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## ***ACRONYMS USED IN THESE GUIDELINES AND APPENDICES***

ASBS	Areas of Special Biological Significance
AWMP	Agricultural Water Management Plan
Basin Plan	Water Quality Control Plan
BMP	Best Management Practice
CBTF	Clean Beaches Task Force
CEDEN	California Environmental Data Exchange Network
CEQA	California Environmental Quality Act
CLC	California Labor Code
CWA	Clean Water Act
DAC	Disadvantaged Community
Division	Division of Financial Assistance
DWR	Department of Water Resources
DWQ	Division of Water Quality
EDA	Economically Distressed Areas
FAAST	Financial Assistance Application Submittal Tool
GAMA	Groundwater Ambient Monitoring & Assessment
Grant Manager/GM	State Water Resources Control Board's Grant Manager
IRWM	Integrated Regional Water Management
IRWMP	Integrated Regional Water Management Plan
JPA	Joint Powers Authority
LID	Low Impact Development
MHI	Median Household Income
MP	Monitoring Plan
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
PAEP	Project Assessment and Evaluation Plan
PD	Project Director
Plan	Storm Water Resource Plan
Prop 1	Proposition 1
QAPP	Quality Assurance Project Plan
Regional Water Board	Regional Water Quality Control Board
SB	Senate Bill
SOQs	Statement of Qualifications
State Water Board	State Water Resources Control Board
SWGP	Storm Water Grant Program
TMDL	Total Maximum Daily Load
UWMP	Urban Water Management Plan
USCB	United States Census Bureau
U.S. EPA	United States Environmental Protection Agency
Water Boards	State Water Board and Regional Water Boards
Water Code	California Water Code
WDR	Waste Discharge Requirement Permit

## I. PURPOSE

These Proposition 1 (Prop 1) Storm Water Grant Program (SWGP) Guidelines (Prop 1 SWGP Guidelines) establish the process and criteria that the State Water Resources Control Board (State Water Board) will use to solicit applications, evaluate and select proposals, and award grants for multi-benefit storm water management projects through the Prop 1 SWGP (Prop 1 SWGP projects), as established in California Water Code (Water Code) section 79747. Section 79747 provides \$200 million in grant funds for multi-benefit storm water management projects. The purpose of Prop 1, Chapter 7 is to improve regional water self-reliance, security, and adapt to the effects on water supply arising from climate change, including measures to:

1. Help water infrastructure systems adapt to climate change, including, but not limited to sea level rise.
2. Provide incentives for water agencies throughout each watershed to collaborate in managing the region's water resources and setting regional priorities for water infrastructure.
3. Improve regional water self-reliance consistent with Water Code section 85021.

Storm water and dry weather runoff are underutilized sources of surface water and groundwater supplies. Instead of being viewed as a resource, they are often seen as a problem that must be moved to the ocean as quickly as possible or as a source of contamination, contributing to the loss of usable water supplies and the pollution and impairment of rivers, lakes, streams, and coastal waters. Under existing law, the State Water Board and the Regional Water Quality Control Boards (Regional Water Boards) prescribe waste discharge requirements (WDRs) for the discharge of storm water in accordance with the National Pollutant Discharge Elimination System (NPDES) permit program established by the federal Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act.

Storm water or dry weather runoff projects that address discharge to an Area of Special Biological Significance (ASBS) or coastal waters, as identified in the Clean Beaches Program, may also qualify for unused or re-appropriated Proposition 84 (Prop 84) funds, Proposition 13 (Prop 13) Coastal Nonpoint Source funds, Proposition 40 (Prop 40) funds, and Proposition 50 (Prop 50) Coastal Non-Point Source funds. Should the State Water Board's Division of Financial Assistance (Division) Deputy Director determine that a project can be funded in whole or part by any of these funds; the Deputy Director may require the applicant to submit any supplemental information required to satisfy the legal requirements of those propositions.

## II. OVERVIEW

The Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Prop 1) was approved by California voters in the general election on November 4, 2014. Among other funds, Prop 1 provided \$200 million for matching grants to public agencies, nonprofit organizations, public utilities, state and federally recognized Indian tribes, and mutual water companies for multi-benefit storm water management projects (Water Code section 79747). After bond and program administration costs, approximately \$186 million will be available for projects.

Prior to the passage of Prop 1 in November 2014, the California Legislature adopted Senate Bill (SB) 985 entitled the Stormwater Resource Planning Act (SB 985). SB 985 amended Water Code<sup>1</sup> sections 10561, 10562, 10563, 10573, and added sections 10561.5 and 10565 to require the development of a Storm Water Resource Plan to receive grants from a bond act approved after January 1, 2014 for storm water and dry weather runoff capture projects. The SB 985 requirement to prepare a Storm Water Resource Plan is directed to public agencies. A Storm Water Resource Plan must include a prioritized list of projects to address storm water and dry weather runoff capture on a watershed basis. Each developed Storm Water Resource Plan must be submitted to the appropriate integrated regional water management (IRWM)

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<sup>1</sup> References in this document to the Water Code that are not to a specific section are intended to refer to those sections of the Water Code added or amended by SB 985, namely Water Code sections 10561, 10561.5, 10562, 10563, 10565, and 10573.









