

Rhode Island Section 319 Nonpoint Source Grant Program Quality Assurance Project Plan

Rhode Island Department of Environmental Management
Office of Water Resources

July 2019

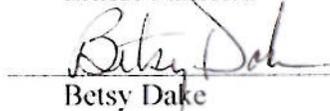
RI DEM QA Manager:


Richard Enander Date 7/9/19

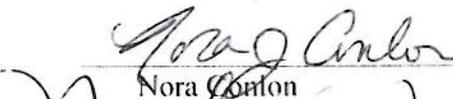
RI DEM Project Manager:


Ernest Panciera Date 7/9/19

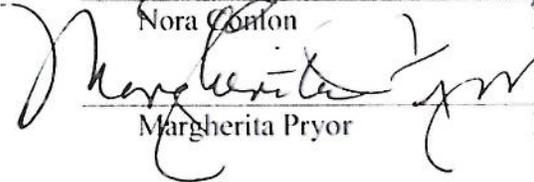
RI DEM Project QA Officer:


Betsy Dake Date 7/9/19

USEPA Region I RI QA Coordinator:


Nora Conlon Date 9/17/2019

USEPA Region I Program Contact:


Margherita Pryor Date 7/18/19

Rhode Island Section 319 Nonpoint Source Grant Program

Quality Assurance Project Plan

July 2019

Introduction

The purpose of this document is to describe the process used to manage the Rhode Island Nonpoint Source Section 319 Competitive Grants Program and to describe how quality assurance concerns are addressed in the Program. This document will serve as an overall quality assurance project plan (QAPP) for competitive projects in Rhode Island supported via grant agreements or cooperative agreements using federal Clean Water Act Section 319 funds awarded to the RI Department of Environmental Management (DEM). It describes the procedures in place to ensure funds are directed to appropriate projects and are expended in an effective manner.

The overall objective of the DEM Nonpoint Source Program is to prevent, control or abate nonpoint source pollution to the waters of the state – surface waters (both freshwater and saltwater) and groundwater. The Rhode Island Nonpoint Source Program is guided by the “Rhode Island Nonpoint Source Management Program Plan” (2014; to be updated in 2019). Projects selected for funding are consistent with the goals, objectives and strategies expressed in the state Nonpoint Source Management Plan.

The Section 319 competitive grant funds are intended to provide financial assistance for projects that will protect or improve water quality and aquatic habitats, thus enhancing the designated uses of the state’s waters by addressing sources of nonpoint pollution, correcting hydromodification issues, and providing for habitat restoration. The majority of projects funded by Section 319 involve installation of best management practices (BMPs).

Projects that include water quality monitoring or some type of environmental monitoring will require a separate Quality Assurance Project Plan developed in accordance with the RI DEM Quality Management Plan (March 14, 2017) and EPA requirements (see discussion under Pollutant Load Reduction Determinations).

Project Selection

Projects funded by Section 319 in Rhode Island are selected through a competitive process. DEM has been granted delegated contracting authority from the RI Department of Administration that supports the administration of sub-grants. This authority is currently valid through December 31, 2019 and subject to periodic renewal (see Attachment A).

DEM releases a request for proposals (RFP) to the public, usually once every two years, contingent on the continued availability of the federal funds to the State. The RFP is drafted by the Nonpoint Source Program staff in the Office of Water Resources, and it is reviewed and commented on by the EPA Nonpoint Source Coordinator for Rhode Island. Both DEM priorities

and EPA national NPS Guidelines are considered during preparation of the RFP. When appropriate, DEM aligns the RFP with related funding opportunities including state bond funds such as those available through the Narragansett Bay and Watersheds Restoration Fund (BWRF). The RFP describes funding priorities, project eligibility, evaluation criteria, and project administration, and it includes application forms and instructions for completing the forms.

