

Webinar Name

Stormwater Local Assistance Fund Application

Actual Start Date/Time

Oct 16, 2013 01:15 PM EDT

Questions Asked by Attendee

Q: Is there a limit per locality for how many projects you can request funding for (we would like to request funding for two separate projects)?

A: No, but funding maximum is \$5,000,000 per locality.

Q: Will this presentation be posted on the website?

A: Yes, the webinar slides are available.

Q: Would it be helpful to show as many projects as possible in one application to show the true needs?

A: Since each project will be evaluated individually, the applicant will neither be helped nor harmed by the number of projects submitted.

Q: What if the TMDL for the stream segment are not construction related but potential wildlife bacteria?

A: This should be mentioned in the application under Section D as a "TMDL or impaired water the project addresses). However, the ranking will still be based on the project's phosphorous reduction.

Q: If a municipality's separate project applications are going to be aggregated by DEQ, how will the funding award be allocated among the projects?

A: The guidance states that "DEQ may reduce grant eligibility, and/or the scope and size of a project to ensure the greatest financial and environmental benefit to as many communities as possible" (page 3). How funding is awarded and divided will be based on the projects submitted for consideration.

Q: If the locality intends to sell P credits generated by a proposed retrofit project, does this make the project likely to score lower for the DEQ SLAF?

A: State Law prohibits generation of credits for sale in the Nutrient Certification Program through State or Federal funding.

Q: If there is an enormous amount of projects (which there may be), will the applicants be interviewed or will DEQ select based on project merits as specified in the Application.

A: There will not be interviews. DEQ will select based on the project merits using the "priority ranking" criteria described in the guidance. Applicants may be contacted by DEQ staff to provide clarification or answer questions regarding the project, as needed.

Q: Is there a "use funds by" date ? Or is it based on project schedule? If a package has multiple projects that can run for years, is there an ultimate date etched in concrete?

A: There is no date currently set where funds must be used or projects must be completed, we would defer to the estimated schedule from the design engineers. However, duration of project may be considered in selecting projects with DEQ's discretion to reduce grant eligibility and/or scope and size of a project, to ensure the greatest financial and environmental benefit to as many communities as possible.

Q: Hypothetical scenario - when we are trying to consolidate projects in a locality, if one project is not as strong on P removal as others, would we be risking by not submitting individually?

A: No. Although projects may be submitted as a single package they will be evaluated individually.

Q: Will the presentation be shared later?

A: Yes, the webinar slides are available.

Q: Is the land value of the BMP considered as a match?

A: In order for something to be considered for match, it must first be an eligible cost share activity. Land costs are eligible but will be subject to a "Reasonable and Necessary" review by staff. This only applies to land that is purchased for this project. Land already owned by the applicant is not eligible to be used as match.

Q: You mentioned projects as part of other grants ARE eligible. Are there any conflict of interest aspects that we need to be aware of? It's project subjective, but are there any identified already?

A: None that the staff have identified, but this is subject to review.

Q: Who would a typical applicant be? Developer? Town / City? County? A/E firms? NGOs?

A: The eligible applicants are "Local governments, meaning any county, city, town, municipal corporation, authority, district, commission, or political subdivisions created by the General Assembly or pursuant to the Constitution or laws of the Commonwealth." (Page 2 of the Guidance).

Q: The funds are meant to address TMDLs. Aren't addressing non-nutrient TMDLs disadvantaged under the ranking system?

A: The ranking system is based solely on a proposed project's calculated phosphorous reductions. Projects that will benefit a TMDL stream will receive the points for addressing the requirements of a local impaired stream TMDL.

Q: If several projects are submitted, could DEQ decide to fund some of them and not all of them; or would all be funded or none?

A: The guidance states that "DEQ may reduce grant eligibility, and/or the scope and size of a project to ensure the greatest financial and environmental benefit to as many communities as possible" (page 3). As such, DEQ may determine that a portion of a applicants projects will be funded.

Q: If we are addressing a non-nutrient TMDL (bacteria or sediment) how should removal be calculated? How address removal by stream restoration?

A: The evaluation of all projects is based on the amount of phosphorous reduced, so calculations should not be performed differently if non-nutrient TMDLs are also being reduced by a proposed project. Stream restoration calculations should be performed using the appropriate methodology specified in the Chesapeake Bay Program guidance document "Recommendations of the Expert Panel to Define Removal Rates for Individual Stream Restoration Projects." For urban stream restoration projects, applicants do not need to submit the "Initial TP loads" calculated using the Site Data tab of the Runoff Reduction Method Spreadsheet.

