

# Frequently Asked Questions Sheet



## PROPOSITION 84 STORM WATER GRANT PROGRAM (SWGPP) FREQUENTLY ASKED QUESTIONS (FAQs) SHEET

### GUIDELINES

**1. When were the Guidelines adopted?**

The [Proposition 84 Storm Water Grant Program Guidelines](#) were adopted on February 17, 2009.

**2. Where can I get a copy of the [Guidelines](#)?**

[www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/prop84/docs/prop84\\_swgp\\_guidelines\\_adopded.pdf](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/prop84/docs/prop84_swgp_guidelines_adopded.pdf)

### ELIGIBILITY REQUIREMENTS

**1. Is a Joint Powers Authority (JPA) eligible to apply?**

JPAs are eligible to apply for Planning and Monitoring funds. Only Local Public Agencies are eligible to apply for SWGP Implementation funding. If a JPA is comprised entirely of local public agencies, then the JPA will be eligible to apply for the SWGP Implementation funds. JPA applicants will need to document and explain the composition of their organizations to demonstrate eligibility.

**2. Is a storm water project that discharges directly to a beach, bay, or coastal water considered eligible?**

No, Proposition 84 (Prop 84) states that the SWGP funding is for the reduction and prevention of stormwater contamination of **rivers, lakes and streams (PRC § 75050(m))**.

**3. Is a storm water project that discharges directly to a wetland or marsh adjacent to a bay eligible for funding?**

If the wetland or marsh is a fresh water body, the proposed project may be eligible. The State Water Board staff will be working with the Regional Water Quality Control Boards (Regional Water Boards) to help make a determination where discharge locations are not well defined.

**4. How does habitat or stream restoration in an urban stream fit in?**

The project is eligible if it addresses an established storm water Total Maximum Daily Load (TMDL) or is a Low Impact Development (LID) project type.

**5. Is a proposed project located on private land eligible?**

A proposed project on private land is eligible so long as the applicant can demonstrate through an access agreement, easement, or other means that the applicant will have access to the project for at least a twenty (20) year period. It is the applicant's responsibility to operate and maintain the project for at least a 20-year term.

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**6. Does a proposed project need to be identified in an Integrated Regional Water Management (IRWM) Plan in order to be considered for funding?**

No, a proposed project does not need to be identified in an IRWM Plan. However, projects that are consistent or coordinated with an IRWM Plan may receive additional points based on the Program Preferences scoring criterion as part of the Concept Proposal (CP)/Full Proposal (FP) evaluation(s).

**7. Are projects that have received California water bond funding in the past eligible for future funding to continue/extend those projects?**

Yes, as long as there is a clear delineation between project funding sources and components being funded for tracking purposes. The proposed project for the SWGP must be a discrete project and capable of providing a water quality benefit within the term of the grant, so it cannot be reliant on completion of a separate portion of a large project to provide the benefit.

**8. Does every proposed project have to include an education/outreach component?**

Yes, all proposed projects must contain an education/outreach component. Up to 10% of the grant amount may be used to fund education and outreach activities that are directly related to implementation of the eligible project.

**9. How do you determine that a TMDL cannot be addressed by LID? Is this project acceptable for Project Type 2?**

Discuss the project and the TMDL implementation plan with your local Regional Water Board staff. Also, review the requirements for a TMDL type project in the SWGP Guidelines. State Water Board staff will discuss the proposed project(s) with Regional Water Board staff to determine which Project Type the proposed projects fit into. Please see Page 8 of the SWGP Guidelines.

**10. Are maintenance practices such as increased sweeping practices or manual trash cleanup for prevention of stormwater contamination eligible for funding?**

No, all proposed projects must demonstrate the capability of contributing to sustained, long-term water quality benefits for a period of at least 20 years, and address the causes of degradation rather than the symptoms. Increased sweeping or manual trash cleanup are each considered operation and maintenance costs. These costs are not eligible for reimbursement; they cannot be used for required match.

**11. If our proposed project is under legal challenge, is it still eligible?**

Yes, however, it depends on the type of legal challenge and this must be disclosed in the application. Your project may score low on the "readiness to proceed" portion of the application.

