

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement	GRANT NUMBER (FAIN): 00349921 MODIFICATION NUMBER: 0 PROGRAM CODE: C9		DATE OF AWARD 09/15/2021
		TYPE OF ACTION New		MAILING DATE 09/22/2021
		PAYMENT METHOD: ACH		ACH# 30359
		RECIPIENT TYPE: State		
RECIPIENT: VA Dept of Environmental Quality 1111 E Main St Richmond, VA 23219-3531 EIN: 54-1661753		PAYEE: VA Dept of Environmental Quality 1111 E Main St Richmond, VA 23219-3531		
PROJECT MANAGER Nicole Sandberg 1111 East Main Street, Suite 1400 Richmond, VA 23219-3531 E-Mail: nicole.sandberg@deq.virginia.gov Phone: 804-698-4043		EPA PROJECT OFFICER Michael Hoffmann 1650 Arch Street, 3WD31 Philadelphia, PA 19103-2029 E-Mail: Hoffmann.Michael@epa.gov Phone: 215-814-2716		EPA GRANT SPECIALIST Kelly Rakus Mission Support Division, 3MD22 1650 Arch Street Philadelphia, PA 19103-2029 E-Mail: Rakus.Kelly@epa.gov Phone: 215-814-5163
PROJECT TITLE AND DESCRIPTION VADEQ - 2021 Section 319(h) Nonpoint Source Implementation Grant This agreement provides support for the Commonwealth of Virginia to implement its nonpoint source management program, focusing on watersheds with water quality impairments caused by polluted run-off from nonpoint sources. Nonpoint source implementation projects can be conducted by both the state grant recipient as well as by a variety of subrecipients, and include a variety of structural and non-structural best management practices (BMPs), watershed planning, monitoring, technology demonstrations, and a variety of education/outreach programs. The implementation projects are expected to primarily achieve pollutant load reductions in watersheds with Clean Water Act Section 319 approved watershed-based plans, ultimately leading to restoration of waterbodies and attainment of water quality standards. The beneficiaries of the award are the Commonwealth of Virginia and its citizens.				
BUDGET PERIOD 09/01/2021 - 08/31/2026	PROJECT PERIOD 09/01/2021 - 08/31/2026	TOTAL BUDGET PERIOD COST \$2,969,700.00	TOTAL PROJECT PERIOD COST \$2,969,700.00	
NOTICE OF AWARD Based on your Application dated 06/25/2021 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$1,781,700.00. EPA agrees to cost-share 60.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$1,781,700.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS US EPA Region 3, 3MD22 1650 Arch Street Philadelphia, PA 19103-2029		ORGANIZATION / ADDRESS U.S. EPA, Region 3, Water Division (3WD00) R3 - Region 3 1650 Arch Street Philadelphia, PA 19103-2029		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official for Catharine McManus - Mission Support Division, Director Lisa White - Mission Support Division, Deputy Director				DATE 09/15/2021

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$0	\$1,781,700	\$1,781,700
EPA In-Kind Amount	\$0	\$0	\$0
Unexpended Prior Year Balance	\$0	\$0	\$0
Other Federal Funds	\$0	\$0	\$0
Recipient Contribution	\$0	\$0	\$0
State Contribution	\$0	\$1,188,000	\$1,188,000
Local Contribution	\$0	\$0	\$0
Other Contribution	\$0	\$0	\$0
Allowable Project Cost	\$0	\$2,969,700	\$2,969,700

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.460 - Nonpoint Source Implementation Grants	Clean Water Act: Sec. 319(h)	2 CFR 200, 2 CFR 1500, 40 CFR 33 and 40 CFR 35 Subpart A

[illegible]

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$0
2. Fringe Benefits	\$0
3. Travel	\$5,600
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$32,900
7. Construction	\$0
8. Other	\$2,931,200
9. Total Direct Charges	\$2,969,700
10. Indirect Costs: 0.00 % Base	\$0
11. Total (Share: Recipient <u>40.00</u> % Federal <u>60.00</u> %)	\$2,969,700
12. Total Approved Assistance Amount	\$1,781,700
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$1,781,700
15. Total EPA Amount Awarded To Date	\$1,781,700

Administrative Conditions

National Administrative Terms and Conditions

General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at:[EPA Website]

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at [EPA website].