All SWGP projects must meet the following requirements:

- Be multi-benefit projects containing a minimum of two benefits listed in Section G – Storm Water Management Benefits;
- Be included and implemented in an adopted IRWMP;
- Be included in a Storm Water Resource Plan that is consistent with the Water Code requirements and the Storm Water Resource Plan Guidelines<sup>3</sup>. Projects must either be specifically listed or included as a programmatic element of a Storm Water Resource Plan. Projects that implement a programmatic element of a Storm Water Resource Plan must be designed to achieve specific quantified performance goals identified in the Storm Water Resource Plan;
- Be consistent with the applicable water quality control plan (Basin Plan) adopted by the State Water Board and/or Regional Water Board;
- Demonstrate the capability of contributing to sustained, long-term water benefits for a minimum period of 20 years;
- Be operated and maintained for the project’s useful life; and
- Demonstrate adequate rights of way for the useful life (i.e., 20-years) of the project.

Certain control measures implemented or required by municipal storm water permits for urban runoff management might create a habitat for vectors (e.g., mosquitoes and rodents) if not properly designed or maintained. Close collaboration and cooperative efforts among permittees, local vector control agencies, local public health departments, and Water Board staff are necessary to minimize potential nuisances and public health impacts resulting from vector breeding.

### C. GRANT AMOUNT

The minimum and maximum grant amounts available for both planning and implementation grants are presented in Table 1 below. The State Water Board will authorize up to \$1 million of the planning grant funds for technical assistance, to be issued under a separate solicitation.

**Table 1 – Minimum and Maximum Grant Amounts**

Project Type	Minimum Grant Amount	Maximum Grant Amount
Planning	\$50,000	\$500,000
Implementation	\$250,000	\$10,000,000

### D. MATCH REQUIREMENT

The applicant is required to provide a minimum local funding match of fifty percent (50%) of the total project cost. **Other State funds (regardless of issuing State agencies) cannot be used for the required match.** The funding match may include, but is not limited to: Federal grants and loans, local and private funding, or donated and volunteer (“in-kind”) services. Repayable financing received through the Clean Water State Revolving Fund Program or a Federally sponsored loan program may be used for match. The State Water Board reserves the discretion to review and approve funding match expenditures.

Eligible reimbursable expenses incurred after the approval of Prop 1 (**November 4, 2014**) and prior to the project completion date can be applied to the funding match.

Eligible expenses for funding match are those expenses that would be eligible Proposition 1 grant costs and include, but are not limited to:

- Donated and volunteer (“in-kind”) services;
- Planning, engineering, and design specific to the implementation project;
- Permitting;

<sup>3</sup>The Storm Water Resource Plan(s) must be completed within 90-days post award. Applicants must provide details on the plan(s) process, status of the plan(s), and assurances that the plan(s) will be completed by this date. The applicant must show proof that their local IRWM group has received the plan(s) to incorporate into the IRWMP.



## E. SCHEDULE

Approximately \$100 million in SWGP funds are available for fiscal year 2015-2016. Staff anticipates awarding up to \$19 million in planning funds (\$1 million is set aside to provide technical assistance to DACs/EDAs and will be managed by the Division’s Office of Sustainable Water Solutions unit) and up to \$80 million in implementation funds in Round 1. The Division may not award the full \$80 million for implementation funds if good quality, well-qualified applications are not received to justify awarding the full amount. If this occurs, the Division will either roll the remaining funds into Round 2 or open up a smaller round of funding depending on the amount remaining. The anticipated program timelines are outlined in Table 3. Any program schedule updates will be available on the SWGP website. Additional rounds for solicitation of projects may occur depending on the availability of funds.

Both the planning and Round 1 implementation solicitations will be open concurrently in early 2016. The planning solicitation will be open for six-weeks, with anticipated grant awards occurring in Spring 2016. The Round 1 implementation solicitation will be open through June or July 2016. A pre-application form will be available on the SWGP website to aid potential applicants in determining if their project meets the requirements of Prop 1, Chapter 7 or other bond funds available through this solicitation; to determine if the project qualifies for a reduction in match; to evaluate whether the applicant requires technical assistance; and to provide feedback from Division staff in guiding applicants in their pursuit of funding. The pre-application questions will be developed using a subset of information requested for the full application. The pre-application process will close in April or May 2016 to allow technical assistance to occur, if required, and to provide sufficient time for potential applicants to complete their application process.

**Table 3 – Expected Timeline** <sup>1</sup>

Round	Award	Plan/Construction Complete <sup>2</sup>	Final Report	Work Completion	Final Invoice
Planning	Spring 2016	October 2019	January 2020	February 2020	March 2020
Implementation – Round 1	Fall 2016	July 2020	September 2020	October 2020	November 2020
Implementation – Round 2	Spring 2018	April 2022	July 2022	August 2022	September 2022
<sup>1</sup> The timeline is subject to legislative appropriation of funds. Funds appropriated in future years will be disbursed in accordance with the appropriation(s) schedule(s). These dates represent deadline dates; therefore, applicants should plan to complete the tasks well in advance of the listed dates. <sup>2</sup> Construction must be completed early enough to perform post-construction monitoring, as appropriate, to determine project effectiveness.					

