



## U.S. Environmental Protection Agency - Region 10

### Clean Water Act Section 106 Tribal Program FY2021 Funding Announcement

For work plans beginning on or after 10/1/2020 using Federal Fiscal Year 2020 funds.

November 2019

#### **NEW** CONTENT for FY21 Funding Announcement:

- Work plan and budget are due **Friday, January 17, 2020.**
  - See "Important Dates" on page 2.

***All other content remains the same as the FY20 Announcement.***

#### I. DESCRIPTION

**Overview:** Clean Water Act (CWA) Section 106 provides funding to support water pollution control programs. Section 518 of the 1987 amendments provides a mechanism for Tribal governments to access CWA funds by the "treatment in a manner similar to a state" (TAS) eligibility process. Currently 40 Tribes within EPA Region 10 are eligible to receive CWA Section 106 funds.

**Regulations:** Information on the CWA Section 106 grants program can be found in the Catalog of Federal Domestic Assistance (CFDA), Program Number 66.419, at: [https://beta.sam.gov/fal/1059c583000c42b7897b430a99144816/view?keywords=66.419&sort=-relevance&index=cfda&is\\_active=true&page=1](https://beta.sam.gov/fal/1059c583000c42b7897b430a99144816/view?keywords=66.419&sort=-relevance&index=cfda&is_active=true&page=1). Regulations governing the award and administration of these grants are in the Code of Federal Regulations (CFR) at 40 CFR Part 35, Subpart B, Environmental Program Grants for Tribes and 2 CFR Part 200, Uniform Grants Guidance found at: <http://www.grants.gov/web/grants/learn-grants/grant-policies/omb-uniform-guidance-2014.html>.

**Program Guidance:** Information on the CWA Section 106 Tribal Program can be found in *Final Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act for Fiscal Years 2007 and Beyond* <http://www2.epa.gov/water-pollution-control-section-106-grants/final-guidance-awards-grants-indian-tribes-under-section>.

**Uses and Restrictions:** The CWA Section 106 program provides financial assistance for maintaining adequate measures for prevention and control of surface and ground water pollution from point and nonpoint sources. The program funds water quality management program activities including watershed assessments, water quality planning, standards development, monitoring and assessments, inspections and enforcement, permitting, training, advice and assistance to local agencies, and public information. It also funds participation in program activities related to the restoration of impaired watersheds such as Total Maximum

Daily Loads (TMDLs), implementation of integrated wet weather strategies in coordination with nonpoint source programs, and development of source water protection programs.

Funds cannot be used for the construction, operation, or maintenance of wastewater treatment plants or drinking water systems, or the required water quality monitoring or sampling activities for facility permit compliance purposes. Funds cannot be used for costs financed by other federal grants.

The CWA Section 106 program can only fund activities within the Reservation or on lands held in trust for the tribe (tribal trust lands), or that impact waters upstream of these areas. If you are proposing to use funds outside of these areas, you must explain in your work plan the relationship of these activities to waters on the Reservation or tribal trust lands. If funds are being used for purposes beyond the Reservation or tribal trust lands boundaries, the Tribe should obtain the necessary access agreement or permission from the appropriate jurisdiction to conduct the activity.

## II. IMPORTANT DATES

**Draft Work Plan and Budget:** A draft work plan and detailed budget should be submitted by email to your EPA Project Officer by **Friday, January 17, 2020. Late application packages will not be accepted.** The application due dates coincide with those of the Indian Environmental General Assistance Program (GAP) and CWA Section 319 base grant program. You are to submit your work plans whether you are applying for the funds as a separate grant or as part of a Performance Partnership Grant (PPG).

**Full application submitted through Grants.gov:** Your EPA Project Officer (PO) will assign you a due date to submit your full application package between March and mid-May 2020. Full applications including budgets, work plans and federal forms must be submitted electronically through Grants.gov. All grant forms can be downloaded at <http://www.Grants.gov/web/grants/applicants/download-application-package.html>. Please see the R10 2021 GAP Notice of Funding Availability Attachment F for Grants.gov instructions at <https://www.epa.gov/tribal/region-10-tribal-environmental-gap-funding>.

