

CWA Sections 117(e)(1)(A) – Chesapeake Bay Regulatory and Accountability Program Grants (CBRAP)

These grants help each of the six watershed states and the District of Columbia to:

- Develop/revise regulations, design and implement WIPs and two-year milestones;
- Implement regulatory, tracking, reporting, verification, assessment, and/or monitoring commitments of the jurisdictions' WIPs and/or two-year milestones or in response to EPA's evaluation of these documents;
- Issue, reissue and enforce permits;
- Develop and implement nutrient credit trading and offset programs;
- Develop and implement technical assistance and guidance documents to support WIP implementation;
- Provide technical and compliance assistance to landowners; and
- Provide compliance assistance to local governments and regulated entities.

CBRAP grants aid the six states and D.C. in implementing and expanding their jurisdictions' regulatory, accountability, assessment, compliance, and enforcement capabilities in support of reducing nitrogen, phosphorus, and sediment loads delivered to the Bay to meet the Water Quality Goal of the *2014 Chesapeake Bay Watershed Agreement* and the Bay TMDL. These grants are awarded non-competitively. EPA is confident the CBRAP grant program will continue for the foreseeable future. EPA has received funding for this program every year since 2010, and EPA does not have any reason to expect funding for the CBRAP grant program to discontinue.

If EPA determines the recipient is not making sufficient progress, EPA may decide to exercise federal actions in accordance with Sub-section I, Post-award Requirements, and/or to not add additional funds to the grant.

This can be found on page 17 in the grant guidance. For further information on CBRAP, please see pages: 28 – 41 (Linkage to EPA's Strategic Plan, WIP, and to priority practices, watersheds and strategies, and additional eligible activities).

CWA Section 117(e)(1)(A) – Chesapeake Bay Implementation Grants (CBIG)

The Chesapeake Bay implementation grants are authorized under Section 117(e)(1)(A) to signatory jurisdictions. These grants are awarded non-competitively to any jurisdiction that has signed the *2014 Chesapeake Bay Watershed Agreement*. Implementation grants are for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, with particular emphasis on state programs for control and abatement of nonpoint source nutrient and sediment pollution (including atmospheric deposition as a nonpoint source). Specifically, CBIG awards support the jurisdictions' implementation of the management strategies developed for each of the applicable outcomes identified in the *2014 Chesapeake Bay Watershed Agreement*. If the signatory jurisdictions do not use 117(e)(1)(A) grants for projects consistent with furthering the *2014 Chesapeake Bay Watershed Agreement* goals and outcomes, EPA may reallocate, conditionally award, or withhold funds

In May 2009, all seven watershed jurisdictions adopted two-year milestones to accelerate load reductions of nutrient and sediment pollution. In December 2010 and March 2012, the seven

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jurisdictions finalized their Chesapeake Bay Total Maximum Daily Load (Bay TMDL) Phase I and II WIPs, respectively, which outline all necessary practices will be in place by 2025 to fully restore the Chesapeake Bay and its tidal waters. CBIG awards may support the jurisdictions' implementation of their WIP and milestone commitments, including addressing EPA's evaluation of the WIPs and milestones, and comparable actions that support nutrient and sediment load reduction goals. For those activities that support the water quality goal, if the signatory jurisdictions do not use 117(e)(1)(A) grants for projects consistent with furthering that jurisdiction's progress on meeting their two-year milestones, EPA may reallocate, conditionally award, or withhold those funds.

If EPA determines the recipient is not making sufficient progress, EPA may decide to exercise federal actions in accordance with Sub-section I, Post-award Requirements, and/or to not add additional funds to the grant.

This can be found on pages 16-17 in the grant guidance. For further information on CBIG, please see pages: 28 – 34 (Linkage to EPA's Strategic Plan, WIP, and to priority practices, watersheds and strategies).

