


CAP Coordinator and Implementation Funds

FAQ

The CAP Grant FAQs are designed to aid counties in completing and utilizing their various CAP Grant Funds. **Highlighted** questions are new to the FAQ document..

To utilize these FAQs efficiently, utilize the Find tool. This tool is accessed either by clicking on

the magnifying glass icon  or by holding “Ctrl F”. These two options will open up the “Find” dialogue box, where you will type a keyword and hit enter. You will then click through the options to find the question/answer you are looking for.

Federal Funding FAQs

1. What are the additional requirements for Federal Funding?

- A. Davis-Bacon does not apply to IIJA, CBIG, or CBRAP funds received from DEP.
- B. The grantee can increase the micro-purchase threshold to \$50,000 by self-certifying with at least two years of annual single audits where they are determined to be a low-risk auditee by the auditor, and must maintain all records of expenditures and audits for at least three years. All requirements and terms and conditions would flow down to any of the grantee’s sub-awardees if a sub-awardee would want to establish a higher micro-purchase threshold.
- C. If there are already technical service partnerships in place before the federal funding is received, these services would not need to be bid out. It may be different if there are not partnerships in place before the federal funding is applied.
- D. Where technical assistance encompasses design and bidding of construction, bidding of that technical assistance is not necessary when the partnership is in place. Development of the bid package may be included in the technical assistance as long as the same provider will not be bidding on the construction contract.
- E. For construction contracts exceeding the Simplified Acquisition Threshold (currently \$250,000), bonding requirements at [2 CFR 200.306](#) apply. A determination of adequate protection of the Federal interest made or concurred upon by the regional grants management officer would suffice if EPA made this determination. Presumably, DEP would be the “pass-through entity” in this instance, and it’s a matter of state law who would make this call for the state. If DEP can’t find someone to make this determination, then they would default to the “minimum standards” in 2 CFR 200.326.
- F. DEP is responsible for approving participant support costs (PSC). It is DEP and sub-awardee’s responsibility to document PSC. For example: “If a farmer gets \$50,000 in PSC, it must be documented what comprised \$50,000.” DEP does not need to break out those costs in the IIJA budget and workplan for EPA and EPA has no limit on PSC. EPA expects there to be considerable oversight, including audits, of the IIJA funds and especially as they relate to PSCs, so EPA recommends thorough documentation of sub-awardees requests for reimbursement for PSC, including invoices, formal requests, formal approvals, and even pictures of the BMP installed. DEP will need to discuss internally the criteria and limits, if any, for approving PSC to sub-awardees and will follow-up in subsequent communication.

2. Per the EPA [BABA web page](#), including the [implementation guidance](#) and [slide presentation](#), the test of BABA applicability is threefold:

- a. Does the project involve the construction, alteration, or repair of, e.g., water infrastructure, buildings, or real property?
- b. Does the project serve a public function (e.g., publicly owned/operated, serve a public

function, place of public accommodation)?

- c. Does the project involve leaving iron, steel, manufactured goods, or construction materials permanently affixed?

3. *Would the same approach apply to projects on private property where the project benefits go beyond personal use (e.g., acid mine drainage project) and the sub-awardee is a private entity, but the downstream benefits go beyond the boundaries of the property?*

In determining BABA applicability, public access or use is considered. In the case of an acid mine drainage project, if the work occurs on private land solely for personal use (with no public access), it likely will not constitute an infrastructure project and BABA may not be implicated. However, if the property includes public access or use beyond private use BABA may be implicated depending on material and federal funding considerations described above. State NPS programs are encouraged to coordinate with EPA as questions arise for specific projects.

4. *When, if ever, would BABA be implicated for projects on private property when the intent of those projects is “to improve...(a) stream’s water quality?”*

One example of BABA potentially being implicated on private property is when attaching a home to a sewer system (lateral line connection). This activity is a connection to a treatment works and will most likely implicate BABA as the public function extends beyond private property.

If there are other specific proposed projects in Region 3 that may implicate BABA, consider the public use and whether the sub recipient is a public or private entity.

5. *Does the small project waiver apply to individual state sub-awards for NPS implementation projects or is the ‘project’ considered the total assistance agreement (i.e., state 319 grant)? If it is the latter, states will not be able to use the small project waiver as intended.*

The small project general applicability waiver waives BABA requirements in small projects where the assistance agreement or subaward is less than \$250,000.

Under Section 319, each individual subaward awarded by a state, such as through a competitive RFA process, is considered a “project,” even if multiple, separate BMPs are implemented under the subaward. If a subaward is above \$250,000, it is not eligible for the small project waiver. If a state does not distribute Section 319 funds to sub awardees, the state’s annual Section 319 allocation is considered the “project.”