**Award:** EPA Region 10 will work to ensure that your grant is awarded by September 30, 2020.

## III. AWARD AMOUNTS

**Estimated Funding Levels:** Region 10 anticipates awarding approximately \$3.5 million to up to 40 Tribes. We have made available FY2021 preliminary amounts in the document titled: "Region 10 Section 106 Tribal Program Preliminary Funding Estimates" found at <https://www.epa.gov/tribal/region-10-clean-water-act-section-106-tribal-program-funding>. These amounts are intended to be for planning purposes. We will determine final amounts after we receive a final federal budget and will communicate the final allocations to tribal staff.

**Tribal Match:** EPA provides 95% of the approved work plan costs with a 5% Tribal match. The EPA Regional Administrator may waive part or all of the Tribal match if after reviewing tribal socio-economic indicators, the Regional Administrator determines that fulfilling the 5% match requirement would impose undue financial hardship.

## IV. AWARD ADMINISTRATION

**Performance Partnership Grants:** Your CWA Section 106 grants will likely be included in a PPG, which combine funds from two or more environmental program grants listed in 40 CFR Part 35 into a single grant with a single budget. A PPG is intended to provide greater flexibility in program areas while achieving administrative savings. PPG information can be found in:

- 40 CFR Part 35, Subpart B, Environmental Program Grants for Tribes:  
<https://www.gpo.gov/fdsys/granule/CFR-1999-title40-vol1/CFR-1999-title40-vol1-part35>.
- Uniform Grants Guidance, 2 CFR Part 200: [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl) and 2 CFR Part 1500:  
<https://www.ecfr.gov/cgi-bin/text-idx?SID=9ee42d3ee9bad5af11582f820f16d0f7&mc=true&tpl=/ecfrbrowse/Title02/2chapterXV.tpl>
- CFDA Program 66.605 (PPGs):  
[https://beta.sam.gov/fal/20f026a7d3834c72b5d8632e69416eae/view?keywords=66.605%20&sort=-relevance&index=cfda&is\\_active=true&page=1](https://beta.sam.gov/fal/20f026a7d3834c72b5d8632e69416eae/view?keywords=66.605%20&sort=-relevance&index=cfda&is_active=true&page=1)
- Best Practices Guide for PPGs with Tribes:  
<https://www.epa.gov/sites/production/files/2013-08/documents/ppg-guide-for-tribes.pdf>

**Progress Reports:** Progress reports should to be submitted quarterly or semi-annually. Additional required reporting and documentation is described below in the Program Requirements section.

**EPA's Role in Performance Evaluation:** EPA's role and responsibilities in carrying out work plan commitments may include work plan negotiations and site visits. POs are required to conduct regular post-award monitoring in which they will review elements such as project and financial progress. These actions contribute to EPA's evaluation of grantee performance toward meeting work plan commitments.

**Grant Period:** You and your PO may prefer to have a two-year work plan. Please contact your PO about the duration of your work plan.

## V. PROGRAM REQUIREMENTS

In the program guidance, *Final Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act for Fiscal Years 2007 and Beyond*, EPA states that each grantee is required to submit an annual Tribal Assessment Report (TAR) that includes three components:

- A monitoring strategy (*R10 asks that you submit this separately every 10 years or when your monitoring strategy changes*).
- A water quality assessment
- Water quality data into STORET/WQX (or attempt to submit).

You may submit your water quality assessment bi-annually with the permission of your PO. The TAR requirement is in addition to your grant performance and financial reports described above.

A copy of the guidance and additional TAR documents are available at <https://www.epa.gov/water-pollution-control-section-106-grants/tribal-grants-under-section-106-clean-water-act>. Please contact Krista Mendelman ([mendelman.krista@epa.gov](mailto:mendelman.krista@epa.gov)) for Region 10's water quality monitoring strategy template and water quality assessment template. To receive funding, you must include the TAR reporting requirement in your work plan.

## VI. WORK PLAN and BUDGET

**Work Plan:** To expedite the application review process, your PO may prefer that you use a standardized work plan template provided at the Section 106 part of the following link: <https://www.epa.gov/tribal/region-10-clean-water-act-section-106-tribal-program-funding>. The link to the template is a box on the right-hand side. It is adapted from the template required for the GAP and covers information required in 40 CFR Part 35. Please contact your PO if you are unsure of their desired format.