## REQUIRED MATCH

**1. What is the required match for implementation projects?**

The required match is 20% of the total project cost. Disadvantaged communities (DACs) may request a reduction of funding match as outlined in Appendix C of the [Guidelines](#).

**2. The total project cost is significantly more than the Prop 84 funds requested. Is the match requirement based on total project cost or only the grant funds requested?**

Project match is calculated based upon total project cost.

**3. If a local public agency or agencies submit one grant application with multiple projects, and one of the projects will directly benefit a DAC, will the project be eligible for reduced funding match?**

The entire application would not receive the reduced match. However, if the applicant is able to provide adequate documentation of the total project cost for the DAC's portion of the project, then that portion of the project could request a match reduction (see Question 1 above).

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## 4. What types of funding are eligible for the required match? How far back can I go to claim match?

Eligible reimbursable expenses incurred after adoption of the SWGP Guidelines (February 19, 2009) and prior to the project completion date can be applied to the funding match (e.g., preparation of plans and specifications, development of CEQA documents, etc.). **Regardless of the source, grant funds cannot be used for the required match.** Federal or State loans, local and private funding, education and outreach, or donated and volunteer (“in-kind”) services may be eligible for match.

## 5. Can Federal grant funds be used as match?

No, regardless of the source, grant funds cannot be used as match.

## 6. Can Federal Cooperative Work Agreement funding be used towards match?

No. A Federal Cooperative Work Agreement is considered a federal grant and cannot be used towards match.

## 7. Can donated land be used towards match?

Donated land may be used towards match so long as it was purchased/donated after February 19, 2009, and at documented fair market value.

## 8. Can local funds be used as match for two different state grants (i.e., DWR, SWRCB, etc.)?

Yes, provided they are not local grant funds.

## 9. Can an applicant apply for other funding for the project?

Yes, the applicant may fund the project with multiple funding sources. However, no other grant funds may be used for the required match.

## PROJECT TIMELINE

### 1. Are the dates for implementation projects fixed?

The deadline for submitting the Round 1 Concept Proposal application is January 31, 2012. The timeline for the Full Proposal process will be updated as the process continues. The current tentative schedule targets Spring of 2013 for execution of grant agreements with the State Water Board for Round 1 funding. In addition, the bond funding for the SWGP has disbursement obligations. Based on the current bond fund allocation, the Round 1 projects **MUST** have all required monitoring, reporting and invoicing completed by March 2016. **Please note that Table 2 (page 7 of the Guidelines) has been updated.** Please see the errata sheet for an updated Table 2: [http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/prop84/docs/guideline\\_errata.pdf](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/prop84/docs/guideline_errata.pdf)

### 2. When does construction need to be complete in order to capture one dry and one wet season of monitoring before the Final Report is due in January 2016?

In order to capture water quality data for both one dry season and one wet season, the proposed project would need to be complete in the early Fall 2014. This would allow monitoring to begin in Fall 2014 and be completed in Fall 2015 followed by completion of the Final Report by January 2016.

### 3. How is Round 2 different from Round 1?

The timing and available funds are different. We anticipate initiating Round 2 after awarding Round 1 projects. There will be approximately \$41 million in funding available in Round 1 and approximately \$32 million in funding available for Round 2 implementation. Both solicitations will use the adopted SWGP Guidelines. There is only one round for the PRC § 75072 Planning and Monitoring.

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## PROJECT TYPES

### 1. What types of implementation projects are eligible for funding?

Eligible projects for the SWGP are projects designed to reduce and prevent storm water contamination of rivers, lakes, and streams. Eligible project types are LID and complying with an established storm water TMDL. Further information is found in Section VI (C) on Page 8 of the SWGP Guidelines.

### 2. Are proposed, but not adopted, TMDLs eligible?

3. No. An established TMDL is one that is adopted by the applicable Regional Water Board and approved by the State Water Board, the Office of Administrative Law, and the United States Environmental Protection Agency (USEPA). The TMDL must be established by the time the State Water Board approves the project funding list. Additionally, TMDLs developed by and subsequently adopted by USEPA will be considered established for purposes of the SWGP. The established TMDL must also have a stormwater allocation.