6. *When would BABA be implicated for projects on public property? Do not have any clear answer as to which practices would or would not be considered infrastructure. For example, large scale projects like stream and wetland restoration occurring on municipal-owned lands. Subrecipients unclear on risk will be less likely to agree to work.*

On municipal-owned lands, if practices use materials included in [2 CFR 184.3](#) (i.e., manufactured bioinfiltration systems, rain garden with plastic materials, etc.), BABA may be implicated. Other considerations in determining BABA applicability in this situation include:

- Whether the assistance agreement or subaward under assistance agreements are less than \$250,000. The [small project general applicability waiver](#) applies to small projects where assistance agreements or subawards under assistance agreements are less than \$250,000. The \$250,000 threshold applies to the federal portion of project funding.
- Whether the products covered under 2 CFR 184.3 are permanently incorporated to the project site. Not permanent, temporary items used and removed during construction, and other

materials or equipment that may be removed from the site are not covered under BABA (including purposefully decaying, temporary items).

- If BABA applies, the [De Minimis waiver](#) is an important implementation tool. The *De Minimis* waiver allows the use of products of non-domestic or unknown origin up to 5% of the total project cost.

7. *Projects on Private Property. Do BABA requirements apply to federal financial assistance provided to eligible private entities for a project solely for private use? For example, would BABA requirements apply to a grant provided to a rancher to construct fencing intended to restrict stream access (in order to improve that stream's water quality) by livestock on private property?*

Per the [Supplemental Questions and Answers](#) for BABA implementation procedures, no, eligible private entities receiving assistance for projects solely designated for private use are not “infrastructure” covered by BABA. According to the OMB Guidance M 22-11, when determining if a particular type of construction project will meet the definition of “infrastructure” under BABA, OMB recommends that “projects consisting solely of the purchase, construction, or improvement of a private home for personal use, for example, would not constitute an infrastructure project.” This would include the private portion of a lead service line replacement, where the private single-family homeowner is not receiving any financial assistance from the water system to replace their portion of the lead service line.

** This information is being provided as guidance to grantees to assist with making decisions when utilizing Federal Funding. It is incumbent upon the grantees to read their agreements in full and review the federal requirements.*

General FAQs

8. *When using the verification dollars to fund interns, does the county need to follow federal wage requirements/service thresholds, or can they use the county scale for an intern?*

Counties should use their wage scale for any interns. You may note that in Attachment F of the grant agreement there is a section on Davis-Bacon “when required by Federal Program legislation”. Davis-Bacon does not apply to the Chesapeake Bay Regulatory and Accountability Program (CBRAP) federal grant program.

9. *Our county has excess Coordinator funding from a previous year and/or is considering not applying for additional Coordinator funding. What should we do?*

DEP suggests that you review the Work Objectives and Outputs in your Scope of Work for the Coordinator. The Scope of Work is Attachment D of the Grant Agreement. DEP would like to highlight that you do have some flexibility with the Coordinator funding available to you that could move your CAP progress forward and also get previous year remaining funds spent down. For example, you could hire a grants writer, hire a permit writer, or contract BMP Verification project(s) etc. all of which could assist you with getting projects on the ground. Keep in mind that CAP project management and reporting is included in the Coordinator Scope of Work. This could mean data entry as part of reporting and accounting and administration of the implementation of your CAP.

10. When will the award be announced/when will funding be available?

Coordinator and Implementation applications will open at the beginning of October and are to be submitted by the end of October. Awarded grants will be announced in mid-December with a start date of January 1st the following year.

11. If counties apply separately, will they also apply separately for the coordinator grant for 2022?

No. The concept of applying as an individual county or as a county grouping is applied toward the CAP implementation grant not the Coordinator grant. The Tier 3 and 4 county groupings will apply for the coordinator grant in the same manner as they have previously.

12. How should administrative charges for project management of a sub-grant to a partner organization or contractor be billed?

See PRIMER under 5. Contractual. The contractor is allowed to request no more than 5% of the overall construction or total work billed for administrative costs. The 5% administrative costs allowed for the grantee is separate. Administrative costs include but are not limited to project management, time for purchasing materials, bidding out a project, etc.

13. What the best way we could apply for the block grant funding as a pass through. We will be applying on behalf of other organizations who will be implementing and administering the projects, so how should we explain this in our grant?

Projects should be summarized in the application as stated in the instructions and the grantee is able to subcontract or subaward the funds to other parties. Other counties that have been administering the funding for the last one-two years have been able to administer their funding locally this way.

14. Is the ESA single application format the same as the Growing Greener application? Just asking as I am familiar with the GG application through ESA.

ESA (electronic single application) is the same thing as e-grants. Both grant applications are in ESA and so the general format should be the same, but the actual application is going to be a little different than GG so referring to the directions for Tier 3 & 4 that were provided is still important.

15. Can the CAP Coordinator Grant fund a planning consultant? For example, hire a planning consultant to provide certified updates/revisions to typical municipal ordinances that would promote CAP BMPs. Then municipalities could pick and choose what revisions they would like to adopt in their Subdivision and Land Development Ordinances (SALDOs) without having to hire a planner and go through the whole process multiple times for each municipality. Asking for this the first year of implementation would then help us encourage CAP stormwater BMPs like urban tree planting, green infrastructure, grey water use, low impact design, no-mow design, etc. in our second grant in October 2022.

