

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NONPOINT SOURCE (NPS) PROGRAM

Date: June 26, 2024

Type of Solicitation: Request for Grant Applications (RFGA)

Name of Solicitation: Federal Fiscal Year (FFY) 2025 Clean Water Act (CWA) Section 319(h) Grant

Solicitation Number: 582-25-00011

Deadline for Submission of Questions: July 10, 2024, at 3:00 PM (Central Time)

Deadline for Submission of Applications: August 8, 2024, at 3:00 PM (Central Time)

**How to Apply**

The Grant Application Form to apply for CWA Section 319(h) grant funding and information on the CWA Section 319(h) grant program can be accessed on the [Electronic State Business Daily \(ESBD\)](#). Instructions for completing the Grant Application are included within the form.

TCEQ will accept applications from the date the RFGA is posted on ESBD until the deadline listed on this first page of the RFGA. A separate application must be submitted for each individual project proposed. Completed applications should be concise but include enough detail to evaluate the proposed project. All documents should be submitted in electronic format as attachments to email or through the [TCEQ FTP site](#) (for files over 25MB, or multiple files totaling more than 25MB). The submission email's subject line **must** contain the solicitation number (582-25-00011).

Applicants are encouraged to check the ESBD throughout the RFGA period for additional information and/or requirements posted via addenda. Additional information provided or requested as a part of an addendum **must** be incorporated into submitted applications.

*Administrative Requirements*

To be considered for evaluation applicants **must** submit all of the following by the stated deadline:

- Two electronic copies of the completed Grant Application Form, one in Acrobat PDF and one in Microsoft Word.
- One Budget Tables Spreadsheet in Microsoft Excel format.
- Grant Application Form must have the signature of an employee of the lead organization who has authority to commit resources and matching funds needed to carry out the proposed project. Electronic signatures or a PDF of a scanned signature are acceptable.
- Signed acknowledgement of each and every published addendum (see Addenda section below).

*Delivery of Application*

**Email to:** TCEQ Procurements & Contracts [procurements&contracts@tceq.texas.gov](mailto:procurements&contracts@tceq.texas.gov)  
The solicitation number must be included in the email subject line.

- All applications must be signed and emailed.
- Faxed applications will **not** be accepted.
- Hard copy applications will **not** be accepted.
- If a file is too large to email (for files over 25MB, or multiple files totaling more than 25MB), it may be submitted via TCEQ's FTP website <<https://tceq.texas.gov/>>

FTP instructions: <<https://tceq.texas.gov/help/>>

*Questions*

All questions must be **submitted to TCEQ Procurements & Contracts prior to July 10, 2024**, at 3:00 PM (Central Time).

Email to: [procurements&contracts@tceq.texas.gov](mailto:procurements&contracts@tceq.texas.gov)

The solicitation number must be included in the email subject line.

## PURCHASING AUTHORITY:

- Authority to Award Grants (RFGA) Texas Water Code, Chapter 5, Section 5.124

## Table of Contents

<b>How to Apply .....</b>	<b>1</b>
Administrative Requirements.....	1
Delivery of Application.....	2
Questions.....	2
<b>Purpose .....</b>	<b>4</b>
<b>Authority .....</b>	<b>4</b>
<b>CWA Section 319(h) Grant Guidelines.....</b>	<b>4</b>
<b>Eligibility .....</b>	<b>4</b>
<b>Restrictions.....</b>	<b>5</b>
<b>Questions from Applicants .....</b>	<b>5</b>
<b>Addenda .....</b>	<b>5</b>
<b>Grant Application Conditions.....</b>	<b>5</b>
Due Date/Late Responses.....	5
Number of Applications Funded Each Year .....	6
Requirements for Matching Funds.....	6
Payment Procedures .....	6
<b>Application Evaluation and Selection .....</b>	<b>7</b>
<b>Project Selection Criteria .....</b>	<b>7</b>
Letters of Commitment .....	10
TCEQ Rights Reserved .....	10
<b>Deadlines and Schedules .....</b>	<b>11</b>
<b>Project Requirements .....</b>	<b>11</b>
Budget Section.....	11
Environmental Justice.....	12
Title VI Compliance .....	12
Build America, Buy America (BABA) .....	12
QAPP Requirements.....	13
WPP Projects Special Instructions .....	13
Public Information .....	14
BMP Operation and Maintenance.....	14
Disadvantaged Business Enterprises (DBEs).....	14
Nonprofit Entity Supplemental Information.....	14
Federal Requirements .....	14
<b>Attachment B: EJScreen Instructions.....</b>	<b>18</b>
<b>EJScreen Guide for NPS Program.....</b>	<b>18</b>

## Purpose

This document provides guidance for applicants seeking funding from Texas Commission on Environmental Quality (TCEQ) under the Clean Water Act (CWA) Section 319(h) grant program. The United States Environmental Protection Agency (EPA) distributes funds appropriated by Congress annually to TCEQ under the authorization of CWA Section 319(h) for projects that assist the state in implementing the most recent EPA approved [Texas Nonpoint Source \(NPS\) Management Program](#). The Texas NPS Management Program includes multiple strategies for addressing nonpoint source pollution and should be consulted for compatibility with proposed projects.

Projects are administered through Contract agreements that describe the tasks, schedule, and budget for the project. Successful projects are usually two to four years long and primarily describe one or more of the following:

1. The development of watershed protection plans (WPP) that meet EPA's required [nine key elements for a watershed-based plan](#).
2. The implementation of EPA-accepted WPPs focusing on best management practices (BMPs) that measurably reduce nonpoint source pollution. For a list of eligible WPPs see [TCEQ NPS webpage](#).
3. Targeted education and outreach designed to bring about behavioral changes that lead to reduced nonpoint source pollution.
4. The engagement and commitment of essential watershed partners.
5. The implementation of multiple management measures in WPPs.
6. The inspection and remediation of on-site sewage facilities (OSSFs) in the Texas Coastal Zone Boundary.

Both EPA and TCEQ place a strong emphasis on achieving measurable results for projects selected to receive 319(h) grant funding. To that end, implementation projects should be sited as close to the impaired water body and/or assessment unit (AU) as possible to target identified sources of water quality degradation. Therefore, TCEQ seeks proposals involving on-the-ground implementation that have the highest chance to improve water quality. TCEQ will be the sole judge of the best interests of TCEQ.

## Authority

The grant program is implemented under the authority of Texas Water Code Section 5.124; 30 Texas Administrative Code (TAC) Chapter 14 related to Grants; and the federal CWA Section 319(h) (33 United States Code (U.S.C.) Section 1329).

## CWA Section 319(h) Grant Guidelines

EPA issued guidelines for CWA Section 319(h) grant funds in April 2013, [Nonpoint Source Program and Grants Guidelines for States and Territories](#). These guidelines apply to all CWA Section 319(h) funded grant activities beginning in state fiscal year 2014. Applicants are required to follow these guidelines. The CWA Section 319(h) Grant Program is a reimbursement program. Applicants must be willing to receive funding on a cost-reimbursement basis; advances will not be available. Grant recipients must perform the work, pay for project costs, and submit an invoice with supporting documentation before TCEQ will reimburse recipients for any approved costs.

## Eligibility

Grants are available to state agencies, political subdivisions of the State of Texas (including cities, counties, school districts, state universities, and special districts), and nonprofit 501(c)(3)

organizations. Applicants are encouraged to partner with appropriate local, regional, state, and federal entities responsible for water resource management in the project area. Projects involving any work outside of the United States or dredging activities are not eligible for funding.

### **Restrictions**

Funds awarded under this grant may not pay for activities required by a permit issued to meet CWA requirements, such as a wastewater discharge permit or a stormwater permit. However, related activities not specifically required by a permit may be submitted for consideration. Applicants are required to produce relevant Municipal Separate Storm Sewer System (MS4) permit documents such as Stormwater Management Plans, Annual Reports, etc. to document the eligibility of proposed project activities, upon request by TCEQ.

This solicitation is not for agricultural or silviculture projects, which are under the jurisdiction of the [Texas State Soil and Water Conservation Board \(TSSWCB\)](#).

### **Questions from Applicants**

If applicants have any questions regarding this RFGA, they are encouraged to contact TCEQ. Questions must be emailed to Procurements & Contracts ([procurements&contracts@tceq.texas.gov](mailto:procurements&contracts@tceq.texas.gov)). All questions must be submitted in writing to TCEQ by the due date of **July 10, 2024**. Emails must reference the solicitation number in the subject line.

No questions submitted after the July 10, 2024 deadline will be answered. All questions and answers will be posted to the [ESBD](#) as an addendum for public viewing.

### **Addenda**

At least one addendum to the RFGA is anticipated to be published on **July 17, 2024**, with answers to all applicant questions. Any additional changes to this RFGA will be posted as addenda. All addenda are part of the solicitation. No other explanations, interpretations, or changes will be considered official or binding.

