, non-recurrent expenditures in Block 12 (Remarks) of the FFR or include the information as an attachment to the FFR on a separate page. The recipient also agrees to include a statement certifying that supplanting did not occur.

### **B. Procurement**

The recipient will ensure all procurement transactions will be conducted in a manner providing full and open competition consistent with 2 CFR Part 200.319. In accordance 2 CFR Part 200.324 the grantee and subgrantee(s) must perform a cost or price analysis in connection with applicable procurement actions, including contract modifications.

*State recipients must follow procurement procedures as outlined in 2 CFR Part 200.317.*

### **C. MBE/WBE Reporting, 40 CFR, Part 33, Subpart E (EPA Form 5700-52A)**

The recipient agrees to submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report (EPA Form 5700-52A) annually for the duration of the project period. The current EPA Form 5700-52A with instructions can be found at <https://www.epa.gov/grants/epa-form-5700-52a-united-states-environmental-protection-agency-minority-business>

This provision represents an approved exception from the MBE/WBE reporting requirements as described in 40 CFR Section 33.502.

Reporting is required for assistance agreements where funds are budgeted for procuring construction, equipment, services and supplies (including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category) with a cumulative total that exceed the Simplified Acquisition Threshold (SAT) currently, set at \$250,000 (the dollar threshold will be automatically revised whenever the SAT is adjusted; See 2 CFR Section 200.1),

including amendments and/or modifications. When reporting is required, all procurement actions are reportable, not just the portion which exceeds the SAT.

Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

When completing the annual report, recipients are instructed to check the box titled "annual" in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the "last report" of the project in section 1B of the form. For section 2B, the Region 9 EPA DBA Coordinator is Alexandria Perez, email: [GrantsRegion9@epa.gov](mailto:GrantsRegion9@epa.gov), phone: 415-972-3826.

The annual reports are due by October 30th of each calendar year and the final report is due within 120 days after the end of the project period, whichever comes first. The recipient will submit the MBE/WBE report(s) and/or questions to [GrantsRegion9@epa.gov](mailto:GrantsRegion9@epa.gov) and the EPA Grants Specialist identified on page 1 of the award document.

## **Programmatic Conditions**

**Programmatic Conditions "a" through "z" below apply.**

### **a. Conditional Award**

EPA has conditionally approved the workplan to allow the recipient to proceed to work on approved workplan components. The recipient may incur costs on eligible activities associated with the approved workplan components up to \$6,103,834. Until a final revised workplan has been approved by EPA:

- a. the recipient should not request payments and EPA will not make payments for unapproved work; and
- b. any costs incurred for unapproved work by the recipient are at its own risk.

The following rows in the workplan are currently not approved: 36, 47, 48, 86, 91, 92, 150, 152, 191, 196, 197, 201, 209.

### **b. 401**

For all 401 certifications of Corps 404 permits, except general permits such as Nationwide Permits, ADEQ will contact EPA upon receipt of a complete 401 application to initiate communication on water quality issues. The tabular reporting requirement on all 401s issued, including Nationwide Permits, also remains in effect. On coordinated projects, ADEQ shall conduct staff-level interagency meetings, as appropriate, as the processing of the 401 proceeds. A final meeting (Deputy Director or higher) with EPA will occur before issuance of the certification.

### **c. Performance Reporting and Final Performance Report**

#### **a. Performance Reports- content:**

In accordance with 2 CFR 200.329, the recipient agrees to submit performance reports that include brief information on each of the following areas: 1) A comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period; 2) The reasons why established outputs/outcomes were not met; and 3) Additional pertinent information, including, when appropriate, analysis and explanation of cost overruns or high-unit

costs.

Additionally, the recipient agrees to inform EPA as soon as problems, delays, or adverse conditions which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan are known.