The RFP outlines requirements for proposals that will effectively contribute to preventing or abating nonpoint source pollution or improving aquatic habitat. Applicants are required to identify specific waterbodies that will be affected by the project and then match the proposed project strategy (including types of BMPs) to the specific problem (pollutant or habitat problem) to ensure an effective project. The accuracy of the information provided is checked against the assessments reflected in the state's 303(d) list of impaired waters. In accordance with federal NPS guidelines published in 2013, only those projects that are in watersheds which have a Watershed Plan that meets the required elements in the federal guidelines and which implement recommendations in the Plan are considered eligible for funding with Section 319 funds. In addition, in certain situations where substantial watershed-based planning work has been completed but a plan was not yet finalized, DEM may seek approval from EPA to extend eligibility for support of implementation projects. Once the RFP has been properly advertised as required by RI state law, DEM holds one or more public workshops to review the RFP process and clarify guidance for potential grant applicants.

DEM emphasis is on funding project construction/implementation. Depending on the project, some elements of project design/planning may be incorporated into the project provided there is assurance it leads to implementation. When a project that requires planning/design is approved, the planning portion will be considered Phase I of the project and the construction will be Phase II, and, if necessary, the Scope of Work for the project will be revised as the planning (i.e., Phase I) is completed.

Proposed projects are reviewed by a Review Committee composed of DEM staff, the EPA RI Nonpoint Source Coordinator, and as warranted, staff from other state agencies and non-profit organizations. Review committee members are selected to avoid conflicts of interest. Prior to distribution to the Review Committee, project proposals receive an initial screening by the DEM Office of Water Resources to determine if the eligibility criteria are met. Currently, this includes assessing, in consultation with EPA, the eligibility of stormwater retrofitting projects relative to MS4 requirements that may preclude funding under Section 319. DEM staff also provide scoring on those categories with objective criteria (scoring categories based on location, consistency with a watershed plan, etc.) in order to make committee members' review more efficient and consistent between members. During this review, application information is verified against corresponding state information to ensure accuracy; e.g. waterbody classification, TMDL status, cause of water quality impairment, etc. If a committee member has applicable information that would alter a given DEM score, it is discussed at the committee meeting and scoring revisions are made if applicable.

Copies of eligible proposals are sent to each member of the Review Committee prior to the committee meeting, and each member ranks each proposal using the standardized scoring sheet provided by DEM. The ranking criteria include, but are not limited to, the following:

- Severity and magnitude of the problem to be addressed;
- Value of resource to be protected/restored;
- Public health benefits derived;
- Technical merit and likelihood of success (including the grantee’s success with prior grant projects); and
- Readiness to proceed.

The Review Committee then meets to discuss the proposals. In the event a committee member has a vested interest in a project, that member is recused from scoring such a project in order to avoid any appearance of conflict of interest. Members share information about an applicant and the project and then recommend projects to select and the appropriate award amount.

Once the committee reaches agreement on which proposals to recommend for funding, the Nonpoint Source Program consults with the DEM Office of Compliance and Inspection to determine if the chosen grant recipients (“grantees”) or the selected projects may be the subject of unresolved compliance matters with DEM. It is DEM’s policy that financial assistance shall neither directly or indirectly benefit parties whose willful action or inaction has resulted in damage to the environment. At the Director’s discretion, DEM may restrict, delay or limit funding to applicants that have ongoing unresolved compliance matters with the DEM.

The Nonpoint Source Program staff then prepares a written summary of the proposed award decision for review and approval by the Assistant Director for Water Resources. Upon approval, this summary is then forwarded to the Director for final approval. When the award list is approved by the DEM Director, the RI Nonpoint Source Program notifies all grant applicants of the funding status of their proposals. Grant recipients are requested to attend a meeting to review the development of a grant agreement and requirements for project management.

Grant Agreement

At this point in the process, DEM expects the grantee to be ready to proceed with development of the grant agreement. Grantees are notified from the RFP process throughout the development of the grant agreement that funds expended prior to finalization of a grant agreement and issuance of a purchase order are not reimbursable. Grantees are required to submit a detailed scope of work that is consistent with the grant proposal and which incorporates any comments and recommendations of the Review Committee. A revised scope of work is incorporated into a performance-based grant agreement between DEM and the grantee that is prepared by DEM. The grant agreement document is signed by the grantee and then by the DEM Director, and submitted to the RI Department of Administration (DOA) to secure a formal encumbrance – the final step in activating the agreement.