Any and all posted addenda must be signed and submitted with the grant application package. It is the applicant's responsibility to periodically check the [ESBD](#) for addenda to the RFGA prior to submitting a grant application. Applications submitted without all of the signed addenda will not be considered for funding.

### **Grant Application Conditions**

#### *Due Date/Late Responses*

It is the applicant's responsibility to ensure timely delivery of the application to TCEQ by the due date and time on the first page of this solicitation. Late responses will not be considered under any circumstances. TCEQ will not be responsible for failure of service on the part of the applicants' email service.

TCEQ may reject responses that do not comply with requirements in the solicitation or state or federal laws. TCEQ may accept or reject all or any part of any response, waive procedures for submitting responses, waive formalities and/or minor technicalities, and award by item or groups of items, whichever best serves the interests of TCEQ. TCEQ may also cancel this procurement and withdraw this solicitation at any time before a Contract is signed by TCEQ. TCEQ will be the sole judge of the best interests of TCEQ.

### *Number of Applications Funded Each Year*

Historically, TCEQ funds approximately 10 projects per year. This number is dependent upon the grant funds available, the number of applications received, and the amount that is requested by the applicants. Applicants may be asked to scale proposals up or down depending on funding availability. There is no defined maximum and minimum grant amount for TCEQ's 319(h) Grant Program. However, recent awarded projects have ranged from \$60,000 to \$480,000 (federal dollars). Total project costs (including match) have ranged from \$100,000 to \$800,000.

Consistent with EPA Guidelines, most of the 319(h) funding will be directed to implement EPA approved WPPs in impaired waters that will directly address CWA 303(d) listed impairments through nonpoint source pollutant control and pollutant removal. Funding for WPP implementation projects cannot be awarded until there is an EPA-accepted WPP. Other types of projects are funded from a smaller pool of 319(h) funds that can be used for any activities consistent with the Texas NPS Management Program.

### *Requirements for Matching Funds*

All projects must include non-federal matching funds for 40% of the project's total costs. Federal funds must only equal 60% of total project costs for awarded Contracts and are reimbursed by TCEQ. For example, if the proposed project has a total project cost of \$100,000, the applicant will receive \$60,000 in federal funds from TCEQ and would be required to provide \$40,000 in match.

Match may be cash or in-kind services or items. In-kind service is labor provided by the grant recipient or one of its partners. The labor must help accomplish a project task. Paid staff or volunteer time is eligible as match with the proper documentation. Match can be provided by the grant recipient, subcontractor, or project partners (including state programs, private foundations, landowners, etc.). Match cannot come from any federal funding sources or in-kind services of federally funded positions. In accordance with the requirements of 30 TAC Section 14.7(a)(11), TCEQ is providing notice that it will not modify the matching requirement as authorized under Texas Government Code Section 783.009.

### *Payment Procedures*

TCEQ will reimburse reasonable and allowable costs under state and federal grant expenditure guidelines, including the [Texas Grant Management Standards \(TxGMS\)](#) and [Title 2 Code of Federal Regulations \(CFR\) Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#). Reimbursements will be scheduled on a quarterly basis, according to the state fiscal year, except for the final quarter of the Contract. During the final quarter, reimbursements will be scheduled monthly. A request for a different payment schedule must be preapproved by TCEQ.

Grant recipients will be required to provide documentation to show expenses incurred, and that equipment or services have been received before each reimbursement is provided by TCEQ. Grant recipients must show that 40% in matching costs has been contributed with each invoice. TCEQ will reimburse a maximum of 60% of the project's total costs as shown on each invoice.

TCEQ will reimburse an indirect rate up to the applicant's approved audited rate. Applicants may use any unreimbursed amount of indirect costs as part of their required match and should use their approved audited indirect rate when calculating the total costs of the proposed project. EPA has approved this reimbursement amount and match in accordance with 2 CFR 200.306(c) and 2 CFR 200.414(c). Applicants must provide documentation of their current indirect cost rate from a cognizant agency or a state single audit coordinating agency. Entities who have never received a negotiated indirect cost rate may elect to use a de minimis rate of 10% of modified total direct costs (MTDC).

TCEQ will not reimburse for any costs incurred in preparation, submission, or clarification of the grant application, or for any project-related costs incurred outside of the Contract period.

### **Application Evaluation and Selection**

Grant application forms will be evaluated by the TCEQ Scoring Team to identify projects that best address the NPS Program water quality priorities. The Scoring Team will review and evaluate applications based on the project selection criteria described in this application kit. During the review period, TCEQ may ask applicants to clarify information or respond to questions regarding their application. Information from these responses may be considered and evaluated as part of the selection criteria.

Applications will be divided into two classifications: A1, which are projects that implement an EPA-accepted WPP, and A2, which are projects that will develop any or all elements of a WPP, implement a Total Maximum Daily Load (TMDL) Implementation Plan (I-Plan), or are stand-alone projects not associated with a WPP. A1 and A2 projects will be funded from separate portions of the EPA grant and therefore applications are evaluated on criteria specific to their classification (see below) and will not be in direct competition with projects of the opposite classification (i.e., A1s do not compete for selection with A2s).

TCEQ will consider how well the project addresses water quality concerns and will lead to instream pollutant load reductions. TCEQ is not obligated to fund a proposal from an applicant that has demonstrated marginal or unsatisfactory performance on previous grants and Contracts with TCEQ. TCEQ may reject applications that do not comply with requirements in the solicitation or state and federal guidelines and laws. TCEQ may award by project or groups of projects, whichever best serves the interests of TCEQ.

Notification of selection status is anticipated to be made by **November 2024**. Selected applicants will be notified to submit a final project proposal addressing TCEQ comments. TCEQ will assign a Project Manager to work with the applicant to finalize the proposal, which will include a detailed work plan and budget for submittal to EPA. EPA will review all proposals and may approve, reject, or negotiate proposals prior to awarding grant funds to TCEQ.

Notification to prepare a final proposal does not guarantee that a proposal will be submitted to EPA, nor does EPA approval of a proposal guarantee that TCEQ will make a grant award. TCEQ may select parts of a proposal for funding and may offer an amount less than requested. If a proposal is chosen by TCEQ and approved by EPA, the successful applicant will enter into a Contract with TCEQ.

### **Project Selection Criteria**

Projects that implement an EPA-accepted WPP or will develop a WPP will be prioritized. Projects that implement the most recent EPA approved [Texas NPS Management Program](#) goals are also eligible, but not prioritized. Projects should not be submitted that are a combination of WPP implementation and development. Projects are scored using either A1 or A2; all projects are scored using Sections B through D.

Section A criteria is divided into A1 and A2. Projects are scored using either A1 or A2, and will not be in direct competition with projects of the opposite classification:

- A1:
  - Projects implementing an EPA-accepted WPP or a WPP that is anticipated to be accepted by September 1, 2025.
- A2:
  - Projects implementing at least one WPP that is not expected to be accepted by EPA by September 1, 2025.



- The project contains a mix of implementation actions from both EPA-accepted WPPs and non-EPA-accepted WPPs.
- Projects that are not associated with or implementing an EPA-accepted WPP (i.e., stand-alone projects).
- Projects implementing an accepted TMDL I-Plan.

The number in parentheses indicates the maximum number of points available under each criteria section.

#### A1. Implements a WPP (80 Points)

1. Project will implement a nine-key-element WPP that is accepted by EPA or is anticipated to be accepted by September 1, 2025. A list of WPPs can be found on the [TCEQ NPS webpage](#).
2. Project will implement management measures (MMs) that are eligible for 319(h) funding and directly impact water quality in a watershed from an EPA-accepted WPP.  
*Note: As TCEQ prioritizes proposals involving on-the-ground implementation that have the highest chance to improve water quality, education and outreach, monitoring, data acquisition, or other activities not directly impacting water quality are not considered MMs for the purposes of A1.2 and A1.3.*
3. Evidence is provided that indicates MMs will be continued and/or maintained after project completion.

#### A2. Develops a WPP, non-WPP Projects, or implements a TMDL I-Plan (80 Points)

1. Project will develop a nine-key-element WPP, update an existing WPP, or develop some WPP elements (i.e., watershed characterization).
2. Project involves an established/existing stakeholder group in the project area.
3. If developing a WPP or watershed characterization, all nonpoint source-related water quality impairments or concerns in the watershed will be addressed by the project (except for fish consumption advisories, mercury, metals, pesticides, organics, biological indicators, and legacy contaminants like PCB and DDE that are not addressed by the NPS Program).
4. The proposal demonstrates evidence of pre-planning.