Whether or not you choose to use the template, your work plan must comply with the requirements of 40 CFR Part 35 by including the following elements:

1. Work plan **components**. A component can be a task, a funding program such as CWA 106, or other clearly identified portion of work.
2. Estimated **work years** and **estimated cost** for each work plan component.
3. Work plan commitments (**i.e. tasks/activities**) for each work plan component and a **time frame** for their accomplishment and the **deliverable/product (i.e. output)**.
4. **Performance evaluation process** and **reporting schedule** that discusses:
  - a. Accomplishments as measured against work plan commitments.
  - b. Cumulative effectiveness of the work performed under all work plan components.
  - c. Existing and potential problem areas.
  - d. Suggestions for improvement, including where feasible, schedules for making improvements.
5. **Roles and responsibilities** of your tribe and EPA in carrying out the work plan.

Also include a narrative work plan for these components explaining the scope of work and including the following:

1. Discussion of the **tasks and activities (i.e. inputs)**. Include a brief description or **list of parameters** you will be measuring and include an assurance that these are aligned with your Monitoring Strategy.
2. Discussion of the **deliverables or products (i.e. outputs)** to be accomplished from the work plan tasks. Outputs/deliverables must include the annual TAR.
3. Discussion of the **environmental results (i.e. outcomes)** that may be generated by the completed work. For example, outcomes may be changes in human behavior or in the quality of the environment or public health directly or indirectly as a result of the grant funds. Outcomes will not necessarily occur during the grant period.
4. **Timeline** for measuring accomplishments and completion of the tasks.
5. Description of the **geographic location** of the work activities.
6. Date of the most recent EPA-approved **QAPP(s)**.

**Detailed Budget:** A detailed budget must be submitted for each year in a multi-year plan.

**Indirect Cost Rate Policy:** If your tribe includes indirect costs as part of a proposed budget, you must submit a copy of your tribe's current, approved Indirect Cost Rate Agreement to the EPA Region 10 Grants and Interagency Agreement Unit. If you do not have a negotiated agreement, you must provide written proof that you have submitted an indirect cost rate proposal to your cognizant agency. If you don't have a current approved Indirect Cost Rate Agreement, or haven't submitted a proposal for one, EPA has established other options for including indirect costs in the

proposed budget. Please see the R10 2021 GAP Notice of Funding Availability for information on EPA's Indirect Cost Rate Policy in Section IV C or at <https://www.epa.gov/grants/rain-2018-g02>.

**QAPP Guidelines:** Please refer to the Region 10 Section 106 QAPP Guidelines to help you determine when to review and update your QAPPs. The guidelines are located at <https://www.epa.gov/tribal/region-10-clean-water-act-section-106-tribal-program-funding>. Scroll down to "Funding Announcement and Attachments" for the link. We have also included the Region 10 Sample Alteration Form on the same webpage should you need it.

**CWA 106 and 319 Checklist:** We have developed a CWA 106 and 319 Checklist for you to use when developing your work plan. It contains those required elements that we will look for when we review your draft work plan and should serve as a reminder to you as you complete your draft work plans. The check list is located at <https://www.epa.gov/tribal/region-10-clean-water-act-section-106-tribal-program-funding>.

## VII. CONTACTS

For general information and eligibility requirements, contact the Tribal 106 Coordinators:

**Krista Mendelman**  
EPA Region 10, Office of Water & Watersheds  
(206) 553-1571  
[mendelman.krista@epa.gov](mailto:mendelman.krista@epa.gov)

**Alan Moomaw**  
EPA Region 10, Washington Operations Office  
(360) 753-8071  
[moomaw.alan@epa.gov](mailto:moomaw.alan@epa.gov)

For information regarding your grant, contact your PO:

<b>Westley Foster</b>	(206) 553-1604	<a href="mailto:foster.westley@epa.gov">foster.westley@epa.gov</a>
<b>Kris Carre</b>	(509) 326-7024	<a href="mailto:carre.kristine@epa.gov">carre.kristine@epa.gov</a>
<b>Alan Moomaw</b>	(360) 753-8071	<a href="mailto:moomaw.alan@epa.gov">moomaw.alan@epa.gov</a>

For technical assistance about water quality monitoring and assessment reports, contact:

**Krista Mendelman**  
EPA Region 10, Office of Water & Watersheds  
(206) 553-1571  
[mendelman.krista@epa.gov](mailto:mendelman.krista@epa.gov)

For assistance with submitting data through the Water Quality Exchange (WQX) contact:

**Help Desk Support** - The user help desk is available for any WQX and Water Quality Portal related issues or questions. To access the help desk, please call: 1-800-424-9067 or email: [wxq@epa.gov](mailto:wqx@epa.gov) or go to the website: <https://www.epa.gov/waterdata/water-quality-data-wqx>