The grant agreement will typically consist of the following sections:

- Scope of Work;
- Budget Sheet;
- Implementation Schedule, which includes a payment schedule; and
- List of deliverables

DEM has established a six-month target from the date of the initial meeting with the grant recipients for finalization of all of the grant agreements. If a grantee can show good cause for not being ready to proceed, DEM will work with the grantee to generate a grant agreement at some point in the near future, but no later than one year from the date of the grant meeting. After one year, DEM may initiate action towards rescinding the award.

Once the grant has been signed by the DEM Director and a purchase order has been issued by DOA, the grantee is notified that they can proceed with project implementation. The grantee must begin work on the project within six months of the finalization of the grant agreement. If **no work** is done on the grant within one year, DEM will consider taking action to rescind the award.

The grant agreement will specify two end dates – one to complete the project (project period) and one for final billing and payment, which will be three months later. The project period will generally be a maximum of two years. All work must be completed within the grant agreement project period. Time extensions will not be granted, unless the grantee can show good cause for an extension. Any request for an extension must be submitted in writing and must include the reasoning for the request. It should be noted that time extensions are not automatic and may only be granted at the discretion of the Director and under extenuating circumstances.

As noted above, DEM administers grants pursuant to delegated contracting authority from the Rhode Island Department of Administration. Under this arrangement, DEM grant agreements are not generally reviewed by DOA for the substance of the agreement but remain subject to certain fiscal regulations and related requirements of the DOA. The DOA administration of the state fiscal management system ensures that the funds are available to support the grant agreements between DEM and its grantees.

Disadvantaged Business Enterprise Program (DBE) Goals

Recipients of EPA grants are required to seek, and are encouraged to utilize, small minority and women-owned businesses when their projects involve procurement. All Section 319 grants are subject to a minority/woman-owned business enterprise program goal, currently 11.3%. In order to meet this requirement all grantees must, at the time of bid, require all bidders to identify at least 5.86% MBE (minority-owned business enterprise) and 5.44% WBE (woman-owned business enterprise) fair share of the total amount of the project funds to be contracted to DBE firms, utilizing the appropriate EPA forms. These forms, or the RI Minority Business Enterprise Program Utilization Plan, must be submitted by the prime contractor to the RI Minority Business Enterprise Program, Department of Administration, One Capitol Hill, Providence, RI 02908. An acceptance letter or a waiver of the requirements from the Minority Business Enterprise Program must be submitted to DEM as a grant deliverable.

Project Oversight and Assessment

A DEM Nonpoint Source Program staff person (Project Liaison) is assigned to monitor the performance of each grantee. The Project Liaison helps ensure that work is carried out according to the scope of work by maintaining regular contact with the grantees and providing assistance to resolve problems, reviewing deliverables and invoices, and conducting site visits, as necessary. As noted below under “Reports and Deliverables,” grantees are required to submit quarterly progress reports to DEM (see Attachment B, Quarterly Report Form).

Section 319 funded projects that require a DEM permit are eligible for permit pre-application assistance by the DEM Water Quality and Habitat Restoration Team (“the Team”). The Team was formed to support and provide pre-application permit assistance to projects where the predominant purpose is water quality improvement and/or wetland/habitat restoration. The Team seeks to create an effective partnership between project proponents and regulators, helps to ensure that projects are successful and meet regulatory requirements, and streamlines the DEM permitting process. The Team is composed of representatives from the Water Resources Permitting Programs, and it includes a staff person from the Nonpoint Source Program. All grantees are notified of the Team’s potential for assistance at the time of the finalization of the grant agreement, however for projects that involve permitting, DEM will typically require coordination with the Team as a condition of the grant.

If the grant project receives a DEM permit, DEM Permitting Staff may be involved in compliance inspections. The grantee must notify DEM of the start of construction, and as resources allow, DEM will inspect all significant projects to confirm completion.