#### B. Addresses NPS Program Priorities (85 Points)

1. Project MMs will result in actual load reductions that will be reported by the end of the project. MMs close to (within approximately one mile or less) impaired water body(ies) are higher priority.  
*Note: load reductions must be calculated for the parameters of impairment as well as sediment (total suspended solids), total nitrogen, and total phosphorus.*
2. Project is in the [Texas Coastal Zone Boundary](#) as defined in the [Texas Coastal Nonpoint Source Pollution Control Program](#), and involves OSSF related activities.  
*Note: higher priority is given to remediation (inspection, repair, replacement) activities.*
3. Application identifies and quantifies how the project will measure success and sustainability.
4. Project tasks and goals are consistent with the NPS Program priorities as described in the most recent EPA approved [Texas NPS Management Program](#).
5. Project area includes at least one impaired water body (Category 4 or 5) in the latest approved [Texas Integrated Report of Surface Water Quality](#) at the time of application



submittal, a Special Interest (SI) water body listed in the most recent [Priority Watersheds Report](#), or an unimpaired water body.

#### C. Potential for Project Success (45 Points)

1. Project partner roles and responsibilities are clearly described.
2. Project has a high “readiness to proceed” factor. Evidence is provided that critical components of the project have already been developed or planned to help ensure the timely and successful completion of the project (e.g., a quality assurance project plan (QAPP) has already been developed, project is a continuation of similar activities, or a stakeholder group is already engaged).
3. Project and individual tasks will be successfully completed in the proposed timeframe. Interim milestones are included to help the project stay on schedule.

#### D. Applicant/Team Qualifications and Recent Past Performance (65 Points)

1. Applicant and project partners have demonstrated and described previous experience and competence in completing the proposed project activities.
2. Applicant has described their experience managing federal and/or state grants and contracts with local, state, or federal entities.
3. Applicant has demonstrated prior or current coordination with existing water quality groups, nonprofit organizations, city officials, and stakeholder groups in the project area.
4. Applicant has demonstrated effective administration of previous CWA Section 319(h) funded projects with TCEQ’s NPS Program.

*Note: this includes but is not limited to completion of project tasks on time, timely expenditure of project funds, minimum budget lapse at end of project(s), quality of deliverables received and communication with TCEQ Project Managers. This score is based on recent TCEQ contractor performance evaluations while under contract with the TCEQ NPS Program. Applicants with a performance history can receive positive or negative points while those without a performance history will be considered neutral for performance and receive no points.*

#### E. Cost Effectiveness, Budget, and Overall Application Quality (60 Points)

1. Application includes a detailed budget that is calculated correctly.  
*Note: this includes brief explanations in each category, the 60/40 split is correct, all work described in Tasks has corresponding funding, cost-share, in-kind, and other contributions are shown (if applicable), equipment, supplies, and travel costs are itemized and justified, and budget by year is reasonable for the work being proposed.*
2. Sources of eligible matching funds are clearly specified, and letters of commitment are provided from entities that plan to provide match, either as cash or in-kind services. Letters from partners must describe the dollar amount (cash) or dollar value (in-kind) of the match to be supplied, which must reflect amounts in the project budget.
3. Project budget is cost-effective and reasonable considering the water quality benefits, scope, and timeframe to complete the work activities. Costs associated with educational and outreach activities are reasonable and are not used to create material that currently exists elsewhere.
4. The applicant describes how grant funds are managed and accounted for to ensure compliance with appropriate state and federal requirements for fiscal controls.

*Examples of this are: the applicant receives an annual audit, how they follow state procurement law for all purchases; how they follow Generally Accepted Accounting*

*Principles (GAAP); or that their accounting system is able to fully track any grant funds awarded.*

5. The overall application is of high quality with all sections completed following provided instructions, tasks are fully explained with details and deliverable due dates, minimal spelling and formatting errors, and project descriptions are clear and concise.

#### *Letters of Commitment*

Each participating organization (i.e., project partner) will provide a letter of commitment clearly stating their role, contributions, and responsibilities associated with the proposal. If multiple project partners are involved, letters should be individually written and should not be form letters (i.e., identical). If a participating organization plans to provide match, either as cash or in-kind services, these letters **must** also describe the dollar amount (cash) or dollar value (in-kind) of the match to be supplied.

#### **TCEQ Rights Reserved**

In accordance with 30 TAC Section 14.9, TCEQ is providing notice that the following direct awards are anticipated under this grant award:

- An amount yet to be determined may be used to fund Texas A&M AgriLife Extension Service to help satisfy the state's obligations to inspect OSSFs and maintain a database inventory as specified in Section 6217 of the Federal Coastal Zone Management Act.
- An amount yet to be determined may be used to support the Texas Stream Team (TST) program at the Meadows Center for Water and the Environment at Texas State University. TST implements a statewide volunteer monitoring program and provides related nonpoint source pollution education.

Actual direct award amounts will be determined in consideration of the final CWA Section 319(h) award amount, and in consideration of applications received through this RFGA.

TCEQ reserves the right to:

- Contact applicants for clarification of information submitted or request additional information.
- Contact other parties to obtain information regarding past performance, reliability, and integrity.
- Review applicant's past performance, if any, under other Contracts with TCEQ.
- Reject any or all applications or any part of an application.
- Withdraw this RFGA at any time.
- Waive any or all procedures for submitting responses.
- Waive, or allow applicant to correct, any formalities and/or minor technicalities.
- Award a portion of the CWA Section 319(h) grant funds directly to entities in accordance with 30 TAC Section 14.8 for projects that are in the best interests of TCEQ.

## Deadlines and Schedules

**Grant Applications must be received by 3:00 P.M. on August 8, 2024.** Applicant selection is anticipated to be completed by November 2024.

Schedule for the FFY 2025 RFGA and Funding (*Scheduled dates are tentative.*)

June 26, 2024	RFGA Opens - Submission of Grant Application period begins. RFGA posted to <a href="#">ESBD</a> (30-day solicitation)
July 10, 2024, at 3:00 P.M. Central Time	Deadline for submission of all Grant Application questions
July 17, 2024	Addendum containing Grant Application questions posted to <a href="#">ESBD</a>
August 8, 2024, at 3:00 P.M. Central Time	RFGA closes - deadline for submission of Grant Applications and all required documents
November, 2024	Applicants notified of potential project selection
December, 2024	TCEQ sends applicants comments on projects proposed for award
January, 2025	Project work plans and budgets complete
January, 2025	Final grant work plan package submitted to EPA
March, 2025	TCEQ receives grant award funding amount from EPA
September, 2025	Projects begin when the Contract is executed (signed by Performing Party and then by TCEQ)
December, 2025	Awards posted on <a href="#">ESBD</a>

## Project Requirements

### *Budget Section*

In addition to the Grant Application Form, applicants must submit the required Excel Budget Table Spreadsheet.

EPA has a "Subaward Policy" that makes a distinction between subcontracts and subgrants/subawards as they relate to this grant.

- Subcontracts are awarded to "procurement Contractors," which typically provide goods and services on commercial terms, operate in a competitive environment, and are allowed a reasonable profit. They belong in the Contractual cost category of the budget and are 100% eligible as part of the MTDC basis for the Indirect Cost category.
- Subgrants/subawards are awarded to "subrecipients", which only receive reimbursement for their actual direct and/or approved indirect costs such that they do not "profit" from the transaction. They belong in the Other cost category of the budget, and only a maximum of \$25,000 per subaward is eligible as part of the MTDC basis for the Indirect Cost category.

For calculating indirect costs using MTDC as a base, please closely review [2 CFR 200.68](#) regarding which direct costs are included in and excluded from the MTDC. For example, the most common definition of MTDC base is the sum of Personnel/Salary, Fringe Benefits, Travel, Supplies, Contractual, and Other (excluding the amount of any individual subaward greater than \$25,000).

### *Environmental Justice*

Environmental justice is defined by EPA as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” In 2021, the White House issued the Justice40 Initiative that aims to ensure 40 percent of certain Federal investments flow to disadvantaged communities that are marginalized, underserved, and overburdened by pollution. The CWA Section 319(h) grant is included in the list of Federal programs covered by the initiative. As a result, all applicants for this RFGA are required to submit information in the Application Form about how their proposed activities will support disadvantaged/underserved communities in their selected watershed(s) area. All applicants should visit the [EPA Environmental Justice webpage](#) for more information. The [EJScreen](#) mapping tool is required to provide area specific environmental and demographic indicators in maps and reports, results from other tools are not acceptable. Instructions for using EJScreen for the purposes of this application are provided in Attachment B.

### *Title VI Compliance*

**NEW!** Compliance to Title VI of the Civil Rights Act of 1964 requires information and services to be provided in languages other than English when significant numbers of beneficiaries are of limited English-speaking ability. If 5% or more of the population within the project area is Limited English Proficient (LEP) and share a common language, then applicants are required to provide notices and outreach materials in the alternative language(s). Spanish language outreach is required for all Statewide projects. If a project is selected for funding, the applicant will be required to fill out the Public Involvement Plan (PIP) Form before Contract execution. The PIP form and instructions are provided in Attachment C.