### 4. What are some examples of LID?

For more information of LID, you may visit the following webpages:

[www.waterboards.ca.gov/water\\_issues/programs/low\\_impact\\_development/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/index.shtml)

[www.epa.gov/nps/lid](http://www.epa.gov/nps/lid)

### 5. Are non-infrastructure TMDL implementation projects, such as workgroups and trainings, eligible under any part of the SWGP?

Depending on the project, it may be eligible for PRC § 75072 Planning and Monitoring funds. See Appendix F for some possible projects that can be funded under this section.

### 6. Are detention basins an eligible LID project?

Detention basins may be eligible if their primary use is to treat stormwater to reduce or prevent contamination of rivers, lakes, or streams by retaining and infiltrating water. Detention basins constructed solely for storm water capture or flood control are not eligible.

## APPLICATION

### 1. Can multiple agencies submit a joint proposal?

A project may have multiple partners; however, one eligible agency will be the responsible agency for the project and will be subject to the terms of an agreement with the State Water Board, if approved for funding.

### 2. Is there a limit on the number of projects one entity can apply?

No, entities may apply for as many projects as they can manage within the term of the SWGP.

### 3. Will reviewers look at the variety of projects?

The reviewers will be interested in projects that improve water quality. Varied projects may add points in the multiple benefits portion of the application.

### 4. Can projects be phased?

Yes, projects may be phased so long as the funded portion is a discrete project and is completed by project completion date.

### 5. How do we report benefit terms: the life of the project or the term of the agreement?

Your application should evaluate your project's short-term and long-term benefits.

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## 6. Does California Environmental Protection Act (CEQA) have to be complete prior to submittal of the application?

No, all projects funded from state funds are subject to CEQA and applicable CEQA documents must be complete and approved by State Water Board staff prior to construction of the project. The CP must identify the type of CEQA required (Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), Negative Declaration, Notice of Exemption (NOE)), process(es) required to complete CEQA, and a timeline for completion. Please note that if your project requires an EIR or MND and these documents have not been started, this may influence the Readiness to Proceed score during the evaluation process.

## 7. Is there a cost-benefit analysis?

The SWGP Implementation solicitation does not require a cost-benefit analysis of your project.

## 8. Who will be reviewing the applications?

State Water Board staff is responsible for the technical review of the concept and final applications. The recommended funding list will be distributed to the Regional Water Boards and Storm Water Advisory Task Force (SWATF) members for review and commenting purposes only.

## 9. How do we determine if a community is a disadvantaged community (DAC)?

See Appendix C of the Guidelines.

## CONCEPT PROPOSAL

### 1. What is the Concept Proposal (CP) application period?

The CP Solicitation Notice opened on November 15, 2011. Applicants may start and complete their applications using the State Water Board's on-line Financial Assistance Application Submittal Tool ([FAAST](#)). CP applications must be submitted to [FAAST](#) by 5:00 PM on Tuesday, January 31, 2012.

### 2. How do I submit my CP?

Your entire CP application will be submitted on-line through [FAAST](#).

### 3. Where can I find the latitude and longitude coordinates for my project location?

Please try the following website: <http://maps.google.com/>.

Find your location, right click and select "What's here". Your coordinates should be provided in the address bar. There is also a link in [FAAST](#) that you can use to look up the latitude and longitude for your project location.

## FULL PROPOSAL

### 1. How are applicants invited back to complete a Full Proposal (FP)?

State Water Board staff will initially evaluate and screen each CP application for completeness. Applications must contain all required items listed in the Solicitation Notice. All applications, including attachments and supporting documentation, must be provided by the submittal deadline. All proposals must meet the Eligible Applicants and Eligible Project Types requirements listed in Section VI of the [Guidelines](#). Applications that are determined to be ineligible will not be reviewed or considered for funding, and applicants will be notified.

The criteria outlined in the *Concept Proposal Evaluation: Scoring Criteria Form* (Appendix D of the [Guidelines](#)) will be used to score CPs. Any CP receiving a score of fewer than 65 points will automatically be excluded from the FP phase. Applicants with the highest-ranking CP will be invited to submit FPs. Notification emails will be sent to all applicants.

### 2. What is the FP application period?

The anticipated FP application period will be in Summer 2012. A solicitation notice will be posted online and e-mailed to applicants that are invited to submit full proposals.

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## 3. Will there be FP Applicant Assistance workshops?

