



U.S. Environmental Protection Agency - Region 10

Clean Water Act Section 106 Tribal Program 2025 Funding Announcement

For work plans beginning on or after 10/1/2024 using Federal Fiscal Year 2024 funds.

November 2023

NEW CONTENT for 2025 (FFY2024) Funding Announcement:

- New Tribal 106 Guidance issued in January 2023.
 - See “Program Guidance” on page 1.
- Work plan and budget are due **Friday, January 19, 2024**.
 - See “Important Dates” on page 2.
- WQX Requirement
 - See “Program Requirements” on page 3.
- Changes in QAPP guidance
 - See “QAPP Guidelines” on page 5.
- Changes to some Region 10 contacts
 - See “Contacts” on page 5,

I. DESCRIPTION

Overview: Clean Water Act (CWA) Section 106 provides funding to support water pollution control programs. Section 518 of the 1987 amendments provides a mechanism for Tribal governments to access CWA funds by the “treatment in a manner similar to a state” (TAS) eligibility process. Currently 40 Tribes within EPA Region 10 have TAS for CWA Section 106 and are eligible to receive CWA Section 106 funds.

Regulations: Information on the CWA Section 106 grants program can be found in the Catalog of Federal Domestic Assistance (CFDA), Program Number 66.419, at: <https://sam.gov/fal/3572154db82845e8b11d70e7b685c193/view>. Regulations governing the award and administration of these grants are in the Code of Federal Regulations (CFR) at 40 CFR Part 35, Subpart B, Environmental Program Grants for Tribes and 2 CFR Part 200, Uniform Grants Guidance found at: <http://www.grants.gov/web/grants/learn-grants/grant-policies/omb-uniform-guidance-2014.html>.

Program Guidance: EPA Headquarters issued new Tribal 106 guidance in January 2023. The “Clean Water Act Section 106 Tribal Guidance” replaces the 2007 guidance and is designed to better reflect changes that have occurred within the program over the years. See the final guidance at this link: <https://www.epa.gov/water-pollution-control-section-106-grants/clean-water-act-section-106-tribal-guidance#>. Please refer to the new guidance for information on the CWA Section 106 Tribal Program.

Uses and Restrictions: The CWA Section 106 program provides financial assistance for maintaining adequate measures for prevention and control of surface and ground water pollution from point and

nonpoint sources. The program funds water quality management program activities including watershed assessments, water quality planning, standards development, monitoring and assessments, inspections and enforcement, permitting, training, advice and assistance to local agencies, and public information. It also funds participation in program activities related to the restoration of impaired watersheds such as Total Maximum Daily Loads (TMDLs), implementation of integrated wet weather strategies in coordination with nonpoint source programs, and development of source water protection programs.

Funds cannot be used for the construction, operation, or maintenance of wastewater treatment plants or drinking water systems, or the required water quality monitoring or sampling activities for facility permit compliance purposes. Funds cannot be used for costs financed by other federal grants.

The CWA Section 106 program can only fund activities within the Reservation or on lands held in trust for the Tribe (Tribal trust lands), or that impact waters upstream of these areas. If you are proposing to use funds outside of these areas, you must explain in your work plan the relationship of these activities to waters on the Reservation or Tribal trust lands. If funds are being used for purposes beyond the Reservation or Tribal trust lands boundaries, the Tribe should obtain the necessary access agreement or permission from the appropriate jurisdiction to conduct the activity.

II. IMPORTANT DATES

Draft Work Plan and Budget: A draft work plan and detailed budget should be submitted by email to your EPA Project Officer (PO) by **Friday, January 19, 2024**. The due date coincides with the Indian Environmental General Assistance Program (GAP) due date. Please submit your work plans whether you are applying for the funds as a standalone 106 grant or as part of a Performance Partnership Grant (PPG).

Final Grant Submission: After negotiating the work plan and budget, you should submit your completed forms by the date you negotiate with your PO, but no later than May 17, 2024. If you are applying for a new grant (the first year of a new grant period), you will submit your completed budget, work plan, and forms to Grants.gov.

- To apply for a standalone 106 grant, choose CFDA Number 66.419 and select the package.
- To apply for a PPG, choose CFDA Number 66.605 and select the package.

All other applicants will submit your applications by email to your PO.

Award: EPA Region 10 will work to ensure that your grant is awarded by September 30, 2024.