It is unclear how this would lead to accelerating BMP implementation. If a direct connection cannot be made, we suggest counties consider another opportunity to spend the Coordinator funding.

16. The Tier 3 & 4 county groupings will receive another \$100,000 for a CAP Coordinator position in addition to CAP Implementation Grant funds, correct?

Correct, Coordinator funding will be provided as well as CAP Implementation Grant funds.

17. About how long will it take for the grantee to receive a fully executed agreement after the application period closes?

The amount of time it takes depends on a variety of factors, including how many signatures and approvals are required. For the Coordinator grant for the Tier 3 and 4 counties, we are hopeful that the whole process will be completed in about 2 months from the time the application period closes until the agreements are fully executed. However, this is an approximate time frame. Grantees should keep in mind that any work completed prior to receiving the executed agreement is at their own risk and may not be reimbursable.

18. What if a county within one of the county groupings for Tier 3 and 4 counties would like to submit the application on behalf of the group, but does not want to be responsible for the administrative duties?

The applicant will be the grantee. The grantee is the entity that would be held to the terms and conditions within the executed document which does require some administrative duties such as signing off on the reimbursement forms to DEP, receiving payment from DEP, paying invoices, etc.

19. Can changes be made to the budget in the original application?

Yes. Grantees can request to move funding between line items, not to exceed the total amount of the award. A budget change request should be sent to the project advisor and only has to go through an internal approval process.

20. For each award, Is the budget period one year even though the agreements are multi-year agreements?

Yes. The funding award is expected to cover costs for one year. For most agreements it is on the calendar year (January through December).

21. In order to submit for reimbursement, does the grantee need to provide proof of payment (i.e. cleared check to the contractor) or will an invoice of costs incurred suffice?

The grantee needs to provide proof of costs incurred for DEP to review. This can be in the form of receipts, invoices, logs of record or other properly certified documents. Please refer to the question, below, and Attachment E. of your grant agreement.

22. What documentation is required to accompany the reimbursement form that is on the e-library?

Grantees must submit the Reimbursement Request form, Certification for Payment form(s) (there is one for Coordinator funds and one for CAP Implementation funds), Supplemental Sheet(s), Work Progress Report(s) and any invoices or back-up that support the amount requested. Necessary forms are located on the Clean Water Academy. Under the "Resources" tab, select "CB Clean Water Coord" from the drop-down menu. Next select "Grant Documents" from the menu on the left.

23. *Is there a central location for all contracts, deliverables, timelines, and amendment documents?*

We do not publish these documents. We can, however, place them as resources on the Coordinator's Course on CWA.

24. *Will Bay Special Projects funding be brought back for this project?*

Special Projects as we know it will not be brought back. Instead, the CAP Implementation funding program will take its place and will provide block grant funding to counties to implement projects in support of their CAPs with a focus on maximizing nutrient reductions. CAP Implementation funding was provided to the pilot counties who requested it last year, and is now also being offered to Tier 2 counties who are finalizing their CAPs. The block grant concept allows counties to spend as their CAPs indicate and spend on projects that they prioritize to maximize nutrient reductions.

25. *Will a markup from a consultant be reimbursed to the county?*

Without a basis for mark-ups specifically outlined in the Department's Grant Agreement, we can only reimburse the cost of the **actual** services and/or supplies, as required by the project Scope of Work. Our interpretation of "actual costs incurred" does not allow for additional charges here.

26. *Why are Dirt and Gravel Roads (DGLVR) projects no longer eligible for CAP grant funding?*

As of December 1, 2022, the CAP Implementation Block grant will no longer fund DGLVR projects. DGLVR projects typically do not maximize nutrient reductions, as the CAP Implementation grant is intended to do. Additionally, more appropriate funding sources may be available. Please reach out to the DGLVR program for information on how you may procure funding for these types of projects.

27. *Where can I find more information about Prevailing Wage Rates Determination?*

If the grant project includes construction work where the cost of the total project is greater than \$25,000, the Act of August 15, 1961 (P.L. 987), as amended, known as the Pennsylvania Prevailing Wage Act (43 P.S. 165-1 et seq.) may apply. File a Prevailing Wage Rates Determination Request to the Pennsylvania Department of Labor and Industry here: [Prevailing Wage Rates Determination Request \(pa.gov\)](https://www.pa.gov/prevailing-wage-rates-determination-request) or contact the Pennsylvania Department of Labor and Industry, Bureau of Labor Law Compliance at 1-800-932-0665 for guidance.

28. *Is DEP providing additional CAP funds to counties through 2025?*

Funds for the CAP Coordinator and CAP Implementation are committed through December 31, 2025.