## F. EDUCATION AND OUTREACH

As indicated in Water Code section 79707(g) and to the extent practicable, **all projects must include signage** informing the public that the project received funds from Prop 1. Other education and outreach costs that are part of construction and directly related to the completion of the implementation project could be eligible for reimbursement of grant funds or matching funds; however, a direct correlation between the education and outreach activities, the construction of the project, and expected project benefits from the education and outreach must be clearly identified.

## G. STORM WATER MANAGEMENT BENEFITS

As indicated in the Water Code section 79747(a), only multi-benefit storm water management projects are eligible for grant funds. Multi-benefits include, but are not limited to, a project that addresses:

- Water Supply:
  - Increased water supply reliability
  - Conjunctive use
  - Increased water conservation

- Water Quality:
  - Increased filtration and/or treatment of runoff
  - Nonpoint source pollution control
  - Reestablished natural water drainage and treatment
- Flood Management:
  - Decreased flood risk by reducing runoff rate and/or volume
  - Reduced sanitary sewer overflows
- Environmental:
  - Environmental and habitat protection and improvement, including:
    - Wetland enhancement and/or creation
    - Riparian enhancement; and/or
    - instream flow improvement
  - Increased urban green space
  - Reduced energy use, greenhouse gas emissions, or provides a carbon sink
  - Reestablishment of the natural hydrograph
  - Water temperature improvements
- Community:
  - Employment opportunities provided
  - Public education
  - Community involvement
  - Enhanced and/or created recreational and public use areas

## **IV. PROJECT SELECTION PROCESS**

The SWGP planning and implementation projects will be selected through a competitive process. Proposals will be evaluated by the Division staff for completeness, eligibility, and technical merit (with input from the Division of Water Quality and Regional Water Boards) and ranked by applying the evaluation criteria found in Appendices B and C. Based on the staff evaluation and recommendations, the Division Deputy Director's review, and available funds, the Division's Deputy Director will award funds to the highest ranked proposals. The Deputy Director may partially fund the project where the review indicates that a project does not qualify for the full amount of funding sought or when there are more qualified projects requesting grant funds beyond what is available.

### **A. APPLICANT ASSISTANCE WORKSHOPS**

State Water Board staff will conduct technical assistance workshops to address questions and provide general assistance to applicants in preparing their project proposals. The dates and locations of the workshops will be posted on the Prop 1 SWGP website and announced via the SWGP electronic mailing list, as well as State Water Board website at:

<http://www.waterboards.ca.gov/swgp>

### **B. SOLICITATION AND SUBMITTAL OF PROPOSALS**

State Water Board staff will release a proposal solicitation notice upon adoption of the Prop 1 SWGP Guidelines. The solicitation notice will include the application period, due date, and detailed instructions for submitting the proposals. During Round 1, planning and implementation grant proposals will be accepted. The State Water Board anticipates having implementation funds, but does not anticipate having planning funds available for the Round 2 process. The implementation solicitation will include an optional pre-application step to provide applicants with the opportunity to receive feedback, and potentially technical assistance, prior to submittal of their final application.

The solicitation notice will also be e-mailed to all interested parties on the State Water Board's "Storm Water Grant Program" electronic mailing list. Interested parties may sign up for the electronic mailing list at:

<http://www.waterboards.ca.gov/subscribe>

The application will be submitted using the State Water Board's Financial Assistance Application Submittal Tool (FAAST) online system. The planning and implementation proposal applications and evaluation criteria are presented in Appendices B and C. The FAAST applications will be available following issuance of the solicitation notices, at the following secure link:

<https://faast.waterboards.ca.gov/>

Division staff may make changes to the application questionnaires consistent with these Prop 1 SWGP Guidelines depending on the final preparation of the review questionnaire for the FAAST system. The intent of the Prop 1 SWGP Guidelines is to give the applicants an understanding of the types of information that will be required in the solicitation process. **Applicants should rely on the questions as they appear in the FAAST Questionnaire.**

Applicants will be asked to organize their proposal in a format consistent with the evaluation criteria. This approach should assist applicants in providing complete documentation and will streamline the review process. Applicants should use consistent terminology throughout their application.

### C. COMPLETENESS REVIEW

Applications must contain all required items. All applications, including attachments and supporting documentation, must be provided by the submittal deadline. **Any material submitted after the deadline will not be reviewed or considered.** State Water Board staff will initially evaluate and screen each application for completeness. **Incomplete applications will not be reviewed or considered for funding.** Applicants will be notified if their proposal was determined to be incomplete and not reviewed further.

### D. ELIGIBILITY REVIEW

Complete applications will be evaluated for compliance with the eligibility criteria. All proposals must meet the eligible applicant requirements (Appendix B-2 and C-2). **Applications that are determined to be ineligible will not be reviewed or considered for funding.** Applicants will be notified if their proposal was determined to be ineligible for funding.

### E. PROPOSAL REVIEW AND SELECTION PROCESS

All proposals must be submitted in FAAST by the posted date and time deadline. State Water Board and Regional Water Board staff will provide technical review of all eligible proposals based on technical feasibility, ability to achieve the program preferences, readiness to proceed, cost effectiveness, and other criteria established in the *Scoring Criteria* as outlined in Appendices B and C.

Division staff may recommend reducing individual grant amounts from the requested amount. However, such reductions will be considered only if technical reviewers have indicated that the budget is too high, or some tasks are determined to be ineligible for the grant program or are not necessary. A reduction would also be weighed against whether the reduced funding would impede project implementation or if the proposed budget is determined inconsistent with similar projects. A reduction in requested grant funds can also occur when a greater number of well-qualified projects are requesting grant funds greater than can be awarded in each round of solicitation.