Once a project has been initiated, problems and changes with the scope of work are handled on a case-by-case basis. While most projects are able to proceed as planned, occasional difficulties may make it necessary to alter a scope of work, timetable, or deliverable. In negotiating changes, the goal is to stay as close as possible to the intent of the original proposal, and to achieve the same pollutant load removal and resource improvement as originally planned.

Pollutant Load Reduction Determinations

National Section 319 program guidelines require that estimates of pollutant load reduction be calculated for projects that will result in reductions of sediment or nutrients (nitrogen and phosphorus). This applies to all projects involving installation of BMPs. Grantees or their consultants are required to calculate estimates of the load reductions and submit these numbers to DEM for each applicable BMP constructed. Any recognized method may be used to calculate this load reduction. One suggested EPA approved model for load reduction estimates is called STEPL (Spreadsheet Tool for Estimating Pollutant Load). The name of the model must be submitted to DEM, along with a map of the catchment area used to calculate the load reduction. These pollutant load reduction numbers for the project are entered into EPA’s National Grant Reporting and Tracking System (GRTS) by DEM by February 15th of the year following the fiscal year of the completion of any BMPs.

BMPs properly installed and maintained in accordance with DEM accepted standards (i.e., in compliance with the RI Stormwater Management, Design and Installation Rules) are considered to meet the pollutant load reductions and DEM will not require performance monitoring. However, projects that require water quality sampling to document actual pollutant load reductions will have to have a separate Quality Assurance Project Plan for the sampling and analysis approved by DEM and EPA. Potential grant recipients proposing projects that include a sampling component are encouraged to discuss the project with DEM prior to submitting a proposal pursuant to the RFP. The RI DEM Quality Management Plan (March 14, 2017), which ensures the integrity of environmental data, will provide a rationale and context for this specific QAPP and also provide a list of QAPPs grantees can consult in preparation of their own QAPP.

In the event the NPS Program elects to provide funding to support other type of projects involving monitoring, water quality modeling, new mapping or secondary data analysis, then project specific QAPPs would be required and subject to DEM and EPA approval. This currently applies to the URI Watershed Watch Program which coordinates collection of data by citizen scientists which is used to evaluate effectiveness of NPS program activities. Example QAPPs reflecting the nature of the project can be provided as guidance to grantees.

Maintenance of Installed BMPs

The development and implementation of an Operation and Maintenance Plan is a required task in each BMP installation project to ensure that the BMPs function as designed. The Plan must be enforced for the life of the BMP. Projects that are not maintained properly may be in violation of their DEM permits and subject to enforcement actions. Where applicable, the Operation and Maintenance Plan should be consistent with the Rhode Island Stormwater Management, Design and Installation Rules. At minimum, the following elements must be included in the BMP Operation and Maintenance Plan:

- Identification of owners of the BMP device(s);
- Identification of the party or parties responsible for implementation of the Operation and Maintenance Plan;
- Schedule for inspection and maintenance;
- List of routine and non-routine maintenance tasks to be performed;
- Source(s) of funding for the long-term operation and maintenance of the BMP device(s); and
- A map of the appropriate scale showing the location of the BMPs.

Operation and Maintenance Plans as described above are most appropriate for water quality/stormwater BMPs. Projects for improving aquatic habitat, e.g., buffer plantings, stream stabilization will also be required to have an Operations and Maintenance Plan that includes as many of the items above as applicable. For example, restored buffers may be initially inspected to ensure successful plantings, but over time may naturalize to the point of not requiring routine active maintenance.

The grant agreement between DEM and the grantee stipulates that the grantee must provide DEM “free and clear access” to any BMP for the purposes of inspection and monitoring. Subject

to availability of resources, DEM will attempt to inspect 2-3 project BMPs per year to assess compliance with maintenance requirements.