A. Correspondence Condition

The terms and conditions of this agreement require the submittal of reports, specific requests for approval, or notifications to EPA. Unless otherwise noted, all such correspondence should be sent to the following email addresses:

- Federal Financial Reports (SF-425): RTPFC-Grants@epa.gov with a copy to grant specialist of record.
- MBE/WBE reports (EPA Form 5700-52A): R3_MBE-WBE_Reports@epa.gov.
- All other forms/certifications/assurances, Indirect Cost Rate Agreements, Requests for Extensions of the Budget and Project Period, Amendment Requests, Requests for other Prior Approvals, updates to recipient information (including email addresses, changes in contact information or changes in authorized representatives) and other notifications: Grant specialist and project officer of record.
- Payment requests (if applicable): RTPFC-Grants@epa.gov
- Quality Assurance documents, workplan revisions, equipment lists, programmatic reports and deliverables: project officer of record.

B. Pre-Award Costs

In accordance with 2 CFR 1500.8, the grantee may charge otherwise allowable pre-award costs (both Federal and non-Federal matching shares) incurred from September 1, 2021 to the actual award date provided that such costs were contained in the approved application and all costs are incurred within the approved budget period.

Programmatic Conditions

PROGRAMMATIC TERMS AND CONDITIONS

Based upon the review of the FY2020 Annual Report – dated August 2, 2021 and in accordance with the provisions of the Clean Water Act, Section 319(h)(8), entitled, "Satisfactory Progress", the Regional Administrator has determined that the Virginia Department of Environmental Quality (VADEQ) has made satisfactory progress in meeting the milestone schedule as identified in the approved Nonpoint Source Management Program Plan dated January 2020.

A. Reporting Requirements

The recipient agrees to comply with all reporting requirements required by EPA regulation (40 CFR part 35, 2 CFR part 200), §§ 319(h)(10) and (11) of the Clean Water Act, and by the Nonpoint Source Program and Grants Guidelines for States and Territories (2013). Failure to comply with the above referenced reporting requirements may result in a disruption of grantee funding and/or early termination of the grant agreement in accordance with 2 CFR part 200.

1. Project Reports/Evaluations

The recipient agrees to submit reports for all projects identified in the approved workplan, including those performed by the recipient, subgrantees, contractors, and through interagency agreements. Reports shall include a comparison of actual accomplishments to the outputs/outcomes established in the workplan for that period, the reasons for slippage if those outputs/outcomes could not be met, and any other pertinent information such as cost overruns. Reports are due semiannually beginning 6 months after project start date until the project is completed. Reports should be submitted in Grants Reporting and Tracking System (GRTS). In accordance with 200.328(d) the recipient agrees to inform EPA as soon as problems, delays or adverse conditions arise which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement workplan. In addition, reports should include the three essential elements:

Strategic plan Goal 1.0

Strategic Plan Objective 1.2, and

Work plan commitments plus timeframe.

A final project report is due to the EPA project officer within 90 days after the end of the Assistance Agreement Project Period. The report must describe project activities and identify and discuss the extent to which project goals have been achieved, and the amount of funds spent on the project. The report should emphasize successes, failures, lessons learned, load reduction data, and should include any available water quality and habitat data demonstrating project results. Acceptance and approval of final project reports is the responsibility of the recipient. Final project reports will be provided electronically as attachments in GRTS, The Final evaluation and populating the mandated

element fields can satisfy this requirement. In addition, the GRTS database should be updated to reflect the project status as complete and date.

2. Annual Nonpoint Source (NPS) Program Report:

The recipient agrees to provide information required under § 319(h)(11) of the Clean Water Act for the purpose of annual reporting on progress under the State's NPS management program. The § 319 Annual Program Report will be due by February 1st. At a minimum, the report shall contain a summary of progress, including rationale/evidence, in meeting the schedule of milestones in the approved management program and reductions in NPS pollutant loading and improvements in water quality that has resulted from implementation of the NPS management program. Failure to submit the annual NPS program report may affect the recipient's eligibility for future § 319 grant funding.