29. *Do Grantees have to comply with Attachment F. Federal Requirements of the Grant Agreement?*

Please refer to the first line of Attachment F. Federal Requirements where it specifically states, "If this Agreement is funded in whole or in part with funds from the Federal Government, or by non-Federal funds used to match a Federal grant, the following provisions apply: 1 - 16". The program, through our legal counsel, interprets this to mean that provisions within Attachment F. apply only to the Federal funds on the Grant Agreement. Provisions in Attachment F. do not apply to state funds on the Grant Agreement if they are not used to match a federal grant. Please also refer to your Federal Subrecipient Monitoring Information Sheet(s) and contact your Project Advisor to identify any state funds being used as match on a federal grant.

30. Is sales tax reimbursable under the CAP Grant?

Yes, sales tax is a reimbursable expense. However, if an entity is tax exempt, they should be utilizing that option with their purchases.

31. How should live staking be reported to receive credit within CAST?

If a live stake event has taken place completely on its own, report it as a tree planting. If the live stake event is a part of a stream restoration or buffer planting project, then the live stake event should be reported as part of those other BMPs. Live stake plantings can get credit as a tree planting however, stream restoration and buffer plantings are more impactful BMPs.

32. Do grantees with working capital need to have separate accounts for each CAP block grant agreement?

Yes. If a grantee has overlapping agreements, and has requested working capital on both agreements, then the grantee should have an interest-bearing account for each agreement in which the working capital funds is placed.

33. What happens if there is unspent interest from a county's working capital?

If unspent interest remains, the dollar amount will need to be provided to your project advisor. This can be provided via email or a via a bank statement with any banking information redacted. Once the amount of remaining funds is provided to your project advisor, the Grant Center will instruct you on how to return the funds to the Commonwealth.

34. We are unable to attach a date-stamped photo to a BMP instance in PracticeKeeper reporting Cover Crops because a photo was never taken while the crop was still in the ground. How does our county fulfill the CAP grant requirement for a date-stamped photo?

While it is essential to make a concerted effort to capture a date-stamped photo for every CAP-funded project, if a photo of the previously planted cover crop was not taken, additional supporting documentation can be uploaded instead. This may include a photo of the seed tags, as well as any records maintained by the conservation district regarding the cover crop implementation. These records should detail key information such as the location, planting date, crop type, quantity, date the planting was verified, and any other relevant data. If the document contains information for multiple cover crop project locations, please ensure that the details specific to this BMP instance are clearly highlighted.

CAP IMPLEMENTATION FAQs

35. As part of the 2022 CAP Block Grants, can dollars awarded for 2022 be distributed to farmers who implemented cover crops this past fall with verification occurring in March of 2022? Otherwise, do cover crop incentive programs need to go toward the implementation of cover crops beginning in the fall of 2022 with final verification in the spring of 2023?

Reimbursements for implementation are dispersed by the BWRNSM at the time of verification. However, we would also need to know the planting date to identify if it was early, mid, or late season planting, as well as the species type. The Transect goes around twice (once at planting time and once in the spring). If the farmer has records of what he planted and when, that should be sufficient if you will be talking with the farmer directly versus a windshield survey.

36. Do counties need to have something “official” to show that Implementation Grant dollars are committed to apply for additional grant funds?

No. There is not an official document for showing that Implementation Grant dollars are committed. For record keeping purposes, the “CAP Implementation Fund” tab on the [Implementation Grant and Project Tracking Spreadsheet](#) can be used to track grant dollars that are spent on in-progress projects. Additionally, in-progress BMPs can be tracked via PracticeKeeper or FieldDoc, and a report pulled to show that these BMPs are in the planning, I&E, survey, design stages, etc.

37. Do counties need to provide landowner agreements for each project as part of the CAP Implementation Grant Reimbursement Request?

No. Reimbursement requests do not require submittal of landowner agreements. However, the counties should keep their own copy of the landowner agreement on file. See February 2022 CAP Implementation Grant Invoicing Instructions Webinar, located on the Clean Water Academy, here: <https://pacleanwateracademy.remote-learner.net/course/view.php?id=809>

38. Has there been any discussion on the hiring of additional staff to handle the additional workload and data entry to be incorporated into these implementation funds?

Data entry is a reporting requirement for the CAP Implementation grant, so costs incurred for that purpose, can be funded out of the administrative costs line item (up to 5%). Additionally, the Community Clean Water Coordinator funding can be put toward data entry.

39. For the Implementation Grant, does DEP have a threshold for the number of contractors/engineers that are needed to bid on a project? Or is this based on county criteria?

See the construction section in “[A Primer for Fitting Charges into Budget Categories](#).” under the Resources tab on the PA Clean Water Academy.

31. Is the county required to utilize sealed bids for the Implementation Grant?

See the construction section in “[A Primer for Fitting Charges into Budget Categories](#)” under the Resources tab on the PA Clean Water Academy. It is not required for counties to utilize sealed bids but is encouraged.

32. When can counties begin to implement their approved projects? When can they begin to invoice the grant for work performed? Will reimbursements for the Implementation Grant begin at the end of the first quarter?