III. AWARD AMOUNTS

Estimated Funding Levels: Region 10 anticipates awarding \$3.8 million to up to 40 Tribes. We have made available FFY 2024 preliminary amounts in the document titled: "Region 10 Section 106 Tribal Program Preliminary Funding Estimates" found at <https://www.epa.gov/Tribal/region-10-clean-water-act-section-106-tribal-program-funding>. These amounts are intended to be for planning purposes. We will determine final amounts after we receive a final federal budget and will communicate the final allocations to Tribal staff.

Tribal Match: As of 2022, EPA’s Office of Grants and Debarment has issued class exceptions which eliminated required match for all Tribes who have standalone Tribal 106 grants or combine their Tribal 106 grant funds into a PPG.

IV. AWARD ADMINISTRATION

Performance Partnership Grants: Your CWA Section 106 grants will likely be included in a PPG, which combine funds from two or more environmental program grants listed in 40 CFR Part 35 into a single grant with a single budget. A PPG is intended to provide greater flexibility in program areas while achieving administrative savings. PPG information can be found at:

- 40 CFR Part 35, Subpart B, Environmental Program Grants for Tribes: <https://www.gpo.gov/fdsys/granule/CFR-1999-title40-vol1/CFR-1999-title40-vol1-part35>.
- Uniform Grants Guidance, 2 CFR Part 200: http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl and 2 CFR Part 1500: <https://www.ecfr.gov/cgi-bin/text-idx?SID=9ee42d3ee9bad5af11582f820f16d0f7&mc=true&tpl=/ecfrbrowse/Title02/2chapterXV.tpl>
- CFDA Program 66.605 (PPGs): <https://www.singleaudit.org/program/?id=66.605#:~:text=PPGs%20allow%20States%20and%20Tribes,cross%2Dmedia%20approaches%20and%20initiatives>.

Progress Reports: Progress reports should be submitted quarterly or semi-annually depending on what reporting timeframe you negotiate with your PO. Additional required reporting and documentation is described below in the Program Requirements section.

EPA’s Role in Performance Evaluation: EPA’s role and responsibilities in carrying out work plan commitments may include work plan negotiations and site visits. POs are required to conduct regular post-award monitoring in which we will review elements such as project and financial progress. These actions contribute to EPA’s evaluation of grantee performance toward meeting work plan commitments.

Grant Period: You and your PO may prefer to have a two-year work plan. Please contact your PO about the duration of your work plan if you have questions.

V. PROGRAM REQUIREMENTS

In the 2023 program guidance “Clean Water Act Section 106 Tribal Guidance”, EPA states that each grantee is required to submit:

- A monitoring strategy. You should submit your monitoring strategy every 5 years or when your monitoring program changes.
- A water quality assessment report. You should submit your assessment report once a year or once every two years.
- Water quality data submission to the Water Quality Exchange (WQX), formally known as STORET. The new 106 guidance states that “At least annually, Tribes must submit water quality data to WQX for all water quality data they collect with EPA funding. Tribes should identify annual milestones for

data input in their grant work plan. If Tribes cannot submit their data directly to WQX, they must submit a justification as to why they could not load data to WQX and provide the Project Officer with the data in a WQX compatible format.” If you can’t submit data to WQX and wish to ask EPA for a waiver to the requirement, you need to submit the waiver request during the grant application period before you submit your final grant application, 106 work plan and budget.

You are required to submit the three deliverables in addition to your grant performance and financial reports. In addition, Region 10 anticipates modifying our water quality monitoring strategy template and water quality assessment template to better reflect the new guidance. To receive funding, you must include the three deliverables as tasks in your work plan.

VI. WORK PLAN and BUDGET

Work Plan: To expedite the application review process, you have the option to use the standardized work plan template provided at the following link: <https://www.epa.gov/tribal/region-10-clean-water-act-section-106-tribal-program-funding>. It is adapted from the optional GAP work plan template and covers information required in 40 CFR Part 35.

Whether or not you choose to use the template, your work plan must comply with the requirements of 40 CFR Part 35 by including the following elements:

1. Work plan **components**. A component can be a task, a funding program such as CWA 106, or a clearly identified portion of work.
2. Estimated **work years** and **estimated cost** for each work plan component.
3. Work plan commitments (**i.e. tasks/activities**) for each work plan component and a **time frame** for their accomplishment and the **deliverable/product (i.e. output)**.
4. **Performance evaluation process** and **reporting schedule** that discusses:
 - a. Accomplishments as measured against work plan commitments.
 - b. Cumulative effectiveness of the work performed under all work plan components.
 - c. Existing and potential problem areas.
 - d. Suggestions for improvement, including where feasible, schedules for making improvements.
5. **Roles and responsibilities** of your Tribe and EPA in carrying out the work plan.