State Water Board staff will conduct workshops on proposal development for applicants invited to submit FPs. The dates and locations of the workshops will be available on the State Water Board website at: [http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/prop84/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/prop84/index.shtml)

## 4. How do I determine whether my project achieves the pre-development/post-development hydrograph requirements for the site?

In general, pre-and post-development hydrograph matching is most often done for the smaller, more frequent flows (e.g., the 10-year flow down to the flow from the 85th percentile storm). Smaller storms are important for water quality because they occur more often during a given year and export a larger pollutant load on an annual basis. Smaller storms are also responsible for proper stream channel form and function.

The methods used to demonstrate hydrograph matching are dependent on whether a project is subject to municipal storm water permit requirements. For example, several Regional Boards (i.e., 2, 4, and 9) require municipalities to use a continuous simulation hydrologic model that makes use of long-term rainfall data to match a range of flows up to the 10-year flow. Areas that are not covered under a municipal permit can often use a less complex event-based hydrology model to demonstrate hydrograph matching.

## 5. What is a Project Assessment and Evaluation Plan (PAEP) and how does it relate to the project?

A PAEP is a document that will help you determine if the project is heading toward success. It includes a project summary, a list of your goals and desired outcomes, and your project performance measurement tables. For more information on PAEP development, go to [http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/paep/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/paep/index.shtml)

## 6. To whom should letters of support be addressed and sent?

All letters should be attached to your proposal in FFAST, and may be addressed to Ms. Laura McLean. Submit electronic copies of any letters of support for or opposition to the proposal or individual projects contained within the proposal. General letters of support or opposition will not be considered. Letters of support or opposition must clearly state how the implementation of the proposal/project will benefit or adversely affect the individual or entity providing the letter.

## PUBLIC RESOURCES CODE (PRC) § 75052 PLANNING & MONITORING PROJECTS

### 1. Is there a different minimum/maximum grant amount for PRC § 75072 Planning & Monitoring Projects?

Yes, the minimum grant amount is \$100,000 per project and the maximum grant amount is \$1 million per project.

### 2. What is the required match for PRC § 75072 Planning & Monitoring Projects?

The match for PRC § 75072 Planning and Monitoring Projects is 10% of the total project cost, and there is no reduced match for disadvantaged communities.

### 3. Can PRC § 75072 Planning & Monitoring Projects be related to MS4 projects?

Yes, but planning and monitoring projects should be of statewide and regional significance.

### 4. Do PRC § 75072 Planning & Monitoring Projects have the same location restrictions (i.e., no oceans)?

Yes. All projects funded under PRC § 75072 must be of regional and/or statewide significance, and be necessary planning and monitoring activities for the successful design, selection, and implementation of SWGP projects. SWGP projects must reduce or prevent stormwater contamination of rivers, lakes, and streams.

### 5. How much funding is available for PRC § 75072 Planning & Monitoring Projects?

The SWGP may allocate up to 10% (\$9 million) of available funds and no less than 3% [\$2.7 million] for high priority planning and/or monitoring projects.

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**6. When is the PRC § 75072 Planning & Monitoring Projects application period?**

The application period for PRC § 75072 Planning & Monitoring Projects is November 15, 2011 through January 31, 2012 (Coinciding with the CP Implementation review period). A solicitation notice was posted online and sent out to persons on the "[Storm Water Grant Program \(Proposition 84\)](#)" email list.

**7. Will there be Applicant Assistance workshops for PRC § 75072 Planning & Monitoring Projects?**

The State Water Board held one assistance workshop on December 14, 2011 in Sacramento, California and also via webcast. Applicants interested in obtaining the limited PRC§ 75072 planning and monitoring funds are encouraged to work directly with Water Boards staff on proposal development. See [State and Regional Water Boards contacts](#).

**8. What is the timeline for the planning and monitoring projects?**

Please see the guideline errata sheet posted at:

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/prop84/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/prop84/index.shtml).

The planning and monitoring projects will follow the Round 1 project timeline. All projects must be completed by March 31, 2016.

**9. Do planning and monitoring projects require a public outreach and education component similar to the implementation projects?**

Yes, the planning and monitoring projects must have a public outreach and education component. Up to 10% of the grant amount awarded can be used for outreach and education directly related to the project.