The budget begins January 1, 2022, so Implementation can be billed after that time. Per your grant agreement, you must submit reimbursement requests at least quarterly.

33. When doing the CAP Implementation Budget Page, where should costs associated with a cover crop

incentive program be listed – contractual or construction?

If the County Conservation District is operating the program directly in-house list the costs under construction. If the CCD is contracting out, list the costs under contractual.

34. Can counties use funds to purchase larger stock trees to plant more robust buffers?

Yes.

35. Can counties use funds to fence out livestock? If so, are both streamside fencing and stream crossings eligible?

Yes, as long as a buffer (narrow or wide, grass or forest) is also being implemented and reported concurrently with the stream fencing project.

Yes, both are eligible. Please refer to Block Grants document and application instructions where it is explained what projects are eligible with this grant funding. Please also refer to the CAP Grant and Technical FAQs. Projects not included in an award letter will need to be submitted to the project advisor for approval.

36. Can we pay for the landowner to completely fence a new area of equal size to retire the buffer area?

Yes, if the fence excludes livestock from the riparian zone or the fence is used to implement new rotational grazing paddocks.

37. Is there a limit to payments for cover crop payments?

We recommend reviewing NRCS Conservation Stewardship Program (CSP) incentive rates and discussing with other counties, like Cumberland, Potter, Susquehanna, Sullivan, Columbia, Luzerne, Northumberland, Union, Lycoming, Centre, Clearfield, Blair, Huntington, Perry, Fulton, and York, who have already instituted a cover crop incentive program to identify an appropriate incentive rate.

38. When submitting by county separately who is the signatory? If it is the district BD they may not have a Meeting within the time frame allowed.

This depends on how the County wants to handle who their signatory is. It can be a conservation district or a County Planning Commission. I would refer you back to grant guidance for more information.

39. What is the advantage, or disadvantage of staying in our County Grouping, vs. applying individually?

The pros of staying together with your county grouping is that there is already an open agreement, which means funds can be added more quickly. The purpose of the overall block grant program is to initiate an agreement over a long enough period of time so that funds can be added every year to that existing agreement. The pro of staying in the county grouping is that you already have an open agreement, so there will be less administrative work and you will receive funds faster. Additionally, you will have a greater range of approved projects to choose from should one project fall through. However, this is really based upon how your grouping works together. If a County grouping

submitted a holistic plan that could lend itself better to a collective grouping versus individual counties, this option could work well.

40. What if next October a county grouping that applied together this year decides to apply as individual counties. Is there an opportunity for that?

Yes, the same options for applying that we've provided to you now will be available next year for Tier 3 and 4 counties.

41. The instructions say projects should reduce the nutrient loads. Can a project that reduces sediment (erosion) but not nutrients be submitted?

It can be submitted however it may not rate as a top priority. The goal is to prioritize nitrogen loading, then phosphorus loading, and finally sediment loading. It is important that we are moving toward reducing nutrient loads because that will have the biggest impact to the Chesapeake Bay. Sediment loads impact local water, so we do still want to see a balance, as well as BMPs that have both nutrient and sediment reduction benefits, but there may be other projects that rise to a higher priority.

42. Can a project for engineering services be submitted to develop a design and develop a budget? If not, how would someone go about developing a cost estimate for a structural BMP without engineering assistance?

The opportunity exists for some engineering and design costs are incorporated into your implementation funds. This can be used for a project that can be implemented within the same 12-18 months. We will not fund engineering design separately for this grant round and then come back and fund project implementation next round. Utilize other grant funds that allow for design and engineering services for complex projects. This can then make your project more eligible for the next round.

43. Can these funds be used to ready a project that is later paid for by other construction funding (either another grant source or a succeeding round of CAP Implementation), or does the project have to be completed with the same CAP Implementation round in order to use project readiness funds from that round?

This funding is not meant to ready projects, this funding is meant to implement already prepared projects. For example, projects that received Growing Greener funds last year for design and permitting and are now construction ready can use CAP implementation grant funds to implement the project.

44. What is the completion date for this grant?

This grant program is run differently than many others. There is one Agreement with funds added to it year after year as the project scopes change (through application). The multi-year Agreements span a period of 3.5 years. You can find the "period of performance" listed in your fully executed Grant Agreement. However, grantees are required to spend 50% of the funds allocated to them by October 1st of that year and to spend 100% of the funds from the previous year. If funds are not spent by this timeline it will affect the processing of future applications.

45. We have a landowner with horse pasture in our MEB and directly adjacent to HQ stream. Landowner

has NOV from DEP. They need a nutrient plan, grazing plan, and streambank fencing. Can a project be submitted for a landowner with a NOV?

Yes, a Notice of Violation is not an enforcement action, it is what leads up to an enforcement action. So yes, a landowner that has a NOV or a compliance notice can submit for a project.