3. GRTS:

The recipient shall enter all mandated data elements and Project Evaluations into the GRTS for NPS projects funded under § 319 of the Clean Water Act, and any other data and/or information required by the EPA, according to deadlines specified by EPA. Initial data entry is due 90 days from award and includes all mandated data elements except the geographic area (if still to be determined), best management practices (BMPs) and load reduction data. The recipient will report BMP and load reduction data as projects are implemented. At a minimum, the BMP and load reduction data will be reported by February 15th of each year for projects implementing BMPs in the previous year.

4. STORET Data Reporting

The recipient agrees to enter water quality monitoring data, for data collected in a waterbody pursuant to the implementation of a § 319 project, into EPA's "storage and retrieval" (STORET) data system. All water quality data generated with § 319 funding, either directly or by sub-award, are required to be transmitted into the STORET data warehouse using either the Water Quality Exchange (WQX) or WQXweb. When uploading data through WQX or WQXweb, data should be identified as 319 grant related by providing project ID CWA319 in the data submission. If you have an existing project ID, please include this in addition to data collected using 319 funds. Please contact the STORET helpdesk (Storet@epa.gov) if you need assistance assigning multiple project IDs to a dataset.

5. Programmatic Subaward Reporting Requirement

The recipient must report on its subaward monitoring activities under 2 CFR 200.331(d). Examples of items that must be reported if the pass-through entity has the information available are:

- a. Summaries of results of reviews of financial and programmatic reports.
- b. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.

- c. Environmental results the subrecipient achieved.
- d. Summaries of audit findings and related pass-through entity management decisions.
- e. Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR 200.331(e), 2 CFR 200.207 and the 2 CFR Part 200.338 Remedies for Noncompliance.

B. Sufficient Progress/ Satisfactory Progress

EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project. In determining sufficient progress, EPA may also consider the rate of expenditure of funds (unliquidated obligations), as well as the findings from the most recent § 319 performance and progress determination §319 (h)(8). See EPA's Guidance and Checklist for Determining Progress of State NPS Management Programs and Performance of CWA Section 319 Grants.

C. Watershed-Based Plans

Under the § 319 guidelines, use of §319 "watershed project" funds requires a watershed-based plan which includes all of the information in elements (a)-(i) as described in the § 319 grant guidelines or an acceptable alternative plan be completed prior to implementation of on- the-ground projects. The recipient shall ensure a watershed-based plan or acceptable alternative plan is completed prior to beginning to implement any on-the-ground project with § 319 watershed project funds. The recipient shall provide a copy of all draft watershed-based plans/alternative plan funded as well as any available information regarding the status of implementation activities and results, including but not limited to any reports on BMP's implemented; contributions of funds by other sources to assist in implementation of the watershed-based plans (to the extent this information is readily available to the State); results achieved; and other relevant and appropriate information to EPA for review and acceptance prior to funding any activities utilizing § 319 funds.

D. Operation and Maintenance

The recipient will assure the continued proper operation and maintenance of all nonpoint source management practices that have been implemented for projects funded under this agreement. Such practices shall be operated and maintained for the expected lifespan of the specific practice and in accordance with commonly accepted standards. The recipient shall include a provision in every applicable sub-agreement (subgrant or contract) awarded under this grant requiring that the management practices for the project be properly operated and maintained. Likewise, the sub- agreement will assure that similar provisions are included in any sub-agreements that are awarded by the sub-recipient.

E. Maintenance of Effort

State expenditures for NPS implementation activities must meet the maintenance of effort (MOE) level required under § 319(h)(9) of the Clean Water Act. No grant may be made to a State under this subsection in any fiscal year unless such State enters into such agreements with the Administrator as the Administrator may require to ensure that such State will maintain its aggregate expenditures from all other sources for programs for controlling pollution added to the navigable waters in such State from nonpoint sources and improving the quality of such waters at or above the average level of such expenditures in its two fiscal years preceding February 4, 1987. The state should assure that MOE requirements have been satisfied and report this through the final Federal Financial Report (FFR) at the end of the budget period.

F. Required Non-Federal Match

A 40% non-federal program match is required under § 319(h)(3). The state should assure that the match requirements have been satisfied and report this through the final Federal Financial Report (FFR) at the end of the budget period.