**Projects that include any education and outreach activities should contain translation of public outreach materials in task language, budgets, and timelines. If multi-lingual materials are already available, applicants should state this in application and task language.**

### *Build America, Buy America (BABA)*

**NEW!** On November 15, 2021, the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. No. 117-58 §§ 70901-52, which includes the Build America, Buy America Act ("the Act") was signed into law. The Act requires that the head of each covered Federal agency shall ensure that “none of the funds made available for a Federal financial assistance program for infrastructure, may be obligated for a project **unless all of the *iron, steel, manufactured products, and construction materials* used in the project are produced in the United States.”**

BABA terms apply to materials consumed in, incorporated into, or affixed to an infrastructure project that are **permanently incorporated and on public land**. Construction materials include articles, materials, or supplies — other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives — that are or consist primarily of:

- Non-ferrous metals
- Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables)
- Glass (including optic glass)
- Lumber
- Drywall

TCEQ shall incorporate a Buy America preference in the terms and conditions of each awarded Contract. **Applicants must complete the BABA section of the application in response to this requirement.**

### *QAPP Requirements*

All work that involves the acquisition of environmental data will be performed in accordance with a TCEQ-approved QAPP that meets all applicable TCEQ and EPA requirements. Environmental data includes any measurements or information that describe environmental processes, locations, or conditions, or ecological or health effects and consequences. Environmental data includes information collected directly from measurements, produced from models, and/or compiled from other sources such as databases or literature. No data collection or other work covered by this requirement may begin prior to applicant's QAPP being approved by TCEQ, in addition to any other approval required for work to begin. Without prejudice to any other remedies available, TCEQ may refuse reimbursement for any environmental data acquisition performed prior to approval of a QAPP by TCEQ, and if necessary, EPA. Also, without prejudice to any other remedies available to TCEQ, failure to meet the terms of the QAPP may result in TCEQ's suspension of associated activities and non-reimbursement of expenses related to the associated activities. Project budgets and timelines should account for the development and review of QAPPs accordingly.

### *WPP Projects Special Instructions*

All WPPs funded with CWA Section 319(h) grant funds will be required to meet EPA's nine key elements for a watershed-based plans, found in Appendix C of the [Nonpoint Source Program and Grants Guidelines for States and Territories](#). A WPP must address all water body impairments and concerns (except for fish consumption advisories, mercury, metals, pesticides, organics, biological indicators, and legacy contaminants like PCB and DDE) as listed on the latest approved [Full Texas Integrated Report](#) as of the date of the application submittal.

Before committing to the development of a WPP, it is important to conduct a preliminary analysis to determine if sufficient data are available to characterize pollutant sources throughout the whole watershed. Preferably, this determination is made before applying. Such preliminary analysis would count toward evaluation of project readiness. After this preliminary analysis, the TCEQ NPS Program recommends following these major steps:

- 1) Watershed Characterization – Identify potential sources of pollution; additional monitoring (data collection or acquisition).
  - a. Stakeholder Involvement – Establish a focus group representing major interests in the watershed.
  - b. Estimation of pollutants loads.
- 2) Develop and submit stakeholder approved nine-key-element WPP.

The approach taken to develop a WPP should be driven by stakeholder input. Outcomes of a given step often influence what activities are to occur in future steps. Multiple steps may be combined into one application and streamlined projects resulting in more expeditious development of WPPs are preferred. However, applications are also evaluated based on whether timelines are realistic, the scope and size of the project, and if sufficient data already exists to develop an acceptable nine-element WPP.

Additional information on watershed planning projects can be found on the [TCEQ NPS webpage](#). TCEQ funding of some steps does not obligate the agency to fund additional steps of WPP development for that watershed.

### *Public Information*

Upon submission, all proposals become the property of the State of Texas and are subject to public disclosure under the Texas Public Information Act (PIA), Texas Government Code Chapter 552. Any information the applicant wishes to protect from public disclosure must be clearly marked “Confidential/Proprietary: inform applicant and seek Attorney General’s opinion before releasing” on the appropriate page.

### *BMP Operation and Maintenance*

The Performing Party must ensure the continued proper operation and maintenance of all BMP(s) that are successfully implemented under the awarded Contract. The Performing Party must properly operate and maintain BMP(s) implemented for a minimum of ten years, or for a time period in accordance with commonly accepted standards for the BMP(s). If the Performing Party awards funds to any subgrantees to perform these projects, this provision must also be included in any related sub agreement.

### *Disadvantaged Business Enterprises (DBEs)*

The Performing Party must adhere to the [EPA DBE program](#) when subcontracting any portions of the work or procuring any goods or services.

### *Nonprofit Entity Supplemental Information*

Attachment A contains supplemental information and additional requirements applicable to nonprofit entities.

### *Federal Requirements*

CWA Section 319(h) funds under awarded contracts are federally provided and subject to all requirements included in the EPA funding award, as well as applicable provisions in the CFR, including 2 CFR Parts 200, 1500, 1532, 1536, and 40 CFR Parts 33 through 35.

Applicants must disclose any conditions they are unable to meet or any actual, apparent, or potential conflicts of interest including any consulting fees or other compensation paid by contractors to employees, officers, agents of the applicant and/or members of their immediate family; or any organizational conflicts of interest between applicants and its subcontractors or subrecipients. Disclosures must be included with your application.

**Attachment A – Nonprofit Entity Supplemental Information**



**RFGA 319(h) Nonpoint Source FFY 2025****Nonprofit Entity Supplemental Information**

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Nonprofit Entities interested in applying for a grant under TCEQ's Nonpoint Source Program should be familiar with:

- Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards found at Title 2 Code of Federal Regulations, Part 200 and
- Texas Grant Management Standards (TxGMS), December 2021 which can be found at <https://comptroller.texas.gov/purchasing/grant-management/>.

Nonprofit entities have the following additional requirements and Contract terms. Entities unable to fulfill these requirements may not receive a Contract award.

1. Before being considered for a Contract award, a nonprofit applicant must complete a "Grantee Assessment Questionnaire." The questionnaire will ask the applicant to provide or respond to several items including:
  - a. Financial management system and internal controls.
  - b. Most recent audit or independent review of financial accounts.
  - c. Financial statements prepared in accordance with generally accepted accounting principles ([GAAP](#)).
  - d. Procurement procedures and policies.
  - e. Standards of Conduct including Conflict of Interest Policies.
  - f. Contract administration system.
  - g. Entity and staff experience with federal grants

## **Attachment B – EJScreen Instructions**

## Attachment B: EJScreen Instructions

### EJScreen Guide for NPS Program

The [United States Environmental Protection Agency \(EPA\) Nonpoint Source \(NPS\) Program](#) recognizes the importance of [environmental justice \(EJ\)](#) and is exploring how the program may expand investments for pollution reduction projects that ensure fair and equitable access to improved water quality. The [White House's Interim Implementation Guidance for the Justice40 Initiative memorandum](#) includes guidance on interim definitions of disadvantaged communities, covered programs, examples of benefits of covered programs, calculating benefits, reporting, and pilot to maximize benefits to disadvantaged communities. [TCEQ and its contractors will use EPA's EJScreen mapping tool \(EJScreen\)](#) to help implement the Justice40 Initiative.

### EJScreen Supplemental Demographic Index

EJScreen includes a **Supplemental Demographic Index**, which averages five factors:


- Percent low-income
- Percent limited English
- Percent less than a high school education
- Percent unemployed
- Low life expectancy

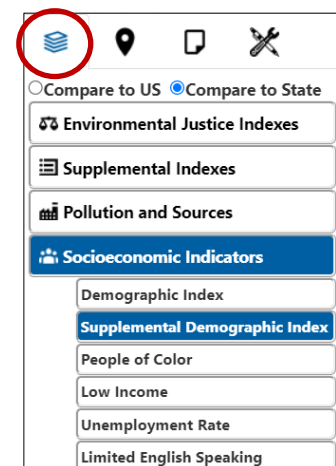
The Supplemental Demographic Index is combined with environmental factors to highlight areas where vulnerable populations may be disproportionately impacted. Maps generated in EJScreen highlight census block groups (areas generally defined to contain between 600 and 3,000 people) above the 80th, 90th, and 95th percentiles when compared to the nation or state. TCEQ [and its contractors](#) will use the state percentiles.

### Enabling the Supplemental Demographic Index in EJScreen

The recommended browsers for using [EJScreen](#) are Google Chrome or Microsoft Edge. See [Troubleshooting](#) section for common issues.

After launching EJScreen:

- In the left sidebar, go to Maps (the  icon) and choose Socioeconomic Indicators.
- Select the Supplemental Demographic Index.
- Ensure Compare to State is selected at the top of the sidebar.