**10. These projects may be awarded through a competitive process or by directed action. What does directed action mean?**

Directed action gives authority to the State Water Board to fund a statewide or regional planning and monitoring project without the project going through the formal competitive review process. Directed action will only be considered if all Planning and Monitoring funds are not awarded through the competitive solicitation.

**11. For a planning/technical assistance project with statewide benefit, would the project qualify for the bonus points if only a portion of the grant funds are used to address one or more disadvantaged communities?**

Yes, the project details should demonstrate the percent of the DAC involvement. Bonus points are allocated on a proportional scale.

**12. How important is the cost-effectiveness section of the planning and monitoring solicitation since there are no points assigned?**

The State Water Board is interested in funding projects that get the most results for the best value. While no points are allocated to cost effectiveness, reviewers will consider the factor when comparing projects.

**13. When do applicants need to provide resolutions authorizing the acceptance of the grant funds.**

You will need a resolution prior to execution of the grant agreement.

**14. Does a planning and monitoring project have to be linked directly to a specific, already identified, potential SWGP project to be considered eligible?**

No. The results of the planning and monitoring project should be useful for implementation of multiple SWGP projects on a statewide or regional scale.

## GENERAL REQUIREMENTS

**1. Can the cost to prepare CEQA documents be reimbursed as part of the project?**

Yes. See the definition of "Reimbursable Costs" in Appendix J of the Guidelines.

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## 2. What does “integrated into SWAMP” mean?

Water quality data must be integrated into Surface Water Ambient Monitoring Program (SWAMP). Data must be submitted using appropriate formats to the California Environmental Data Exchange Network (CEDEN).

## 3. If an Urban Water Supplier (UWS) participates in the grant process, but is not the applicant, does the UWS have to comply with AB 1420?

A UWS applicant must comply with AB 1420. A non-UWS applicant is not subject to AB 1420.

## 4. Would a project with a 2-year wet weather water quality monitoring component score higher than a project that only proposes one year or water quality monitoring?

Not necessarily, your application will have to demonstrate that: (a) the monitoring requirement can be completed after project completion and before the March 31, 2016, Final Report deadline, and (b) 2-years of monitoring is appropriate for measuring project effectiveness.

## PROJECT COSTS

### 1. Can grant funds be used for land acquisitions?

No. Grant funds may not be used for land acquisition (See Appendix J). Land purchased at documented fair market value for the property may be used for match if the land was purchased after February 17, 2009 when the SWGP Guidelines were adopted.

### 2. Can grant funds be used to meet permit requirements?

Yes, so long as the project meets one of the two project types (LID or TMDL).

### 3. Can you receive money for the same project in both rounds?

No, the same project cannot receive money in both rounds. However, related projects can be split up into the different funding rounds.

### 4. Are contingencies eligible for grant reimbursement or match?

No. Although there is a line item for construction/implementation contingency in the sample solicitation budget, only actual direct costs are eligible for reimbursement and match.

### 5. A project includes a roadway widening with LIDs. Is the roadway eligible for reimbursement or match?

Only the direct costs associated with the LID implementation are eligible for reimbursement or match. However, discuss the project with State Water Board Division of Financial Assistance to determine if some portion of the roadway widening could be eligible for match.

### 6. What does total project cost entail?

Total project costs are all direct costs related to the project and include the costs of engineering, design, easement, preparation of environmental documentation, environmental mitigation, project monitoring within the term of the agreement, project implementation, and education and outreach activities. General overhead, indirect costs, and any markups are not included in the total project costs since they are not eligible for reimbursement or match.

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## OTHER

- 1. How should coordination with Regional Board staff proceed? Should they be involved in the concept phase and how involved should we expect them to be? With which program at the Regional Board should we coordinate?**

Applicants should contact their Regional Water Board staff to discuss their projects. Regional Water Board staff can help applicants with regional priorities and provide technical guidance. There is a list of Regional Water Board contacts for the SWGP on the SWGP webpage:

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/prop84/docs/swgp\\_contacts.pdf](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/prop84/docs/swgp_contacts.pdf)

- 2. What is an environmental justice community?**

An environmental justice community is a community that is disproportionately impacted by environmental harms and risks with regard to race, national origin, or income.