Reports and Deliverables

The grant agreement requires that the grantee submit quarterly progress reports to DEM throughout the project period and submit a final project report upon completion of the project. DEM will accept paper or electronic quarterly reports (see Attachment B, Quarterly Report Form). The final project report in electronic form must include project outcomes, an assessment of what was accomplished including how the project contributes to implementation of a watershed plan, description or copies of all deliverables, recommendations for follow-up where appropriate, and an accounting of grant expenditures. For BMP installation projects that required an engineered design, the final report must include a certification from a licensed engineer stating that the BMP has been installed in accordance with design specifications. For those BMP installation projects that did not require an engineered design, the final report must include a certification from the grantee or the person working for the grantee that the BMP was installed as designed. Photographs and/or other documentation of project progress and final results are strongly encouraged.

Final payment is contingent upon satisfying all grant conditions, the receipt of all deliverables and attaining or addressing the MBE/WBE (Minority and Women's Business Enterprise) Fair Share goals. In addition to the final project report, brief summary reports for each project completed in a particular fiscal year will be submitted to EPA as part of the annual Section 319 required reporting.

Documentation and Records Management

DEM maintains a filing system for documents and records on each project. DEM enters general information on the project into EPA's GRTS database by February 15th of the year following the fiscal year of project initiation. DEM maintains a file on each grant project permanently, which is consistent with the draft Office of Water Resources Records Retention Schedule. Grant agreements require that grantees retain all project documents in a file for at least 7 years following project closeout.

QAPP Update

This QAPP will be reviewed internally on an annual basis. Modifications made to the QAPP will be reviewed by EPA, and once approved, the amended QAPP will be distributed as appropriate.

Attachment A



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ADMINISTRATION

Michael DiBiase, Director
One Capitol Hill
Providence, RI 02908-5890

Office: (401) 222-2280
Fax: (401) 222-6436

January 19, 2017

Ms. Janet Coit
Director, Department of Environmental Management
235 Promenade Street
Providence, RI 02908

Re: Delegated Contracting Authority
Distribution and Administration of Nonpoint Source Pollution Management Grants

Dear Director Coit:

I am writing in response to your January 18, 2017 memorandum requesting delegated contracting authority for RIDEM's Nonpoint Source Pollution Management grants program. Pursuant to R.I. Gen. Laws § 37-2-54 (a) and Section 2.2.3 of the "State Procurement Regulations," it is hereby determined to be in the best interest of the State of Rhode Island to delegate limited contracting authority to the Director of the Department of Environmental Management for the distribution and administration of grants to eligible entities completing water quality and habitat restoration projects.

This request conforms with the regulatory guidelines for agency delegated authority. RIDEM adequately explained the requirements for award of the grants through a public RFP process in accordance with RIDEM regulations. All grants will require written agreements between the RIDEM and grant recipients containing a detailed scope of work. The RIDEM Director will have final authority over grant approval. Grant agreements will be submitted to the Division of Purchases for encumbrance of funds and issuance of purchase orders to grant recipients. RIDEM has a fiscal management process in place to monitor contracts and grant disbursements, which function on a reimbursement system.

This delegated contracting authority for the distribution and administration of Nonpoint Source Pollution Management grants shall extend through December 31, 2019, unless otherwise rescinded or extended.

Thank you for your attention to this correspondence.

Sincerely,

Michael DiBiase
Director

Attachment B

Nonpoint Source Program Quarterly Report

Date of Quarterly Report: _____

Report for Quarter: March 31st June 30th September 30th December 31st
 (Circle one)

Project Name: _____

Grantee: _____

Task #	Task	% Complete?	\$ Spent to Date (Est.)	\$ Match to Date (Est.)
1			\$	\$
2			\$	\$
3			\$	\$
4			\$	\$
5			\$	\$
6			\$	\$
7			\$	\$
8			\$	\$
Totals			\$	\$

Comments on progress made?: _____

Any problems encountered?: _____

*****For RIDEM USE ONLY*****

Total 319 Funds: \$ _____

Total State Funds: \$0 _____

Match Total Due: \$ _____

Date Amount

Payments: _____ _____
 _____ _____
 _____ _____

Balance of grant funds: _____

Balance of match owed: _____