46. I am concerned that based on the criteria that will be used to allocate funding projects submitted for implementation funds won't receive funding needed to complete them. This may prolong the timeframe for implementation causing landowners to become unmotivated from continuing to work with the district. The one criteria that I was mostly concerned about was the number of stream miles in the County that don't meet water quality standards due to nutrient or sediment impairment.

Number of impaired stream miles is only one of the criteria that is used in the overall method for allocating funds. Nitrogen loading will be the most important criteria being considered. We wouldn't be overly concerned about not having as many impaired stream miles, usually more impaired streams are related to a higher loading level.

47. How much funding is allocated to each individual county or county grouping?

We suggest county partners to apply for as much CAP Implementation funding as they can spend in the calendar year that they are applying for. Although we may not be able to provide funding for each project a county partner proposes, we want to be able to show the need for funding and how much could be accomplished each calendar year if funding was made available to the county partner.

48. Is the Block Grant funding the same as CAP Implementation Grant funding?

Yes, "block grants" are being provided through the Community Clean Water Coordinator and the CAP Implementation Grant programs.

49. Are MS4 projects eligible for CAP Implementation funding?

Yes, MS4 projects are eligible, as long as they meet the priority initiative(s) in the CAP. It is critical that counties focus on high nutrient and sediment reducing projects that can be completed within a 12-18 month period of time.

50. Will there be additional funding sources for CAP implementation?

Your implementation guide will provide some other common funding sources, such as Section 319, Growing Greener, and NFWF.

51. Can CAP Implementation Grant fund Ag land Preservation activities/purchases?

No. This is not meant to be used toward land preservation; however, it can be used toward agricultural conservation BMPs that are put on preserved farmland.

52. Can the CAP Implementation Funds be used to purchase equipment that will result in nutrient reductions?

Depends on the equipment. It is important to note that other sources, like REAP tax credits, can be put toward no-till equipment, for example, so think about how to stretch the finite CAP implementation grant dollars.

53. Would a County be able to purchase a No-Till Corn Planter to be used to increase No Till within the Bay?

See above. There is nothing precluding CAP Implementation grant funds to go toward a county purchasing no-till equipment, but it must show how will it result in additional acres. Also, what is the plan for the piece of equipment (maintenance, rental fees, labor, etc.)?

54. Can we use CAP Implementation Grant funds on a project site that is both in and out of the Chesapeake Bay drainage?

CAP Implementation Grant dollars are to ensure that projects are implemented that improve local water quality within the Chesapeake Bay watershed. For project sites that split watersheds, meaning that some of the project site is in the Chesapeake Bay drainage and some of it is outside of the Chesapeake Bay drainage, only the part of the project that is within the Chesapeake Bay drainage is eligible for CAP Implementation Grant funding.

55. Can the CAP Implementation funds be used to fund engineering, permitting or design, of BMP projects for the upcoming fiscal year CAP Implementation Grant applications?

Funds cannot be used to cover permitting fees. There will be an allowable threshold of engineering and design costs under the contractual category or, in cases where the conservation district is the signatory, may be designated for conservation district staff under the salary/benefits category. For conservation district “in-house” engineering, funding provided may not exceed 20% of the construction costs. For contractual engineering/design outside of the conservation district, funding provided may not exceed 25% of the construction costs. DEP encourages a competitive bid/RFP process for contractual engineering / design, where determined by the grantee to be appropriate (e.g. a complex structural project may require a higher level of qualifications/licensure than one that focuses on annual management practices). Your county may have existing policies related to contracting, cost-share, and bidding; please review and refer to those policies for additional guidance. See “A_PRIMER_FOR_FITTING_CHARGES_WITHIN_BUDGET_CATEGORIES.”

Examples of “project readiness” costs that can be covered under the 20/25% engineering/design category:

- The **labor** associated with obtaining a PNDI clearance can be captured under the 20/25% engineering/design, however if there is a cost associated with the PNDI that needs to be paid for by the landowner/operator (“filing fee”), that cannot be captured under the 20/25% engineering/design.
 - a. The **labor** associated with completing a permit application could be captured under the 20/25% engineering/design.
 - b. Costs associated with obtaining a wetland delineation can be captured under the 20/25% engineering/design.
 - c. Costs associated with completing a floodplain or hydrologic study can be captured under the 20/25% engineering/design.

56. Can the CAP Implementation grant be used to fund projects that are not permanent, or annual practices such as cover cropping?

Please refer to “Block Grants 10-1-2021” document. The grant is to be used to fund priority initiatives out of your county’s CAP that will maximize nutrient reductions in your county. It can be any practice that is outlined as a priority initiative in your CAP. Annual practices listed as priority practices in your CAP are eligible for funding.

57. Can CAP Implementation funding be used to prepare plans and cultivate projects for EQIP and other funding opportunities?

See “Block Grants 10-1-2021” document. The funds provided under this component are limited to practice implementation. CAP Implementation funds cannot be used for planning. DEP currently provides funding to conservation districts to assist with planning and technical assistance.