The proposals will be ranked based on the technical review by Water Board staff and Division management and submitted to the Division's Deputy Director. The Division's Deputy Director will issue final approval of the Recommended Funding List and will make any final decisions regarding reductions in requested funding.

### F. APPLICANT NOTIFICATION

Division staff will distribute the Recommended Funding List through our electronic mailing list and post it on the Division's Prop 1 SWGP website.

Congratulatory e-mails to those applicants awarded grant funds will be made by the assigned grant manager and program analyst and will include important attachments to aid the grant agreement process.

Individual meetings with the listed project director for each awarded project will be scheduled, if possible, with the grant manager once the grant agreement has been executed.

Applicants whose proposal was deemed incomplete or ineligible during the Completeness and Eligibility Review process or who were not recommended for funding will receive a separate e-mail notification. For additional information and/or clarification, we encourage those applicants to contact Division staff at:

[DFA\\_Grants@waterboards.ca.gov](mailto:DFA_Grants@waterboards.ca.gov)

## V. GENERAL PROGRAM REQUIREMENTS

All applicants that are awarded a grant through the SWGP must comply with the following general program requirements. Before proceeding with the application process, applicants must consider their ability to comply with these requirements.

### A. CONFLICT OF INTEREST

Applicants are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent grant agreement being declared void. Other legal action may also be taken. Before submitting an application, applicants are urged to seek legal counsel regarding conflict of interest requirements. Applicable statutes include, but are not limited to, California Government Code section 1090 and California Public Contract Code sections 10410 and 10411.

### B. CONFIDENTIALITY

Any privacy rights, as well as other confidentiality protections afforded by law with respect to the application package, will be waived once the proposal has been submitted to the State Water Board.

The location of all projects awarded funding, including the locations of management measures or practices implemented, must be reported to the State Water Board and Regional Water Boards (Water Boards) and will be available to the public. The Water Boards may report project locations to the public through internet-accessible databases. The State Water Board uses Global Positioning System coordinates for project and sampling locations. See item G of the General Program Requirements Section for additional information on monitoring and reporting requirements.

### C. LABOR CODE COMPLIANCE

Grantees are bound by all the provisions of the Labor Code regarding prevailing wages and shall monitor all contracts subject to reimbursement from the grant agreement to assure that the prevailing wage provisions of the Labor Code are being met.

For those applicants that receive Proposition 84 funds, the grantee is required to have a labor compliance program (LCP) in place or to have contracted with a third party that has been approved by the Director of the Department of Industrial Relations to operate an LCP pursuant to PRC section 75075, Labor Code section 1771.3(c) and 1771.5, and California Code of Regulations title 8 section 16423.

Before submitting an application, applicants are urged to seek legal counsel regarding Labor Code compliance. See the California Department of Industrial Relations website (<http://www.dir.ca.gov/lcp.asp>) for more information.

### D. CEQA COMPLIANCE

All projects funded under the SWGP must comply with the California Environmental Quality Act (CEQA). Grantees are responsible for complying with all applicable laws and regulations for their projects, including CEQA. State Water Board selection of a project for a grant does not indicate that the consideration of alternatives or mitigation measures that would reduce or eliminate adverse environmental effects of that project is adequate. **No work may proceed until the State Water Board completes its own CEQA findings.**

During the CEQA process for the release, consideration, and adoption of a negative declaration, mitigated negative declaration, or environmental impact report for a project, the Lead Agency shall comply with all requirements for notification of and/or consultation with a California Native American tribe, where the project is in geographic area traditionally and culturally associated with the tribe (PRC section 21080.3.1, 75102).

#### **E. RELATED LITIGATION**

A grantee cannot use funds from any disbursement under a grant agreement to pay costs associated with any litigation the grantee pursues. Regardless of whether the project is the subject of litigation, the grantee agrees to complete the project funded by the grant agreement or to repay all grant funds plus interest.

#### **F. COMPLIANCE WITH EMERGENCY DROUGHT REGULATIONS**

A grantee shall comply with the State Water Board's Drought Emergency Water Conservation regulations in Section 863-866 of title 23 of the California Code of Regulations.

#### **G. PROJECT ASSESSMENT & EVALUATION PLANS**

Grantees are required to assess and report on project effectiveness, which may include, but is not limited to, qualitative assessments, determining volume of storm water and dry weather runoff captured or treated, and assessing improvements in storm water discharge quality resulting from project implementation. The goals and targets must meet the standards provided in the Storm Water Resource Plan Guidelines and report the appropriate metric(s) for the benefit(s) claimed.

All Proposals must include a Project Assessment and Evaluation Plan (PAEP) table to summarize how project performance will be assessed, evaluated, and reported. The goals of a PAEP are to:

- Provide a framework for assessment and evaluation of project performance;
- Identify measures that can be used to monitor progress towards achieving project goals and desired outcomes; and
- Provide a tool for grantees and grant managers to monitor and measure project progress and guide final project performance reporting that will fulfill the grant agreement requirements.