G. Limitation on Administrative Costs

In accordance with § 319(h)(12) of the Clean Water Act, administrative costs in the form of salaries, overhead, or indirect costs shall not exceed in any fiscal year 10 percent of the amount of the grant except that costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer programs shall not be subject to this limitation.

H. Obligation and Outlay of Funds

In accordance with § 319(h)(6) of the Clean Water Act, the recipient will show commitment to expend the funds awarded in this grant and to complete the funded projects in accordance with its EPA approved Nonpoint Source management program and the approved work plan. The recipient will award all proposed contracts, subgrants and interagency agreements within one year after grant award.

I. Public Awareness Options**1. Outreach Signage Requirements**

If the 319 award includes an outreach component, the recipient agrees to provide signage that informs the public that the project is funded by EPA. The signage shall contain the EPA logo. To obtain the appropriate EPA logo or seal graphic file, the recipient should send a request directly to OPA and include the EPA Project Officer in the communication. Instructions for contacting OPA are

available at [EPA website]. The EPA Logo will be displayed meeting the following specifications: [EPA website logo instructions page]. If the physical design of the sign allows, it should also include the following text:

"This project has been funded by the United States Environmental Protection Agency."

Or

"This cooperative project has been funded in part by the United States Environmental Protection Agency."

Exceptions to including the EPA logo may be made by the Regional 319 Coordinator on recommendation by the State.

2. Announcements

The grant recipient agrees that announcements through the web or print materials for workshops, conferences, demonstration days or other events as part of a project funded by a 319 assistance agreement shall contain a statement that the materials or conference has been funded by the United States Environmental Protection Agency.

3. Public or Media Events

The Recipient agrees to notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to construction projects as a result of this agreement, and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days notice.

4. Limited English Proficiency Communities

To increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to include in their outreach strategies communication in non-English languages. Translation costs for this purpose are allowable, provided the costs are reasonable.

J. Permits

The recipient agrees to ensure that all necessary permits (such as Clean Water Act § 404) are obtained prior to implementation of any grant funded activity that may fall under applicable federal, state or local laws. The subgrantee's project implementation plan must identify permits that may be needed to complete work plan activities. The recipient must keep documentation regarding necessary permits in the project file. EPA approval of a workplan does not imply nor guarantee that a federal, state, or local permit will be issued for a particular activity.

K. Participation in Regional and National Meetings and Program Evaluations

The recipient agrees to attend National and Regional NPS Program meetings, teleconferences, training sessions and webinars, as scheduled, unless agreed upon in advance by the EPA Project Officer.

In order to permit EPA to assess the adequacy of program progress, the recipient agrees to annually participate in a detailed on-site evaluation. This evaluation schedule will be negotiated by the recipient and the EPA State Program Manager. The State agrees to budget for one yearly trip to the EPA Regional office in Philadelphia, in the event that the parties agree that such an evaluative visit to the EPA Regional office is necessary to assess the adequacy of program progress.

L. NPS Success Stories

The recipient must draft and submit to EPA all applicable NPS program success stories which highlight projects resulting in the restoration of waterbodies. These stories shall be submitted through the success story database in GRTS. A minimum of one to three water quality restoration (category 1) Success Stories or two water quality improvement (category 2) as described at is/are required each year.

M. Substantial Involvement Condition

Substantial Federal involvement with the recipient is anticipated during the performance of the cooperative agreement. This Federal involvement may include:

1. Monitoring by EPA of the recipient's performance.
2. Consultation and collaboration on technical matters that will help the recipient carry out the agreement effectively.
3. EPA's prior review and approval of proposed project phases if developed and the substantive terms of the proposed subawards the recipient enters into to carry out specific elements of the scope of work.
4. EPA's review of the watershed based plans or alternatives.

N. TMDLs Developed Under Section 319 Grant

For each § 319-funded TMDL, the recipient will provide the following supplemental information to support the load allocations specified in the TMDL: (1) an identification of total NPS existing loads and total NPS load reductions necessary to meet water quality standards, by source type; (2) a detailed identification of the causes and sources of NPS pollution by source type to be addressed in order to achieve the load reductions specified in the TMDL (e.g., acres of various row crops, number and size of animal feedlots, acres and density of residential areas); and (3) an analysis of the NPS management measures by source type expected to be implemented to achieve the necessary load reductions, with the recognition that adaptive management may be necessary during implementation.