58. Is match required?

No. However, match can be used to stretch these grant dollars further. For instance, REAP tax credits may be used where cost-share funds cannot cover the entire cost of the project. There also may be local policies related to match (e.g. conservation district cost-share policies) that the county should ensure they are familiar with.

59. Can CAP Implementation funds be paired with other funding for implementation of a practice, or must they cover the total costs for a given practice?

CAP funds can be used to supplement other funding for implementation of a practice.

60. Is it ok to use the funds for design work in the first calendar year and additional funding for implementation in subsequent years?

The engineering/design costs are associated with the construction of that particular project. All monies should be committed to all project phases, unless additional funds outside of the CAP Implementation Grant are known to be committed as well. Project readiness must be weighed in the ranking and distribution of implementation grant funding. The goal is to ensure that projects with high nutrient reduction value are implemented, and that designs are not waiting for additional dollars in order to implement.

61. Should we only select projects that we are reasonably assured will be completed within a year? If a situation arises that prevents this, what are our options?

Please see above answer to number 29. If a situation arises that prevents the completion of the project, the funding may be utilized the following year, up to the end date of the “period of performance” on your grant.

62. What type of project information is needed as supporting information to the CAP Implementation application?

The more information provided, the better able we are to ensure that what you are applying for meets the purpose of the CAP Implementation Grant funding. That said, the project type (kinds of

BMPs or sector), general location (watershed, municipality), nutrient and sediment reduction potential, and amount requested is required for a complete application. The projects proposed in your application are not the only projects for which you may provide this funding, but we need assurance that you have outlined projects in order to move quickly toward implementation. See “Block Grants 10-1-2021” document.

63. For Tier 3 and 4 county groupings, will the lead county on the agreement for the coordinator funding also be the applicant and grantee for the CAP implementation funding for all counties in the grouping? Or will each county be applying and granted funding individually?

The funding is provided to the grantee. To streamline distribution of funds from DEP, it would be beneficial to consider keeping the same grantee for each grouping and that grantee then distribute / subaward the funds locally to the other counties in the grouping. See also, PA DEP Grant Implementation Decision Tree.

64. Can CAP Implementation grant funding be used for maintenance of existing BMPs?

Maintenance of existing BMPs is not something that this grant program was intended to fund, however, BMPs that have not been maintained and are no longer functioning could require new implementation as opposed to repair/maintenance. Implementation and site establishment costs are eligible for funding. For new BMPs, routine maintenance should be considered and planned for when funds are awarded as an operation, maintenance, and repair/replacement plan is a required element in the Section 319 Nonpoint Source Management and Growing Greener Plus Grant Programs’ landowner-grantee agreement. For existing BMPs, maintenance may have already been addressed in the initial cost-share as part of the CREP agreement. If it is non-routine or emergency repair, such as a BMP damaged from a flood event, it may be possible to utilize CAP Implementation grant funding.

65. Can CAP Implementation funds be used as match for another grant program?

It depends on the source of the funds. Typically, state funds can be used to match federal funds and vice versa. State funds cannot be used to match other state funds and federal funds cannot be used to match other federal funds. Most of the CAP grant dollars are state Environmental Stewardship Funds but some Counties have received funding that is federal. Each time federal funds are added to a grant Agreement, the grantee will receive a Federal Subrecipient Monitoring Form, which outlines the amount of federal funding obligated and details of the federal grant those funds come from. If you are unsure, check with your project advisor.

66. Can CAP funding be used to install rip rap?

While armoring projects are not eligible projects under the CAP grants, rip rap materials can be purchased in conjunction with a stream stabilization project that involves fish habitat structures or any other stream restoration project.

67. Are access roads eligible projects?

Access roads are considered eligible projects IF these criteria are met:

- The access road is an integral part of the overall success of the BMP.
- The cost of the access road is less than 50% of the total cost of the project.

Stand-alone access road projects are **not eligible**.

68. Are operations with violations eligible to receive funding?

To be consistent with other funding sources administered by DEP, project sites and/or applicants that have outstanding compliance obligations are not eligible for funding.

69. Can CAP funds be used for the maintenance of a tree planting project once they are installed?

Yes, CAP funds can be used to maintain a tree, riparian buffer, or meadow planting project to ensure establishment. Funds for this maintenance can be requested for 3 years following the installation of the CAP funded project.

CAP COORDINATOR FAQs

70. Will CAP Coordinator funding go through 2025?

Yes. CAP Coordinator funding will continue through 2025.

71. If hiring a consultant, does it need to be a competitive process?

The requirements grantees are held to are outlined in the attachments to their agreement. While there is no competitive process for contracting coordinators, depending on the grantee, their counties policies may require a competitive process.

72. Do we need to turn in timesheets for contractors?

Documentation of time spent will be required as back-up. It may be in the form of time-sheets or a summary sheet.

73. Can a county split their time among groups (and coordinators) to address different issues and different sections of the county?