Q: How will projects that address bacteria or sediment be ranked against projects that remove phosphorus?

A: The ranking system is based solely on a proposed project's calculated phosphorous reductions.

Q: Are retrofit projects NOT on the BMP Clearinghouse that have been designed based on prior specs, have been site land approved, and will be complete prior to July 1, 2014 eligible? I assumed that those would use the performance curves.

A: Assuming the project began construction after July 1, 2013 it would be eligible. The performance curves should be used to determine the phosphorous reductions.

Q: (Follow-up to eligibility date) Please confirm: If design costs were incurred prior to 7/1/2103 but construction did not start until after 7/1/2013, then those design costs are ineligible? This is not how the guidance reads, it only talks about construction date.

A: The guidance states that "Planning and design expenses incurred on an approved project prior to the execution of a grant agreement are eligible costs provided they are necessary and directly attributable to the project..." As such, those design costs would be eligible.

Q: Please clarify whether only [expenses after 7/1/2013] OR [expenses for projects that started construction on or after 7/1/2013] are eligible. Reading the guidance, it sounds like the latter, but earlier in the webinar, I thought I heard a statement that sounded like the former. If the latter, it would seem that expenses for that project would be eligible at any point in time...

A: The guidance states that "Planning and design expenses incurred on an approved project prior to the execution of a grant agreement are eligible costs provided they are necessary and directly attributable to the project..." As such, those design costs would be eligible.

Q: If localities submit as a package, is it all or nothing? it seems as if the best projects from each applicant as opposed to an aggregate would be more judicious.

A: No. The department may fund a portion of the projects submitted and each project will receive an individual ranking based on the criteria described in the guidance.

Q: If an MTD is currently an approved hydrodynamic structure till next summer, is it eligible?

A: No, all eligible practices are listed in Appendix A or are BMPs accepted by the Chesapeake Bay Program.

Q: If a locality has multiple projects in different stages of readiness, would they still submit as a package?

A: Yes. Since each project in a package will be evaluated individually, the applicant may submit projects that are at various stages of readiness.

Q: I'm getting conflicting messages to the design cost question for design costs incurred prior to July 1, 2013. Many stream restoration projects take a long time to design. In order to ready to proceed we need to plan ahead - If we have to incur design costs after 7/1/2013, we are not going to be ready for actual construction for a long time.

A: The guidance states that "Planning and design expenses incurred on an approved project prior to the execution of a grant agreement are eligible costs provided they are necessary and directly attributable to the project..." As such, those design costs would be eligible.

Q: Has a fillable application form been provided online? The original application posted last week was not in fillable form.

A: Yes.

Q: For the designs to be submitted in 4 months, is 11/15 the starting date?

A: Yes. All applications are due 11/15.

Q: If the maximum pollutant reduction is 150 lbs/yr from all applicants, our project only provides 50 lbs/yr reduction but is the second highest among all applicants. How many points will we get?

A: Projects will be rated individually and ranked relative to applications received. We can't give you the points scored at this time.

Q: Is the scoring for Pollution Reduction based on absolute lbs removed or percentage of reduction.

A: Lbs of phosphorous reduced as a result of the proposed project.

Q: If the project is directly related to Ches Bay TMDL, under scoring can we assume we get 60 points? or is it maximum of 60 points?

A: Your project would get 60 points for being directly related to the requirements of the Ches Bay TMDL.

Q: City has initiated WQ improvement projects on municipal lands. There is no new development or re-development. The projects are essentially treating existing impervious surfaces. Does this qualify for higher credits?

A: The project would be rated based on phosphorous removal as a result of the proposed project. The calculation methodology has practices applicable to impervious urban surface reduction.

Q: If a project is located within a recorded easement (dedicated to the County) on private property, is a recorded maintenance agreement for the project also required?

A: Yes. The third program requirement states that "Provisions for the long-term responsibility and maintenance of the stormwater management facilities...shall be developed and implemented for all projects funded through the SLAF. Long-term responsibility and maintenance requirements for stormwater management facilities located on private property shall be set forth in an instrument recorded in the local land records and shall be consistent with 4VAC50-60-112 of the Virginia Stormwater Management Program (VSMP) Permit Regulations." (Page 4 of the guidance).

Q: If a locality has more than one project they would like considered for this grant, should they package all the projects together or submit them in separate proposals?

A: All projects may be submitted as a single package, but will be evaluated individually.

Q: Is a recorded maintenance agreement required in the situation described in the earlier question (a project in an easement on private property)?