### EJScreen Community Report


The user can export their findings from EJ Screen with the EJScreen Community Report, which can be generated by selecting one or more census blocks, census tracts, cities, counties, a combination of these, or drawn area(s). This report can be generated without turning on any

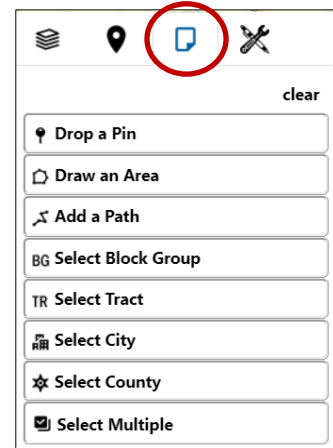
additional layers in EJScreen, but layers like the Supplemental Demographic Index will give context to the generated map. The NPS Program requires that the first page of the EJScreen Community Report and the Demographic Supplemental Index state percentile are included in 319(h) Grant Applications.

Individual or multiple areas can be selected to create EJScreen Community Reports. These can either be the built-in options (census blocks, cities, counties, etc.) or custom project areas (e.g., watershed boundaries) that can be added in several ways (see instructions below). The EJScreen Mapper can be slow at times, so check your internet connection if you have continued issues, otherwise patience may be needed.


### Selecting Built-in Area(s)

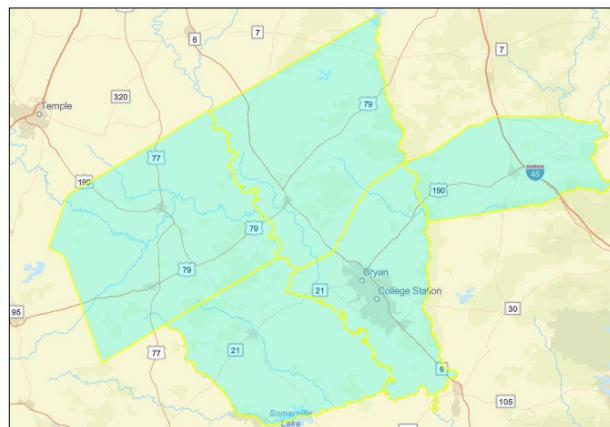
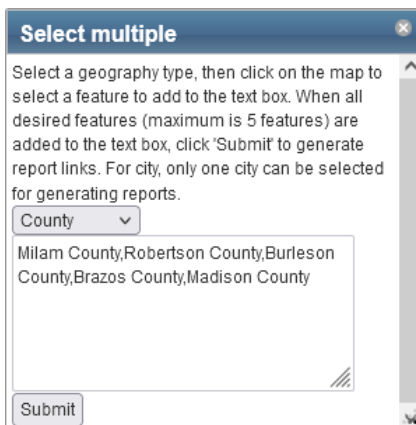
To select an individual area of census block, census tract, city, or county:

- In the left sidebar, go to Reports (the  icon) and choose either Select Block Group, Select Tract, or Select City.
- Click on the map to select the appropriate area.
  - If you select an area in error, click “clear” in the left sidebar.




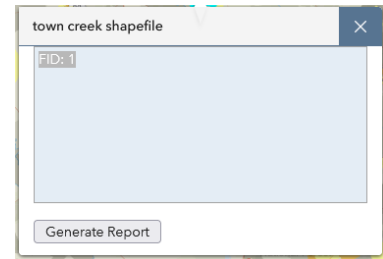
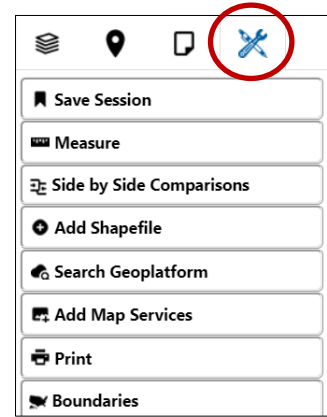
To select multiple census block groups, tracts, and counties:

- In the left sidebar, go to Reports (the  icon) and choose Select Multiple.
- In the box that pops up select the geography type from the drop-down menu.
  - *Note: Although it is in the drop-down list, you cannot select multiple cities. You also cannot select multiple geographic types (i.e., cannot select counties and block groups at the same time).*
- Click to select the areas on the map and a list will generate in the box.
- Click the Submit button to generate the report (more instructions below).




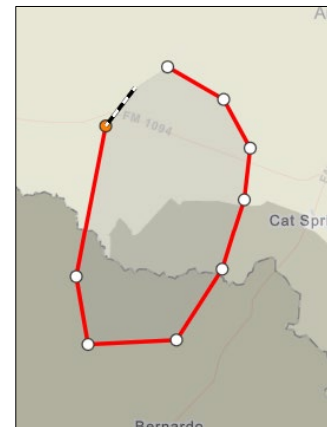
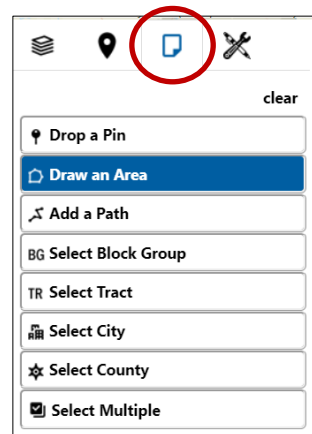
### Importing a Zipped Shapefile

- In the left sidebar, go to Tools (the  icon) and choose Add a Shapefile.
- In the box that pops up, click the Add File button and use the file explorer to navigate to and select your zipped file.
- Click on the imported area to show the popup. In the popup box, click to choose the imported shapefile and select “Generate Report”.
  - *Note: The shapefile needs to be less than 10MB in size and have less than 4,000 point features or 2,000 linear or polygonal features. Visit the [Shapefiles](#) website for more information and limitations.*
  - If an imported polygon has too many vertices or the area is too complex for EJScreen the user will get “(The area exceeds the size or is too complex for reporting.)” error in the popup. The user may have to trace over the imported polygon to generate the report for a drawn area. See next section for instructions.




### Drawing a Custom Area Polygon

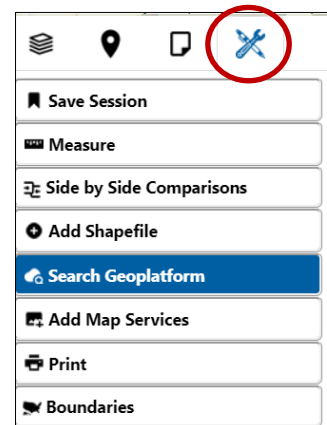
- In the left sidebar, go to Reports (the  icon) and choose Draw an Area.
- Click on the map along a path to create vertices for the polygon.
- To close the polygon, either double click to create the final point or click on the first point.
  - *Note: Users can draw several polygons at once, but only one polygon can be used to generate a report.*



### Importing a Public Geodatabase

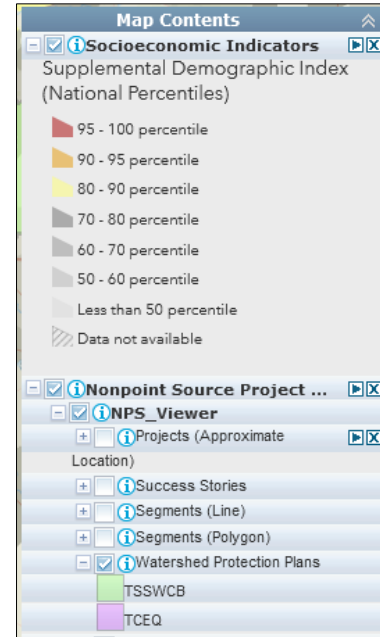
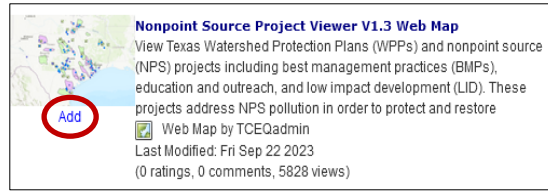
If the desired polygon is already part of a public geodatabase (e.g., NPS Project Viewer, USGS HUC boundaries), the user can first import the database into EJScreen and then trace their polygon follow the steps for drawing a custom area.

- In the left sidebar, go to Tools (the  icon) and choose Search Geoplatform.
- Search the list that pops up for the geodatabase you would like to add.

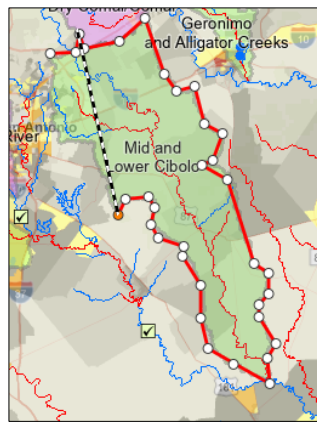


- Once found, select the Add option below the image of the geodatabase.

- Once added, various items/layers of the map can be expanded, collapsed, and turned on or off using the Map Contents window on the right side of the screen.



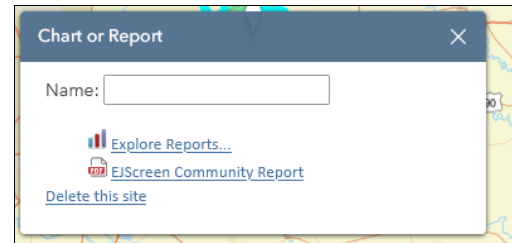
- Users can then create their own polygons using the steps outlined above and tracing over an area in the imported geodatabase.