In addition, grantees must submit an updated PAEP after the grant agreement is executed and make annual updates thereafter for the term of the agreement. The PAEP must include a summary of project goals, the appropriate performance measures to track the project progress, and measurable targets that the applicant thinks are feasible to meet during the project period. The PAEP is not intended to be a monitoring plan. PAEP guidance will be provided by the assigned Grant Manager.

#### **H. MONITORING**

If project effectiveness is being evaluated through water quality, water quantity, or other environmental monitoring, the grantee must prepare a monitoring plan (MP). The MP must include a description of the monitoring program and objectives, types of constituents to be monitored, methodology, the frequency and duration of monitoring, and the sampling location for the monitoring activities. Guidance on the MP will be provided by the assigned Grant Manager.

#### **I. DATA MANAGEMENT**

Projects must include appropriate data management activities so that project data can be incorporated into appropriate statewide data systems. Water quality monitoring data must be integrated into the California Environmental Data Exchange Network (CEDEN) and be compliant with an approved Quality Assurance Program Plan (QAPP). Determination on whether a project is required to have a QAPP will be made by the assigned Grant Manager prior to finalizing the grant agreement. Data will be available to the stakeholders, agencies, and the public. Please see the CEDEN website (<http://www.ceden.org/>) for additional information on the State Water Board's statewide data management efforts. Groundwater monitoring data must be integrated into the Groundwater Ambient Monitoring & Assessment (GAMA) database. Please see the GAMA website (<http://waterboards.ca.gov/gama/>) for additional information on the State Water Board's statewide management efforts.

## J. REPORTING

Every grantee is required to submit quarterly progress reports that detail activities that have occurred during the applicable reporting period. Reporting is required even if no grant related activities took place during the reporting period. At the conclusion of the project, the grantee must submit a Final Project Summary, Final Project Inspection and Certification, and a comprehensive Draft and Final Project Report. Templates or outlines for all these reports will be provided by the Grant Manager.

## K. OPERATIONS AND MAINTENANCE

The grantee shall maintain and operate the facility and structures constructed or improved as part of the project throughout the useful life of the project (20 years), consistent with the purposes for which this grant was made. The grantee assumes all operations and maintenance (O&M) costs of the facilities and structures; the State Water Board shall not be liable for any cost of such maintenance, management, or operation. Operation costs include direct costs incurred for material and labor needed for operations, utilities, insurance, and similar expenses. Maintenance costs include ordinary repairs and replacements of a recurring nature necessary to prolong the life of capital assets and basic structures, and the expenditure of funds necessary to replace or reconstruct capital assets or basic structures.

## L. URBAN AND AGRICULTURAL WATER MANAGEMENT PLAN AND GROUNDWATER PLANNING REQUIREMENTS

### I. URBAN WATER MANAGEMENT PLANNING ACT COMPLIANCE

Water suppliers who were required by the Urban Water Management Planning Act (Water Code section 10610 *et seq.*) to submit an Urban Water Management Plan (UWMP) to the Department of Water Resources (DWR) must have submitted a complete UWMP to be eligible for grant funding. Applicants and project proponents that are urban water suppliers and have projects that would receive funding through the SWGP program must have a UWMP that has been verified as complete by DWR before a grant agreement will be executed. *Note: The 2015 UWMPs are due for submittal to DWR by July 1, 2016.*

### II. AGRICULTURE WATER MANAGEMENT PLAN COMPLIANCE

Agricultural water suppliers are not eligible for a water grant or loan awarded or administered by the State unless the supplier complies with SBx7-7 water conservation requirements outlined in Water Code section 10608, Division 6, Part 2.55, which requires that submittal of an Agricultural Water Management Plan (AWMP). *Note: The 2015 AWMPs are due for submittal to DWR by December 31, 2015.*

### III. GROUNDWATER MANAGEMENT PLAN COMPLIANCE

Per Water Code section 79742(b), "A local agency that does not prepare, adopt, and submit its groundwater plan in accordance with groundwater planning requirements established under Division 6 (commencing with Section 10000) is ineligible to apply for funds made available pursuant to this chapter until the plan is prepared and submitted in accordance with the requirements of that part. The groundwater management plan requirement shall not apply to a water replenishment district formed pursuant to Division 18 (commencing with Section 60000) or to a local agency that serves or has authority to manage an adjudicated groundwater basin."

For groundwater projects or other projects that directly affect groundwater levels or quality, the applicant or the participating agency responsible for such projects must have a Groundwater Management Plan and have submitted a self-certification compliance form to DWR.

## M. GRANT AGREEMENT

Following funding awards, the State Water Board will execute a grant agreement with the grantee. Grant agreements are not executed until signed by authorized representatives of the grantee and the State Water Board.

It is **HIGHLY recommended** that applicants review the grant agreement template prior to submission of their proposal. If applicants are not able to abide by the terms and conditions contained therein, applicants should not submit a proposal. A copy of a grant agreement template will be posted prior to opening the funding solicitations on the SWGP webpage (Part IV, A).



The State Water Board encourages collaboration in the development and implementation of projects. Parties that wish to collaborate on a proposal may elect to use a contractor-subcontractor relationship, a joint venture, a joint powers authority (JPA), or other appropriate mechanism. Grant agreements will be executed with one eligible grantee per project. This grantee can subcontract with partners that are responsible for implementation of the project tasks. The grant funding and the implementation responsibilities will be the province of the grantee; subcontracting to another entity does not relieve the grantee of its responsibilities. The State Water Board will not have a relationship with collaborators or subcontractors. Notwithstanding the foregoing, the State Water Board may revise the standard grant agreement terms and conditions to reflect state law changes.