A: Yes. The third program requirement states that "Provisions for the long-term responsibility and maintenance of the stormwater management facilities...shall be developed and implemented for all projects funded through the SLAF. Long-term responsibility and maintenance requirements for stormwater management facilities located on private property shall be set forth in an instrument recorded in the local land records and shall be consistent with 4VAC50-60-112 of the Virginia Stormwater Management Program (VSMP) Permit Regulations." (Page 4 of the guidance).

Q: Since the removal rates of stream restoration is not calculated using the runoff reduction method is a print out of the site data tab required?

A: No.

Q: When is the guidance going to be posted?

A: The guidance has been posted. It is accessible through the Clean Water Financing and Assistance page.

Q: Please repeat the answer to multiple projects in one application? acceptable?

A: Yes.

Q: Could you clarify why consultant design costs are not eligible for reimbursement?

A: Design costs incurred prior to the application are eligible costs under the SLAF program.

Q: Do you have criteria or estimates of the number of projects that you would like to fund?

A: No, but maximum funding limitations are \$5,000,000 per locality and \$35,000,000 in total.

Q: Can we submit an application for multiple projects or can we submit multiple applications? Can we be approved for multiple, unrelated projects up to the maximum amount?

A: A single application that contains multiple projects may be submitted, although the projects will be evaluated individually.

Q: If the required removal rate is 5 lbs for a given impervious area and due to site constraints you can only achieve a percentage of 5 lbs, is it still an eligible project?

A: Yes.

Q: What is the deadline for spending all of the funds from this round of funding (i.e. time frame for completion of project)?

A: There is no deadline, we are relying on the estimated time of construction that the design engineer provides. However, duration of project may be considered in selecting projects with DEQ's discretion to reduce grant eligibility and/or scope and size of a project, to ensure the greatest financial and environmental benefit to as many communities as possible.

Q: Are you considering sediment removal for this grant?

A: No.

Q: How will multiple projects from a locality be judged? As a single project or combined?

A: Each project will be evaluated individually.

Q: Why are projects graded on an aggregate basis when removals are not aggregated? This will result in a lower score for an applicant that has two projects, one "good" and one "marginal". Aggregating scores only lowers the score of the higher ranking project.

A: Projects will not be graded on an aggregate basis.

Q: Are you going to publish the questions and answers?

A: Yes.

Q: Since you want a package from a locality, does that mean that we can have several projects that equal the min of \$100,000 match?

A: Yes

Q: If we apply with monies that might not be guaranteed can we back out until we can fund our match?

A: The source of the local share must be identified in the application and demonstrated to be available by the time of award, otherwise the project may be bypassed.

Q: Based on present legislation, how many years do you anticipate being able to offer this grant opportunity

A: Appropriated of \$35,000,000 in bond proceeds for this grant cycle is the only guaranteed funding.

Q: Will you send all participants a link to the DEQ grant website?

A: The grant website is available through the Clean Water Financing & Assistance page.

Q: Very hard to find the DEQ Stormwater grant website and it did not come up when searching the DEQ Stormwater Website

A: The grant website is available through the Clean Water Financing & Assistance page.

Q: Will there be performance standards to meet? for example, if the application proposes 5 lbs of removal per year, what if that is not achieved?

A: Evaluation of the application for the round of funding will be based solely on the calculated reductions, there won't be any performance standards.

Q: How is matching of funds will be done?

A: Grant share is 50%; recipient must demonstrate availability of local share prior to grant award. After grant award, the recipient will periodically submit reimbursement requests along with documentation of eligible costs incurred. DEQ will reimburse 50% of the documented costs and the recipient will provide the remaining 50% of costs.

Q: When is the due date for all application?

A: 11/15/13

Q: Where can we find the list of approved BMPs?

A: A list is available as part of the guidance.

Q: Is a locality without an MS4 permit qualify to apply?

A: Yes.

Q: What cost can be included to the locality's matching fund

A: Please see the guidance for eligible costs.

Q: What is the amount of Phosphorus to be removed for application to be approved?

A: There is not a set amount of phosphorus removal.

Q: What should be included in the application. Is it cost estimate, design of BMP, etc

A: Section J of the application gives a list of potential attachments: Documentation supporting the pollution reduction methodology, calculations, text, etc. as described in Section E; Excerpt from Stormwater or Watershed Management Plan (Section F); Excerpt from Capital Improvement Plan or Annual Budget (Section F); Documentation of land acquisition (Section F); and/or Documentation of Dedicated Revenue Source for Stormwater Management Plan (Section H). This is not an exhaustive list and we would expect applicants to provide whatever other documents they believe will support their request in the strongest way possible.