The county and coordinators will be addressing all of the issues that the CAP team identifies as a priority. The CAP team may want to form subgroups with specific focuses. Multiple individuals may work together, hired internally or contracted externally, however there is a maximum amount of \$100,000 provided through this state funding program.

74. In Section 1 of The Community Clean Water Action Plan Coordinator Form (3020-FM-CBO0004) grant application, there is a space for the "Contact Name of the Community Clean Water Action Plan Coordinator". If the contact name is not yet known can I enter "TBD"?

Yes. If the Coordinator has not yet been determined, you can enter TBD into that field.

75. If a county applies for and receives funding for a coordinator through this grant, puts out an RFP,

and no one bids on it, what happens?

They could re-bid or hire someone as an employee; it is a local decision as to how they would proceed and what their procurement procedures allow. Once the agreement is fully executed, both parties are held to the agreement in the sense that DEP would reimburse them for work completed under that scope of work per the terms and conditions in the agreement. If work is not completed, no reimbursements will be provided. Grantees should keep in mind that while the \$100,000 coordinator grant funding is allotted for a budget period of one year, these are multi-year agreements and any unused funding can be rolled to the next year. Also keep in mind that if none of the \$100,000 was expended in the first year towards work products under the agreement, DEP may not allocate additional funds for the following year.

76. Can funding be used to hire grant writers?

Yes, this is part of the CAP coordinator job description.

77. Can the CAP Coordinator funding be extended for implementation?

No. CAP Coordinator funding is to be spent on coordinator positions only.

78. Can coordinator funds be used to pay for Inventory & Evaluations (I&Es)?

Coordinator funds may be used to fund I&Es; however, prior approval is needed from your project advisor.

79. Can coordinator funds be used to pay for the development of Manure Management Plans or Nutrient Management Plans?

No, these types of plans are not an eligible expense under the CAP coordinator or implementation grants.

80. Can the coordinator grant be used to fund feasibility studies?

It is unclear how feasibility studies would lead to accelerated BMP implementation. However, if direct connections can be made, coordinator funds can be used to fund these studies. To make these connections the feasibility studies must be reviewed by your project advisor before they are approved/disapproved. Items that need to be discussed with your project advisor include landowner/stakeholder willingness, timeline for approval, and next steps for project implementation.

81. What is the protocol for prorating expenses?

Prorated expenses should be divided by the number of programs that utilize the equipment, supplies or administrative costs. For example: If you receive an invoice from your electric provider for \$100 and you have five programs that use that electric service, the total reimbursable amount from the CAP program would be \$20 (\$100/5 programs).

82. Can CAP funds be used for project design and engineering?

Yes, CAP coordinator funds can be used for design and engineering of approved projects. However, the intent behind allowing some design/engineering is to push approved CAP Implementation funded

projects across the finish line, not projects funded through other sources. For conservation district “in-house” engineering, funding provided may not exceed 20% of the total coordinator funds. For contractual engineering/design outside of the conservation district, funding provided may not exceed 25% of the total coordinator funds. As with everything else, if a project is partially funded with CAP implementation funds, the engineering and design would be pro-rated (20-25% of the amount of CAP dollars used toward that project could go to engineering/design of that partially funded project).

Counties can submit a project change request to get approval on a future project. This is done on a case-by-case basis with Project Advisor approval. If this is done, the project must be constructed through CAP implementation funds in the future grant round.

Final Reporting FAQs

83. For final reporting, how do we report the purchase of no-till equipment in PracticeKeeper?

There is no way to directly report the purchase of no-till equipment in PracticeKeeper. To report properly, please follow these steps:

- Map all of the cover crops that were planted with the no-till equipment that was purchased
 - Under the “Funding” dropdown in PracticeKeeper, make sure the appropriate CAP funding code is selected
 - Under the “General” section, please leave a comment stating this cover crop was planted using a no-till piece of equipment purchased with CAP funding.

84. Is there a final report due?

Please refer to Attachment D. Project Scope of Work and Attachment E. Special Conditions in your grant agreement. While there is no final report due, progress and milestones must be tracked. All reportable Best Management Practices (BMPs) must be entered into FieldDoc or PracticeKeeper, whichever is applicable. Please remember to select the CAP grant fund source from the drop-down menu when entering practices into PracticeKeeper. Completed BMPs are verified by date-stamped with GPS location photographs of the practice uploaded to FieldDoc or PracticeKeeper, whichever is applicable. This is certified by signature on the Certification for Payment form(s) that accompany each reimbursement request.

85. What is the last day a county can submit their final report and reimbursement once the grant agreement is completed?

According to the special conditions within the grant agreement, counties have 30 days from the expiration of the period of performance to submit these documents without penalty. Any final reports or reimbursements submitted between 30 days and 90 days after the expiration of the period of performance can be accepted, however the county will receive a penalty. A final report or reimbursement that is received after 90 days cannot be accepted and any funds remaining will be forfeited.