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Baseline Water Quality Data Program

Program Guidelines

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Commonwealth of Pennsylvania
Tom Wolf, Governor

Department of Community & Economic Development

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Section I – Statement of Purpose

Act 13 of 2012 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**
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 Department of Conservation and Natural Resources (DCNR) or the 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 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 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 and project user certify to the Authority that they shall not discriminate against any employee or against any person seeking employment because of race, color, handicap, national origin, age or sex. All contracts for work to be paid with assistance from this grant 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. **Project Audit**

For projects receiving grant funds of \$100,000 or more, an audit from a Certified Public Accountant (CPA) listing all project costs must be submitted to the Authority, within 180 days after expiration of the grant. In the opinion section of the audit, a statement shall be made certifying that commonwealth funds were disbursed in accordance with the terms of the grant agreement.

5. **Pennsylvania Prevailing Wage Act**

All of 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 grant applications. The application fee is due at the time of submission.

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

Applications will be accepted between March 1st and June 30th of each year.

To apply for funding, the applicant must submit the electronic on-line Department of Community and Economic Development Single Application for Assistance located at www.esa.dced.state.pa.us. For inquiries on the application process, contact the Customer Service Center at (800) 379-7448 or (717) 787-3405. Once submitted, please print three (3) copies of the application, and send with the required supplemental information (please see Appendix I of these guidelines) via US Mail along with the signature page to:

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

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

Section VI – Application Evaluation

All applications for financial assistance will be reviewed by the Authority in conjunction with the Department of Community and Economic Development and the 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

Following approval of an application by the Authority, a grant agreement and commitment letter will be issued by the Authority to the applicant explaining the terms and conditions of the grant. The grant agreement and commitment letter must be signed and returned to the Authority within 45 days of the date of the commitment letter or the offer may be withdrawn by the Authority.

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 Innovation and Investment – CFA Programs Division
Baseline Water Quality Data Program
400 North Street, 4th Floor
Commonwealth Keystone Building
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 www.newPA.com

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Appendix I – Supplemental Information

In addition to completing the 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** 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 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, the number of municipalities that will potentially benefit from the project, the number of homes, businesses, and/or industrial sites that will benefit from a project, and the cost effectiveness of a project.
- Exhibit 2** A statement as to the estimated cost of the project. The estimate must be prepared by an engineer or other qualified professional.
- Exhibit 3** Funding commitment letters from all other project funding sources.
- Exhibit 4** The most recent audited financial statements of the applicant. Financial statement should include balance sheets, income statements and notes to financials.
- Exhibit 5** A statement as to the amount of grant funding requested, the amount of match that will be provided and by whom.
- Exhibit 6** Letter from DEP confirming that the appropriate data collection standards have been incorporated into the scope of work.
- Exhibit 7** 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)
- Exhibit 8** For all applicants, provide copies of notifications provided to county and municipal governing bodies advising them of the proposed project.

Appendix II – Authorized Official Resolution

Be it RESOLVED, that the _____ (Name of Applicant) of _____ (Name of County) hereby request a Baseline Water Quality Data 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