Q: If BMPs that cant meet the BMP Standards, and therefore use the Expert Panel Curves, is there any guidance which BMP standards MUST be met, and those that are deemed flexible in terms of compliance? The curves are based only on volume treated.

A: Applicants should use their best professional judgment in these instances.

Q: Where is the Guidance Document located?

A: The document is available on the DEQ website, through the Clean Water Financing & Assistance webpage.

Q: Is a State owned entity with an MS4 eligible?

A: No

Q: If local funds from a State owned entity is being used will a project be eligible?

A: No

Q: How much local match is required and/or desired?

A: 50% of the total eligible project cost.

Q: Is a septic pump out program, (converting a neighborhood to sanitary sewer) eligible for this grant.

A: No it is not.

Q: Are design costs considered as an eligible in-kind contribution?

A: Monetary design costs are eligible for reimbursement and to act as match. They are not an "in kind" contribution.

Q: Could you please let the water permit managers know when the Q&As as well as the presentation are on the web site? They can then pass this information on to their MS4 staff who can better assist localities if questioned as to the availability.

A: Yes.

Q: Is in-kind services match allowed? Can the value of the land the BMP is to be built on be counted as match?

A: No, in-kind services can not be used as match. The cost of the land is subject to a "Reasonable & Necessary" review, but can be used as match. This is not applicable for land already owned by the applicant.

Q: How is purchase of the land not a "reasonable" and "necessary" cost?

A: The value of land acquired or incorporated into a project will be eligible based on "reasonable & necessary" to the practice.

Q: When will examples or more information be available for urban stream restoration?

A: Applicants should see the guidance provided by the Bay Program for urban stream restoration projects.

Q: Can consultant costs incurred in preparing grant application be applied to the overall cost of the project and be 50% reimbursed?

A: No. That would fall under "administrative costs" making it ineligible for the grant.

Q: What is the timetable for fund usage, if a grant is approved? For example, funds good through a three-year basis...

A: We don't have a specific time frame designated. We are relying on the estimated time of construction provided by your design engineer. However, duration of project may be considered in selecting projects with DEQ's discretion to reduce grant eligibility and/or scope and size of a project, to ensure the greatest financial and environmental benefit to as many communities as possible.

Q: To confirm, if submitting multiple projects, we should complete individual applications for each project, but submit them as single submittal

A: They may be submitted as a single submission, although the individual projects will be evaluated separately.

Q: If saving for funding on construction of a large commenced in earlier fiscal years, but construction will not commence until after July 1, 2013 is the project still eligible

A: Yes. To be eligible projects may not begin construction prior to July 1, 2013.

Q: If we have funds in CIP for design of a project, and partial funds for construction, but construction won't be initiated until FY15 without grant support, is that project eligible for inclusion

A: Yes, but it could affect "Readiness to Proceed" unless the project can be expedited.

Q: If projects are partially funded through other grants are they eligible?

A: Yes.

Q: Would it be permissible for localities to partner with VDOT in the creation of regional BMPs?

A: Yes, so long as VDOT contribution to the project is not used as match.

Q: Will the questions and answers be posted to your web site?

A: Yes

Q: How many applications have been received?

A: None yet

Q: I came on the webinar late so I'm sorry if you have already covered this. I found 2008/2009 Fiscal stress index scores, but none later than this. This requirement is in the guidance but not in the application. Do we still need this information?

A: No. The applicant is not responsible for providing this information.

Q: Please clarify if SLAF funds can be used for installation of stormwater management facilities that are part of a VSMP regulated new development or redevelopment project, if they are publicly funded construction projects. There was reference made to them being eligible if they exceeded the .45 or .41 pounds/acre/year of phosphorus water quality standard. I'm still not sure if/how these projects are eligible. This is a distinct issue from selling credits.

A: The funds are intended for projects providing a net nutrient reduction. The new construction project state design criteria of 0.41 lbs P / acre / year represents no net nutrient load reduction and is nutrient neutral. MBPs providing a nutrient reduction on going beyond the 0.41 are eligible.

Q: Rainwater harvesting is an approved practice in the BMP Clearinghouse, but does not show up in the table of BMPs in the guidance. Is it an eligible practice?

A: No. Rainwater harvesting has little or no nutrient removal credit on its own and is not yet reportable to the Chesapeake Bay Program, as it is still in Draft status.