Also include in your template or in an attached narrative work plan an explanation of the scope of work and include the following:

1. Discussion of the **tasks and activities (i.e. inputs)**. Include a brief description or **list of parameters** you will be measuring and include an assurance that these are aligned with your Monitoring Strategy.
2. Discussion of the **deliverables or products (i.e. outputs)** to be accomplished from the work plan tasks. Outputs/deliverables must include the assessment report.
3. Discussion of the **environmental results (i.e. outcomes)** that may be generated by the completed work. For example, outcomes may be changes in human behavior or in the quality of the environment or public health directly or indirectly as a result of the grant funds. Outcomes will not necessarily occur during the grant period.

4. **Timeline** for measuring accomplishments and completion of the tasks.
5. Description of the **geographic location** of the work activities.
6. Date of the most recent EPA-approved **QAPP(s)**.

Detailed Budget: A detailed budget must be submitted for each year in a multi-year plan.

Indirect Cost Rate Policy: If your Tribe includes indirect costs as part of a proposed budget, you must submit a copy of your Tribe's current, approved Indirect Cost Rate Agreement to the EPA Region 10 Grants & Interagency Agreements Branch. If you do not have a negotiated agreement, you must provide written proof that you have submitted an indirect cost rate proposal to your cognizant agency. If you don't have a current approved Indirect Cost Rate Agreement, or haven't submitted a proposal for one, EPA has established other options for including indirect costs in the proposed budget. Please work with your EPA PO to ensure you have proper documentation.

QAPP Guidelines: EPA updated our Quality Assurance Project Plan (QAPP) Standard. It is effective as of July 2023. The new standard can be found here: <https://www.epa.gov/irmpoli8/quality-assurance-project-plan-qapp-standard>. The new standard replaces [EPA QA/R-5, EPA Requirements for Quality Assurance Project Plans](#) which was published in 2001. Grants awarded before July 2023 will continue to use the QA/R-5 requirements, unless the grant or contract is amended to add new activities requiring a QAPP, in which case the requirements of the new QAPP Standard must be followed. As long as the QAPP is less than 5 years old (or a shorter duration if defined in an agreement), then revisions are needed only if major changes have been made to the environmental information operations or the organization of the project. You are required to review your QAPP annually and the review must be documented.

Please refer to the Region 10 Section 106 QAPP Guidelines to help you determine when to review and update your QAPPs at <https://www.epa.gov/tribal/region-10-clean-water-act-section-106-tribal-program-funding>. We have also included the Region 10 Sample Alteration Form on the same webpage should you need it.

CWA Tribal 106 and CWA Tribal 319 Checklists: We have developed a CWA 106 Checklist and a CWA 319 Checklist for you to use when developing your work plan. It contains the required elements that we will look for when we review your draft work plan and can serve as a reminder to you as you complete your draft work plans. The check list is located at <https://www.epa.gov/tribal/region-10-clean-water-act-section-106-tribal-program-funding>.

VII. CONTACTS

For information, eligibility requirements or standalone grants, contact the Region 10 Tribal 106 Coordinator and standalone grant PO:

Krista Mendelman
EPA Region 10, Water Division
(206) 553-1571
mendelman.krista@epa.gov

For information regarding your PPG, contact your EPA Tribal Coordinator/PO:

Lucas DuSablón	(206) 553-2570	dusablón.lucas@epa.gov
Kris Carre	(509) 326-7024	carre.kristine@epa.gov
Michael Ortiz	(206) 553-6234	ortiz.michael@epa.gov
Susan Conbere	(206) 553-6243	conbere.susan@epa.gov

For technical assistance about water quality monitoring and 106 assessment reports, contact the Region 10 Monitoring Coordinator:

Lisa Kusnierz
EPA Region 10, Water Division
(208) 378-5626
kusnierz.lisa@epa.gov

For assistance with submitting data through the WQX contact the Region 10 Assessment Program and Data Management Coordinator:

Jill Fullagar
EPA Region 10, Water Division
206-553-2582
fullagar.jill@epa.gov

The WQX Help Desk is also available to answer WQX/Water Quality Portal questions. Please send an email to [wxq@epa.gov](mailto:wqx@epa.gov) or go to the website for general information at <https://www.epa.gov/waterdata/water-quality-data-wqx>.