Interim performance and final progress reports must prominently display the three Essential Elements for state work plans: 1) Strategic Plan Goal; (2) Strategic Plan Objective; and (3) Workplan Commitments plus time frame.

b. Performance Reports - Frequency

The recipient agrees to submit annual performance reports electronically to the EPA Project Officer within 90 days after the annual reporting period ends. The recipient must submit the final performance report no later than 120 calendar days after the end date of the period of performance.

1. If quarterly or semi-annual performance reports are required, they are to be submitted electronically to the EPA Project Officer within 30 days after the reporting period (six-month period). The reporting periods are July 1<sup>st</sup> -December 31<sup>st</sup> and January 1<sup>st</sup> - June 30<sup>th</sup>.

i. The recipient shall submit, to the EPA Project Officer, **semi-annual** performance reports (preferably electronic copies), due February 15<sup>th</sup> and August 31<sup>st</sup> of each year, for the duration of the agreement

c. Final Performance Report:

i. The recipient agrees to submit two copies of the Final Performance Report to the EPA Project Officer. The Final Project Report is due within 120 days after the end of the budget/project period. Final performance reports must prominently display the three Essential Elements required for state workplans and reports. They are:

- Essential Element 1 - Strategic Plan Goal
- Essential Element 2 - Strategic Plan Objective
- Essential Element 3 - Workplan Commitments plus time frame

ii. The report will include any agreed-upon work-product(s) resulting from the project and the following:

- 1) abstract or overview of the project including completed workplan activities;
- 2) a comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan;
- 3) reasons why anticipated outputs/outcomes were not met;
- 4) other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs.
- 5) the methods to be used to effectively disseminate project information and/or continue the benefits of this project (although the project itself may not be continuing);
- 6) materials generated regarding project activities (e.g., workshop announcements, newspaper/newsletter announcements, articles or releases, press packets, pamphlets, etc.).



d. Sub-award Performance Reporting:

i. 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:

1. Summaries of results of reviews of financial and programmatic reports.
2. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
3. Environmental results the subrecipient achieved.
4. Summaries of audit findings and related pass-through entity management decisions.
5. 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.

Note: EPA Project Officers may customize this reporting requirement based on programmatic information needs.

d. **Quality Assurance**

This grant includes environmental measurements; therefore, QA Planning documents are required. These plans should be reviewed, revised, and submitted to R9 EPA QA Section every five years. The ADEQ Quality Management Plan was approved on April 21, 2022. Quality Assurance Program Plan's (QAPrP) covering the programs for DEQ's programs were approved in previous years, see below. Monitoring under these programs should be conducted according to the programs QAPrP. The groundwater and drinking water programs currently are not covered by an approved QAPrP. Contact the QA Section with questions at 415-972-3411.

## ADEQ QAPP Status FY23

Program	QA Document	Approval Date or Status	Revision Due
All Programs	QMP	4/21/2022	2027
Air Programs			
O3	QAPP	9/10/2020	2025
NO2	QAPP	8/11/2021	2026
SO2	QAPP	1/26/2020	2026
CO	QAPP	9/10/2020	2025
PM	QAPP	6/27/2019	2024
PAMs	QAPP	8/23/2021	2026
Air Toxics	QAPP	3/12/2018	2023

Lead	QAPP	9/7/2018	2023
RCRA Haz Waste	QAPP	1/17/2015	2020
Drinking Water	QAPP	8/7/2019	2024
NPDES	QAPP	9/7/2016	2021
Water Quality	QAPP	2/16/2021	2026
FIFRA (AZ Dept of AG)	QAPP	6/19/2019	2024
UST	QAPP	10/11/2016	2021
Remedial (Superfund)	QAPP	02/01/2017	2022

#### **e. 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.

#### **f. EPA's Involvement – Cooperative Agreement**

EPA will be substantially involved in this agreement. Substantial involvement by the EPA Project Officer may include:

- 1.) monthly telephone calls and other monitoring,
- 2.) reviewing project phases and providing approval to continue to the next phase,
- 3.) reviewing and commenting on any documents, web content, or other materials developed under this agreement (the recipient will make final decisions on these matters),
- 4.) approving substantive terms included in contracts or subawards (EPA's Project Officer will not suggest, recommend or direct the recipient to select any particular contractor or subrecipient except to the extent permitted in Section 10 of EPA's Subaward Policy).
- 5.) reviewing and commenting on the programmatic progress reports
- 6) Consultation with EPA regarding the selection of key personnel (EPA's involvement is limited to reviewing the technical qualifications of key personnel and the recipient will make the final decisions on selection. EPA's Project

Officer will not suggest, recommend or direct the recipient to select any individual).

7.) Joint operational involvement, participation, and/or collaboration between EPA and the recipient.

#### **g. 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](http://www.fgdc.gov).

#### **h. Compliance Determination and Data Verification**

The grantee agrees to make compliance determinations that are consistent with applicable drinking water regulations and timely report all violation, inventory, and enforcement actions to SDWIS/FED and otherwise comply with 40 CFR 142.15. Also, if a data verification report or other program review identifies steps that should be taken to correct a state's drinking water data quality problems, those steps must be included in the state's annual workplan (or Performance Partnership Agreement).

#### **i. Equipment**

The EPA Project Officer must approve the planned purchase of equipment with a unit cost of \$5,000 or more before such costs can be charged to the grant. Therefore, for any items of equipment costing \$5,000 or more, a list of equipment proposed to be purchased along with a justification as to the need for purchasing the equipment must be provided to the EPA Project Officer.

In accordance with 2 CFR 200.313, when original or replacement equipment acquired under this agreement is no longer needed for the original project or program or for other activities currently or previously supported by EPA, the recipient must request disposition instructions from the EPA Project Officer. Disposition instructions will be one of the following:

- (1) Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the EPA.
- (2) Except as provided in 2 CFR 200.312 Federally-owned and exempt property, paragraph (b), or if EPA fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained by the recipient or sold. EPA is entitled to an amount calculated by multiplying the current market value or proceeds from sale by EPA's percentage of participation in the cost of the original purchase. If the equipment is sold, EPA may permit the recipient to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.
- (3) The recipient may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the recipient must be entitled to compensation for its attributable percentage of the current fair market value of the property.
- (4) In cases where a recipient fails to take appropriate disposition actions, EPA may direct the recipient to take disposition actions.

#### **j. 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.

#### **k. Green/Environmentally Sustainable Practices**

Consistent with local, state, and federal grant procurement rules, recipients shall, when feasible, purchase environmentally preferable products/services and hold conferences/meetings using environmentally preferable measures. Environmentally preferable products/services and environmentally preferable measures include those that have a lesser or reduced effect on the environment when compared with competing products, services, or measures that serve the same purpose. This comparison may consider the raw material acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service. Also, environmentally preferable measures for conferences/meetings apply to large gatherings of ten or more persons.

#### **l. Reporting Requirements**

The recipient agrees to comply with all reporting requirements required by EPA regulation (40 CFR parts 31 and 35), §§ 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 per 40 CFR part 31.43.

#### **m. 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 semi-annually on February 1<sup>st</sup> and August 1<sup>st</sup> each year until the grant is closed. Reports can be submitted in GRTS. Following 40 C.F.R. § 31.40 (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.

A final project report is due to the EPA project officer within 120 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. Also, the GRTS database should be updated to reflect the project status as complete.

#### **n. Annual Nonpoint Source (NPS) Program Report**

The recipient agrees to provide the information required under § 319(h)(11) of the Clean Water Act for annual reporting on progress under the State's NPS management program. The §319 Annual Program Report will be due by July 31<sup>st</sup> (draft) and final draft by September 30<sup>th</sup>. 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 the 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.