O. Cybersecurity Condition

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(b) (2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.331(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

P. Competency Policy

Competency of Organizations Generating Environmental Measurement Data

In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of

Organizations Generating Environmental Measurement Data under Agency Funded Assistance Agreements, Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at [or](#) a copy may also be requested by contacting the EPA

Project Officer for this award.

Q. Geospatial Data Standards

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at [\[FGDC website\]](#)

R. Pre-Award Costs Approval

Pre-Award costs have been approved in accordance with the recipient's application dated June 25, 2021. This is part of a continuation grant program. Reimbursement of pre-award costs is authorized under 40 CFR 35.113.

S. Quality Management Plan

In accordance with 2 CFR 1500.11, the recipient shall continue to implement and adhere to the Quality Management Plan (QMP) submitted to EPA. The QMP should be updated annually or as necessary based on the EPA QA/R-2: EPA Requirements for Quality Management Plans. This quality assurance requirement applies to all grants, cooperative agreements, contracts and interagency agreements that involve the use of environmental data.

If not included under the approved QMP, a stand-alone QAPP is required for those projects/activities that result in the collection, production and/or use of environmental information, metrics or data. The recipient agrees to ensure that an approved site specific QAPP is completed for each project. No environmental data collection, production, or use may occur until the QAPP is reviewed and approved by the EPA Project Officer and Quality Assurance Regional Manager or through authorized delegation under an EPA approved recipient QMP based on procedures documented in the QMP. A copy of the approved QAPPs must be retained with the recipient's official records for this Agreement.

T. Quality Assurance Project Plan

In accordance with 2 CFR 1500.11, the recipient must develop and implement quality assurance and quality control procedures, specifications and documentation that are sufficient to produce data of

adequate quality to meet project objectives. Recipients implementing environmental programs within the scope of the assistance agreement must submit to the EPA Project Officer an approvable Quality Assurance Project Plan (QAPP) at least 30 days prior to the initiating of data collection or data compilation. The Quality Assurance Project Plan (QAPP) is the document that provides comprehensive details about the quality assurance, quality control, and technical activities that must be implemented to ensure that project objectives are met. Environmental programs include direct measurements or data generation, environmental modeling, compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology.

The QAPP should be prepared in accordance with EPA QA/R-5: EPA Requirements for Quality Assurance Project Plans.

No environmental data collection or data compilation may occur until the QAPP is approved by the EPA Project Officer and Quality Assurance Regional Manager. Additional information on these requirements can be found at the EPA Office of Grants and Debarment Web Site.

For recipients who choose to pass funds from this assistance agreement to other entities, the recipient must comply with applicable provisions of 2 CFR 1500.11 and the EPA Subaward Policy, regarding the development, review, and approval of QAPPs. Specifically, it is the recipient's responsibility to review and approve QAPPs for pass-through projects and monitor that the subrecipient adheres to the applicable Quality Assurance requirements. EPA will periodically review the recipients and pass thru entities' adherence to these requirements. The EPA's Subaward Policy may be found at [\[EPA website\]](#)

U. Use of Logos

If the EPA logo is appearing along with logos from other participating entities on websites, outreach materials, or reports, it must not be prominently displayed to imply that any of the recipient or subrecipient's activities are being conducted by the EPA. Instead, the EPA logo should be accompanied with a statement indicating that the Virginia Department of Environmental Quality received financial support from the EPA under an Assistance Agreement.

V. Funding Urban Runoff Control Measures with Section 319 in MS4 Areas

If work funded pursuant to this grant agreement becomes required to be implemented by a National Pollution Discharge Elimination System (NPDES) permit, the work from that time forward will no longer be eligible for funding under this grant agreement. This pertains to all current final effective NPDES permits, including general and individual permits for wastewater, combined sewer overflows, and stormwater discharges (construction, multi-sector, MS4 permits). For purposes of this provision, work is considered to be "required to be implemented" and thus not eligible for funding under this grant agreement whenever there is a final permit, an Order, or letter or other written directive issued by EPA, the state, or a court to

do the work.