#### **N. REIMBURSEMENT OF COSTS**

Only **direct costs** and work performed within the terms of the grant agreement will be eligible for reimbursement. **Indirect costs, such as overhead, contingency, or markup are not eligible expenses.** Eligible expenses incurred upon the start date listed in the grant agreement and prior to the project completion date may be directly reimbursed. **Advance funds will not be provided.**

Reimbursable costs include the reasonable costs of planning, engineering, design, permitting, preparation of environmental documentation, environmental mitigation, easement and land purchases, project implementation, project monitoring within the term of the agreement, and education and outreach necessary for successful project implementation.

Costs that are not reimbursable with grant funds include, but are not limited to:

- Costs, other than those noted above, incurred outside the terms of the grant agreement with the State;
- Operation and maintenance costs for maintenance, management, and operation beyond initial startup;
- Education and outreach not directly related to project construction;
- Purchase of equipment not an integral part of the project or included in the line item budget;
- Establishing a reserve fund;
- Replacement of existing funding sources for ongoing programs;
- Expenses incurred in preparation of the Proposal;
- Payment of principal or interest of existing indebtedness or any interest payments; and
- Overhead, markup, or indirect costs.

#### **O. GRANT MANAGER NOTIFICATION**

Grantees will be required to notify the State Water Board Grant Manager prior to conducting construction, monitoring, demonstration, or other implementation activities so that the Grant Manager may observe to verify activities are conducted in accordance with the grant agreement. The Grant Manager may document the inspection with photographs and notes, which may be included in the SWGP project file.

#### **P. DIVISION OF FINANCIAL ASSISTANCE ADDITIONAL AUTHORITY**

Funds may become available from projects which are withdrawn or completed under budget. The State Water Board has the authority to withdraw grant funds from grantees that are non-responsive. The Deputy Director of the Division shall have the authority to utilize these funds for funding additional projects below the funding line or for augmenting the scope and budget of projects previously awarded. Additional activities funded under existing grants will be subject to these Prop 1 SWGP Guidelines and must complement or further the goals of existing projects.

## **VI. APPENDICES**

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# APPENDIX A: REQUESTS FOR REDUCED FUNDING MATCH FOR DACs AND EDAs

## I. PURPOSE

The purpose of this Appendix is to provide a method for demonstrating eligibility for the reduced funding match for the SWGP.

At a minimum, the following information must be included in the application:

- Provide a map with sufficient geographic detail to define the boundaries of the overlying storm water management entity's service area, the DAC/EDA, and the project construction and benefit areas;
- Describe the methodology used in determining the total population of the proposed DAC/EDA (either the storm water management entity's service area or local DAC/EDA as described in Section III.D.I). The applicant must identify what census geographies (e.g., census designated place, census tract, census block group) were used, and how they were applied. Also, the applicant must explain how the DACs/EDAs were identified;
- Provide annual median household income (MHI) data for the DAC/EDA in the project area;
- Provide information on amount and type of direct benefit the project provides to the DACs/EDAs;
- Include descriptions or information on the DAC/EDA involvement, such as past, current, and future efforts to include DAC/EDA representatives in the planning and/or implementation process; and
- Letters of support from representatives of the DAC/EDA indicating their support for the project or portion of the proposal designed to provide direct benefit to the DAC/EDA and acknowledging their inclusion in the planning and/or implementation process.

The following data requirements must be met:

- MHI and population data must be from 2010 or later United States Census Bureau (Census Bureau) data sets, or an income/population survey if no representative census data is available; and
- MHI and population data used in analysis must be from the same time period and geography.

To determine whether the project is located within an EDA, please refer to DWR's website at: [http://www.water.ca.gov/irwm/grants/resources\\_eda.cfm](http://www.water.ca.gov/irwm/grants/resources_eda.cfm).

## II. ALLOWANCES

For assistance with accessing census data see the Census Bureau American FactFinder website (<http://factfinder.census.gov/>). Applicants may use a single type of census geography or combinations of 2010 or later Census geographies in determining the MHI and population for DACs and the project area. However, the census geography that is used must be consistent for both MHI and population. Official census geographies, such as census tract, place, and block group, are acceptable.

## III. STEPS TO REQUEST A REDUCED FUNDING MATCH

### Step A. Screening based on Maximum Grant Amount

For planning grants, the minimum grant amount per proposal is \$50,000 and the maximum grant amount per proposal is \$500,000, regardless of DAC/EDA status.

For implementation grants, the minimum grant amount per proposal is \$250,000 and the maximum grant amount per proposal is \$10,000,000, regardless of DAC/EDA status.

### Step B. Documentation of the Presence of DACs/EDAs

The project must be located within and benefit a DAC/EDA. **If the project is not located within and does not benefit a DACs/EDA, do not apply for a reduced funding match.** The DAC/EDA should be identified in the description of the project area in the Proposal. Applicants should ensure the description of the DAC/EDA is adequate to determine whether the community meets the definitions in this Appendix. The DAC/EDA should also be shown on maps of the project area. In describing the DAC/EDA, include the relationship to the project objectives and information that supports the determination of DAC/EDA in the project area.

