

BASELINE WATER QUALITY DATA PROGRAM

Program Guidelines | November 2019



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Section I – Statement of Purpose

Act 13 of 2012 (Act of February 14, 2012 (P.L. 87, No. 13) (58 Pa.C.S. §2315(a) and (a.1)(1)(v)) establishes the Marcellus Legacy Fund and allocates funds to the Commonwealth Financing Authority (the “Authority”) to be used to fund statewide initiatives to establish baseline water quality data on private water supplies.

Section II – Eligibility

A. Eligible Applicants

Any of the following entities may apply for a grant under the Baseline Water Quality Data Program (BWQDP):

1. **Municipality** – Any county, city, borough, incorporated town, township or home rule municipality.
2. **Councils of Governments** – An entity organized by units of local government under an intergovernmental agreement, which provides cooperative planning, coordination and technical assistance to its member governments on issues of mutual concern that cross jurisdictional lines, and which does not act under the direction and control of any single member government.
3. **Authorized Organization** – An entity involved in research, restoration, rehabilitation, planning, acquisition, development, education or other activities, which furthers the protection, enhancement, conservation, preservation or enjoyment of this commonwealth's environmental, conservation, recreation or similar resources. The organization must be a tax-exempt institution under section 501(c) (3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c) (3)) and registered with the Bureau of Charitable Organizations or an educational institution involved in these authorized activities or a municipal authority.
4. **Institution of Higher Education** – An entity that is an accredited university, college, seminary college, community college or two-year college.
5. **Watershed Organization** – An entity recognized by the PA Department of Conservation and Natural Resources (DCNR) or the PA Department of Environmental Protection (DEP) that was established to promote local watershed conservation efforts in an identified watershed.
6. **For Profit Businesses** – other than “producers” of natural gas as defined in Act 13.

B. Eligible Projects

Eligible projects are those that will use accepted scientific principles and practices for water sample collection and analysis to document existing groundwater quality conditions on private water supplies.

C. Eligible Use of Funds

Funds may be used by the applicant to pay for any of the following project costs:

1. Collection, monitoring, sampling water quality data on private water supplies.
2. Evaluation, interpretation, and analysis of collected data and the preparation of final reports.

Ineligible costs include but are not limited to public relations, outreach communications, lobbying, litigation, fees for securing other financing, interest on borrowed funds, application preparation fees and other costs incurred prior to the approval of grant funds.

Section III – Program Requirements

A. Applicant Cost Share Requirements

For this grant program, a 15% cash match of the total project cost is required. Eligible match contributions will be permitted for up to one year prior to the grant submittal deadline date through the life of the grant agreement as long as the eligible match expenditures are directly related to the project.

B. Specific Collection Requirements

1. Private well sampling will require permission from the property owner.
2. The scope of work must be written by a licensed professional geologist with expertise in hydrogeology. The scope of work should include a description of the sampling protocol, a list of field parameters and analyses, identification of the lab being used for the project, and plans for data reporting, interpretation and storage.
3. Water quality data should include the parameters contained in PA DEP's Recommended Basic Oil and Gas Pre-Drill Parameters list.
4. Sample collection and testing procedures must follow accepted standard practices. All samples shall be analyzed by a PA-accredited laboratory using U.S. Environmental Protection Agency (EPA)-approved/accepted drinking water methods.
5. Attribute data, such as well depth, casing length, date of construction, and estimated yield, shall also be collected and recorded, if known by the private well owner.

C. Other Requirements

1. Conflicts of Interest

An officer, director, or employee of an applicant who is a party to or who has a private interest in a project shall disclose the nature and extent of the interest to the governing body of the applicant and may not vote on any action of the applicant concerning the project, nor participate in the deliberations of the applicant concerning the project.

2. **Nondiscrimination**
No assistance shall be awarded to an applicant under this program unless the applicant certifies that the applicant shall not discriminate against any employee or against any person seeking employment by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the Pennsylvania Human Relations Act, which prohibits discrimination on the basis of race, color, religious creed, ancestry, age, sex, national origin, handicap or disability, or in violation of any applicable federal laws. All contracts for work to be paid with grant funds must contain the commonwealth's official nondiscrimination clause.
3. **Project Records**
The applicant must maintain full and accurate records with respect to the project and must ensure adequate control over related parties in the project. The applicant must furnish to the Pennsylvania Department of Environmental Protection all data, reports, contracts, documents, and other information relevant to the project. The Authority requires access to such records, as well as the ability to inspect all work, invoices, materials, and other relevant records at reasonable times and places. Upon request of the Authority, the applicant must furnish all data, reports, contracts, documents, and other information relevant to the project. For private well sampling, individual property owners and names shall be kept confidential.
4. **Certification of Expenses**
The applicant shall sign a payment request form certifying that the expenses were incurred and were in accordance with the scope of work approved by the CFA. In lieu of a formal project audit and prior to final closeout of the grant agreement, the applicant shall be required to submit copies of all canceled checks verifying the expenditure of the Baseline Water Quality Data Program proceeds. Bank statements may also be submitted if electronic payment of the expenditure occurred.
5. **Pennsylvania Prevailing Wage Act**
All the construction work associated with the project may be subject to the Pennsylvania Prevailing Wage Act, as determined by the Pennsylvania Department of Labor and Industry.
6. **Bidding Requirements**
Applicants must comply with all applicable federal, state, and local laws and regulations dealing with bidding and procurement.
7. **Guideline Provisions**
These guideline provisions may be modified or waived by the Authority unless otherwise required by law.