Q: The DEQ comment response document stated that SLAF funds can be used for installation of stormwater management facilities that are part of a VSMP regulated new development or redevelopment project, if they are publicly funded construction projects. This is contrary to what was just stated on the webcast that they are not eligible. Which answer is correct?

A: The funds are intended for projects providing a net nutrient reduction. The new construction project state design criteria of 0.41 lbs P / acre / year represents no net nutrient load reduction and is nutrient neutral. MBPs providing a nutrient reduction on going beyond the 0.41 are eligible.

Q: I would propose that rainwater harvesting is a structural practice. Is DEQ's position that it is a non-structural practice? If so, for what reason?

A: While this practice is structural, involving cisterns, rain barrels, plumbing, etc., it is a practice that is still in Draft status and is therefore not reportable to the Chesapeake Bay Program. Being not reportable is what makes it ineligible for this grant.

Q: In order to claim the 25 additional points under the fiscal stress item for a dedicated local funding/revenue mechanism, must the applicant's local match be wholly or partially derived from that dedicated funding/revenue mechanism?

A: It's not required, but it could provide match, in whole or in part.

Q: Is there any page or text limit on Section D (project description/need) or other sections of proposal?

A: No.

Q: If applicant has CWRLF funds or other local funds allocated to a separate stormwater project in the same watershed as the proposed project can these funds be considered local match? Projects will cumulatively result in improved water quality.

A: No. Match can only be accepted if it is for the exact same project.

Q: Are there any grant reporting requirements post-award? Also, will any pre or post project monitoring be required?

A: It is undetermined at this time if there will be any grant reporting requirements. No, there will not be any required pre-project monitoring. At this time we are unsure if there will be any post-project monitoring.

Q: Can you discuss eligible match in more detail? Examples of matching funds and required relationship to the proposed project

A: Monetary expenditures that are eligible for reimbursement can act as match. After grant award, the recipient will periodically submit reimbursement requests along with documentation of eligible costs incurred. DEQ will reimburse 50% of the documented costs and the recipient will provide the remaining 50% of costs. Match will only be accepted if it is for eligible activities performed in the exact same project.

Q: Will staff be available to discuss project specific questions if they arise while preparing application?

A: Yes. Questions about the application should be directed either to John Kennedy or Kelly Ward. Technical questions concerning the phosphorous reduction calculations should be directed to Kelsey Brooks.

Q: Can you apply Ches. Bay BMPs TR values for projects not located in Ches Bay watershed?

A: Yes.

Q: When do projects have to be completed by?

A: There is no date currently set where funds must be used or projects must be completed, we would defer to the estimated schedule from the design engineers. However, duration of project may be considered in selecting projects with DEQ's discretion to reduce grant eligibility and/or scope and size of a project, to ensure the greatest financial and environmental benefit to as many communities as possible.

Q: Will you please repeat where on the website the application can be found?

A: The application can be found on the Clean Water Financing & Assistance page of the website (Programs -> Water -> Clean Water Financing & Assistance).

Q: Why are planning and design expenses incurred on approved projects prior to July 1, 2013 not eligible. When the guidelines specifically state that planning and design expenses incurred on an approved project prior to the execution of a grant agreement are eligible.

A: Planning and design expenses incurred on approved projects prior to July 1, 2013 are eligible.

Q: Would we do separate sections B-H for each individual projects. The application does not appear to lend itself to submitting individual projects.

A: Yes - these sections should be submitted for each individual projects.

Q: If a design contract is awarded prior to July 1, 2013 and design payments are made both before and after July 1, are the payments made after July 1 eligible as match?

A: Yes.

Q: Would it be considered a positive in an application to partner with a local non-profit centered around water quality to implement and plan a project?

A: This information may be provided, but will not work into the project's priority ranking.

Q: Please clarify - if design costs are eligible for coverage under the grant, are design costs prepared by a consultant eligible?

A: Yes.

Q: Will a project that is solely stream restoration (bank shaping, etc) be a very low priority for this funding?

A: The value of the project will be based on the amount of phosphorous reduced.

Q: Are we limited only to the BMP Clearinghouse practices 1-18?

A: All eligible practices are listed in Appendix A of the Guidance.

Q: Please confirm that you said NO reimbursement for cost of preparing grant applications, regardless of who prepares (i.e., consultants or municipal employees)

A: That is correct.

Q: Can manufactured treatment devices be considered for phosphorous removal since there are none listed on BMP Clearinghouse?

A: No, not until such devices are listed on the BMP Clearinghouse with an efficiency.