### Step C. Documentation of DAC/EDA Representation & Participation

The mere presence of a project within a DAC/EDA area is not sufficient cause to grant a reduction of the funding match. The DAC/EDA must be involved in the implementation process. Supporting information that demonstrates how the DAC/EDA is, or will be, involved in the implementation process of the project must be included. Information must demonstrate how the DAC/EDA or their representatives are participating in the implementation process. As indicated above, include letters from the DAC/EDA representatives that verify support of and inclusion and participation in the process. **If DAC/EDA representation or participation in the implementation process cannot be demonstrated, do not apply for a reduced funding match.**

### Step D. Determining a Reduced Funding Match

The required funding matches for the SWGP are presented in Section III.D, including match reduction categories for eligible projects. Where the project directly benefits a DAC/EDA, a reduction in the required funding match may be allowed.

The funding match is calculated based on the **total project cost**.

### Step E. Benefits and Impacts to DACs/EDAs

Applicants must explain anticipated benefits and impacts to the DAC/EDA in their project area for the specific work item in their proposal. The explanation should include the nature of the anticipated benefit, the certainty that benefit will accrue if the project is implemented, and which DAC/EDA in the project area will benefit and/or be impacted.

Use of zero values for populations and MHI for disadvantaged communities are not appropriate in data sets. Text, data, and other information that supports selection of areas as a DAC/EDA must be provided. For assistance with accessing census data, see the Census Bureau's website (<http://www.census.gov/#>) or American FactFinder website (<http://factfinder.census.gov/>). Include the method used for population determination, the population of the project area, population of DACs/EDAs in the project area, MHI data for DACs/EDAs, and calculation of the reduced funding match.

## Exhibit A-1: Certification of Understanding

The undersigned certifies that:

The application submitted by <Insert Name of Applicant> for <Insert Proposal Title> for a Prop 1 Storm Water Grant Program contains a request for a reduction of the funding match based on <"small & severely disadvantaged", "disadvantaged", or "economically distressed area"> community status.

The above named applicant understands:

- The reduction of the funding match presented in the application is a request that will not be automatically granted.
- State Water Resources Control Board staff will review the disadvantaged community/economically distressed area information submitted in the application prior to making a decision to accept, modify, or deny such a reduction.
- Should the proposal be chosen for funding, but the requested reduction in funding match is rejected or modified, the grantee is responsible for costs exceeding the grant funding amount to complete the project and any additional required match.
- The granting agency will rescind the grant award if the grantee cannot cover either:
  1. Increased costs and/or match due to rejection or modification of the request for reduction in the funding match; or
  2. Adequately restructure the grant proposal within the available budget, while still meeting the intent of the original proposal.

Authorized Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Date: \_\_\_\_\_

# **APPENDIX B: PLANNING PROPOSAL APPLICATION & EVALUATION CRITERIA**

## **Appendix B-1 Planning Proposal Application**

## **Appendix B-2 Planning Proposal Evaluation Criteria**

Please note that the application and/or review questions outlined in Appendix B may be reworded, combined, or separated as the information is transferred to the online FFAST. Division staff may make clarifying or editorial changes to the application following adoption of these Guidelines. Appendix B is subject to change depending on the final preparation of the review questionnaire for the FFAST system. Appendix B is a tool to guide applicants on the types of information that will be required; however, please refer to FFAST upon opening of the solicitation for the final list of questions and required attachments. No substantive changes will be made to the evaluation criteria and scoring scheme.

## APPENDIX B – 1: PLANNING PROPOSAL APPLICATION

### Appendix B-1: Planning Proposal Application

The following information is provided as a guide for applicants to ensure that they have submitted the required information. Character limits refer to character limits in FFAST.

<b>A. Program Selection &amp; General FFAST Information</b>	
<b>1.</b>	<b>PROJECT SELECTION</b>
	Select the “Prop 1 SWGP Planning.”
<b>2.</b>	<b>GENERAL INFORMATION</b>
	<u>Project Title</u> – Provide the title of the proposal.
	<u>Project Description</u> – Provide a brief description of the project. The length of the Project Description is limited to 250 characters (including spaces).
	<u>Applicant Details</u> – Provide the name and address of the applicant organization.
	<u>Project Director</u> – The Project Director (PD) is responsible for adhering to the terms of the grant agreement, keeping the project on track, submitting deliverables in a timely manner, and overall management of the administrative and technical aspects of the grant agreement. The PD must be an employee of the Grantee. Persons that are subcontractors to be paid by the grant cannot be listed as the PD.
	<u>Grant Contact</u> – The Grant Contact is the day-to-day contact on the project from the applicant organization.
	<u>Grant Funds Requested</u> – Provide amount of grant funds requested for the project in dollars.
	<u>Total Budget</u> – Includes the grant funds requested, funding match and other funding sources not reported as match (e.g., other grant funds).
	<u>Latitude/Longitude</u> – Enter latitude/longitude coordinates of the approximate midpoint of the project location in degrees using decimal format.
	<u>Watershed</u> – Provide names of the watersheds where the project is located. If the project covers multiple watersheds, list the primary watershed first.
	<u>County</u> – Provide the county in which the project is located. If the project covers multiple counties, select “Multiple Counties” from the drop-down list.
	<u>Responsible Regional Water Board</u> – Provide the name of the Regional Water Quality Control Board (Regional Water Board) in which the project is located. If the project extends beyond one Regional Water Board boundary, select “Statewide” from the drop-down list.
<b>3.</b>	<b>LEGISLATIVE INFORMATION</b> Enter the State Assembly, State Senate, and U.S. Congressional Districts in which the project is located. For projects that include more than one district, please enter each district. Lookup tables are provided in FFAST to assist with determining the appropriate districts.
<b>4.</b>	<b>COOPERATING ENTITIES</b> Include entities that have/will assist the applicant in project development or implementation. Provide names of cooperating entities, role/contribution to project, first and last name of entity contact, phone number, and email address.
<b>5.</b>	<b>AGENCY CONTACTS</b> If the applicant has been collaborating with State and Federal agencies (Department of Water Resources [DWR], Regional Water Board, State Water Board, U.S. EPA, etc.) in proposal/project development, please provide agency name, agency contact first and last name, phone, and email address. This information is used to identify individuals who may have an understanding of a project and in no way indicates an advantage or disadvantage in the ranking process.
<b>6.</b>	<b>APPLICATION QUESTIONNAIRE</b> The answers to these questions will be used in processing the application and determining the eligibility and completeness of the application.
<b>7.</b>	<b>PROJECT CLASSIFICATION</b> These questions allow State Water Board staff to categorize the types of activities the project is proposing to implement.