D. Fees

The Commonwealth Financing Authority charges a \$100 non-refundable application fee for Baseline Water Quality Data Program applications. The application fee must be paid electronically by credit or debit card or electronic check through our secure, third-party vendor. Payment of the application fee must be completed prior to the certification and submission of the Electronic Single Application. Detailed payment instructions will be provided on the Certification Tab of the Electronic Single Application once all required fields have been completed.

Section IV – Grants

1. Grants shall not exceed \$250,000.
2. Commencement of work prior to receiving Authority approval will result in the project being ineligible for funding consideration.
3. To be eligible for reimbursement, project costs must be incurred within the time frame established by the grant agreement.

Section V – Application Procedures

1. To apply for funding, the applicant must submit the electronic on-line PA Department of Community and Economic Development Single Application for Assistance located at www.esa.dced.state.pa.us. Required supplemental information outlined in Appendix I of these guidelines must be attached electronically to the application as directed on the Addenda tab. For technical inquiries regarding the submission of the on-line application, contact the Customer Service Center at (800) 379-7448 or (717) 787-3405. Once submitted, please print one (1) copy of the application, including the required supplemental information, and mail to:

PA Department of Community and Economic Development
Office of Business Financing – CFA Programs Division
Baseline Water Quality Data Program
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

Please reference the application ID number on any documents sent with the signature page.

2. Applications will be accepted between February 1st and May 31st of each year. All applications and required supplemental information must be received by May 31st.

Section VI – Application Evaluation

All applications for financial assistance will be reviewed by the Authority in conjunction with the PA Department of Community and Economic Development and the PA Department of Environmental Protection to determine eligibility of the proposed project as well as the competitiveness of the proposal. Applications are evaluated on a competitive basis using the following criteria:

1. The number of municipalities that will potentially benefit from the project.
2. The number of homes, businesses, and/or industrial sites that will benefit from a project.
3. The cost effectiveness of a project.
4. Data collected by the project will be in a standardized format.
5. The ability of the applicant to finance the project.

Section VII – Procedure for Accessing Funds

Upon approval of an application by the CFA, a grant agreement and commitment letter will be electronically issued to the applicant explaining the terms and conditions of the grant. The Grantee must provide the names, titles and e-mail addresses for two authorized individuals to receive and electronically sign the grant agreement. The grant agreement must be electronically signed and returned to the CFA within 45 days of the date of the commitment letter or the offer may be withdrawn by the CFA.

The Authority will release funds to the applicant at not less than 30-day intervals.

Section VIII - Program Inquiries

Program inquiries should be directed to:

PA Department of Community and Economic Development
Office of Business Financing – CFA Programs Division
Baseline Water Quality Data Program
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

Telephone: (717) 787-6245
Fax (717) 772-3581
E-mail: ra-dcedsitedvpt@pa.gov

These guidelines can also be accessed online at dced.pa.gov

Appendix I – Supplemental Information

In addition to completing the PA Department of Community and Economic Development Single Application for Assistance, please include the following items when applying for a baseline water quality data grant:

Exhibit 1: Project Description

Provide a description of the project which includes a scope of work. The scope of work must be written by a licensed professional geologist with expertise in hydrogeology. The scope of work should include the following:

- a) a description of the sampling protocol;
- b) a list of field parameters and analyses;
- c) identification of the lab being used for the project, and plans for data reporting, interpretation and storage;
- d) the number of municipalities that will potentially benefit from the project;
- e) the number of homes, businesses, and/or industrial sites that will benefit from a project, and;
- f) the cost effectiveness of a project.

Exhibit 2: Cost Estimate

A statement as to the estimated cost of the project. The estimate must be prepared by an engineer or other qualified professional.

Exhibit 3: Matching Funds Commitment

Provide funding commitment letters from all other project funding sources (including equity commitments).

- Funding commitments or term sheets provided by lending institutions must include the term, rate, and collateral conditions, and must be signed and dated.
- Funding commitments of equity from the applicant or private third party must be signed and dated (indicating the amount of funds being committed) and be accompanied by documentation (such as audited financial statements) showing the ability to commit such funds.

Exhibit 4: DEP Collection Standards Letter

Letter from PA DEP confirming that the appropriate data collection standards have been incorporated into the scope of work.

Exhibit 5: Resolution

For public sector applicants, provide a resolution duly adopted by the applicant's governing board formally requesting the grant, designating an official to execute all documents, describing briefly the project scope, and identifying the grant amount. (see Appendix II)

Appendix II – Authorized Official Resolution

Be it RESOLVED, that the _____ (Name of Applicant) of _____ (Name of County) hereby request a Baseline Water Quality Data Program (BWQDP) grant of \$ _____ from the Commonwealth Financing Authority to be used for _____.

Be it FURTHER RESOLVED, that the Applicant does hereby designate _____ (Name and Title) and _____ (Name and Title) as the official(s) to execute all documents and agreements between the _____ (Name of Applicant) and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, _____, duly qualified Secretary of the _____ (Name of Applicant), _____ (Name of County) _____, PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the _____ (Governing Body) at a regular meeting held _____ (Date) and said Resolution has been recorded in the Minutes of the _____ (Applicant) and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the _____ (Applicant), this ____ day of ____, 20__.

Name of Applicant

County

Secretary