#### **o. GRTS**

The recipient shall enter all mandated data elements into the Grants Reporting and Tracking System (GRTS) for NPS projects funded under § 319 of the Clean Water Act, according to deadlines specified by EPA (March 31<sup>st</sup>). The program funds in the PPG shall be reported on in GRTS reflecting State FTE funded by CWA 319 funds by September 1<sup>st</sup> of each year.

Initial data entry is due 90 days from the 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 31<sup>st</sup> of each year for projects implementing BMPs in the previous fiscal year.

#### **p. STORET Data Reporting**

The recipient agrees to enter water quality monitoring data, for data collected in a water body according to the implementation of a § 319 project, into EPA's "storage and retrieval" (STORET) data system. All water quality data generated with § 319 funding, either directly or by sub-award, are required to be transmitted into the STORET data warehouse using either the Water Quality Exchange (WQX) or WQXweb.

#### **q. Sufficient Progress**

EPA may terminate the assistance agreement for the failure of the recipient to make sufficient progress 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. (See EPA's Guidance and Checklist for Determining Progress of State NPS Management Programs and Performance of CWA

Section 319 Grants.)

**r. 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 before implementation of on-the-ground projects. The recipient shall ensure a watershed-based plan or acceptable alternative plan is completed before beginning to implement any on-the-ground project with § 319 watershed project funds.

**s. 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 following 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.

**t. Maintenance of Effort/Required Non-Federal Match**

State expenditures for NPS implementation activities must meet the maintenance of effort (MOE) level required under § 319(h)(9) of the Clean Water Act. A 40% non-federal program match is also required. The state should assure that the MOE and match requirements have been satisfied and report this through the final Federal Financial Report (FFR) at the end of the budget period.

**u. Limitation on Administrative Costs**

Per § 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.

**v. Obligation and Outlay of Funds**

Following § 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 per 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 the grant award.

**w. Permits**

The recipient agrees to ensure that all necessary permits (such as Clean Water Act § 404) are obtained before the 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.

**x. Participation in Regional and National Meetings**

The recipient agrees to attend the annual NPS Manager's meetings and GRTS users meeting, as scheduled unless agreed upon in advance by the EPA Project Officer.

### **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 water bodies. These stories shall be submitted through the success story database in GRTS.

### **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) detailed identification of the causes and sources of NPS pollution by source type to be addressed 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.

### **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](#).

### **y. Water Quality Data Reporting**

The recipient agrees to enter water quality monitoring data into EPA's Water Quality Exchange (WQX) data system. All water quality data generated with federal funding, either directly or by sub-award, are required to be transmitted into the WQX system using either the WQX or WQXweb. Water quality data and metadata that are appropriate

include, but is not limited to physical, chemical, and biological sample results for water, sediment, fish tissue, toxicity data, microbiological data, and the metrics and indices generated from biological and habitat data. Please contact the WQX helpdesk ( [WQX@epa.gov](mailto:WQX@epa.gov) ) if you need assistance. More information about WQX, including tutorials, can be found at: <https://www.epa.gov/waterdata/water-quality-data>.

#### **z. Significant Changes**

To determine if a postaward change in work plan commitments is significant and requires prior written approval for the purposes of 40 CFR §35.114(a) or 40 CFR §35.514(a), the recipient agrees to consult the EPA Project Officer (PO) before making the change. The term work plan commitments is defined at 40 CFR §35.102. If the PO determines the change is significant, the recipient cannot make the change without prior written approval by the EPA Award Official.

In addition, the recipient must provide written notice to EPA's PO and Grant Specialist (GS) of proposed transfers of funds of among direct budget categories, programs, functions and activities or transfers that change amounts budgeted for indirect costs, pursuant to the "Transfer of Funds" General Term and Condition. If the PO determines that a proposed transfer of funds significantly changes work plan commitments, the recipient must consult with the PO and obtain written approval by the EPA Award Official prior to making the transfer of funds. All transfers must be reported in required performance reports.

\*\*\* END OF ASSISTANCE AGREEMENT \*\*\*