### How to Generate and Export the EJScreen Community Report

Once the user has selected their area(s):

- Click on one of the chosen areas/polygons and the Chart or Report popup box will appear.
  - The user can add a name to the area if desired.
- Click the EJScreen Community Report and a PDF will be generated in a new window.




In the new window, the EJScreen Community Report will automatically create a map of the current view in the previous window and populate information in tables and charts for the selected area(s).

- If the user does not like the layout of the map in the EJScreen Community Report, go back to the EJScreen window and adjust features as needed. Then follow the steps again to create a new EJScreen Community Report PDF.

In the EJScreen Community Report PDF, if there are “XX” values it means the page has not completely loaded. Be patient, for complex areas the report can take a considerable amount of time to fully load.

**To export this PDF:**

- Click on the printer icon (  ) in the top right corner of the report and Save as a PDF.
- For best results use:
  - Portrait orientation
  - Letter sized paper
  - Default size margins and scale
- See the [Troubleshooting](#) section below for any issues.

Insert the first page into the NPS 319(h) Grant application, a screenshot is acceptable.

Users can find the Supplemental Demographic Index percentage for the selected area on page 3 of the report, in the EJScreen Environmental and Socioeconomic Indicators Data Table.

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
<b>POLLUTION AND SOURCES</b>					
Particulate Matter ( $\mu\text{g}/\text{m}^3$ )	9.38	9.11	57	8.08	81
Ozone (ppb)	64.9	64.6	51	61.6	74
Diesel Particulate Matter ( $\mu\text{g}/\text{m}^3$ )	0.125	0.218	25	0.261	24
Air Toxics Cancer Risk* (lifetime risk per million)	30	28	1	25	5
Air Toxics Respiratory HI*	0.3	0.3	29	0.31	31
Toxic Releases to Air	770	12,000	63	4,600	54
Traffic Proximity (daily traffic count/distance to road)	4	150	6	210	10
Lead Paint (% Pre-1960 Housing)	0.05	0.17	48	0.3	26
Superfund Proximity (site count/km distance)	0.039	0.085	48	0.13	36
RMP Facility Proximity (facility count/km distance)	0.049	0.63	4	0.43	10
Hazardous Waste Proximity (facility count/km distance)	0.16	0.75	35	1.9	30
Underground Storage Tanks (count/km <sup>2</sup> )	0.065	2.3	17	3.9	26
Wastewater Discharge (toxicity-weighted concentration/m distance)	1.1E-05	0.91	10	22	18
<b>SOCIOECONOMIC INDICATORS</b>					
Demographic Index	36%	46%	38	35%	59
Supplemental Demographic Index	19%	17%	65	14%	76
People of Color	31%	58%	23	39%	50
Low Income	41%	34%	63	31%	70
Unemployment Rate	3%	5%	45	6%	42
Limited English Speaking Households	3%	8%	51	5%	67
Less Than High School Education	24%	16%	73	12%	86
Under Age 5	11%	6%	84	6%	89
Over Age 64	19%	14%	73	17%	62
Low Life Expectancy	25%	20%	93	20%	90

**Troubleshooting**

If you run into any issues, try the following steps:

- Clear your browser cache (usually Ctrl + Shift + Delete).
  - The recommended browsers for EPA applications are Google Chrome or Microsoft Edge (Firefox is not supported by EPA).
- Make sure JavaScript is allowed.
- Make sure popups are allowed.
- After clearing the web browser cache and ensuring the other features are enabled above, if your issue is not resolved, then:
  - Update your web browser to the latest available version.



- Repeat the browser cache clearing step above.
- Power off and turn back on your device to remove any remaining web browser cache.
- Access the application again to see if the issue is still occurring.
  - Allow a few moments for your web browser to load the data properly.
  - If it fails again, then please refresh the web browser page containing the web application, or open the web application in a new browser window or tab.
- If the issue is still occurring, then turn any private network connection OFF and repeat all the above steps again.
- See if you can replicate the issue on a different device and a different network connection.

**Attachment C – Public Involvement Plan Form and Instructions**



## Texas Commission on Environmental Quality

### Public Involvement Plan Form Water Quality Planning Division Planning and Implementation Section

The Public Involvement Plan is intended to provide TCEQ with information about how public outreach will be accomplished when needed to ensure meaningful public participation. This form is designed for activities that will benefit from an initial assessment of the need for enhanced public outreach. This form may be updated if additional information becomes available.

#### Section 1. Action Information

- (a) **Project name:** Click or tap here to enter text.
- (b) **Performing Party:** Click or tap here to enter text.
- (c) **Contract number (and work order number if applicable):** Click or tap here to enter text.
- (d) **Date form completed or revised:** Click or tap here to enter text.
- (e) **Anticipated Contract period:** Click or tap here to enter text.
- (f) **Staff contact(s) and email(s):** Click or tap here to enter text.
- (g) **Type of action:** (select one)
- Grant opportunity
- Other (please describe): Click or tap here to enter text.
- (h) **If this is a revised form, list reasons for revision:** Click or tap here to enter text.

#### Section 2. Civil Rights Evaluation

- (a) **Have you had any civil rights complaints or lawsuits filed against you in the last three years?**
- Yes
- No
- (b) **If yes, please complete the Civil Rights Evaluation Form - Attachment A.**

### Section 3. Planned Public Outreach Activities

If none, please state that below and no further action in this PIP Form is required.

**(a) Public participation activities:** Click or tap here to enter text.

**(b) Vital documents associated with public participation activities:** Click or tap here to enter text.

### Section 4. Geographic Level of Impact

**Statewide project - no further demographic information is required. Spanish alternative language outreach is required for this project.**

If this project is not statewide, please indicate and define the geographic scale used for gathering the demographic information for Section 5 and proceed.

- County/Counties: Click or tap here to enter text.
- City/Cities: Click or tap here to enter text.
- Census Tract: Click or tap here to enter text.
- Watershed Boundary: Click or tap here to enter text.
- Other (please specify): Click or tap here to enter text.

### Section 5. Community and Demographic Information

Community information can be found using EPA's EJScreen at <https://ejscreen.epa.gov/mapper/>, EPA guidance on EJScreen - <https://www.epa.gov/ejscreen/learn-use-ejscreen>; or generally available demographic tools.

**(a) List the percentage of Limited English Proficient population(s) within the project area and commonly spoken languages. Include the methodology used to acquire the percentages listed (e.g., EJScreen).** Click or tap here to enter text.

**If 5% or more of the population within your project area is Limited English Proficient, then you are required to provide notice in the alternative language. For statewide projects, Spanish language outreach is required.**

**(b) Will the public participation activities be provided in an alternative language?**

- No. If selected, please provide justification. Click or tap here to enter text.
- Yes, Spanish
- Yes, language other than Spanish - provide language(s): Click or tap here to enter text.

**(c) If yes, how will the public participation activities be provided in the alternative language(s)? Please specify for each language required (check all that apply).**

- Publish in alternative language newspaper: Click or tap here to enter text.
- Posted on website: Click or tap here to enter text.
- Email notices: Click or tap here to enter text.
- Social media: Click or tap here to enter text.
- Bulk mail postcards: Click or tap here to enter text.
- Posted signage: Click or tap here to enter text.
- Other (please specify): Click or tap here to enter text.

**(d) Will there be public meetings or events offered?**

- Yes
- Yes, if requested
- No
- Informational meeting
- Stakeholder meeting
- Other (please specify): Click or tap here to enter text.

**(e) If public meetings or events are held, will an interpreter be provided?**

- Yes, if requested at least two weeks prior to the meeting - provide language(s): Click or tap here to enter text.
- No. If selected, please provide justification: Click or tap here to enter text.
- Other information as necessary: Click or tap here to enter text.



## *Texas Commission on Environmental Quality*

### **Instructions for Completing the Public Involvement Plan Form Water Quality Planning Division Planning and Implementation Section**

#### **Purpose**

The Texas Commission on Environmental Quality's (TCEQ) Public Participation Plan identifies using a Public Involvement Plan (PIP) to ensure meaningful public outreach. A PIP Form is required for all Nonpoint Source (NPS), Total Maximum Daily Load (TMDL), and Galveston Bay Estuary Program (GBEP) project activities.

The PIP Form is required for all projects to ensure Title VI compliance in public outreach to Limited English Proficiency (LEP) communities. It gathers information on translating written or oral information into alternative languages based on the project's geographic area. Completion of the form will assist TCEQ in learning about the communities in which project activities may have an impact.

#### **Use of Form**

The PIP Form is intended to be a tool to determine how to conduct public outreach and public participation in project activities. Once completed, the form can be used to develop the plan for public participation and evaluate the need for enhanced public outreach. This includes any requirements for alternative language outreach.