## APPENDIX B – 1: PLANNING PROPOSAL APPLICATION

<b>B. Background Information</b>	
<b>1A.</b>	<b>ELIGIBILITY REQUIREMENTS - ALL APPLICATIONS</b>
	1. Select the applicant’s organization type from the drop-down menu. In order to be considered eligible, the applicant must be a public agency, nonprofit organization, public utility, federally recognized Indian tribe, state Indian tribe listed on the Native American Heritage Commission’s Tribal Consultation List, mutual water company, or eligible GSA.
	2. Do you need grant funds because you do not have a Storm Water Resource Plan or sets of plans that meet the Water Code and Storm Water Resource Plan Guideline requirements? Do you have a functionally equivalent plan (FEP) or plans that meet the Water Code and Storm Water Resource Plan Guidelines requirements, but are requesting grant funds to improve upon the FEP? Are you applying for project-specific planning funds?
	3. Select from the drop-down menu whether the application represents a large-scale collaboration, regional-sized group, or other. If “Other”, use the text box to explain why the application does not represent one of the other two categories and justification for completing a Storm Water Resource Plan independently of a watershed or regional scale. If a large-scale or regional group is represented, please use the text box to identify the lead agency and why they were chosen to represent the group. <b>FOR PROJECT SPECIFIC PLANNING APPLICATIONS:</b> Chose “Other” and discuss whether collaboration occurred for the completed Storm Water Resource Plan.
	4. Select whether the applicant is a DAC or EDA, whether the project directly benefits a DAC or EDA, or Not Applicable.
	5. Are you an Urban Water Supplier, Agricultural Water Supplier, or local groundwater user? If yes, have you adopted and submitted to DWR an Urban Water Management Plan, an Agricultural Water Management Plan, or a Groundwater Management Plan?
	6. What percent funding match will be provided? If less than 50% is proposed, provide the required attachments (Attachments 6 and 7) and supporting documentation in the application. See Appendix A for further details.
	7. If the applicant or any cooperating entity has received funding from the State Water Board previously, did the applicant or cooperating entity complete the project(s) in accordance with the funding agreement and demonstrate its ability to competently manage the project? Has the applicant or any cooperating entities entered into a contract or grant agreement with the State Water Board: (1) that was terminated; (2) in which funds were withheld by the State Water Board; (3) in which the grantee was notified of a Breach of Agreement; or (4) that has been the subject of an audit in which there were findings regarding management of the project or funds by the applicant or cooperating entity? If so, explain the actions taken to address the problems.



**APPENDIX B – 1: PLANNING PROPOSAL APPLICATION**

<b>1B.</b>	<b>ELIGIBILITY REQUIREMENTS – PROJECT SPECIFIC PLANNING APPLICATIONS ONLY</b>
	8. Is the proposed project included in a Storm Water Resource Plan that has been submitted to the local IRWM group? Provide documentation that the project is listed in a Storm Water Resource Plan and that the Storm Water Resource Plan has been submitted to the local IRWM group. If the applicant is a DAC that is exempt from the Water Code requirements, is the project included and implemented in an adopted IRWMP? Provide documentation that the project is included and implemented in an adopted IRWMP.
	9. Is the project type consistent with the eligible project types described in the Prop 1 SWGP Guidelines (Eligibility Requirements; Part B)? Please explain.
	10. Is the proposed project consistent with the applicable Basin Plan, including any TMDLs, and any applicable NPDES permit or WDRs? For projects that address discharge of storm water or dry weather runoff to an ASBS, is the project consistent with or identified in the applicable ASBS compliance plan?
	11. Is the project a multi-benefit project that contains a minimum of two program preferences listed in the Guidelines Section G – Program Preferences? List the multi-benefits the proposed project addresses. Backup documentation justifying these claims will be required in the Workplan attachment and quantified in the Benefit attachment.































