CWA Section 117(e)(1)(B) Monitoring Grants

The monitoring grants are authorized under Section 117(e)(1)(B) for signatory jurisdictions. These grants support the characterization of water and habitat quality and benthic community conditions for the main stem Chesapeake Bay and tidal tributaries; characterizing nutrient and sediment loadings to the Chesapeake Bay and its tidal tributaries from the surrounding Chesapeake Bay watershed; assessing changes in nutrient and sediment concentrations in local streams and rivers throughout the Chesapeake Bay watershed; and providing data analysis and interpretation support for water quality and living resources status and trends. The work supports the *2014 Chesapeake Bay Watershed Agreement* goal to "Reduce pollutants to achieve the water quality necessary to support the aquatic living resources of the Bay and its tributaries and to protect human health." EPA may award these grants non-competitively to any jurisdiction that has signed the Chesapeake Bay Agreement.

If EPA determines the recipient is not making sufficient progress, EPA may decide to exercise federal actions in accordance with Sub-section I, Post-award Requirements, and/or to not add additional funds to the grant.

This can be found on pages 17-18 in the grant guidance.

Local Implementation Funding

In the President's FY14 budget submission to Congress, EPA committed to provide increased funding for local governments and watershed organizations to reduce nitrogen, phosphorus, and sediment loads to the Chesapeake Bay, consistent with the Bay jurisdictions' WIPs. The Consolidated Appropriations Act of 2014 provided additional state funding for CBPO, and EPA provided \$5 million for this commitment from the president's budget. EPA is hopeful funding for local implementation will continue in future years. Jurisdictions have the option of having EPA add their share of local implementation funding to their CBRAP and/or CBIG.

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Local implementation funding is intended for use by local entities. For purposes of this guidance, "local entity" may include counties, municipalities, cities, towns, or townships, as well as local public authorities or districts (including conservation districts or regional planning districts), organizations representing local governments, or watershed organizations. If EPA awards a Bay jurisdiction local implementation funding, they are expected to provide this funding through contracts or subgrants to local entities based on the local entities' ability to reduce nutrient and sediment loads through key sectors, such as land development and agriculture. Jurisdictions must make subrecipient and contractor determinations in accordance with 2 CFR §200.330. If a jurisdiction plans to make subgrants, then they must follow the requirements of 2 CFR §200.331.^[1] Jurisdictions can provide this funding to a different state agency, which will then provide the funding to local entities through subgrants or contracts. EPA can also provide this funding directly to local entities through competitive RFPs.

This can be found on page 41 – 42 in the grant guidance. For further information on Local Implementation Funding, please see pages 42 – 44.

Below is a breakout of the FY16 jurisdictions' allocations.

State Implementation	Funding Amount
Total	\$ 34,796,701
CBIG	\$ 12,732,499
CBRAP	\$ 11,297,101
Local Government (Local)	\$ 4,999,720
WIP Assistance (WIP)	\$ 503,039
Monitoring	\$ 3,776,142
Water Protection Division (WPD)	\$ 1,468,200
Non-CBPO funds	\$ 20,000
Delaware	\$ 2,593,265
CBIG	\$ 1,250,000
CBRAP	\$ 820,465
Local	\$ 366,000
WIP	\$ 66,800
WPD	\$ 90,000
District of Columbia	\$ 2,485,820
CBIG	\$ 1,282,500
CBRAP	\$ 723,036
Local	\$ 322,784
WIP	\$ 50,000
WPD	\$ 107,500

Total numbers shown may differ from actual funding amount due to re-direction of funds requested by jurisdiction

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Maryland	\$	9,709,012
CBIG	\$	2,765,700
CBRAP	\$	2,758,047
Local	\$	1,231,270
WIP	\$	96,239
Monitoring	\$	1,734,966
WPD	\$	1,102,790
Non-CBPO funds	\$	20,000
New York	\$	2,746,878
CBIG	\$	1,250,000
CBRAP	\$	1,007,224
Local	\$	449,654
WIP	\$	40,000
Pennsylvania	\$	7,129,388
CBIG	\$	2,515,700
CBRAP	\$	2,666,819
Local	\$	1,190,544
WIP	\$	160,000
Monitoring	\$	471,325
WPD	\$	125,000
Virginia	\$	7,657,311
CBIG	\$	2,418,599
CBRAP	\$	2,649,199
Local	\$	1,139,329
WIP	\$	90,000
Monitoring	\$	1,360,184
West Virginia	\$	2,475,027
CBIG	\$	1,250,000
CBRAP	\$	672,311
Local	\$	300,139
Monitoring	\$	209,667
WPD	\$	42,910