#### **Objectives**

These instructions provide information on how to complete the PIP Form for a variety of public outreach activities. At a minimum, this completed form shall be maintained and stored by the grant program for administrative record keeping.

#### **Resources**

The Public Participation Plan and Language Access Plan provide basic information related to the need for public outreach and meeting language access needs.

TCEQ's Public Participation Plan is available online at <https://www.tceq.texas.gov/agency/decisions/participation/title-vi-compliance>.

TCEQ's Language Access Plan is available online at <https://www.tceq.texas.gov/downloads/agency/decisions/participation/language-access-plan-gi-608.pdf>.

### Section 1. Action Information

- (a-c) Provide the name of the project, Performing Party, and the Contract number.
- a. If applicable, include the work order number alongside the Contract number.
- (d) Enter the date the form was completed or revised (mm/dd/yyyy).
- (e) Enter the anticipated Contract period.
- (f) Provide the full name and email of the Performing Party staff contact for the project.
- (g) Identify the type of action for which the PIP Form is being completed. If the action type is not a grant opportunity, select the option "Other" and provide a detailed description of the action.
- (h) If new information is discovered or if substantive changes to the project require updating of the form, then a new (revised) form should be completed. The revised form should include a description of why the revision is needed, the form completion date should be the date the revised form was completed, and the box in the header should be checked to indicate this is a revised form. All sections impacted by changes to the project should be updated in the revised form.

### Section 2. Civil Rights Evaluation

- (a) If the performing party has had any civil rights complaints or lawsuits filed against them in the last three years, please complete Attachment A. **Only one Civil Rights Evaluation Form is required per Performing Party.** If no civil rights complaints or lawsuits have been filed against them in the last three years, select no, and no further action is required in Section 2.
- (b) The following are instructions for the Civil Rights Evaluation Form - Attachment A:
- a. Provide the name of the Performing Party.
  - b. Provide an estimate of total employees within the Performing Party.
  - c. Enter the date the form was completed.
  - d. Provide the Contract number(s) performed under TMDL, NPS, or GBEP.
  - e. Fill out the chart with all civil rights complaints or lawsuits filed against the Performing Party in the last year.
  - f. Sign and date the form.

### Section 3. Planned Public Outreach Activities

**If there are no planned public participation activities or vital documents associated with public participation activities, please state that below and no further action in this PIP Form is required.**

- (a) **Provide a plain language summary of the public participation activities planned for the project** (e.g., stakeholder meetings, webinars, meetings with local officials). This should summarize your public participation project activities in terms that are accessible to people outside of the specific project or program area. Avoid technical jargon, define any terms or acronyms specific to your project, and use a more universal explanation of the public participation activities. This is a short, high-level summary and should only be a paragraph or two.
- (b) **List vital documents associated with public participation activity.** List all vital documents that will be created for your project related to public participation activities.



“Vital documents” are paper or electronic materials that are critical to access programs, activities, and services. Classification of a document as “vital” depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner.

#### Section 4. Geographic Level of Impact

Determine the geographic level of impact, i.e., who will be affected by this project. This could be as broad as the entire state or as specific as a watershed.

**If the project will affect the entire state, mark “Statewide project” and Spanish alternative language outreach is required for this project.**

If the project is not statewide, determine the appropriate geographic level that will be affected by your project. Check the appropriate box for the geographic scale used for assessing the affected area (county/city/watershed), and define the affected area (e.g., City of El Paso). If another geographic scale will be used, check the box for “Other” and provide a description of the scale to be used.

**Table 1. Community Scale Descriptions**

Community Scale	Example(s)
County/Counties	A project focused on a single or multiple counties.
City/Cities	A project focused on a single or multiple cities.
Census Tract	Rarely applies for project activities; however, if a project would only impact a neighborhood, this would be the geographic scale needed.
Watershed Boundary	A project focused on a single or multiple watersheds.
Other	Block group, river basin, etc.

#### Section 5. Community and Demographic Information

Title VI requires information and services to be provided in languages other than English when significant numbers of beneficiaries are of limited English-speaking ability. If 5% or more of the population within your project area is LEP and share a common language, then you are required to provide outreach in the alternative language. For statewide projects, Spanish language outreach is required.

Use this section to record the community and demographic information within the project area. Look up the community and demographic information described in item (a) for the geographic scale identified in Section 4.

Refer to the EJScreen Instructions located at the end of this document to record your findings under Section 5(a). Alternatively, any available demographic tools may be used to find the requested data.

**(a) List the percentage of Limited English Proficient population(s) within the project area and languages commonly spoken. Include the methodology used to acquire the percentages listed (e.g., EJScreen).**

- a. If 5% or more of LEP population(s) within the project area share a common non-English language, complete all of Section 5.

- b. If the project area does not have a LEP population of 5% or more for a given language, make note of the findings and no further action is required for this section.
- (b) Will public participation activities be provided in an alternative language?** Indicate whether you will need to provide documents in an alternative language.
- For statewide projects, Spanish language documents are always necessary. Other languages may be necessary depending on the communities impacted by the activity determined in Section 5(a).
  - If the project area has a LEP population other than Spanish-speaking that is 5% or greater, then outreach in the additional language would be necessary.
  - If no is selected, please provide justification. "Reasonable steps" may cease to be reasonable where the costs substantially exceed the benefits. The Performing Party will seek cost-effective options, such as technology-based solutions, to promote effective LEP programs and services.
- (c) How will public participation activities be provided in the alternative language(s)?** Specify how you will provide alternative language notice to LEP populations identified in 5(a). The public participation activities identified in this section should reflect Section 3(a). Specify for each language if there are multiple languages required. If the activity is not included in the provided answers, please select "Other" and specify the activity.
- (d) Will there be public meetings or events offered?** Specify if a public meeting or event will be offered. If the type of meeting or event is not included in the provided options, please select "Other" and specify the activity.
- (e) If public meetings or events are held, will an interpreter be provided?** Specify if an interpreter will be provided and identify for which language(s). If no is selected, please provide justification. "Reasonable steps" may cease to be reasonable where the costs substantially exceed the benefits. The performing party will seek cost-effective options, such as technology-based solutions, to promote effective LEP programs and services.

## EJScreen Instructions

TCEQ contractors can use [EPA's EJScreen mapping tool \(EJScreen\)](#) to identify the percentage of LEP individuals and common languages spoken in their project area.

The recommended browsers for using [EJScreen](#) are Google Chrome or Microsoft Edge. See [Troubleshooting](#) section for common issues.


## EJScreen Community Report

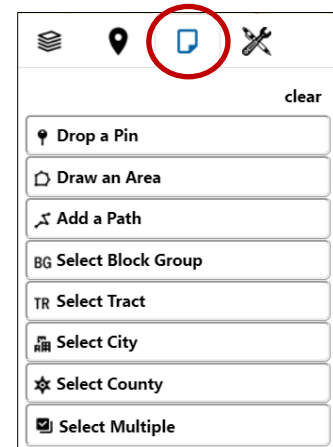
The user can develop a report of their findings from EJ Screen with the EJScreen Community Report. This report can be generated by selecting one or more census blocks, census tracts, cities, counties, a combination of these, or drawn area(s).

Individual or multiple areas can be selected to create EJScreen Community Reports. These can either be the built-in options (census blocks, cities, counties, etc.) or custom project areas (e.g., watershed boundaries) that can be added in several ways (see instructions below). The EJScreen Mapper can be slow at times, so check your internet connection if you have continued issues, otherwise patience may be needed.


### Selecting Built-in Area(s)

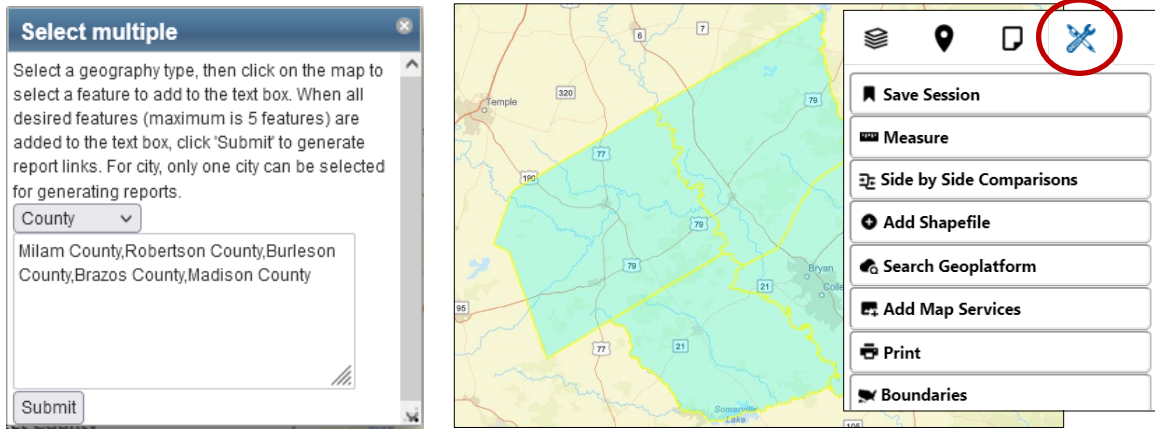
To select an individual area of census block, census tract, city, or county:

- In the left sidebar, go to Reports (the  icon) and choose either Select Block Group, Select Tract, or Select City.
- Click on the map to select the appropriate area.
  - If you select an area in error, click “clear” in the left sidebar.




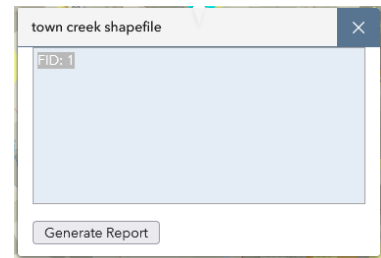
To select multiple census block groups, tracts, and counties:

- In the left sidebar, go to Reports (the  icon) and choose Select Multiple.
- In the box that pops up select the geography type from the drop-down menu.
  - *Note: Although it is in the drop-down list, you cannot select multiple cities. You also cannot select multiple geographic types (i.e., cannot select counties and block groups at the same time).*
- Click to select the areas on the map and a list will generate in the box.
- Click the Submit button to generate the report (more instructions below).




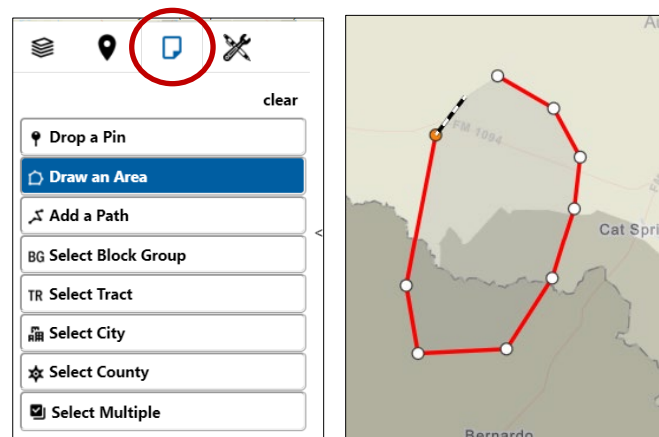
### Importing a Zipped Shapefile

- In the left sidebar, go to Tools (the  icon) and choose Add a Shapefile.
- In the box that pops up, click the Add File button and use the file explorer to navigate to and select your zipped file.
- Click on the imported area to show the popup. In the popup box, click to choose the imported shapefile and select “Generate Report”.
  - *Note: The shapefile needs to be less than 10MB in size and have less than 4,000 point features or 2,000 linear or polygonal features. Visit the [Shapefiles](#) website for more information and limitations.*
  - If an imported polygon has too many vertices or the area is too complex for EJSreen the user will get “(The area exceeds the size or is too complex for reporting.)” error in the popup. The user may have to trace over the imported polygon to generate the report for a drawn area. See next section for instructions.




### Drawing a Custom Area Polygon

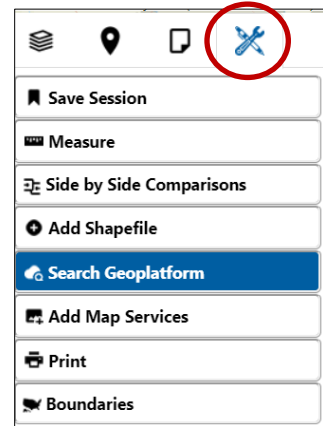
- In the left sidebar, go to Reports (the  icon) and choose Draw an Area.
- Click on the map along a path to create vertices for the polygon.
- To close the polygon, either double click to create the final point or click on the first point.
  - *Note: Users can draw several polygons at once, but only one polygon can be used to generate a report.*



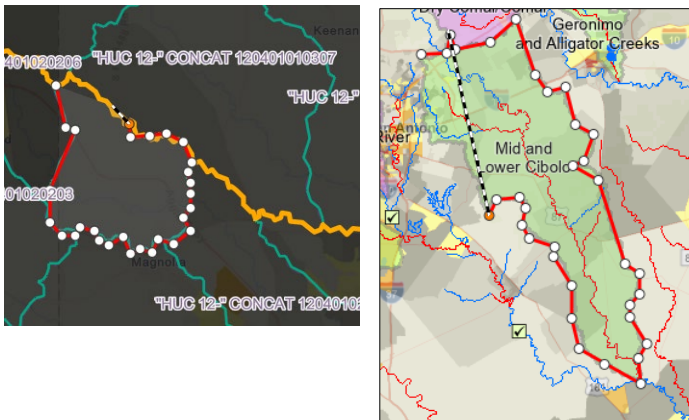
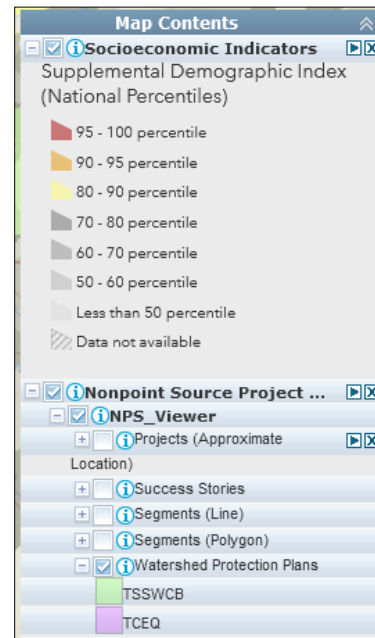
### Importing a Public Geodatabase

If the desired polygon is already part of a public geodatabase (e.g., NPS Project Viewer, USGS HUC boundaries), the user can first import the database into EJScreen and then proceed to trace their polygon by following the steps for drawing a custom area.

- In the left sidebar, go to Tools (the  icon) and choose Search Geoplatform.
- Search the list that pops up for the geodatabase you would like to add.
- Once found, select the Add option below the image of the geodatabase.



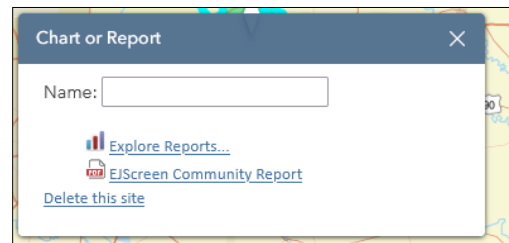
- Once added, various items/layers of the map can be expanded, collapsed, and turned on or off using the Map Contents window on the right side of the screen.
- Users can then create their own polygons using the steps outlined above and tracing over an area in the imported geodatabase.



### How to Generate the EJScreen Community Report

Once the user has selected their area(s):

- Click on one of the chosen areas/polygons and the Chart or Report popup box will appear.
  - The user can add a name to the area if desired.
- Click the EJScreen Community Report and a PDF will be generated in a new window.



In the new window, the EJScreen Community Report will automatically create a map of the current view in the previous window and populate information in tables and charts for the selected area(s).

- If the user does not like the layout of the map in the EJScreen Community Report, return to the EJScreen window and adjust features as needed. Then follow the steps again to create a new EJScreen Community Report PDF.

In the EJScreen Community Report PDF, if there are “XX” values it means the page has not completely loaded. Be patient, for complex areas the report can take a considerable amount of time to fully load.

**Section 5(a) Information**

- Users can find the percentage of LEP individuals and their common language for the selected area on page 1 of the report, in the Limited English Speaking Breakdown section. This information will be used in Section 5(a).



- If the language category is too broad in the Limited English Speaking Breakdown section, use statistics under Languages Spoken at Home for a proper representation of common languages spoken in your project area.
- If no percentage values are given, use the data in Languages Spoken at Home section in Section 5(a).

LANGUAGES SPOKEN AT HOME	
LANGUAGE	PERCENT
English	58%
Spanish	36%
Other Indo-European	1%
Chinese (including Mandarin, Cantonese)	1%
Other Asian and Pacific Island	1%
Other and Unspecified	2%
Total Non-English	42%

**Troubleshooting**

If you encounter any issues, try the following steps:

- Clear your browser cache (usually Ctrl + Shift + Delete).
  - The recommended browsers for EPA applications are Google Chrome or Microsoft Edge (Firefox is not supported by EPA).
- Make sure JavaScript is allowed.
- Make sure popups are allowed.
- After clearing the web browser cache and ensuring the other features are enabled above, if your issue is not resolved, then:
  - Update your web browser to the latest available version.
  - Repeat the browser cache clearing step above.
  - Power off and turn back on your device to remove any remaining web browser cache.
  - Access the application again to see if the issue is still occurring.

- Allow a few moments for your web browser to load the data properly.
- If it fails again, then please refresh the web browser page containing the web application, or open the web application in a new browser window or tab.
- If the issue is still occurring, then turn any private network connection OFF and repeat all the above steps again.
- See if you can replicate the issue on a different device and a different network connection.